



## **PRESS STATEMENT**

2<sup>nd</sup> April 2020

For Immediate Release

### **A CALL TO OBSERVE HUMAN RIGHTS IN THE AWAKE TO FIGHT AGAINST COVID-19**

As we all know, the world has been hit by a global pandemic of COVID-19 which has had far reaching effects on the socio-economic and political fabric of different countries. In that regard, and as a way of averting the spread of COVID, the Ministry of Health has provided measures and guidelines which were subsequently followed by the Presidential directives to include among others: closing of businesses and offices; suspension of public transport; restrictions on inland and outside travels and a total lockdown of the country for 14 days. The Legal Aid Service Providers Network (LASPNET) an umbrella organization of 55 Legal Aid Service Providers (LASPs) spread across 80 districts in Uganda at this critical time stands with the rest of the world and Uganda in particular to fight the spread of COVID19. We specially applaud H.E the President of Uganda and his Government for providing leadership in these challenging times and setting concrete measures to fight against COVID-19. We therefore urge all the responsible authorities and institutions to effectively enforce them and the public to adhere to the same.

While we are cognizant that the challenge at hand is enormous and it calls for extra ordinary interventions to which we are grateful; we are however concerned about the increasing human rights abuses meted out on Ugandans during the enforcement of the Presidential directives. Therefore, as a Human rights organization we deeply concerned and condemn strongly the manner in which some of these directives have been interpreted and enforced by the security agencies especially the Local Defence Unit (LDU) and Police. We are also concerned that although these directives are well intentioned, their enforcement may have adverse effects on the fundamental rights of Ugandans ranging from right to health, to food, life and personal liberty.

In light of the above, our attention has been drawn to the following human rights concerns;

**Torture and inhumane degrading treatment of Ugandans by the Local Defence Unit (LDU) and some Police officers.** In the awake to enforce the Presidential directives, both print and social media have been awash with disturbing photos and video clips of Ugandans being beaten and tortured by security agents. Such incidents have not spared the indigent women in the vending business whose livelihood is through “hand to mouth” as well as Journalists in their line of duty. A case in point was the gruesome

torture and wanton beating of Mr. Okello Dennis, a Journalist working with APAC FM. Further, one of the trending videos shows a Police officer caning un-identified woman who sadly fell off the boda-boda. We categorically condemn such actions by state agents as they amount to violation of the right to life and freedom from being subjected to any form of torture or cruel, inhumane or degrading treatment guaranteed under Article 24, 22 and 44 of the 1995 Constitution. Our appeal to security agencies is that Human beings should be treated with dignity even when found on the wrong arm of the law. We further recommend that due processes should be followed while handling suspects and that security agencies should refrain from public flogging of those mainly found on the wrong side of the law.

**The Presidential directive to seek authorization to access medical services.** In the quest to control unregulated movements of persons, the President vested powers of authorization within the Resident City Commissioners (RCCs), for all those seeking medical care including expectant mothers. However, we think that this directive should have exempted terminally ill persons and expectant mothers whose conditions often require emergency health care. We are cognizant that our health system is still bedeviled by limited accessibility to maternal health services. Therefore, such a directive will only exacerbate maternal mortality incidences hence defeating the intention of the National Objective and Directive Principles of State Policy XIV and XX on ensuring access to health services by the population.

**The directive restraining Philanthropists from providing relief items.** We are cognizant of the fact that the President has profound good intentions in issuing such restrictions in a bid to protect the unsuspecting public against opportunistic tendencies. However, we believe that the guidelines offered by government to deal with provision of relief items are inadequate. The proposal to channel food items through the Corona Virus Task Force may face a backlash because such bodies are often hampered by transparency and accountability issues which could limit the generous in-kind contributions of the public. We have also noted in the recent Statement issued by the Prime Minister and taking round on social media that each household will be given 6 Kgs of Maize, 3 Kgs of Beans and 2Kgs of Sugar. Whereas this is a timely intervention, we note that more support will be required especially for struggling households. Relatedly, we are of the view that the President's directive to charge those involved in donation of food items with attempted murder, be reversed since its ultra vires and unfounded in the Penal Code. We expect the Office of the Attorney General to offer guidance to his Excellence on the possible offence under the law other than attempted murder whose ingredients are not anywhere near to the intended omission.

**The need for Legal Services during the lockdown period.** While listing the essential services in the Presidential directives which will remain functional during the lockdown, legal services were erroneously left out. However, our appeal to the President is that

Lawyers be allowed to offer legal rapid response during **EXTREME EMERGENCY SITUATIONS** that may require their physical appearance. Such scenarios include securing bond for suspects unlawfully arrested and kept in custody beyond the 48 hours statutory period or those held **incommunicado and in need of a writ of habeas corpus as a remedy**. Further in observance of social distance, Lawyers can be advised to utilize online platforms and Toll-free lines to offer legal services to the public. In that regard, we call upon the Attorney General to further demystify the rationale of legal services to the President as an important tool towards the realization of Access to Justice as enshrined under Article 28 of the Constitution.

Premising on the above highlighted concerns, we all should be cognizant that protecting and promoting Access to Justice and Human rights is anchored in the International Convention on Economic, Social and Cultural Rights (ICESCR); Convention on Elimination of all forms of Discrimination Against Women (CEDAW); African Convention on Human and Peoples Rights (ACHPR), to which Uganda is a state party. Further, the 1995 Constitution under Chapter 4 guarantees fundamental rights in addition to Article 110 which confers executive powers to the President to declare a state of emergency for a period of 30 days following validation of Parliament. Therefore, it's important to observe international state standards that we have willingly adopted and to work within the confines of the Constitution even when we are faced with extra ordinary situations such as the COVID 19 scourge.

In the light of the raised concerns, **WE HEREBY APPEAL AND MAKE THE FOLLOWING RECOMMENDATIONS.**

**To His Excellence President of the Republic of Uganda;**

- Recognise and allow emergency legal response services under extreme emergency situations during the lockdown. This is because Lawyers are essential service providers in light of fair hearing as enshrined in Article 28 of the Constitution. We however emphasise that this should be done in compliance with the Standard Operation Procedures (SOPs) issued by government, just like the media houses have been allowed to report on the pandemic.
- To exempt expectant mothers and other terminally ill persons in need of emergency health care from seeking authorization from the RCCs. Alternatively, they can at most seek authorization from the nearest Local Councils.
- To reconsider provision of food relief and workout on Standard Operating Procedures for humanitarian agencies such Red Cross; Scout Associations; Rotary groups; Religious and Cultural institutions to give out food items to the needy population.

## **To the Uganda Police Force/Uganda Peoples Defence Forces**

We would like to applaud the UPDF-CDF public apology regarding the abuse of Citizens by the security forces. This is a step in the right direction. However, we further appeal;

- Uganda police to prevail over errant Police officers and punish them for individual actions meted out on the public in form of torture and inhumane degrading treatment.
- UPDF to prevail over errant Local Defence officers and put up a human rights abuse response centre where such errant officers can be reported and handled.
- To strengthen the community policing arm to ensure that peoples' safety and protection of their property is guaranteed during this period.
- The Law enforcement officers in the field should also observe standard operating guidelines issued by the Ministry of Health in order to protect themselves against being infected and infecting others.

## **To the Uganda Human Rights Commission**

- To engage institutions such as Police and Army in order to ensure that human rights standards especially the **"NO HARM"** principle is adhered to during enforcement of the Presidential directives.

## **To the Media**

- To guard against spreading false news that might cause panic to the population amidst the current crisis.
- To document and human rights violations and abuses meted out on the public by enforcement agencies such as LDUs.

## **The public**

- To heed the Presidential directives by staying home, keeping safe and observing health precautions such as washing hands to avoid the spread of COVID-19.
- To use the response mechanisms available to report any rights violations and abuses. For **LASPNET** they should call **0800100155**, **FIDA** call on **0800111511** and **Uganda Police Force** toll free line **0800199699**.

Once again, we take this opportunity to applaud the efforts of Government and H.E the President in fighting COVID-19 and appeal to the responsible authorities and institutions to consider our concerns and recommendations in light of applying human standards while enforcing the Presidential directives.

**LASPNET remains committed to promoting Human rights and ensuring Access to Justice for all.**

**FOR GOD AND OUR COUNTRY**

**BOARD OF DIRECTORS**

**For more information regarding this statement**

**Please contact: Chief Executive Officer on +256 (0) 755552405**

**Networking and Partnership +256 (0) 781971009**