

A SNAPSHOT OF HUMAN RIGHTS ABUSES AMISDT THE COVID – 19 PANDEMIC IN UGANDA



Photos by Alex Esagala

Women react after they were beaten up by Local Defense Unit (LDU) personnel downtown Kampala on 26th March, 2020 as they enforced government directives aimed at curbing the spread of coronavirus.



Human rights and freedoms of individuals are inherent and not granted by the state. The 1995 Uganda constitution under chapter 4 states that rights and freedoms of individuals and groups shall be respected, upheld and promoted by all organs and agencies of government and by all persons. In a move to stem the spread of COVID- 19 in the country, the Uganda government came up and implemented a number of measures. Different Security agencies, the UPDF, police military police, Local defense unit were all deployed to enforce the presidential directives & Ministry of Health Guidelines. During the enforcement, blatant human right abuses were registered which came as a result of announcing curfew from 07.00pm to 06.30am, banning public and private transport among others. Some of the Human rights abuses registered include the following;

Gender Based Violence

As majority of the population stayed at home to stay safe from COVID- 19, homes turned out to be hell for majority of the women countrywide and cases of domestic violence increased. The Ministry of Gender reported that between March 30th and April 28th, a total of 3,280 cases of GBV were reported to police in addition to 283 cases of violence against children¹. Additionally, a survey carried out by Action Aid revealed that Pallisa district registered 150 cases of gender based violence during the period of March and May ². These are only but the known cases that have been reported. One wonders how many women suffered from GBV and were not able to report due to the ban on transport to access the police, due to fear of reporting someone you are still locked up with for the more months. These actions violate Art.33 of the constitution and Declaration on the Elimination of Violence against Women which Uganda is a signatory to.



Photos by: PML Daily



Images showing women in Elegu Town, Uganda-Sudan boarder who were allegedly beaten, forced to roll in mud after asking them to put off their clothes, asked to rub their private parts in mud on April 3rd 2020³.

The woman displays bruises sustained from beatings

¹ Minister of Gender, Press Conference on 28th April, 2020

² Action aid survey on GBV

³ The Daily Monitor .Newspaper link to article of women assaulted and tortured in Elegu <https://www.monitor.co.ug/News/National/Elegu-locals-accuse-forces-brutality/688334-5516804-icokkaz/index.html> Link to the military officers being charged before the court martial on cases of torturing women in Elegu <https://www.softpower.ug/photos-soldiers-who-assaulted-women-in-elegu-arraigned-before-army-court/> The officers were then sent to jail <https://nilepost.co.ug/2020/04/08/updf-soldiers-jailed-six-months-for-beating-locals-while-enforcing-coronavirus-curfew/>

Right to health

Due to the Transport ban & curfew, most people were not able to access hospitals, clinics for medical attention as they required permission from their Resident District Commissioners (RDC) to use any form of transport for either permission to move in a private car, motor cycle or access transport to a health center. Such measures could not adequately address the needs of women seeking sexual and reproductive health services such as antenatal services, family planning services & ARVS for HIV patients. As a result, there were reports of mothers giving birth on the roadside with some of them bleeding to death⁴.



Francis Kibenge (L) sits with his children during a Reuters interview about his pregnant wife, Scovia Nakawooya, who died after she was forced under Uganda's coronavirus lockdown to walk to a hospital to give birth, in Kampala, Uganda, April 7, 2020.

Rights of persons with Disabilities (PWDs)

The covid 19 directives did not take into account of the special needs of persons with Disabilities as they had no information on what Covid is how it is spread, and who it was affecting nor were they aware of what the directives were about or even curfew leaving most of the PWDs affected without being given special attention thus violating the convention on the Rights of PWDs & Art 35 of the constitution .



A person with disability walks to town on Hoima Road after government banned public transport on 25th/03/2020.

⁴<https://www.reuters.com/article/us-health-coronavirus-uganda/in-uganda-mothers-in-labour-die-amidst-coronavirus-lockdown-idUSKCN21R2FA>
<https://www.reuters.com/article/us-health-coronavirus-uganda/in-uganda-mothers-in-labour-die-amidst-coronavirus-lockdown-idUSKCN21R2FA>

Freedom from Torture or cruel & inhuman treatment.

The police, LDUs military exhibited excessive use of force while enforcing the presidential directives which included beating, shooting of citizens and degrading treatment. These actions contravened article 7 & 10 of the International Covenant on civil & political rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Article 24 of the Ugandan Constitution.

From this newspaper article one wonders if Judges could be handled in such a way what happens to a common man when arrested.



Photo by: Daily Monitor

The photo above shows street vendors being beaten up by a Local Defence Unit (LDU) personnel on Mar 26, 2020 in downtown Kampala as they enforced government directives in a bid to forestall the spread of coronavirus.



Daily Monitor 10th May 2020

Security forces conduct an operation during curfew time. Lockdown to stay in districts with Covid-19 cases. File photo



Picture by: Soft power news Uganda

On 21st June, 2020 Police arrested men from a sauna in Nansana, a Kampala suburb and paraded them half naked violating right to privacy under Article 27 of the constitution.

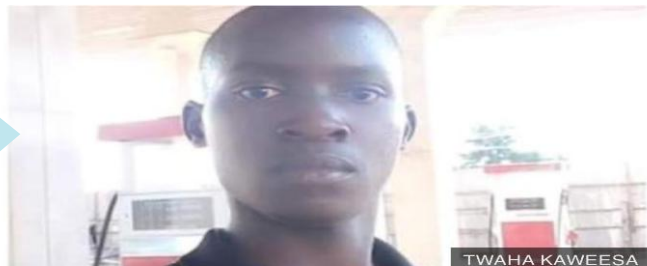
Right to livelihood

The right to life is intertwined with a right to a livelihood. Boda-boda cyclists couldn't earn a living as they couldn't carry passengers. They thus couldn't fend for their families and some ended up committing suicide for failure to raise bribes to police officers when their motor-cycle was impounded for violating the directives.

Fight Corona MTN UG 1:26 PM 76%

Uganda boda boda rider sets himself on fire 'Over bribe' by police.

3 July 2020



Hussein Walugembe became frustrated after going to the police station several times

A 29-year-old motorbike taxi rider in Uganda has died after setting fire to himself inside a police station.

Hussein Walugembe's bike was seized in the south-western district of Masaka, about 135km (85 miles) from the capital, Kampala, on Monday.

Access to Justice.

Access to justice involves access to legal representation/ lawyer of one's choice, being produced before court within 48 hours. During the lockdown, arrested persons were detained whereas majority were not charged before courts of law, those that were charged it was in the absence of their lawyers since lawyers were not listed among the essential workers in the first month of the lockdown violating Art. 28 on the right to a fair hearing. From the newspaper below the accused were remanded without legal representation.

OVER 200 ELDERLY, CHILDREN REMANDED OVER CURFEW DEFIANCE

By Stuart Yiga

Over 200 people, including the elderly, disabled, and children, who allegedly breached the COVID-19 curfew, have been remanded to prison.

On Friday, Buganda Road Court Grade One Magistrate Stella Amabilisi remanded the adults to Kitanya Prison in Wakiso district till April 23.

The juveniles were put in custody of Naguru Remand Home until the same date.

The prosecutor, Edwin Amany, alleges that the accused committed the offense on Friday in Kampala.

The magistrate pointed out that in the event that they were not kept in a gazetted place, the accused were bound to flout the regulations because they are homeless.

EMERGENCY COURT SITTING

Police was compelled to request the judiciary to hold a rare late sitting after 5:00pm, which is the official court business closure time.

The session was conducted in the quadrangle, and proceeded into the night.

All the accused pleaded guilty and begged for pardon. Amabilisi explained that the odd hour, was inappropriate to consider the request, as she was also about to breach the presidential directives.

"As a person, I do not want to defy the presidential directive on curfew, you are therefore remanded to Kitanya Prison until April, 23rd," she stated.

WHO ARE THE ACCUSED?

Some of the accused were; Bernard Atoroti, Hassan Anguzu, Fred Walusimbi, Daniel Muwanguzi, Tonny Kaziba, Jamal James Aluma, Ben Aleper, Brenda Akako, Lily Aciro, Mary Nambi, John Paul Burusi, Isah Wapisa, Felix Nyeko, Gasi Madalema, Josephine Acen, Rogers Keyi, and Akram Mwanje.

Amany warned the public, saying, "This should send a signal to the rest that at this critical moment, members of the public should refrain from defying lawful orders that have been put in place to curb the spread of the coronavirus."

PHOTO BY STUART YIGA



An LDU man pushes an elderly woman in a wheel chair to be charged in court.

For more information, call the Free Number 0800110000. Email: info@ldu.org.ug

ldu.org.ug

Land rights.

The right to own property is one provided for under the Ugandan laws. With the lockdown restrictions, chances of accelerated land grabbing were anticipated as people would take advantage of the situation to grab land⁵. With 1,514 land complaints on evictions being registered with the state house Anti-corruption Unit⁶, a number of land disputes arose during the lockdown and people were evicted from their land for instance the Irregular deployment of army officers to effect a land eviction against market vendors in Kabarole district in western part of the country⁷. Additionally 20,000 people were evicted from landing sites in Kyangwali & Kabwoya sub county leaving people camped in schools, churches with no food and basic needs affecting the livelihoods of communities who largely depend on fishing as their source of livelihood⁸.



Photo by the independent

Photo showing Fishermen at Nana landing site on Lake Albert were evicted by UPDF soldiers leaving them homeless during this current lockdown.

⁵ <https://allafrica.com/stories/202005070488.html>

⁶ <https://www.softpower.ug/lockdown-anti-corruption-unit-reports-1514-land-eviction-complaints-despite-govts-prohibition-new-guidelines-issued/>

⁷ The Independent :Uganda's army & Violence May 25th 2020

⁸ Interview with Opio Vincent Councillor Kabwoya Subcounty Kikuube District

Rights of LGBTI's

Lesbian, gay, bisexual, Trans and intersex (LGBTI) people may be particularly vulnerable during the COVID-19 pandemic. On March 29, police arrested 23 members of an LGBTI shelter, the Children of the Sun Foundation, in the town of Kyengera under the pretext of public gathering, were denied bail on grounds of Covid-19 and yet the law criminalising LGBTI was declared null & void by courts of law. These arrests contravened Article 21 on equality and freedom from discrimination if their arrest was based on their sexual orientation and not Covid-19 guidelines.



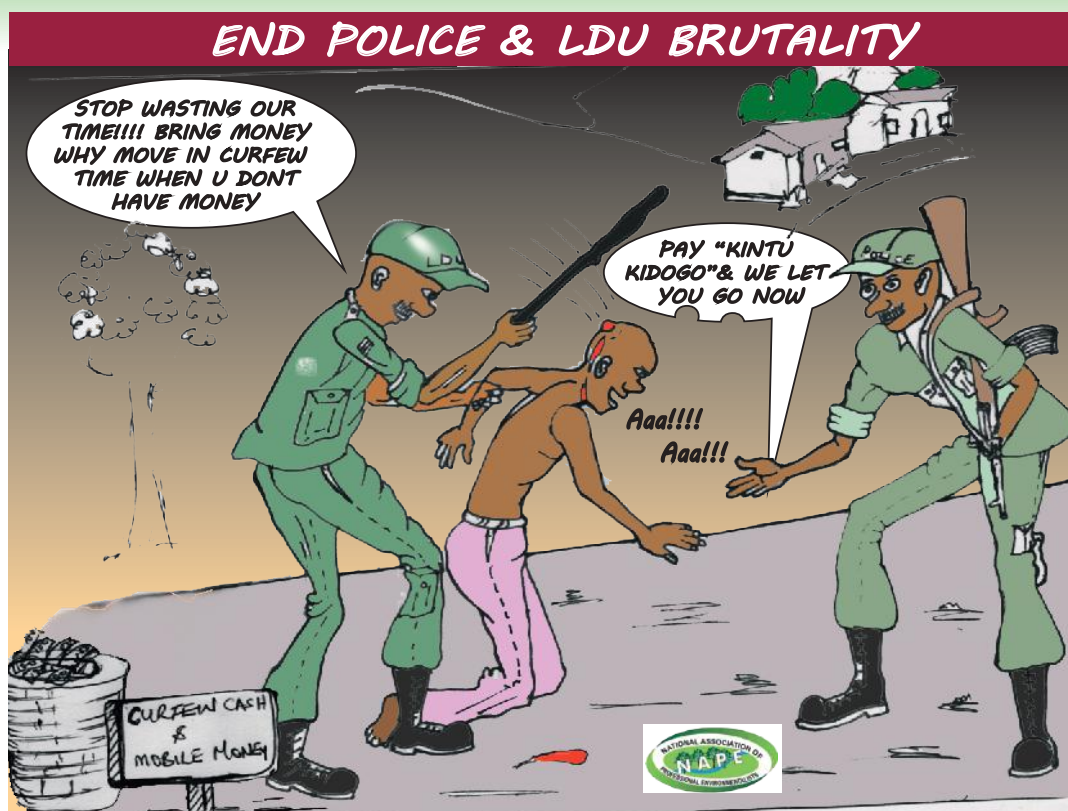
Photo by: Halima Athumani

Demands to state actors

1. Women & girls and PWDS should be given privileges during the covid -19 period due to their vulnerable situation.
2. Government should stop police brutality, apprehend and hold the perpetrators accountable for their actions.
3. NAPE demands that as part of the Standard Operating Procedures, referral pathways should open for abused women, girls, boys or children so that they can freely access care services like hospitals and police stations even during the awkward hours of the curfew.
4. Suspend the operations of LDUs who have caused more harm and deaths than Covid -19 has done.
5. Land actors and stakeholders from across the country should dialogue on the responsiveness of the land sector to guarantee food security and optimum land use in the context of the COVID-19 pandemic.
6. Stop police brutality and use reasonable force while arresting people and desist from degrading inhumane treatment.
7. Pardon and release all suspects arrested during covid -19 pandemic as majority lacked legal representation and thus were denied their constitutional right to bail.
8. Government should strengthen collaborative maternal health services, by capacitating Village Health Teams (VHTs) and Traditional Birth Attendants (TBAs) to conduct births in cases of national emergency or pandemic.
9. Unconditionally release impounded property such as motorcycles and vehicles impounded for flouting curfew hours.
10. Government should respect the rights of all persons irrespective of their sexual orientation.

NAPE key interventions amidst the Human Rights abuses

- NAPE has built Partnership with Uganda Human Rights Commission (UHRC) in addressing human rights violations in the Albertine Region.
- A UHRC hotline has been shared to register complaints of human rights abuses and over 50 cases have been registered seeking advice on how they can exercise their human rights amidst the prevailing Covid -19 circumstances.
- Radio Spot messages calling for the protection of rights of people have been developed and aired out on local radios daily.
- Radio talk shows with the Police force, UHRC, community representatives have been organised.
- NAPE has written online and print Articles in Newspapers denouncing actions of enforcers that have ended up violating rights of people.
- NAPE provided communities in the Hoima region with hand washing equipment, masks and temperature guns.



NAPE lobby & Advocacy plans for the covid -19 period beyond August 2020.

1. NAPE plans to continue compiling stories in form of video documentary for victims of human rights abuses during the covid-19 period so that these stories are shared far and wide.
2. Using the compilation of the Human rights abuses for engagement with different stakeholders
3. Continuous engagement with human rights enforcers such as community policing, child & family protection unit on how they can protect rights of children, elderly and women.
4. Scheduling Human Rights radio talk shows on the Community Green Radio so that communities are aware of how to enjoy their rights amidst any crisis and enforcers know the confines within which to implement guidelines while protecting rights of people.
5. NAPE also plans on conducting physical & Digital security trainings for Human Rights defenders since they are also a target when circumstances of crisis present themselves.
6. Publishing translated Human rights manuals in the local languages for the communities so that they can know their rights better.
7. Building Partnerships with pro bono lawyers to defend rights of vulnerable people who cannot afford services of lawyers.

Lessons Learnt

- A. The use of the community green radio as a convening platform for sensitizations and discussions with different stakeholders when meetings and transport were banned was very effective and worked well for Human rights talk shows.
- B. Data security and physical security need to be beefed up as they are very key for HRDs since during these covid-19 times most of the work is being done online such as meetings, trainings etc. In addition staff physical trainings are important as Human rights defenders can be targeted while defending persons whose rights have been abused.
- C. Building partnerships with UHRC and Uganda Police on promoting human rights for communities was very crucial and this should be further promoted.
- D. Continuous Documentation of Rights abuses is required both in print and in video since the pandemic is still around this compilation should not be an end to itself, more series of the human rights abuses need to be compiled as the deaths and positive cases keep on increasing.



March - July 2020

**For further information please visit theNAPE website on:
www.nape.or.ug**

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