



CIVICUS and FHRI urge Ugandan parliamentarians to reject or radically overhaul NGO Bill

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Ahead of plans for a parliamentary debate on the proposed [Uganda NGO Bill 2015](#), CIVICUS: World Alliance for Citizen Participation and the Foundation for Human Rights Initiative (FHRI) call upon the Honourable Members of Uganda's Parliament to either reject or radically overhaul the Bill in line with '[Best Practices](#)' outlined by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association. The Parliament of Uganda is currently considering the NGO Bill.

CIVICUS and FHRI believe that it is in the interests of the Ugandan people to have an NGO law that meets the highest constitutional and international law standards. The present version of the Bill is unduly limiting and undermines the many contributions of Uganda's civil society to national life. There are several challenges with the current draft of the bill. These include severe limitations on the independence of NGOs that are contrary to constitutional and international law principles on freedom of association, as well as best practices prescribed by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association. Some of these are outlined below.

First, the UN Special Rapporteur recommends that "any associations, including unregistered associations should be allowed to function freely and their members operate in a safe and enabling environment." In contrast, the bill proposes a compulsory and cumbersome registration process for NGOs to operate legally in Uganda, placing them under the strict control of the government dominated National Board for Non-Governmental Organisations (hereafter Board). The Bill mandates that "an organisation shall not operate in Uganda unless it has been duly registered with the Board." Such a provision undermines the very essence of freedom of association, as the decision to register an organisation should be the prerogative of its founders. Moreover, any registration requirements and process prescribed by the state should be reasonable and expeditious.

Furthermore, the Bill allows for registration to be denied for "any reason that the Board may deem relevant" and no time frame is provided, allowing for unlimited delays in registration. The wide discretion given to the Board to reject an application for registration opens the door for executive overreach. The Special Rapporteur equally recommends that newly adopted laws should not require previously registered associations to re-register, so that existing associations are protected against arbitrary rejections or time gaps in conducting their activities. The NGO Bill, however, requires existing NGOs to re-register within 6 months after commencement of the law.

Secondly, the UN Special Rapporteur recommends that the legal framework governing NGO operations should lean towards minimum official interference in their lawful activities,

including that “associations should be free to determine their statutes, structure and activities and to make decisions without State interference.” In contrast, the Bill empowers the Board to “guide and monitor organisations in carrying out their activities.” The Bill also makes it mandatory for NGOs to obtain permits before they operate, adding another layer of red tape on to a range of registration requirements. Issuance of permits is “subject to such conditions and directions” that the Board may decide, including related to operations, areas of activity, and staffing. Furthermore, permits are not to be issued for more than five years, making organisations vulnerable to bureaucratic arm-twisting at the time of permit renewal, especially if they have been critical of the authorities.

Thirdly, the Special Rapporteur recommends that “associations should enjoy the right to privacy.” Contrary to this recommendation, the Bill reinforces state control over NGOs by empowering an officer of the Secretariat authorised by the Board to “at any reasonable time inspect the premises of an organisation” and request “any information that appears to him or her necessary for purposes of giving effect” to the bill. The term “reasonable time” is not explicitly defined, leaving the decision to inspect an organisation at the discretion of the officer in question. Empowering the Board to have access to any organisational information or documents without a court order will compromise the independence of the NGO sector. There are no avenues in the Bill for affected organisations to contest or object to such impromptu inspections, subjecting them to constant government control and scrutiny.

Fourthly, the Special Rapporteur recommends that “suspension or involuntary dissolution of associations should be sanctioned by an impartial and independent court in case of a clear and imminent danger resulting in flagrant violation of domestic laws, in compliance with international human rights law.” In contrast, the Bill will empower the Board to dissolve an NGO on several specified grounds. Under the Bill’s provisions, appeals against a dissolution order by the Board are to be made to the Minister of Internal Affairs rather than before a court of law.

Further, the Board is empowered to summon and discipline organisations through actions which may include “suspension of permit, exposure of the affected organisation to the public, blacklisting or any other disciplinary action that the Board may deem fit.” Members of the Board acting in “good faith” are exempted from any kind of liability for their official actions while “any director or officer” of an NGO whose “act or omission” results in the breach of any of the provisions of the NGO Bill can be held personally liable and subjected to a fine or to imprisonment up to four years or both. The punitive nature of the above provisions is in stark contrast to the preamble of the Bill which includes among its objectives, the promise to “provide a conducive enabling environment for the Non-Governmental Organisation sector.

CIVICUS and FHRI believe that if the NGO Bill 2015 is passed in its current form, it would constitute a grave travesty of justice for the people Uganda. We request that members and partners support our colleagues in Uganda to call on the Honourable Members of Uganda’s Parliament to either reject the Bill or radically overhaul it.

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