



Foundation
for
Human Rights
Initiative (FHRI)

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report
2008

TOGETHER WE CAN MAKE A DIFFERENCE



THE FOUNDATION FOR HUMAN RIGHTS INITIATIVE (FHRI) is an independent, non-partisan, non-governmental human rights organization. Established in 1991, FHRI is legally registered as a Non-governmental human rights organization under the Non-Governmental Organization's Registration Statute 1989. It is duly incorporated under the Companies Act, Cap.110 as a Company Limited by Guarantee. The organization seeks to enhance knowledge, respect and observance of human rights, promote exchange of information and best practices through training, education, research, legislative advocacy and strategic partnerships in Uganda. The organization has observer status with the African Commission on Human and People's Rights (ACHPR), is a member of the World Coalition Against the Death Penalty and affiliated to the International Federation of Human Rights Defenders, (FIDH).

FHRI has innovatively executed four strategic plans since its inception in December 1991. Each of these programs has focused on research, documentation and human rights monitoring, education, legislative review, advocacy and legal aid. The fifth strategic Plan (2006-2008) seeks to advance the human rights agenda in Uganda while deepening engagement of the supply and demand side of rights and building on the achievements of the organization since 1991.

During the last seventeen years FHRI has published human rights status reports, inspected detention centers, provided legal aid services to the indigent, conducted capacity building for the police, prisons, local government and the judiciary; undertook parallel reporting to the African Commission on Human Rights and UN Treaty bodies, provided legal rights training to community leaders, spearheaded campaigns against the death penalty, torture, discrimination against minorities and worked for legislative reform. The organization has been central to the formation of community-based human rights groups, sponsored weekly radio talk shows and human rights centered drama and established a fast growing Democracy resource center.

FHRI cherishes the principle of partnership and is therefore associated with a number of partners at the local, national, regional and international level. In 2008, FHRI maintained close cooperation with several implementing partners: Uganda Prisons Service, Uganda Police Force, Uganda Human Rights Commission, Uganda Law Reform Commission, Judicial Studies Institute, Justice, Law and Order Sector secretariat, Parliament of Uganda. The Media Center, Ministry of Justice, Gender, Labour and Social Affairs, Ministry of Foreign Affairs and Makerere University Institute of Social Research.

Civil society groups that are part of the FHRI network include: Human Rights Network (U), Uganda Governance Monitoring Group, Civil Society Coalition for the Abolition of the Death Penalty, Coalition Against Torture, DENIVA, HURIPEC, Uganda Law Society, Refugee Law Project,

Platform for Labour Action, Uganda Land Alliance, Uganda Christian Lawyers Fraternity, African Center for the Treatment of Torture Victims and the Uganda Parliamentary Press Association.

Community based groups that actively supported the human rights cause include; Action for Human Rights and Civic Awareness, Ruwenzori Peace Bridge for Reconciliation, Uganda Paralegal Society, UWONET, ANPCANN, The Foundation for Needy Communities (FDNC) and the Pastoral Women Alliance to Break Cultural Chains (PWABC).

A University human rights network comprising of Busoga University, Ndejje University, Nkozi University, Kampala University, Kampala International University, Nkumba University, Kyambogo University, Uganda Christian University, Mukono, Makerere University and Islamic University, Mbale has been nurtured and is a strong gateway to youth participation in the human rights discourse.

The print and electronic media have emerged as key partners in the human rights discourse. CBS FM, KFM, Capital FM, Radio One, Radio Simba, Sanyu FM, UBC, Vision Voice, BBC, WBS TV, NTV, UBC TV, RECORD TV. Newspapers that made human rights a topical issue and supportive of our campaigns include New Vision, Independent Monitor, Weekly Observer, Bukedde among others.

At the international level, FHRI executed joint projects with among others; the Death Penalty Project (UK), REDRESS TRUST (UK), FIDH, NGO Coalition for the African Court of Human Rights, Amnesty International, Human Rights Watch, Penal Reform International, the East African Law Society, World Movement for Democracy and the International Center for Non-Profit Law (ICLN).

FHRI receives financial support for its programs from Foundations, individuals and donor agencies that have interest in the promotion of human rights and democratic governance worldwide.

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- *Open Society Initiative (EA)*
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Finally, to the victims of human rights abuse, communities and groups of people who sought our assistance, thank you for the confidence and trust in our services.

MESSAGE FROM THE CHAIRPERSON



Ms. Barbra Katende
Chairperson
FHRI Board of
Directors

In 2008 efforts geared towards a sound policy framework resulted in the adoption of three policy instruments: Gender Policy, HIV/AIDS at the workplace Policy and Planning Monitoring and Evaluation Policy.

In 2008 we mark yet another milestone towards the advancement of human rights in Uganda. It is the 17th year of FHRI active advocacy of human rights in a fast changing world. As we reflect on 2008 we are reminded about our achievements, challenges and what the future holds for the ordinary Ugandan, rural and urban alike.

On behalf of the FHRI Board of Directors, it is indeed with great honour that I present to you the Foundation for Human Rights Initiative Annual Report 2008! FHRI, I am proud to state, has maintained consistent success on all fronts. In this report, FHRI demonstrates substantial progress towards realizing the strategic objectives of the three-year Strategic Plan (2006-2008), and therefore bears testimony to FHRI's advocacy campaigns among state and non state actors at local, national and regional levels.

In 2008, there was substantial level of judicial activism evidenced by the constitutional court ruling on pretrial detention and generally heightened awareness of human rights manifest in the political talk shows and debates around the country.

Despite improvements in a few areas, serious

problems remained, including unlawful killings; mob violence; torture and abuse; lack of enforcement of court decisions; arbitrary arrests; incommunicado and lengthy pretrial detention; restrictions on the right to a fair trial and on freedoms of speech, press, assembly, association. Electoral irregularities; corruption and impunity; violence/ discrimination against women and children was common. FHRI response was even and pronounced: research, lobbying, public education, legal aid and joint action strategies were deployed to respond to these concerns.

Social and economic rights were placed high on the agenda. A judicial Round table on Land Rights in Uganda made far reaching proposals to address the question of Land reform. A thematic report on Land rights explored the policy options and leveled the ground for principled debate.

In 2008 efforts geared towards a sound policy framework resulted in the adoption of three policy instruments: Gender Policy, HIV/AIDS at the workplace Policy and Planning Monitoring and Evaluation Policy.

We also convened the 12th Annual General



MESSAGE FROM THE CHAIRPERSON

Meeting on 2nd August 2008 that afforded the membership a forum to deliberate on policy, programmatic and broader governance issues.

Perhaps the most important achievement was the liquidation of the mortgage on the Human Rights House, thanks to the kind support of SIDA.

I wish therefore on behalf of the Board and staff to extend our most profound thanks to our development partners for the kind support that has made it possible for FHRI to contribute to the democratization process in Uganda and beyond.

I would also like to thank our members, friends, Trustees, FHRI Board of Directors, staff, partners and human rights defenders who despite the challenging working environment, have walked an extra mile and continue to press for improvements in Uganda's human rights record.

"Together We Can Make a Difference".

BARBRA KATENDE (MS.)

CHAIRPERSON,

FHRI BOARD OF DIRECTORS



INTRODUCTION



Mr. Livingstone Sewanyana
Executive Director
FHRI

Key events:
the National Prison Reform Conference; launch of the Land Rights, Electoral Reform and Human Rights Perception Survey reports; Constitutional Court Declaration on the Right to fair hearing, Supreme Court hearing of the Death Penalty appeal, Launch of "Towards Abolition of the Death Penalty" book; Round Table on the African Court on Human and Peoples Rights; National Launch of the National Paralegal Advisory Service and publication and launch of a Practice Guide for Local government

The Foundation for Human Rights Initiative (FHRI) is pleased to present this 17th Annual Report for the period 1st January –31st December 2008.

On December 31st 2008, FHRI marked 17 years of uninterrupted human rights advocacy in Uganda. 2008 also marked the successful completion of the 5th Strategic Plan (2006-2008).

Uganda 's human rights record in 2008 was far from satisfactory although there were improvements in some areas. Poor prison conditions, arbitrary arrests, restrictions on opposition parties, corruption, violence and discrimination against women, restrictions on the right to fair trial, freedom of speech, press, assembly and association, abuse of children, and abuse of suspects were common.

Like 2007, 2008 was a year of great opportunity and achievement in the human rights sub sector. Key events recorded were the National Prison Reform Conference; launch of the Land Rights, Electoral Reform and Human Rights Perception Survey reports; Constitutional Court Declaration on the Right to fair hearing, Supreme Court hearing of the Death Penalty appeal, Launch of

"Towards Abolition of the Death Penalty" book; Round Table on the African Court on Human and Peoples Rights; National Launch of the National Paralegal Advisory Service and publication and launch of a Practice Guide for Local government. And at the institutional level the adoption of three policy instruments on Gender, HIV/AIDS at the Workplace and Monitoring and Evaluation were useful turning points.

The Peace talks on the Northern Uganda conflict stalled due to the unprincipled failure of rebel leader Joseph Kony to sign the comprehensive peace agreement on 10th April , 2008. Joseph Kony cited the non-withdrawal of the ICC indictment as a reason for his refusal to sign. The War Crimes Court of the High Court established to try perpetrators of gross human rights violations in Northern Uganda in the two-decade conflict was unable to try offenders due to the apparent failure of Kony and the Uganda Government to conclude the peace process. The Peace, Recovery, Development Plan (PRDP) for Northern Uganda: 2007 -2010 launched in 2007 was criticized in a report "*Left to their own devices*" to have done little in providing the much needed reparation for the victims of the 22 year conflict.

In what appeared to be a desperate and decisive effort to bring the insurgency to an end a regional force comprising Uganda, DRC and Southern Sudan began a joint intelligence-military offensive dubbed “*Lightening Thunder*” on 14th December 2008 to flush out Joseph Kony rebels from the Garamba forest in the DRC. The offensive drew mixed reactions from political analysts; critics condemned it as a lost opportunity for permanent peace yet to supporters the action demonstrated government commitment to restoration of peace in the region.

The judiciary continued to assert its independence and to work towards a human rights friendly legal framework. On May 27th, 2008 the Constitutional Court nullified section 32(2) of the Police Act that made it mandatory for any person or persons to obtain a written permission from the Inspector General of Police before holding an assembly or procession and upheld the freedom to assemble and associate although a subsequent rally held by DP activists was forcefully dispersed by the Uganda Police.

In a related development the Constitutional Court on 26th March 2008 in *Foundation for Human Rights Initiative vs. AG.* declared null and void several sections of the Police Act, UPDF Act, Trial on Indictment Act, and Magistrates Courts Act that allowed detention outside the 48 hour constitutionally guaranteed period. The controversy on the right to bail however remained unsettled in view of executive interference whenever courts grant bail to offenders.

The establishment of the War Crimes Court and the Anti-Corruption Court in the Uganda High Court are important landmarks in the strengthening of good governance practices. The unresolved debate was whether these two institutions should award mandatory bail to perpetrators of abuse or this should be discretionary.

The Land rights debate continued unabated. Not much progress was recorded with the enactment of the controversial Land Amendment Bill (2007). Land disputes were common in various parts of the country. FHRI published a report on Land Rights in Uganda titled “*Land Rights: The Ugandan Experience*” as a contribution towards better understanding of the land question and outlined the various policy options for genuine reforms.

Respect for judicial independence slightly improved. The judiciary was more independent in civil matters unlike in criminal proceedings. The appointment of 14 more High Court judges and 1 justice to the Supreme Court, 17 chief magistrates, 8 Grade One magistrates and 60 state attorneys improved the delivery of justice as more cases could be disposed of. The judiciary announced plans to set up Small Claims Courts to resolve small claims. Corruption however remained a serious challenge to the judiciary given the number of complaints against magistrates, court clerks, bailiffs and alleged diversion of cash bail funds.

Electoral democracy in Uganda preoccupied political analysts, human rights defenders and donor community alike as Uganda nears the 2011 General elections. The Political Parties Funding Bill 2007 was tabled before parliament but disputed by smaller and newer parties who felt left out. The independence of the Electoral Commission, its funding, role of the army in the electoral process, delays in passing electoral laws and undue influence of the executive were vigorously debated. FHRI carried out an in-depth research on the electoral system in Uganda and published a comprehensive report titled “*Electoral Reforms in Uganda 2008*”. The Electoral Commission welcomed the report as an important instrument in the electoral reform process that was underway.

At the legislative and policy level the International Criminal Court Bill that seeks

INTRODUCTION

to domesticate the Rome Statute was tabled before parliament, a new Gender Policy was adopted, an Equal Opportunities Policy, a draft National Land Policy were adopted. These policy and legislative instruments are meant to address imbalances in gender relations and devise a framework for resolution of conflicts in the 22-year conflict. There were however a number of retrogressive legislations that were feared to restrict the civic space on the statute books; the NGO Registration Amendment Act 2007, The Anti Terrorism Act, 2002, Regulation of Interception of Communication Bill, 2007 and the NGO Policy 2008 deserve to be reviewed.

The Death penalty was actively in use in 2008. An appeal to the Supreme Court in *Susan Kigula & 417 others v. A.G* that was pending since 2007 was finally heard on 3rd July 2008. The Supreme Court ruling retained the death penalty but declared mandatory death sentences unconstitutional, restricted the death row phenomena to three years after which death sentences are commuted to life imprisonment and called upon parliament to revisit the death penalty and hanging as a form of execution. As part of the broader death penalty campaign FHRI together with the Coalition against the Death Penalty published a book *"Towards abolition of the Death Penalty in Uganda"*.

Children's rights were under threat in 2008. Child sacrifices and school fires were rampant and resulted in loss of life and property. Police investigations did not yield much and the causes pointed to broader governance issues.

There was a general sense of stagnation in every sector. Income disparities continued to widen, media freedom was restricted, civic space was much narrower, unemployment figures soared, poverty levels deepened, social service delivery was poor and public confidence in the public sector hit record low.

Against these ever growing civil, political and social challenges, FHRI's human rights advocacy

program centered on research, legislative reform, human rights education, campaigns against torture, application of the death penalty; media freedom, judicial independence, electoral democracy and gender equality was more relevant than before.

FHRI registered about 98% of its annual set targets. Key achievements recorded include; two Thematic human rights reports, a National Conference on Prison reform, a Regional Roundtable on the African Court on human rights, Launch of the Death Penalty book, Court Declaration on the right to fair trial, Judicial Round table on land rights, publication of a Practice Guide on Local government, provision of legal assistance to 350 victims of human rights abuse and the adoption of three policy instruments.

The University human rights Outreach program took root. Human rights clubs were inaugurated and debates took place in Makerere University, Nkumba University, Busoga University, Kampala International University, and Kyambogo University. FHRI's weekly Radio talk show, "Many Eddembe Lyo" on CBS 89.2 stirred debate on topical issues throughout the year.

FHRI Legal Aid Clinic extended services to about 397 victims of abuse. The National Paralegal Advisory Service (PAS) expanded its services from the existing six project sites (Gulu, Kampala, Fort Portal, Mbale, Arua, Mbarara); to an additional two new sites: (Jinja and Lira). The program reached 11 470 offenders through a range of services: screening and follow up, legal advice and counseling, mediation, bail applications, community service orders, mitigation hearings and referrals.

At the international level FHRI hosted the Regional Roundtable on the African Court of Human Rights in Arusha, Tanzania; participated in the 43rd session of the African Commission on Human Rights in Mbabane, Swaziland, and the 44th session in Abuja, Nigeria; World Movement

for Democracy Assembly, Kyiv , Ukraine, 15th Anniversary of the Vienna Declaration and Program of Action, Vienna, Austria; Human Rights Stakeholders in Systematic Implementation Conference, Stockholm, Sweden.

Other events in which FHRI registered a presence include: Legal Aid Study Tour, South Africa, Thematic Conference on Access to Justice and Legal Aid, Kigali, Rwanda, 5th International Summer Course on Human Rights and Development, Bangalore , India; National Volunteer study tour, Windhoek, Namibia; Right to Food workshop, Benin; East African Sub regional workshop on Treaty Reporting, Arusha, Tanzania and an international Fact finding Mission to Zimbabwe.

At the organization level three policy instruments; Gender policy, HIV/AIDS at the Workplace policy

and the Monitoring and Evaluation policy were adopted and made operational .The National Paralegal Advisory Service (PAS) was formally launched by the Chief Justice of Uganda.

This exemplary performance record is attributed to the goodwill, support and efforts of several actors sympathetic to the human rights cause. We salute our members, clients, Trustees, Board of Directors, Development Partners, implementing partners, staff, volunteers and interns and the general human rights community. Without you our record would be less impressive!

‘TOGETHER WE CAN MAKE A DIFFERENCE’



LIVINGSTONE SEWANYANA
EXECUTIVE DIRECTOR



SOCIAL, ECONOMIC AND POLITICAL BACKGROUND 2008



Although the LRA cited Juba Mediator as hostile and impartial and expressed unwillingness to return to the peace talks by end of 2007, the talks were expected to end on 10th April 2008 with the signing of an agreement following the protracted peace negotiations presided over by Sudanese Vice President Riak Machar. Before the signing of the Peace Agreement, the LRA team however sought to meet the United Nations Secretary General and International Criminal Court (ICC) prosecutor to ask them to drop the warrants of arrest against LRA leader and his top commanders as a pre condition. The indictment by the ICC remained a major obstacle to the peace process and notwithstanding the heavy investments in the peace negotiations the comprehensive peace agreement had not been signed by Kony by years' end.

Several alternative judicial systems were proposed that included the traditional justice systems (*mato-put*) but were doubted and perceived to be inadequate in view of the serious crimes against humanity committed by the LRA. As an interim alternative to the ICC, on 18th February 2008, the LRA signed a landmark deal that paves way for the trial of the LRA leader and a few other individuals who committed serious war crimes and crimes against humanity during the 22 -year conflict in a Ugandan Court. Although this was a preferred option that circumvents the international law to drop the ICC indictments, it was considered a major step towards peace and justice for Northern Uganda.

According to the Ugandan Government, it could only push for the suspension of the ICC indictments against LRA team only if they signed the Final Peace Agreement; and the ICC indictments could only be lifted when the ICC judges determined whether national trials are an adequate alternative to prosecution and the accused parties had surrendered. The ICC Registrar and Prosecutor however re-affirmed the ICC position that the LRA leader, Joseph Kony would be arrested at all costs irrespective of the Uganda Governments' position. The ICC registrar rejected the argument that LRA's reluctance to sign the final pact of the comprehensive peace agreement in April 2008 was due to the pending ICC warrants of arrest.

Notwithstanding earlier non- hostility agreements signed by the LRA that called for a ceasefire from either party and the relocation of the LRA to the assembly point of Ri-Kwangba, on 12th February 2008 the LRA was alleged to have relocated to the Central African Republic in violation of the Cessation of Hostilities Agreement. The LRA was also accused of resuming attacks that claimed lives of innocent civilians in both the Democratic Republic of Congo (DRC) and Southern Sudan. Until 14th December 2008, the Uganda Government was still committed to the peace process;



LRA leader Joseph Kony poses for a picture with South Sudan's Riek Machar during a meeting between LRA leaders and Peace negotiators from Uganda and the UN , in Ri- Kwamba on April 13th 2008.

SOCIAL ECONOMIC AND POLITICAL BACKGROUND 2008

a position that changed when a regional force comprising of Uganda, DRC and Southern Sudan began a joint intelligence-led military offensive against Joseph Kony rebel bases in Garamba. The military offensive was condemned by the LRA spokesperson as a violation of the Ceasefire of Hostilities Agreement that was signed with the Uganda Government and doubted if the military option would bring peace to the region. The ICC was also criticized for focusing only on the crimes committed by the LRA and ignoring those committed by the UPDF.

Northern Uganda was relatively calm with no major incidents reported although the ordinary population was skeptical about prospects of achieving total peace. Internally Displaced Persons (IDPs) gradually returned to their villages and settled in newly created community homesteads to enable them access their land for cultivation. A few elderly and child-headed homes unsure of their survival outside the camp life remained in the camps to access relief supplies that reportedly were reduced due to the improving security situation. Conflicts over land were common and land grabbing threats were real; and there is still an apparent fear of possible attacks from the LRA, a fear that affects the resettlement process.

Human Rights groups called for a speedy end to the talks, a comprehensive program of resettlement, a more effective presence of Law and Order Sector agencies (police, prisons and judiciary), reparation to the victims of the 22- year conflict and the establishment of a Truth and Reconciliation Commission. The Amnesty Commission granted Amnesty certificates to rebels that surrendered from both LRA and Allied Democratic Forces (ADF), an action considered a welcome development in ending the 22 year-old civil war.

In pursuit of peace and justice in Northern Uganda, many lawyers are supportive of the Acholi traditional justice system (*mato oput*.) A Special War Crimes Division of the High Court was instituted with the appointment of three experienced judges in post conflict situations. Parliament is expected to make laws to try the war suspects while a working group of members from the Justice, Law and Order Sector are to look into other pertinent issues of cut-off dates for the war crimes, a clear definition of who is a victim, the location of the court, and matters of witness protection. Post conflict healing is of utmost necessity and therefore restorative justice and reconciliation is to be emphasized. Whereas the State Minister for Justice confirmed that Uganda would use traditional justice systems alongside the International Criminal Court (ICC) and the ordinary courts to address the war problems, the Refugee Law Project argues that inclusion of international justice of the ICC would be ineffectual in solving the conflict since it is tainted with accusations of racism. The Uganda Law Society recommended to Parliament that the War Crimes Court should have the discretion to deny bail to perpetrators of abuse and their decision should be final, a proposal that was opposed by several MPs on grounds that denying bail would tantamount to abuse of human rights. The proposal touched on the age of criminal responsibility which the group sought to be brought down to 15 from 18 such that, child soldiers in the LRA ranks would be



Former Lords Resistance Army abductees receive resettlement packages during the hand over of resettlement packages at the commission's office in Gulu.



Former Lord Resistance Army (LRA) Commander Maj. Dennis Okiror (L) receives amnesty packages from the chairman of Amnesty Commission Justice Peter Onega (3rd L) while the Commissioner of the region Haji Ganyana Miiro looks on (2nd L), as ADF Zawad Amza (3rd R), Kabuye Abdulamman (2nd R) and Ngwalima Okurutu Ali (R) also received amnesty package at the Amnesty Commission on 22nd January 2008

charged in the same way as rebel leader Joseph Kony once the ICC Bill 2006 became law.

While opening the New Law Year on 18th January 2008, the Chief Justice of Uganda urged the overzealous state operatives to respect the independence of the Judiciary; reiterated the independence of the three arms of government. In an unprecedented act in Uganda's history, the Judiciary and other members of the legal profession went on strike protesting the second court siege by armed security operatives on Uganda's High Court on 16th November 2005 and on 1st March 2007 that was roundly condemned as an affront to the judiciary.

Responding to public outcry about the increasing case back log and congestion in Uganda prisons the President of Uganda appointed 16 new judges to beef up the judiciary. With a population of over 30 million people, a crime rate that had risen from 50% in 2000 to 57% in 2007, and inadequate staffing of the Justice, Law and Order sector, Parliament of Uganda approved a further increase of High Court Judges to fifty in reaction to the recommendations of the Legal and Parliamentary Affairs committee. It was also agreed that the retirement age of High Court Judges be raised from 65 to 70 and the performance of judges be assessed periodically and an appraisal system be included in the Administration of Justice Bill. A senior judicial officer however observed that some of the judicial nominees did not possess impeccable integrity credentials required.

Apart from slight improvements registered in the administration of justice in 2008, and in order to address the case backlog estimated at over 82,285, the Chief Justice announced plans to set up informal courts that would expeditiously resolve small claims and disputes to make access to justice timely as well as affordable to the poor and marginalized on 31st October 2008. Civil claims against the State would however not be eligible as well as those exceeding Uganda Shs. 10 million. Two High Court Divisions to handle anti-corruption and war crimes were firmly in place at year's end.

Corruption in the judiciary remained a big threat to the dispensation of justice in the country. A number of judicial officers were interdicted and dismissed over cases linked to corruption especially the lower cadre staff in the judiciary particularly court clerks and lay magistrates. The parliamentary Public Accounts Committee (PAC) meeting on 28th August 2008 further revealed that judicial officers cheat Ugandans through non-refunded cash bailouts because bail claimants once freed fear going back to claim their money and hardly are records kept up-to-date with proper accountability.

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Despite the amendments to the Magistrate's Courts Act 2007 granting jurisdiction to magistrates to try defilement cases, due to inadequate budgetary support no significant reductions in the caseload were noted. Even the Anti Corruption Division of the High Court scheduled to start business in July 2008, could not commence work owing to legal and procedural issues that remained outstanding.

The right to bail is still a controversial matter. Following the Constitutional court ruling in a petition filed by FHRI in 2006, bail was declared not an automatic right. The court ruled that the constitution only empowers suspects to apply for bail and that courts retain the discretion to grant it. The Constitutional Court ruling of 26th March 2008 caused controversy within Uganda's political opposition and human rights groups who have always argued that bail is a fundamental human right.

While attending the 5th Annual Lawyers and Human Rights Awareness Day organized by FHRI at the Kampala International University, the Principal Judge cited the political events in Kenya and Zimbabwe and criticized African Leaders for clinging onto power as a blatant negation and crude abrogation of the fundamental political rights enshrined in the national constitutions. The upcoming legal professionals were urged to protest bad laws, fight injustice and uphold the code of conduct in the interest of justice for democracy to prevail.

With a ratio of one registered practicing lawyer to 15000 people, accessing justice is almost impossible considering the high number of pre-trial detainees. The Poor Persons Defense Act requires Government to provide legal services to those who cannot afford legal representation in the courts. On the contrary a study conducted by a network of free legal aid service providers in 2008, showed that 84% of Uganda's districts do not have access to justice as most of the legal service providers are based in urban areas.

At the Annual Judicial Roundtable convened by FHRI in August 2008 a Constitutional court judge expressed disappointment at the apparent government failure to uphold court rulings and urged the Attorney General to prevail on the executive to respect court findings. Illegal detention occasioned by the Uganda Police, UPDF and other security agencies, he noted is still common. This arbitrary practice was challenged by FHRI in a Constitutional Petition No. 20 (*Foundation for Human Rights Initiative Vs Attorney General*) that sought to nullify several sections of the Police Act, Magistrates Courts Act and Trial on Indictment Act, UPDF Act and to seek legal interpretation of the right to bail.

In a landmark ruling on 26th March 2008 the Constitutional Court nullified the relevant sections of these legislations and declared the practice of arbitrary detention unlawful but retained the discretion of the judicial officer to grant bail.

On May 27th 2008, the Constitutional Court nullified a law that made it mandatory for Ugandans to seek written permission from the Inspector General of Police before holding an assembly or forming a procession in any public place. The landmark ruling observed that the Police Act in its current form law represented a limitation on the enjoyment of a fundamental right to freedom of assembly and association.

The Democratic Party's (DP) had earlier lodged a petition challenging Section 32 (2) of the Police Act that gave the Inspector General of Police the power to permit rallies. Despite that positive ruling Government response was harsh and disrespectful of the court ruling when police violently dispersed a rally subsequently called by the same party. In reaction to public protest the Attorney

General and the Uganda Police Force argued that the ruling did not remove police powers given that the Police Force has a duty to maintain law and order and detect crime (art.212 1995 Uganda Constitution).

The landmark Constitutional court ruling did in effect nullify the Police Declaration (Gazetted Areas) Instrument No. 53 that proscribes any meeting outside the gazetted areas however Government maintained that despite the court ruling, Uganda Police had power under S.35 of the Police Act to regulate meetings. A rally convened by the Democratic Party (DP) on Saturday 7th June 2008 was violently dispersed when police fired teargas and brutally beat DP activists who had assembled to celebrate the court ruling. The DP offices were seized by police and ransacked. Following public protest the Attorney General announced that government would appeal the ruling in the Supreme Court of Uganda.

Police conduct came under public scrutiny due to several incidences that led to loss of lives. For example at Kalerwe; a Kampala suburb, two police constables and a 12 year-old boy were shot dead in a bloody scene that lasted about two hours. The mob that attempted to lynch the policemen who were responding to the situation and torched one of the police patrol vehicles resisted a security operation meant to arrest a group of unidentified marijuana dealers.

The use of live ammunition by the police officers raised concerns whether the Special Police Constables (SPCs) are well trained to handle firearms given that the Police instructor had cautioned police against arming SPCs. Parliament also condemned the increased acts of police brutality. Earlier, three opposition MPs had been assaulted and arrested by the Police Force allegedly for holding illegal assemblies. Increasing cases of lawlessness characterized by incidents of “mob justice” were common.

The Uganda Police was ranked the most corrupt institution for the 10th year running followed by the judiciary in the 3rd National Integrity Survey Report 2008. The report noted corruption trends to have taken a new twist by involving people who are supposed to be fighting corruption who instead accept corrupt practices as a way of life and demonize the poor as failures. The survey

is carried out every five years to determine corrupt trends and the reasons for it.



DP activist arrested after the rally, on Sat. 7th June 2008

Prison conditions remain poor and life threatening. Although Shs.15bn was required in the 2008/09 FY to maintain custody of 34,275 prisoners (food, clothing, medicine and utilities), Government released only Shs.7bn. The Uganda Prisons Service requested parliamentary approval for additional funding to cater for meals but this was not provided in the appropriation bill as per the Budget Committee report. Hundreds of infants below 18 months in prisons countrywide live in dire conditions and at times lack the basic necessities like food, shelter and medical care.

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The Uganda Prisons Service (UPS) joined the rest of the world in commemorating the International Literacy Day that was celebrated on 25th September 2008. On this day 88 prisoners both on remand and those serving their sentences got certificates in Functional Adult Literacy. In another development, the Prisons Authority was sworn in as provided for by the Prisons Act 2006. The Prisons Authority advises the Government of Uganda on management, development and administration of the Prisons Service.

The Land Amendment Bill 2007 was a subject of intense debate among different individuals and groups during the year. Different sections of the public and government held several debates to understand the varying opinions on the proposed Land Amendment Bill. The proposed amendments introduced as a measure to end the alleged rampant illegal land evictions would frustrate landlords since they cannot lease or sell land without the consent of the sitting tenants. Government expressed its concern over the increasing volume of rampant illegal eviction of tenants and the growing number of land cases being handled by the judiciary and asked Parliament to expeditiously pass the Bill into Law. With a majority representation in parliament the President reaffirmed his determination to have the proposed Land Amendment Bill 2007 passed despite increasing opposition from Buganda Kingdom and the Catholic Church.

The FHRI research report titled *“Land Rights: The Ugandan Experience” for the period Jan-June 2008* established that the Land Act 1998, the Penal Code and the 1995 Uganda Constitution contain enough checks against such illegal evictions and as such should be relied on to stop the evictions. The Judiciary called for land reforms while the Chief Government Valuer asked government to halt the Land Amendment Bill until a comprehensive National Land policy was in place.

The UHRC recommended that more and independent consultations be made on the controversial Land Amendment Bill 2007 so as to meaningfully resolve the land issues with a comprehensive National Land policy in place rather than relying on a piecemeal approach. The Bill received mixed reactions from the Acholi, Baganda, Teso, Lango and Karamoja ethnic groups who insisted that it was intended to facilitate land grabbing, an act considered inhuman and cruel.

Besides other allegations the proposed amendments to the Land Act 1998 further restrained relations between Buganda Kingdom and the Central Government of Uganda. Three Buganda kingdom officials were mysteriously arrested and illegally detained for a week on charges of inciting violence, promoting sectarianism on 18th July 2008. The kingdom however used peaceful means to secure the release of their officials from police custody after several attempted visits by their lawyers. Parliament was prompted to discuss the unwarranted and illegal method of arrest that was



Betty Namboozee and Lubega
Ssegona moments after their release
at Nakawa court on 25th July 2008

used and the kind of political pressure government used to address its challenges.

Meanwhile the 2008 Annual Report by Amnesty International reported that there was widespread inhuman and degrading treatment by law enforcers; restrictions to freedom of assembly; inadequate access to justice, and impunity for the perpetrators of torture.

Ignorance of the law, poverty at household levels, poor enforcement of the law, unstable marriages and polygamy were cited as the main cause of human rights abuses. In a campaign to advocate for the enactment of the widely contested Domestic Relations Bill, the draft bill was divided into two sections to address the concerns of the Muslim Community on matters of polygamy.

The UHRC and human rights groups recommended that Parliament enacts a law prohibiting acts of torture, cruel, inhuman and degrading treatment and provide individual liability for perpetrators of torture.

On account of these pressing human rights challenges the Foundation for Human Rights Initiative (FHRI) devised several interventions to respond as detailed below:

2008 marked the end of FHRI's Fifth Strategic Plan code-named: "From Theory to Practice: Advancing the Human Rights Agenda in Uganda; (2006-2008) which sought to deepen engagement of the "supply and demand" side of rights while building on the achievements registered by the organization since 1991. The program revolved around deepening respect for civil and political freedoms; freedom of expression, association and assembly, judicial independence and integrity, access to justice, humane treatment of detainees and the right to participate in local governance.

In the 17 years of human rights advocacy FHRI has spearheaded the human rights movement in Uganda and beyond through publication of action oriented research reports, capacity building programs for community based human rights associations, treaty reporting to Regional and UN human rights bodies, campaigns against torture, the death penalty and impunity, law reform and provision of legal aid services to the rural and urban poor especially women and children in difficult situations.

Institutionally, FHRI worked towards strengthening its capacity to effectively execute the program through staff training and development, policy formulation and nurturing and sustaining strategic partnerships both at national and international levels.

The program agenda had the following strategic objectives:

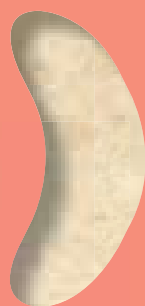
- Promotion of human rights standards, norms and principles;
- Promotion of best practices in the administration of justice;
- Campaign for freedom of expression, association and assembly including the media;
- Improve criminal justice policy and respect for the rule of law and democratic governance;
- Strengthen grass root groups to enhance political and public accountability and;
- Strengthen institutional capacity and sustainability.

The above strategic objectives were implemented under six core programmatic areas namely;

1. Rights Monitoring and Policy Advocacy
2. Access to Justice
3. Education and Training
4. Paralegal Advisory Services
5. Focus on Northern Uganda
6. Planning, Monitoring and Evaluation and Institutional Strengthening and Development

1.

PROGRAM ACTIVITIES



1. RIGHTS MONITORING AND POLICY ADVOCACY

Objective

The Rights Monitoring and Policy Advocacy project aims at documenting human rights practices in order to promote dialogue and respect for human rights and democratic development in Uganda. The project works towards improving criminal justice policy and ensures zero tolerance for practices of torture and impunity in Uganda's penal institutions.

The project has three key elements including;

- Research
- Treaty Reporting
- Legislative Analysis and Policy Advocacy

Implementation

The areas of focus include: freedom of expression, association, including the media; right to life and security of person; administration of justice; police and prison reform including the campaign against torture, conditions in internally displaced persons camps and those of returning IDPs, the democratic reform/electoral reform process, rights of women, children and the human rights situation in Northern Uganda. The project annually releases the Country Status Human Rights Report and periodically publishes and disseminates thematic human rights reports.

Planned Activities

Six (6) activities were planned in 2008 including; release of the Annual Country Human Rights Status Report 2007; release of two (2) quarterly human rights thematic reports on Land rights and Electoral reforms; release the Annual Human Rights Perception Index 2008; prepare and present an alternative report on Uganda's compliance to the UNCAT before the UN Committee Against Torture; participate in the 44th Session of the African Commission on Human and Peoples' Rights and convene a National Prison Reform Conference on the Prisons Act 2006.

Output

On 15th July 2008, FHRI formally released the Country Human Rights Status Report 2007 together with the 1st thematic report on Land rights titled; "*Land Rights: The Ugandan Experience, January to June 2008*", at Hotel Africana, Kampala. The Land rights report analyses the history of land holding in Uganda, the recent legislation and government practices to undertake land reform while the Country Human Rights Status Report 2007 provides an in depth account of Uganda's human rights record with recommendations for improvement. One hundred thirteen (113) delegates witnessed the launch including; development partners, Members of Parliament, representatives from the media, civil society



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organizations, political parties and Government departments.

At the launch FHRI expressed concern about the practice of arbitrary land deprivation rampant in some regions in Uganda and called upon the Government to formulate policies to address the problem. The launch also provided FHRI with an opportunity to comment on the four legislations (Regulation of Interception of Communication Bill 2007, Police Declaration of gazetted areas 2007, the Anti-Terrorism Act 2002 and the National NGO Policy) seen as impediments to the enjoyment of human rights and urged the public to oppose them vehemently. Field missions for both reports covered the districts of Masaka, Kayunga, Kampala, Gulu, Lira, Apac, Buliisa and Iganga as well as findings from Apac Government prison, Arocha farm Prison, Lira Government Prison, Erute Local Government Prison, Luzira Upper Prison, Iganga District Police Station and Iganga prison.

Two hundred fifty copies (250) copies of each report; the thematic report and Status report were printed distributed to Justice Law and Order Sector agencies, civil society organizations, development partners, transnational organizations, political parties, the media, academia, FHRI members and subscribers.

FHRI launched the 2nd thematic report on Electoral reforms titled “*Electoral Reforms in Uganda 2008*” and the Human Rights Perception Index 2008 on the 60th Anniversary of the Universal Declaration on Human Rights (UDHR), 10th December 2008, at Grand Imperial Hotel, Kampala. While the Electoral Reforms report investigates the status of implementation of recommendations made by different stakeholders after Uganda’s 2006 elections and analyses Uganda’s readiness for the 2011 General elections, the Human Rights Perception Index 2008 undertaken by Steadman Group (U) Ltd for FHRI is a reflective survey on the extent to which particular human rights issues are understood and enjoyed by Ugandans.

The findings of the Electoral Reform report underscored the critical role an independent Electoral Commission or Election body plays in ensuring free and fair elections, and proposes

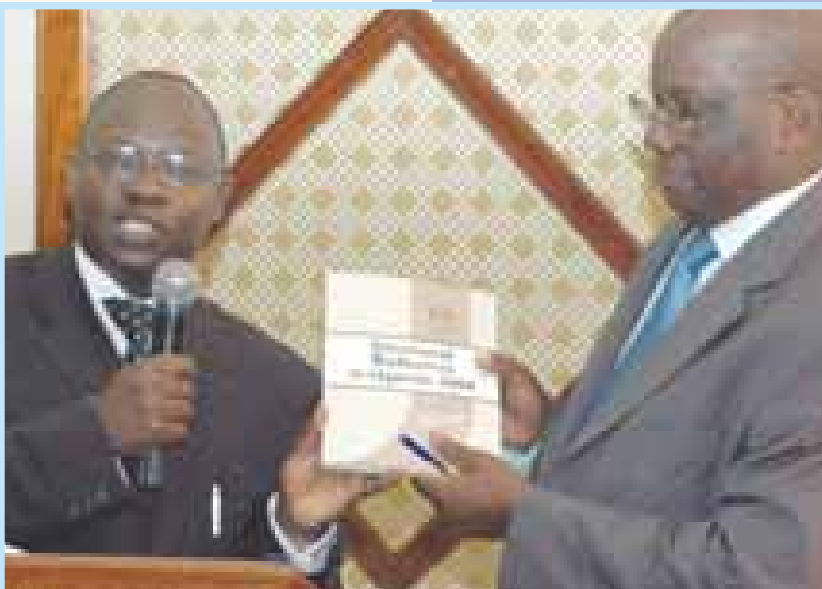


Mr. Livingstone Sewanyana E.D. FHRI launches the Land Rights report on 15th July 2008, at Hotel Africana - Kampala.



Some of the participants at the launch of the land rights report.

a host of recommendations to improve the management and administration of elections in Uganda. At the launch of the reports, the FHRI Executive Director noted that there was improvement in the areas of legislation, institution building and multi-partyism that have been betrayed by lack of coherent leadership. The survey revealed that 50% of the public had no confidence in the Electoral Commission to conduct free and fair elections in 2011 due to bribery, lack of independence, political influence, as well as tribalism and nepotism.



*Mr. Livingstone Sewanyana E.D.
FHRI launches the Electoral Reforms
report on 10th Dec. 2008.*

The launch was attended by 80 delegates (54 men and 26 women) including; partners from, EU, HIVOS, DANIDA, US Embassy, CSOs, media, Political parties, FHRI Board members and staff. Two hundred fifty (250) copies of the Electoral reforms report and Two hundred (200) copies of the Annual Human Rights perception Index 2008 were printed and distributed to Justice Law and Order Sector agencies, civil society organizations, development partners, transnational organizations, political parties, the media, academia, FHRI members and subscribers.

Over the period 2006 – 2008, FHRI released seven (7) Thematic human rights reports: (1,750 copies), three (3) Annual Country Human Rights Status reports (1,250 copies) and one (1) Annual Human Rights perception Index 2008 (200 copies) at press launches attended by over 582 participants.

Under the Legislative analysis and policy advocacy function, FHRI convened a National Prison Reform Conference at Ridar Hotel, Seeta - Mukono on 16th – 18th March 2008, in order to create awareness of the Prisons Act 2006 among prison warders, discuss mechanisms for a more pro-active inspection regime to enhance respect for prisoners' rights and advocacy for increased budgetary allocations to the Uganda Prison service to implement the Act.

The conference addressed by among others the Minister of Internal Affairs, Commissioner General of Prisons, Chairperson of Uganda Human Rights Commission, the Chief Registrar of the High Court and Deputy Director Public Prosecutions and Political Officer at the United States Embassy in Kampala was attended by a total of one hundred nineteen (119) participants including; Prison Officers, Police, Law Reform Commission, Uganda Human Rights Commission, United Nations African Institute for Prevention of Crime and Treatment of Offenders, judiciary, civil society organizations and the media.

At the conference, far reaching recommendations were made to improve access to justice for

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Prison officers pose for a group photo with the Minister of Internal Affairs, Hon. Ruhakana Rugunda at the closing session, Ridar Hotel, Seeta on 18th March 2008.

prisoners; independent inspections to be encouraged, merger of central and local government prisons to be expedited, Prisons Act 2006 to be availed to prison warders and Paralegal services to be extended to prisons to help inmates understand legal procedures for speedier trials.

The Prisons Act 2006 was reprinted with a total of 1,940 additional copies and distributed to all prisons in the country to facilitate better understanding of obligations and rights of inmates.

As a member of the National Task Force on the implementation of Access to Information Act 2005, FHRI intensified its Access to Information campaign under the legislative analysis and policy advocacy component by submitting its contribution to the draft regulations to guide the implementation process. The Access to information regulations were discussed at a workshop convened by the Directorate of Information on 27th February 2008 with the support of FHRI.



Other participants at the Prison reform conference.

During the three year period; 2006 – 2008, FHRI convened one (1) Roundtable on the Access to Information Act, 2005 attended by 90 delegates, submitted a Memorandum to the Defense and Internal Affairs Parliamentary Committee on adoption of the Prisons Bill, co-hosted the 3rd Commonwealth Human Rights Forum which attracted 150 human rights activists and, convened a National Prison Reform Conference attended by 119 participants.

Under the Treaty Reporting component, FHRI participated in the 43rd Session of the African Commission on Human and People's Rights (ACHPR) held in Mbabane, Swaziland from 7th – 22nd May 2008 during which the organization presented statements on the human rights situation in Northern Uganda, freedom of expression including the media and the situation of Human Rights Defenders. Similarly FHRI also participated in the ICJ International Litigation Workshop held on the margins of the 44th session of the African Commission on Human and People's Rights on 6th – 10th November 2008, Abuja, Nigeria and shared the organization's experiences on litigation against the death penalty in Uganda.

On 26th June 2008 FHRI joined other human rights activists under the Coalition Against Torture to commemorate the UN Torture Day at a public dialogue held at Imperial Royale Hotel in Kampala. Among the issues raised during the dialogue were the effects of torture on its victims and the urgent need for a law against torture to be enacted in Uganda.

Over the TYP (2006 – 2008), FHRI presented one (1) alternative report to the Uganda State Party report on ACHPR at the 40th session of ACHPR, submitted two (2) statements on the Human Rights Situation in Uganda at the 41st and 43rd sessions of ACHPR and, participated in the ICJ International Litigation Workshop held on the margins of the 44th session of the ACHPR.



Some of the delegates at the UN Torture Day, Public dialogue, 26th June 2008, Imperial Royale Hotel - Kampala

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Impact

The Rights Monitoring and Policy Advocacy Project provides key human rights interventions that have improved on the human rights debate in Uganda. FHRI's timely release of its thematic report on Land Rights and the subsequent Judicial Roundtable on Land Rights highly informed the discussion on the contentious land policy framework and the Land Amendment Bill 2007. The overwhelming demand for FHRI land rights report is evidence of the premier role of FHRI in advancing key rights. The findings contributed to government reconsideration of its position in halting the debate on the Land amendment bill.

The human rights reports produced by FHRI have generated substantial public debate on key issues raised and the Ugandan Courts increasingly appreciate concerns brought up by FHRI in the administration of justice. The Donor Human Rights Working Group and the Justice, Law and order Sector make regular reference to the findings of FHRI in their interactions with key state organs. And Ugandans are also increasingly becoming assertive partially due to the civic empowerment and provision of alternative ideas generated by FHRI.

The reports stimulated discussions in both the print and electronic media on key human rights issues that included; performance of public institutions especially in the Justice Law and Order sector, right to property, the proposed Land Reform Policies among others. The National Human Rights Perception Survey was welcomed as an independent and true reflection of current performance standards of institutions reviewed. There is increasing public demand for the implementation of the electoral reforms for free and fair elections in 2011. The Electoral Commission, Human Rights Commission and political opposition have utilized the FHRI reports in determining policy positions and reforms.

Like in 2007, the media was the biggest consumer of the reports released during the year with both electronic and print media discussing and documenting the findings therein.

No.	Title of Article	Source
1	<i>Prison-born infants face harsh conditions</i>	<i>Saturday Monitor July 19th 2008</i>
2	<i>6000 land dispute cases pending</i>	<i>Daily Monitor Wednesday July 16th 2008</i>
3	<i>3 judges to hear over 5,000 land cases</i>	<i>The New Vision Wednesday July 16th 2008</i>
4	<i>Agencies use new torture tactics</i>	<i>The New Vision Thursday July 17th 2008</i>
5	<i>Judiciary accused of rights abuse</i>	<i>The New Vision Friday July 18th 2008</i>
6	<i>Rights body pins govt on killings, media harassment</i>	<i>The Weekly Observer, July 24th – 30th 2008</i>
7	<i>EU lauds Uganda on human rights</i>	<i>The New Vision, Wednesday, December 10th 2008</i>
8	<i>Ugandans are determined to question the state</i>	<i>The Weekly Observer, December 11th- 17th 2008</i>
9	<i>56% Ugandans doubt EC independence</i>	<i>Daily monitor, Thursday, December, 11th 2008</i>
10	<i>Police violate freedom most - poll</i>	<i>The New Vision, Thursday, December 11th 2008</i>
11	<i>Ugandans have no faith in courts</i>	<i>Daily Monitor, December 12th 2008</i>
12	<i>European Union praises Uganda on human rights</i>	<i>Daily Monitor, December 12th 2008</i>
13	<i>Make reforms in the Electoral Commission</i>	<i>Daily Monitor, December 12th 2008</i>
14	<i>2 per cent want death penalty scrapped</i>	<i>Saturday Monitor, December 13th 2008</i>
15	<i>Our corruption awards are simply entertainments</i>	<i>Sunday Pepper, December 14th 2008</i>

Ugandans have continued to make demands for more press freedom after realizing that freedom of speech is increasingly under threat. FHRI's good working relationship with the judiciary and the public's increased demand for an improvement in the administration of justice as well as an independent judiciary has contributed to the many reforms being initiated within the judiciary.

The consistent advocacy role and the outstanding contribution of FHRI in the promotion and protection of human rights in Uganda, was recognized by the Chairperson of the Uganda Human Rights Commission when the Commission awarded FHRI a Certificate of recognition during UHRC celebration of ten years of service in Uganda and at the launch of the UHRC Annual report noted that FHRI reports provided valuable information to the report.

The Alternative report to Uganda's country report presented at the 42nd session of the African Commission on Human Rights was a key instrument to both the country delegation and the Commission in appraising Uganda's human rights record. Several recommendations made by the African Commission to the Uganda Government can be traced to the shadow report of FHRI.

Challenges

The inability of Uganda Government to submit reports to the UN treaty bodies affects civil society dialogue with the UN bodies as well. Although the Alternative Review procedure may be invoked if there are several reports pending submission by the State parties, CSOs have no mechanisms or guidelines to ensure that the government complies with treaty reporting obligations. Nevertheless civil society organizations need to continue submitting shadow reports to the UN bodies, with or without government reports and address pertinent human rights issues.

Human rights observance continues to be a key challenge in Uganda's democratization process. The democratic institutions are still weak and unduly interfered with by the executive. A human rights culture is yet to develop and use of force and violence characterize state operations. Human rights organizations that play a catalyst role of bringing change are therefore an important factor in the social change process and all efforts to support their work deserve applause.

II. ACCESS TO JUSTICE

Objective

The project seeks to enhance access to justice for the poor and vulnerable sections of society. It also seeks to promote best practices in the administration of justice and in so doing make effective use of the law to promote human rights.

The project has three key elements including;

- Capacity building for the judiciary;
- Strategic litigation on rights to fair hearing, right to life and right to reparations;
- Legal Aid Services.

Implementation

The campaign to improve the administration of justice in Uganda involves research, strategic litigation, pro-bono legal services to the poor and vulnerable persons, legal aid support to victims of torture, advocacy and capacity building for the judiciary.

Planned activities

Three activities were planned in 2008 including; a Round table for Judicial Officers on Land Rights in Uganda, Strategic litigation in respect of the right to life (including the campaign on the abolition of the death penalty), the right to a fair hearing and freedom from torture, cruel, inhuman and degrading treatment and the provision of pro-bono legal assistance.

Output

(i) Capacity Building for the Judiciary

The Foundation for Human Rights Initiative has over the past ten years conducted judicial round tables focusing on pressing human rights issues mainly for judicial officers and key actors in the criminal justice system.



Delegates to the Judicial Roundtable, Ridar hotel Seeta.

Front Row (c) Hon. Leaticia Kikonyogo, Deputy Chief Justice of Uganda

In 2008 FHRI in partnership with the Judicial Studies Institute (JSI) convened the 11th judicial round table on *Land Rights in Uganda* from 3rd – 5th September 2008 at Ridar Hotel, Seeta Mukono. The Round table was officially opened by the Deputy Chief Justice of Uganda, her Lordship Justice Leticia Mukasa Kikonyogo as the chief guest and was closed by Hon Justice Amos Twinomujuni (Justice of the Court of Appeal). The event attracted 75 delegates (44 male and 31 female). Among the delegates were Justices of the Supreme Court, Court of Appeal, High Court judges, Magistrates, Registrars, State Attorneys, advocates, academia, Members of Parliament, Government Officials, Development Partners, Civil Society Organizations, the Media and FHRI staff.

The Round table attracted several resource persons among them; Hon. Justice Amos Twinomujuni, Justice Court of Appeal, Justice David Kutosi Wangutusi (Executive Director Judicial Studies Institute), Justice Akiiki Kiiza (President of the Special War Crimes Division High Court), Justice Mary Immaculate Maitum, (retired), His worship Roy Byaruhanga (Deputy Registrar Civil Division High Court of Kampala), Mr. James Mwanje (Deputy Commissioner General of Prisons), Mr. Nsamba Gayiia (Consultant), and Mr. Christopher Gafhirabahe (Ag. Commissioner Legal Advisory Services, Ministry of Justice and Constitutional Affairs).

The resource team addressed a broad range of land related matters including; land rights- the Ugandan situation, *the Chain link initiative, the Community service program, the New war crimes court, Paralegal Advisory Services, Land and pre-trial detention in Uganda*; Causes, effects and remedies, Understanding prison conditions in Uganda: and possible strategies for improvement. A number of recommendations were adopted at the end of the round table. Key among these was the formulation of the National Land Policy, gender inequality in land rights and establishment of more courts and special high court divisions to handle cases on land matters. In the TYP (2006 -2008), FHRI held three (3) Judicial Roundtables examining practice and attitudes on judicial independence (2006), domestication of international human rights instruments (2007) and land rights (2008); (232 participants including judges, magistrates, state attorneys, practicing advocates and representatives of civil society attended).

(ii.) Constitutional Petition on the Right to a fair hearing

Under the strategic litigation component, FHRI undertook litigation in respect of the following: the rights of pre-trial detainees, the right to life (campaign on the abolition of the death penalty) and the right to freedom from torture, cruel, inhuman and degrading treatment/punishment.

On 18th July 2006 FHRI filed a petition cited as; '*Constitutional Petition No 20 of 2006: Foundation for Human Rights Initiative vs Attorney General*, challenging the over stay of pre-trial detainees. After two adjournments in 2007 and the hearing of the petition on 1st October 2007, the judgment was finally delivered on 26th March 2008 before the Registrar of the Constitutional Court. Of the four grounds raised in the petition contesting sections 14(2), 15(2), and 15(3) of the Trial on Indictment Act (TIA), sections 75(2) and 76 of the Magistrates Court Act (MCA), sections 219, 231, and 248 of the Uganda People's Defense Forces Act (UPDF) and sections 25(2) of the Police Act, two grounds succeeded in part while the latter two succeeded in whole.

On the Constitutionality of sections 14(2), 15(2), 15(3) and 16 of the Trial on Indictment Act in as far as they provide for the regulation of the grant of bail, the constitutional court held that the

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right to grant bail is not automatic and that courts have the discretion to deny the grant of bail or not. They thus found that the sections of TIA cited above are not inconsistent with Articles 20, 23 (1), 23 (6) and 28(1) of the Constitution. However as conceded by the respondent, the court held section 16 of the TIA that prescribes lengthy periods of detention before trial to be null and void to the extent of its inconsistencies with Article 23(6) of the Constitution.

On the Constitutionality of section 75(2) of the Magistrates Court Act (MCA) in as far as it excludes some offences from the grant of bail by the Magistrates Court, the Constitutional court held that section 75(2) of MCA does not contravene Article 23(6) of the Constitution since the accused's right to bail is not absolute. Denial or grant of bail does not contradict the accused inherent right of innocence. While section 76 of MCA on the lengthy pretrial detention periods was held to be null and void to the extent of which it contravenes the Constitution.

On the Constitutionality of sections 219, 231, and 248 of the Uganda People's Defense Forces Act in as far as they subject accused persons to lengthy periods of detention without bail, their Lordships noted that bail should not be refused mechanically simply because the prosecution wants such orders. They held that the above sections of the UPDF Act are inconsistent with Articles 20, 23(1), 23(6), 28(1) and 28(3) of the Constitution, and thus declared the sections to be null and void. Similarly the court found section 25(2) of the Police Act contravenes article 23 (4) of the Constitution in as far as it provides for a longer period before an accused person is produced in court than as provided under article 23(4). It was therefore declared null and void to that extent.

(iii.) Right to Reparation

On 17th October 2008, a petition on enforcement of decisions in favour of torture victims made by the Uganda Human Rights Commission (UHRC) was filed in the High Court by FHRI in partnership with REDRESS (UK) under the Reparations project. Leave to apply for a mandamus was granted by the High Court on 21st October 2008. Thereafter an application for writ of mandamus was filed by FHRI on the 28th November 2008 and by end of 2008, the ruling had not yet been delivered. Under the same project FHRI also provided legal assistance to five (5) victims of torture to file their complaints before the UHRC tribunal and High Court.

(iv.) Right to Life

The Constitutional Court Petition cited as; '*Suzan Kigula and 416 others Vs. Attorney General*' filed in 2003 challenging the death penalty and its application in Uganda

FHRI staff share a moment with Suzan Kigula after the court session.





His Excellency Vincent de Visser, Head of European delegation to Uganda (3rd from right) launches the Death Penalty book, 10th Oct. 2008, at Human Rights House, Nsambya

has been a subject of appeal since 2005. The appeal that had been pending since due to a lack of quorum in the Supreme Court was finally heard on 3rd July 2008 in the Supreme Court before a panel of seven Justices.

During the hearing the Attorney General argued that a mandatory death sentence was constitutional and that the long period spent by prisoners on

death row was to give the executive time to exercise the prerogative of mercy. The petitioners supported by FHRI cross-appealed against the retention of the death penalty and the mode of execution.

The court ruling had not been delivered by year's end.

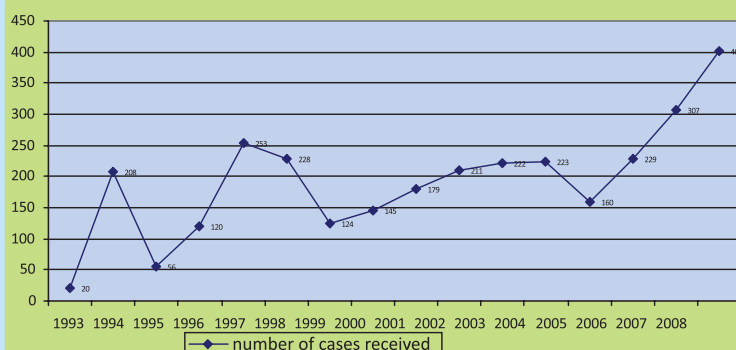
As part of the 17 year old campaign to abolish the death penalty, the Coalition Against the Death Penalty spearheaded by FHRI published a Book titled: **'Towards Abolition of the Death Penalty in Uganda'**. The book was launched by the Head of European Commission to Uganda, H.E Vincent de Visscher on World Anti-Death Penalty Day, 10th October 2009. During the year under the Right to Life project, FHRI reviewed court files in preparation for mitigation hearings of death row inmates in the Supreme Court, Court of Appeal and High Court in Kampala, Mbale, Gulu, Soroti, Arua, Lira and Kasese magisterial areas and offered legal support to inmates on death row.

(v.) Legal Aid Services

The FHRI strategy to enhance access to Justice entails provision of pro-bono legal aid services to poor victims of human rights abuse to obtain redress. Since 1993, FHRI Legal Aid Unit has provided legal support through a rapid response mechanism to victims of human rights violations providing some relief in cases of violations suffered.

In 2008, FHRI's Legal Aid Unit received and handled four hundred one (401) cases of human rights abuse, up from two hundred twenty nine (229) cases in 2007. Over the TYP (2006 -2008), FHRI received and handled a total of nine hundred thirty seven (937) cases of human rights abuse. Figure 1 below illustrates the number of cases by FHRI since 1993:

Fig 1: Number of cases received by FHRI since 1993 to 2008



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As noted above, the number of cases received by FHRI has continued to steadily increase since 2005 attributed to the increasing costs of accessing JLOS institutions, corresponding increase in number of Ugandans in need of legal support and the legal rights awareness campaigns undertaken by the FHRI Education and Training Unit. However, despite the steady increase in numbers of clients handled by FHRI, there are many Ugandans who are unable to access legal support countrywide.

Like in 2007, male clients constituted the bulk of the cases handled by the Legal aid bureau in 2008 numbering two hundred forty eight (248) cases, one hundred forty nine (149) being women and four (4) cases for children as illustrated in fig 2 below:

For the second time in a row, the majority of clients handled by the legal aid bureau in 2008 were male, an increase of 211 cases from 2007. This emerging trend shows that men like women are vulnerable to harsh economic realities. Fig 3 below shows the nature of complaints and prevalence by gender in 2008.

Fig 2: Category of cases by Gender, 2004-2008

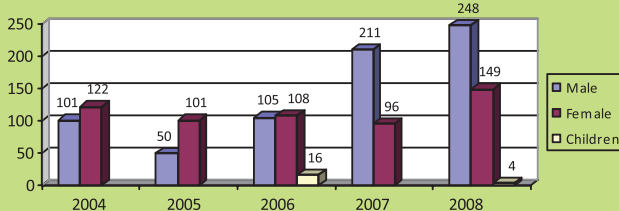
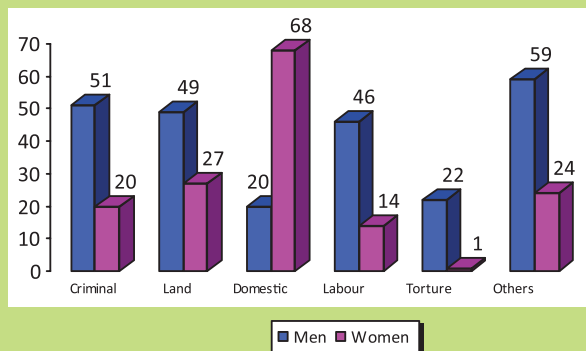


Fig 3: Nature of violations and prevalence by Gender: 2008



The majority of cases in 2008 were in respect of domestic violence, women being the major victims. Most of these cases involve domestic violence, child custody, maintenance, negligence, desertion and inheritance. Our responses include; legal advice and or counseling as well as court representation.

Land cases comprise the second largest category of cases handled in 2008. Complaints received among others were evictions, wrongful sale of land by spouses or relatives, rent arrears and trespass to land.

Criminal cases were also common in 2008 mainly; defilement, assault, murder, possession of counterfeit money, threatening violence, malicious damage to property, abuse

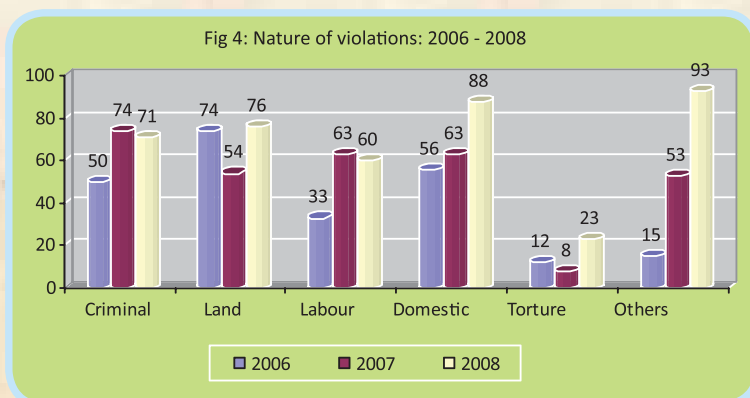
of office, theft, embezzlement, issuance of false cheques, arson, kidnap, assault occasioning grievous bodily harm and robbery.

While cases related to labour comprise of wrongful dismissal, compensation claims, salary arrears and pension disputes.

FHRI also provided legal assistance to victims of torture; majority were men. Services offered include witness tracking, filing cases at the Uganda Human Rights Commission (UHRC), refer of cases to the African Center for Treatment of Torture Victims (ACTV) for adjudication and treatment, legal advice and court representation.

Matters of a civil nature handled classified as 'others' refer to: contracts, accidents, loans, tort and refugees.

During the TYP the case portfolio is illustrated in fig 4 below.



In contrast to 2007, domestic cases constitute the highest caseload handled in 2008.).

Impact

The Constitutional court ruling on pre-trial detention is a major victory for criminal justice reform in Uganda. While upholding the right to apply for bail the court reasserted the right to a fair and speedy trial. Pretrial detention has been declared unconstitutional and what remains is to ensure that the practice is changed accordingly. The court ruling if translated into action will contribute substantially to the decongestion of prisons and improvement of prison conditions in Uganda.

The court ruling will call for measures such as reduction in detention periods, disciplinary action against errant police officers, issuance of police bond and on spot police assessments to check the remand period of suspects in custody.

The Campaign against torture and positive interventions devised by FHRI through ensuring appropriate remedies gives victims of torture hope for a remedy; is a basis to challenge current practices that deny victims possible assistance and create legal precedents that can be invoked to contain practices of torture. When victims of torture become assertive it makes torture extremely costly to the state and in due course government will be forced to apportion responsibility among individual perpetrators.

Under the Reparations project, FHRI has traced witnesses, undertook legal research and verification of evidence to prepare cases for cause listing, wrote letters to UHRC requesting for cause listing of these cases, and provided legal advice and legal representation to ensure that the victims attain a fair and speedy trial. Similarly the Coalition Against Torture (CAT) of which FHRI is a member has formulated the Prevention of Torture Bill that if enacted into law will criminalize

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torture actions. And in so doing domesticate the UN Convention against torture to which Uganda is a party.

There is a growing attitudinal change among different stakeholders such as the Police, Army officers and the Chieftaincy of Military Intelligence towards torture. Some government offices like the Ministry of Justice and Constitutional Affairs and Uganda prisons welcome the partnership with FHRI in the fight against torture.

The Campaign against the death penalty is gaining momentum. The Uganda Prison Service is firmly against the death penalty. In a human rights perception survey carried out between August and September 2008 by the Steadman Group on behalf of FHRI, the findings indicated that 42% of Ugandans want the death penalty scrapped. Similarly the European Union a major development partner is opposed to the death penalty and is a key ally in the campaign. Notwithstanding its current entrenchment in the constitution and subsidiary laws of Uganda as more Ugandans debate the punishment there is a growing shift in attitude towards the sentence. With time Ugandans will join the rest of the world in calling for alternative punishment.

Recent court decisions point to judicial reluctance to pass the death sentence except for the most heinous crimes. For instance a 17- year imprisonment term was passed in a case where a man was found guilty for murdering his wife. More so the Uganda Law Reform Commission has developed guidelines to be used in capital sentencing.

Challenges

One of the biggest constraints facing the realization of human rights is lack of enforcement of judicial decisions particularly those of the constitutional court. A culture of human rights respect is yet to evolve to make improvements in human rights possible.

Mob justice, a practice of punishing suspects without due process is on the rise. This trend is attributed to loss of confidence in criminal justice agencies. This unwarranted act negates and threatens the gains made and unless reversed threatens the body politic.

Corruption threatens prospects for effective access to justice. The ordinary people who are poor are often denied recourse to justice because they cannot bribe public officials; complaints cannot be attended to in record time and miscarriage of justice is the norm. The absence of a National Legal Aid Policy that would aid the provision of legal aid services is an obstacle. Efforts directed at the adoption of this National Legal aid framework are necessary. Given high poverty levels among the rural and urban poor punctuated with institutional weaknesses and resource constraints effective access to justice is far from reality.

III. EDUCATION AND TRAINING

Objective

The Education and Training component of the FHRI program seeks to promote citizen awareness of human rights values and obligations enshrined in Uganda's constitution and the international human rights instruments. The project also builds the capacity of grass root associations to provide necessary linkages with other state organs and ensure systematic exposure of human rights abuses.

The project has seven key elements including;

- Support to Community Based Human Rights Groups
- Schools Outreach Program
- Legal Rights Awareness
- Support to Local Government
- Radio Talk Show
- Democracy and Human Rights Resource Centre
- Publications.

Implementation

Under the Education and Training Unit, FHRI conducts capacity building sessions for community based human rights associations, undertakes human rights training sessions for schools and higher institutions of learning, supports Local Government through capacity building programs, supports a weekly radio talk show and maintains a Democracy Resource Centre and Publications Service.

Planned Activities

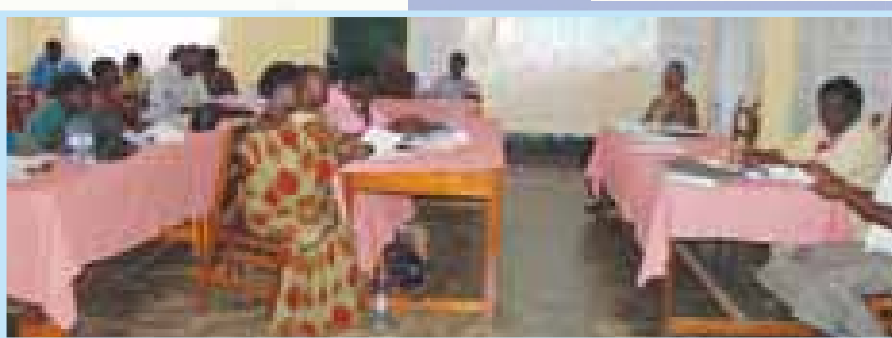
The planned activities for 2008 were; to conduct five (5) capacity building sessions for grass root human rights associations, conduct six 1-day skills building sessions for five human rights clubs for higher institutions of learning, to support the Inter-University Human Rights Competition (2008), conduct five 1-day human rights sessions for five faith based institutions/groups, run fifty two (52) weekly one hour talk shows broadcast live on CBS 89.2 FM and ensure a functional Resource Centre and Publication service.

Output

(i) Capacity Building for Community Based organisations

Community based associations seeking to promote respect for human rights are key to strengthening the human rights movement in Uganda. FHRI has continued to strengthen the capacity of community based organisations previously trained as paralegals.

PROGRAM ACTIVITIES



Lira Women's Peace Initiative members in a human rights training.



Sembabule Paralegal Association members pose for a photograph after the human rights session.

In 2008, FHRI under the program: 'Strengthening the Human Rights Movement in Uganda through Capacity Building for Grass root Human Rights Associations' conducted five (5) capacity building sessions for five community based associations including; Human Rights and Paralegal Services (HUPAS) in Busia district from 10th – 11th March 2008, Lira Women's Peace Initiative (LIWEPI) from 31st March – 2nd April 2008, Sembabule Paralegals Association (SEPA) from 11th – 14th May 2008, Kampala District Paralegal Association from 29th -30th May 2008 and finally Mbale District Paralegal Association from 16th – 17th June 2008. Attended by a total of one hundred ninety nine (199) community activists and officials from Justice Law and Order Sector agencies (125 men and 74 women), the training sessions aimed at empowering grass root associations to effectively carry out human rights promotional activities in order to keep authorities under check.



Mbale District Paralegal Association members after the training

The Capacity building sessions conducted focused on group specific concerns and needs identified during the 2007 preparatory mission and the needs re – assessment meetings in 2008. Group members were refreshed on their understanding of human rights, state responsibility and individual obligations. Exciting debates on civil and political rights in the context of the current multi-party form of governance in Uganda

during the sessions were common, with group members focusing more on the freedom of association and assembly, access to information, the right to participate in governance as well as the importance of human rights monitoring and documentation and the narrowing space for independent thought and action. The groups were also introduced to strategic planning, as well as marketing and fund-raising strategies. Partnership building was also underscored as well as stakeholder analysis. At the end of each 2-day session, each group identified key region-specific human rights issues that would inform their strategies in the next one year as well key institutional/organizational issues that would be improved.

By end of the TYP (2006 – 2008), FHRI had trained ten (10) CBOs, with a trainee population of three hundred eighty five (385) community activists to carry out human rights promotional activities at both local and national levels.

(ii) Schools Outreach Program

The Schools outreach program enables University students to understand human rights and its correct application in their future professional life.

In 2008, FHRI together with Human Rights Clubs and Law Societies of universities held three (3) one-day human rights sessions. The Learning institutions engaged were; Uganda Christian University – Mukono on 24th October 2008, Ndejje University on 20th November 2008 and Busoga University Law School on 12th December 2008. A total of three hundred fifteen (315) students including 121 male and 168 female participated.



In addition, FHRI upon request held three (3) human rights sessions for schools including; Crested Senior Secondary School in Mukono district on 25th June 2008, Spire High School in Mpigi district on 26th June 2008 and finally Old Kampala Senior Secondary School on 5th November 2008. Two hundred seventy two (272) students attended the sessions that focused on human rights with special emphasis on the rights and responsibility of children.

FHRI also supported Kampala International University (KIU) to convene the 2nd Inter-University Annual Human Rights Competition on 18th April 2008 at KIU Campus.

TOP-BOTTOM

Mr. Livingstone Sewanyana @, next on left is the Dean of faculty of Law Ms. Sarah Banenya with KIU Law students, 29th April, 2008, at KIU.

Nkumba University Annual Lawyers day, at Nkumba campus on 6th June 2008

PROGRAM ACTIVITIES



Uganda Christian University students in a human rights session on 12th Feb. 2008.

The inter-university competition attracted four hundred seventy five (475) students drawn from Nkumba University, Islamic University in Uganda, Makerere University, Uganda Christian University, Busoga University, Uganda Pentecostal University, Kampala International University and Kampala University. The topics covered were: protection mechanisms for human rights, legal directions in electronic commerce-prospects and challenges in Uganda and critical legal reforms in Uganda.

By the end of TYP (2006 – 2008), FHRI had conducted thirteen (13) human rights sessions for schools and higher institutions of learning that attracted 1,188 students and organised two (2) Inter- University Annual Human Rights Competitions enlisting participation of 825 students.

(iii) Legal Rights Awareness

Under the legal rights awareness program FHRI in partnership with Legal Action for People with Disabilities (LAPD) held a one day workshop attended by staff and members of Nangabo Sub-County Association of Disabled Persons, at Nangabo parish on Friday 29th August, 2008. The workshop was aimed at creating human rights awareness amongst the disabled people in Nangabo and a total of 79 participants including 41 women and 38 men benefited.

In addition, FHRI upon request held a 3-day workshop under the theme; '*Mental Health and Human Rights*', from 29th – 31st July 2008 at Green Valley Hotel, Kampala. The workshop organised in partnership



Some of the members of Nangabo Sub-County Association of Disabled Persons at the training on 29th August 2008



A workshop on mental health and Human Rights in progress on 29th July 2008.

with Basic Needs UK in Uganda and attended by a total of twenty-one (21) staff and partners of BasicNeeds UK in Uganda (10 men and 11 women) explored the linkages between human rights and mental health. Emphasis was laid on the analysis of the mental Health Treatment Act

1964, the 1995 Constitution of Uganda and the International human rights standards. The participants were also introduced to human rights monitoring, documentation and advocacy skills.

During the TYP (2006-2008), FHRI conducted twelve (12) joint legal rights awareness workshops reaching out to nine hundred seventy three (973) staff and members of CBOs, NGOs, Police, and community leaders.

(iv) Support to Local Government

In 2007 FHRI initiated a program titled; *'Enhancing decentralized governance in Uganda with special reference to, Wakiso, Tororo, Mukono and Nakasongola districts'*. In 2008, FHRI undertook a Situation analysis in the above mentioned districts, authored a Practice Guide titled; *'Good Practices in Local Governments'* that was launched by the Minister for Local government and conducted a 2-day Capacity Building Session for the district leaders of Nakasongola, Mukono, Mayuge and Tororo districts on 19th -20th September, 2008 at Ridar hotel, Seeta- Mukono.

The workshop equipped local council leaders and heads of departments with knowledge and skills in planning and budgeting processes to ensure better service delivery to the people. It also created an understanding of policy formulation in local Government in a multi-party setting, good governance and public accountability, financial management, budgeting, respect for human rights and state compliance with state obligations.

The workshop was attended by a total of 90 district officials (18 female and 72 male), conducted by 4 Members of Parliament (MPs) and Chairpersons of Parliamentary Committees including; *Chairperson Legal and parliamentary Affairs Committee, a member of Equal Opportunities Committee, Chairperson of Social Services Committee and the Chairperson of Budget Committee.*

At the end of the session, district leaders agreed on plans of applying the acquired knowledge and skills in their daily work mainly by educating the public on how to monitor local revenue and expenditure, upholding good practices in local government, monitoring and evaluating budget implementation, sensitizing other district officials and the public on the best practices of local government.

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Hon. Kahinda Ottafire© and other participants at the Local Government Workshop pose for a photo, on 19th September, 2008, Ridar Hotel Seeta.

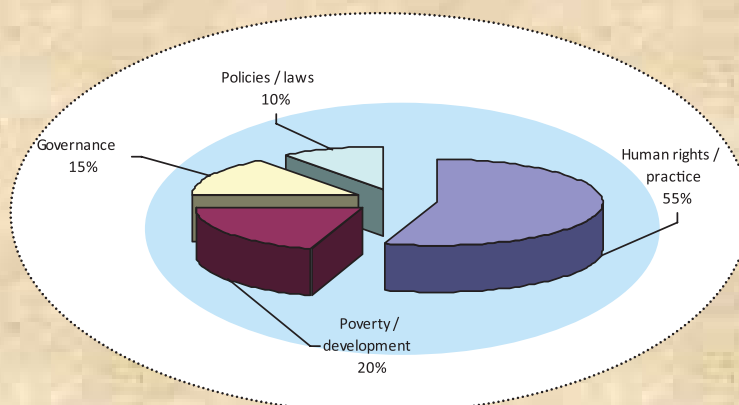
(v) Radio Talk Show

FHRI weekly Radio talk show enlightens Ugandans about human rights and state obligations and widens political debate among the general public on issues of state responsibility, democratic governance and sustainable development in a multi-party political setting.

The radio program, 'Many Eddembe Lyo', (Know your Rights) is a live weekly one hour phone in talk show aired on Central Broadcasting Service, CBS 89.2 fm, 8pm – 9pm every Sunday.

In 2008, forty(40) weekly one-hour talk shows were run on CBS 89.2FM on Sundays from 8pm – 9pm. Over the TYP; (2006 – 2008), one hundred forty four (144) weekly one-hour talk shows were hosted). The radio program hosted personalities from the public and private domain. Key guests on the program included; Members of Parliament, Minister of Local Government, Speaker of the Parliament of Uganda, President of People's Progressive Party, Vice Chancellor of Makerere University, Chairperson of Uganda Electoral Commission among others. Like in 2007, much of the discussions on the radio program centred on human rights and State practice as shown below.

Fig 5: Categorization of issues discussed during the radio program: 2008



As illustrated in fig 5.above, the discussions on the radio talk show examined current concerns such as harassment of journalists and media houses, the right to education and quality of education in Uganda, Government's responsibility to protect children in schools in view of rampant school fire outbreaks, freedom of association and assembly including the Constitutional Court ruling on police powers, the right to vote and prison conditions in Uganda. Discussions on governance focused on the role of political parties and cultural institutions in governance, Presidential term limits and the role of Members of Parliament in Multiparty politics, while debates on poverty and development focused on poverty and economic rights, social security and worker's rights in Uganda. The program also devoted time to discuss policy matters and laws mainly focusing on the prevention of torture bill, the phone tapping bill and the National NGO Policy.

vi) Democracy and Human Rights Resource Centre

FHRI's Democracy and Human Rights Resource Centre promotes information exchange, supports research and dissemination of information locally, nationally and internationally.

The Resource Centre is maintained as a reading and reference facility for both FHRI Staff and external users. It maintains FHRI website; www.fhri.or.ug, provides internet support to facilitate research, provides communication services and supports information exchange and program implementation through provision of human rights related resources, both visual aids and materials.

The Resource Centre hosts staff capacity building sessions under the FHRI human resource development scheme.

In 2008, the Resource Centre updated and maintained FHRI Website, provided internet support, managed and disseminated FHRI E-Newsletter, acquired human rights materials, sustained the current awareness services, conducted book exhibitions, provided secretarial support to users and hosted 4 staff knowledge building sessions on key management and organizational issues.

The FHRI Website: www.fhri.or.ug is up and running reflecting current programmatic and institutional developments as well as the human rights trends in Uganda.

The internet and email facility are fully functional and continue to provide support to communication, information sharing and research functions of the organization.

In 2008 the collection of materials in the Resource Centre increased from 786 in 2007 to 1,272 (over the TYP; 2006- 2008, FHRI had collected 1,254 new materials).



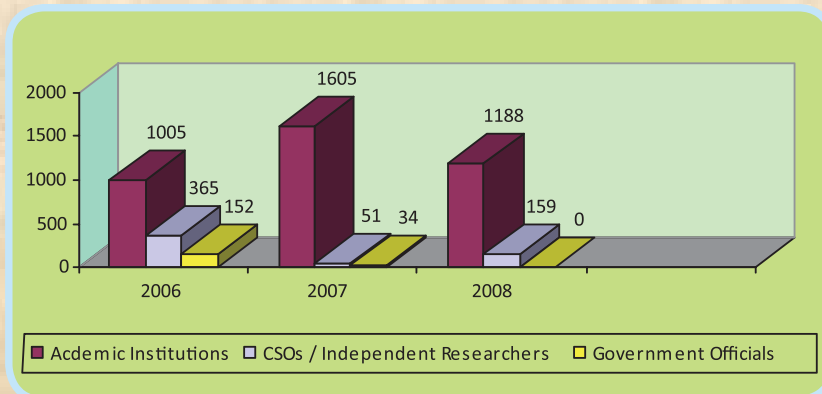
PROGRAM ACTIVITIES

The Resource Centre acquired new textbooks, periodicals, training manuals and directories on human rights, development, health, peace and conflict, law among others. A total of 486 new materials were classified during the year and entered into the existing date base. Stock -taking was also undertaken from July to August 2008.

In 2008, the Resource Centre participated in four (4) major book exhibitions including; the UN Torture Day organized by UNDP on 26th June 2008, the National Book Exhibition organized by the National Book Trust Uganda on 17th _ 18th August 2008, the Legal Aid week organised by Uganda Law society and Legal Aid Project on 18th -22nd 2008 and the Human Rights Week organized by Human Rights Network-Uganda on 10th December 2008. During the book exhibitions 4,000 members of the general public visited FHRI stalls and 1,300 books were sold and distributed. By end of TYP; 2006 -2008, FHRI had participated in 18 book exhibitions, enlisting over 7,504 members of public who visited FHRI stalls and over 3,000 books were sold or distributed.

During 2008, the Resource Centre extended its services to one thousand three hundred forty seven (1,347) users including 600 women and 747 men (over the TYP; 2006 -2008, FHRI had received 4,559 users). Like in previous years, academic institutions patronized the Resource Centre; (Kampala International University 74% , Kyambongo University, Makerere University, Islamic University in Uganda, Uganda Martyrs University- Nkozi, Uganda Christian University- Mukono, Ndejje University and Tropical High Secondary School comprised 14%). Independent researchers and civil society users were 12% as detailed below:

Fig 6: Category of users by institution: 2006 - 2008



Three (3) issues of the FHRI E-Newsletter; *Volume 6 Issue No. 5*, January-April 2008, *Volume 6 Issue No. 6*, May – August 2008 and *Volume 6 Issue No. 7*, September – December 2008.

The Center hosted one in-house knowledge building session on '*Domestic violence and HIV/AIDS*'.

At the end of the TYP; (2006 –2008), FHRI had issued seven (7) E-Newsletters and hosted seven (7) in-house capacity building sessions as well.

(vii) Publications

FHRI Publications seek to inform and educate a wider public on current thinking and new human

rights trends. FHRI's core publications are; *The Defender*, *Thematic* and *Country Human Rights Status Reports*, the *Annual Report* and *Brochure*.

In 2008, FHRI published the Annual Report 2007, the Country Human Rights Status Report 2007, three thematic human rights reports and two (2) editions of *The Defender*.

In 2008 750 copies of the Annual Report 2007 were printed detailing FHRI's interventions, achievements and challenges both at the programmatic and institutional levels (by end of TYP; 2006 - 2008, 2,250 copies of Annual Report were published). Seven hundred copies were disseminated to different stakeholders including development partners, government institutions, civil society associations, the media, academia, FHRI members and subscribers and the general public.

The *Country Human Rights Report*, 2007 and the two (2) thematic reports titled; '*Land Rights: The Ugandan Experience*' and '*Electoral Reforms in Uganda 2008*' as well as the *Human Rights Perception Index 2008* were printed and circulated.

In 2008 FHRI also published two (2) editions of *The Defender* titled; '*Uganda: The Painful Road to Democracy*' and '*Media Freedom in Uganda; Fact or Fiction?*' At the end of the TYP (2006 – 2008), three (3) editions of *The Defender* had been published.

In addition to the core publications, under the Coalition Against the Death Penalty in Uganda 1000 copies of a book titled; '*Towards Abolition of the Death Penalty in Uganda*' were published and officially launched.

Impact

The Capacity building program for community- based groups has yielded positive results. The internal capacity and motivation of these groups has been strengthened with corresponding ability to engage criminal justice agencies on their obligations. The group members' ability to conceptualize human rights, identify human rights issues, document and report human rights violations has improved. A number of groups send reports of human rights violations and in so doing contribute to the monitoring efforts of FHRI.

Advocacy capacity has been stepped up among groups reached. For example, Lira Women Peace



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Initiative (LIWEPI) and Rwenzori Peace Bridge of Reconciliation (RPBR) have profiled incidences of domestic violence and positively contributed to the establishment of a district human rights committee in Lira and Kasese respectively. On a different front, the session on partnership building and fundraising has yielded some positive results. During the project period, a number of groups have nurtured new partnerships with both community based, national and international groups in order to strengthen their work.

The social justice movement demanding for political and public accountability continues to grow as more and more community groups become assertive. Improving knowledge and skills of these groups has contributed to the strengthening of linkages among these actors and the district authorities.

The program has also had some positive spin-offs. Some of the targeted groups have initiated human rights promotional programs in their locale to enhance knowledge of rights and state obligations amongst the communities. In Lira district, Lira Women's Peace Initiative (LIWEPI) has started a schools program through which human rights awareness sessions are conducted and human rights and peace clubs formed. In Sembabule district, Sembabule Paralegal Association (SEPA) has secured airtime on one of the local FM Radio stations, *Bambule Radio* station and used this as a forum for regular dialogue on key human rights and development issues between the community members and local authorities.

In Kayunga district, Action for Human Rights and Civic Awareness (AHURICA) has been engaged in advocacy for the establishment of a district human rights desk in Kayunga district. And PWABC in Kiboga district has designated one of its members, a trained paralegal to receive cases of human rights abuse, provide first legal advice and refer appropriately. Over 20 cases involving land and the right to property, child abuse and gender based violence have been referred by the group to FHRI for legal advice and possible legal representation.

The School outreach program has resulted in the formation of human rights clubs in universities and colleges. Debates are being held regularly and a cadre of human rights defenders is being nurtured.

The 'Enhancing decentralized governance' project for Local Government has not only provided a forum for knowledge acquisition but has also fostered linkages between the district leaders and their respective members of Parliament. The resultant transfer of knowledge helps in setting the correct priorities and demand for accountability.

Challenges

The sustainability of Community Based groups reached by FHRI remains a critical issue. The virtual lack of financial resources to support the work of some of these groups is a major hindrance to their continued growth. Providing oversight services and access to potential partners is key to the sustenance of this emerging civil society sector.

The narrowing of civic space is a threat to the growth of the sector. Fear of reprisals induces self-censorship and ultimately slows down the democratization process.

IV. PARALEGAL ADVISORY SERVICES (PAS)

Objective

The Paralegal Advisory Services project seeks to improve access to justice for the poor and indigent persons through the provision of legal aid services in prisons and police detention centers.

Implementation

Started as a pilot in 2005, 2008 marked the 2nd year of the operations of the Paralegal Advisory Services program which has extended to eight magisterial areas from the original four including: Gulu, Fort Portal, Kampala, Mbale, Mbarara, Jinja, Lira and Arua districts.

In Kampala, the pilot is hosted by Uganda Prison Service (UPS) and Uganda Christian Lawyers Fraternity (UCLF); in Mbarara by Uganda Prison Service; in Mbale by Foundation for Development of Needy Communities (FDNC); in Fort Portal by Association of Human Rights Organizations (AHURIO); in Gulu by Uganda Prison Service (UPS); in Jinja by Uganda Prison Service (UPS); in Lira by Uganda Prison Service while in Arua it is hosted by the Uganda Prisons Services in Arua. The PAS program has since 2006 provided legal advice and support in police stations in Uganda including; Kira Road Police Station, Central police Station, Katwe police station, Old Kampala, Wandegeya Police station under the auspices of the Uganda Christian Lawyers Fraternity(UCLF). In all the five project sites, the paralegals provide legal aid to the Central police stations of Gulu, Fort Portal, Mbale, Mbarara and Arua districts.

Under the PAS program the paralegals and social workers are the key agents. 8 paralegals were placed in Luzira Upper Prison, 2 paralegals and 4 social workers in Gulu, 6 paralegals and 1 social worker in Mbale, 6 paralegals and 1 social worker in Fort Portal, 6 social workers and 2 paralegals in Mbarara, 4 social workers and 2 paralegals in Arua, 3 paralegals and 4 social workers in Jinja, 2 paralegals and 4 social workers in Lira and 10 paralegals are placed by UCLF in six police stations to provide basic legal advice; follow up cases in the criminal justice institutions and link the suspects and remanded prisoners to their families and community members for requisite assistance.

Planned Activities

The planned activities under PAS in 2008 were; to provide paralegal aid services to inmates in prisons and police centers in Arua, Gulu, Mbale, Fort Portal, Mbarara, Kampala, Lira and Jinja; produce a Documentary on PAS activities, publish PAS Newsletter and launch Phase two of Paralegal Advisory Services (PAS II).

Output

In 2008, the paralegals contributed to the process of physical and case file decongestion within the targeted magisterial areas:

At the Kampala site, the Uganda Prison Service (UPS) with eight (8) paralegals and Uganda Christian Lawyers Fraternity (UCLF) with ten (10) paralegals secured the release of a total of

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three thousand two hundred sixty seven (3,267) inmates in Luzira Prison, Kira Road Police Station, Central police Station, Katwe police station, Old Kampala and Wandegeya Police stations. Through PAS interventions, two thousand sixty one (2,061) inmates / suspects were released on bail or bond, seven hundred three (703) secured Community Service Orders, forty (40) by mediation or diversion, fifteen (15) after payment of fines, while four hundred forty eight (448) had their cases dismissed or discontinued. The paralegals also traced six thousand seven hundred eighty (6,780) sureties and provided legal advice and counseling to eight thousand one hundred eighty seven (8,187) inmates.



A paralegal attending suspects parade at Jinja Road Police station

At the Arua site hosted by Uganda Prison Service (UPS), the 4 social workers and 2 paralegals were able to reduce the prison population by one thousand six hundred seventy eight (1,678) inmates. Out of these, one thousand three hundred fifty four (1,354) inmates in Arua Main prison and Arua Police station were released on bail or bond, sixty (60) committed to Community Service, twenty one (21) by diversion and mediation, ten (10) after payment of fines, two hundred thirty three (233) through dismissal of their cases. The social workers and paralegals in Arua also traced nine hundred twenty three (923) sureties and provided legal advice and counseling to two thousand one hundred fifty four (2,154) inmates.



Paralegals giving basic legal education in prison

At the Mbarara site with 6 social workers and 2 paralegals the PAS program decongested the Mbarara Main prison, Mbarara Women Prison, Kakiika Prison and Mbarara Main Police station by two thousand three hundred ninety four (2,394) inmates. The social workers and paralegals secured release of one thousand five hundred sixty four (1,564) on bail or bond, one hundred eighty five (185) on Community Service Orders, two hundred ninety four (294) by diversion and mediation, ten (10) after fine payment, three hundred forty one (341) through dismissal or discontinued cases. A total of one thousand two hundred thirty nine (1,239) sureties were traced and one thousand nine hundred fifty one (1,951) inmates received legal advice and counseling.

The Mbale site hosted by the Foundation for Development of Needy Communities (FDNC)

has six paralegals and one social worker. The paralegals secured the release of one thousand seven hundred forty three (1,743) inmates from Mbale Government prison. Out of 1,743 inmates, one thousand one hundred ninety nine inmates (1,199) were released on bail or bond, sixteen (16) on Community Service Orders,



Paralegals in a group photo with the Executive Director, FHRI

one hundred eighty three (183) released through diversion and mediation and three hundred forty five (345) through dismissal or discontinued cases. The paralegals also traced one thousand two hundred sixty five (1,265) sureties and provided legal counseling to one thousand four hundred fourteen (1,414) inmates.

The Fort Portal site hosted by Association of Human Rights Organizations (AHURIO) with one social worker and six paralegals reduced the prison population by six hundred fifty nine (659) inmates through PAS interventions including; five hundred seven (507) for bail or bond, twenty two (22)

on Community Service Orders, twenty nine (29) through diversion and mediation, six (6) after payment of fines while ninety five (95) through dismissal or discontinued cases. A total of one thousand four hundred fifteen (1,415) sureties were traced while one thousand four hundred fifty nine (2,459) inmates received legal advice and counseling.

The new Lira site established in May 2008, and hosted by the Legal Aid Project (LAP) with two paralegals and four social workers managed to decongest the prison population by seven hundred sixty seven (767) inmates. Five hundred ninety four (594) of these were released on bail or bond, fifteen (15) through Community Service Orders, one hundred thirty (130) through diversion and mediation, two (2) after fine payments while twenty six (26) secured dismissals. The paralegals and social workers also traced seven hundred seventy seven (777) sureties and offered legal advice and counseling to one thousand four hundred one (1,401) inmates.



On the other hand, the Jinja site which started its operations in July 2008 hosted by Uganda Prison Service (UPS) with three paralegals and four social workers, secured release of seven hundred seventy three (773) inmates from Jinja Main prison. Through PAS interventions, a total of five hundred fifty two (552) inmates were released on bail or bond, six (6) got Community Service Orders, one hundred twelve (112) benefited from mediation and diversion while one hundred three (103)

Chief Justice Benjamin Odoki (front row 3rd left) with representatives of CJ agencies at the PAS launch

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had their cases dismissed or discontinued. The paralegals and social workers also traced thirty-seven (37) sureties and counseled one thousand five hundred forty two (1,542) inmates. Lastly, the Gulu site hosted by Uganda Prison Services with two paralegals and four social workers decongested the prison population by eight hundred sixty four (864) inmates. Out of the 864 inmates, seven hundred twelve (712) were released on bail or bond, one hundred twenty two (122) had Community Service Orders, nine (9) diverted to mediation while twenty one (21) secured dismissal or discontinuation of their cases. A total of one thousand one hundred seventy five (1,175) sureties were traced while seven hundred thirteen (713) inmates received legal advice and counseling.

In order to ensure that new paralegals have the necessary knowledge and skills to effectively undertake PAS initiatives, PAS conducted an orientation training workshop for eighteen (18) new paralegals and social workers under the program from Jinja, Lira, Luzira Prisons and Uganda Christian Fraternity from 14th to 17th of July 2008, at Arch Apartments in Kampala. The workshop focused on the processes and procedures of administration of criminal justice as well as basics of law drawn from the criminal justice institutions of Police, Directorate of Public Prosecutions, Judiciary and Prisons.

In 2008, PAS also organized a week- long study tour to South Africa from the 5th to 11th October 2008. The major aim of the study tour was to draw lessons from the legal aid scheme in South Africa that could be applied in Uganda. The tour also sought to expose the Ugandan key stakeholders like Judiciary and Law Council to the concept of Justice Centers so as to ensure support, commitment and ownership for the upcoming pilot exercise under which the 'Justice Centre model' will be piloted in six different sites in Uganda. A number of lessons were drawn for consideration in the strategy meetings.

In partnership with the Legal Aid Basket Fund Phase Two of the Paralegal Advisory Services project (PAS) was launched on 31st October 2008 at Imperial Royale Hotel. The event was presided over by the Chief Justice of Uganda who noted Government's inability to provide legal aid services to accused persons on non- capital offences.



PAS steering Committee in progress in Board Room, Human Rights House



Paralegal Advisory Services motorcycle Handover at Human Rights House, Nsambya

He welcomed PAS as an additional initiative that helps to bridge the gap left by the State. The National launch was attended by one hundred four (104) people among them were officials of Criminal Justice Agencies (Directorate of Public Prosecutions, Police, Prisons) Civil Society and Media representatives and Paralegals.

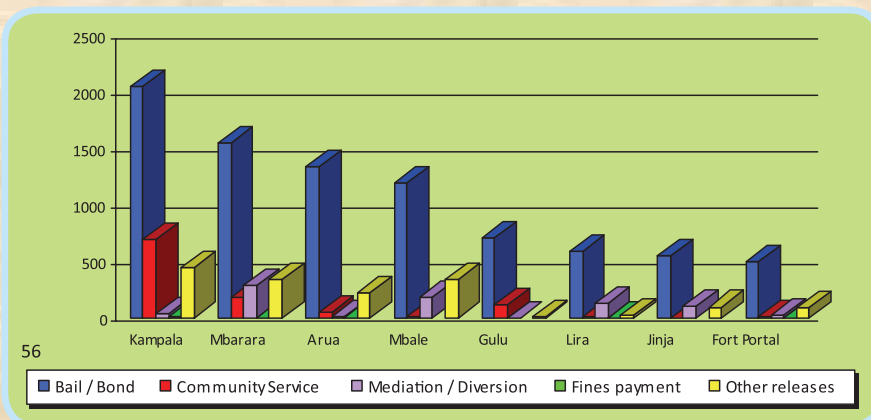
PAS also documented its activities and achievements in a Documentary titled; 'Free Justice for All'. The Documentary was aired on WBS TV and UBC on 27th October 2008.

Impact

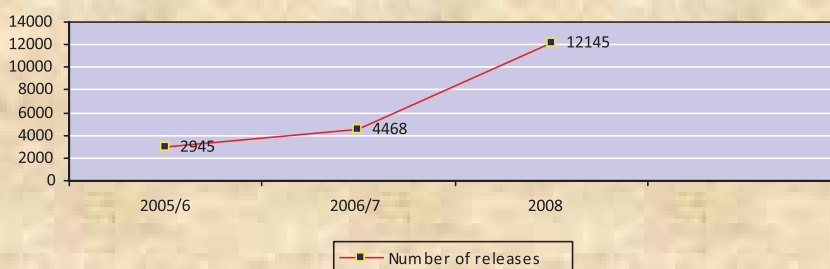
During the launch of Phase Two of the Paralegal Advisory Services, Chief Justice Benjamin Odoki noted that PAS contributed to delivery of legal aid services and was therefore an important component in the administration of justice in Uganda. The tracer services as well as procedural and legal guidance afforded to offenders improves access to justice for the poor.

"Because the state is not playing its role, we welcome the paralegals. This is indeed aimed at bridging the gap left by the state which only provides for the accused who commit capital offences while those on petty crimes are left out despite being the majority with dire need for a similar service" Chief Justice Benjamin Odoki at the National launch of Phase Two of PAS).

PAS has significantly contributed to the decongestion of prisons and police stations. Between January - December 2008, the total number of suspects and inmates released through PAS interventions was 12,145 among them; 8,543 (bail or bond), 818 (mediation and diversion), 1,129 (community service), 43 (fines) 1,612 (dismissals, discontinuation) of cases, among others as illustrated in figure 7 below.



In all project sites the majority of releases were through Bail and/ Bond. And unlike in 2007, Kampala Project site performed extremely well on releases with a total of three thousand two hundred sixty seven (3,267) inmates, followed by Mbarara project site with a total of two thousand three hundred ninety four (2,394) inmates.



PROGRAM ACTIVITIES

In total, since its inception the number of releases secured by PAS has increased from 4,469 inmates in 2007 to 12,145 inmates in 2008 as illustrated in Fig.9 below. Over the TYP (2006 – 2008), PAS had managed to secure release of 19,558 inmates.

The triple increase in the number of releases from 4468 in 2006/7 to 12,145 in 2008 is partially attributed to the increased number of magisterial areas from six to eight districts. In 2008, PAS extended its services to Jinja and Lira districts mainly because they had the most congested prisons by 2007.

A partnership has emerged between criminal justice agencies and paralegals on account of mutual appreciation of services rendered in the administration of justice. Paralegals in Kampala, Fort Portal, Arua and Mbale have been recognized as critical stakeholders in the criminal justice system and are part of the chain- linked meetings. One paralegal in Mbale has been co-opted onto the inspection sub committee of the Chain Link Initiative while paralegals in Fort Portal participate in meetings with the resident judge and other stakeholders by providing background information and linking the accused with their relatives for purposes of standing surety.

Due to the recognition of this invaluable contribution to the administration of justice FHRI has been elected on the Criminal Justice Committee of the Justice, Law and Order Sector (JLOS).

Challenge

Society has a punitive attitude towards offenders and perceives imprisonment as an end in itself. In most cases complainants prefer incarceration to any other mode of punishment. Securing a buy in from the community remains a key challenge.

V. PLANNING, MONITORING AND EVALUATION

Objective

The PM&E seeks to develop a framework and system for the efficient planning, monitoring and evaluation of the FHRI program.

Implementation

The PME unit ensures that monitoring and evaluation functions are institutionalized through policy instruments, M & E tools, opinion surveys and a Management Information System.

Planned Activities

Three activities were planned in 2008; adoption of policy instruments, development of a Management Information System (MIS), and regular tracking of program activities.

Output

In 2008, three policy instruments were adopted: Planning, Monitoring and Evaluation Policy, Gender Policy and HIV/AIDS at the workplace policy. Participant questionnaires were administered and reviewed for all activities to track areas of improvement. The design of an MIS remained outstanding.

Impact

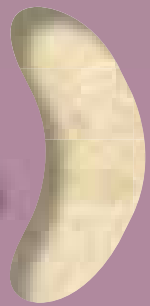
The adoption of the three policy instruments improves the framework for institutional growth. Regular tracking of program activities aids the identification of weaknesses and generates prospects for realignment for better results. Under the TYP (2006 –2008) seven policy instruments were adopted.

Challenge

The design of a Management Information System remains outstanding.

2.

FOCUS ON NORTHERN UGANDA



Objective

Under this program component, FHRI seeks to advocate for effective human rights protection of the people of Northern Uganda.

Implementation

FHRI monitors and exposes human rights breaches especially torture and mistreatment of Internally Displaced Persons (IDPs), the resettlement process, analyses conflict trends promotes human rights awareness and undertakes advocacy.

Planned Activities

Proposed activities in 2008 were: to monitor the human rights situation in Northern Uganda, advocate for a National Peace Policy and provide paralegal aid services for remand prisoners in Northern Uganda.

Output

In 2008, human rights monitoring in Northern Uganda continued. The Juba Peace Talks, prison conditions, IDP resettlement, reintegration of child abductees and humanitarian conditions in the districts of Lira, Apac and Gulu were routinely appraised. The findings thereof were documented in FHRI thematic human rights reports released during the year.

Under the Paralegal Advisory Services project (PAS), FHRI extended legal aid services to inmates in Lira Government Prison and Erute Prison bringing the project sites to four (4) in Northern Uganda in addition to Gulu Main Prison and Arua Main Prison. Between 2006 – 2008, a total of 3,656 inmates in prisons and police stations of Northern Uganda were released through PAS interventions.

FHRI conducted one (1) capacity building session for Lira Women's Peace Initiative (LIWEPI) from 31st March – 2nd April 2008 under the program: *'Strengthening the Human Rights Movement in Uganda through Capacity Building for Grass root Human Rights Associations'*. The session attended by twenty five (25) members and staff of LIWEPI focused on the concept of Human Rights, Human Rights monitoring, documentation and advocacy, building strategic partnership and organizational management development.

Impact

The consistent exposure of human rights violations in Northern Uganda has helped in checking conduct of security agencies in the region. The empowerment program for community associations in the region has also resulted in a cadre of people who can stand up for their rights and check State practices.

Ugandans in the Northern region have been able to point out shortcomings in the Northern Uganda recovery program largely due to the consciousness generated through the training. For example Lira Women's Peace Initiative has actively participated in Local Government processes and specifically made key contributions to the drafting of the bye- law on domestic violence in

FOCUS ON NORTHERN UGANDA



Lira district. The group members have also participated in general Local Council meetings at the sub- county level in Ogur and Aromo sub-counties and at village level in Awiny, Obin, Okwangole and Apala parishes.

Challenges

Although the Government of Uganda launched the Peace, Recovery and Development Program (PRDP) for Northern Uganda in 2007, the region is still faced with the persistent land wrangles, domestic violence among returning IDPs, the lack of reparation/compensation for victims affected by the Northern Uganda conflict and misconceptions about women and children's rights. Ensuring effective access to justice, accountability for abuses and attitudinal change is key to peace and stability in the region.



3

NETWORKING AND COLLABORATION



Objective

FHRI closely works with different actors in order to build a sound, viable and credible human rights movement in Uganda.

Implementation

FHRI collaborates with a wide range of institutions and groups pursuing a similar or related agenda at the local, national and international level through joint campaigns in coalitions and networks, internship and volunteer placements, participation and reports to regional and international treaty institutions like the African Commission on Human and Peoples' Rights, the African Union and the UN Committees.

Output

In 2008 FHRI maintained active membership in the International Federation for Human Rights Defenders (FIDH) and 2 local national networks that include: Human Rights Network - Uganda (HURINET-U) and Development Network of Indigenous Voluntary Associations (DENIVA).

FHRI sustained its partnerships and collaboration with key International Non Governmental Organizations that include: The Death Penalty Project Limited (UK), REDRESS Trust (UK), Human Rights Watch, Amnesty International, Common Wealth Human Rights Initiative (CHRI), the International Federation for Human Rights Defenders (FIDH), and Basic Needs – UK.

FHRI actively participated in activities and events organised at the local and international level on various issues through collaborations and coalitions that include the following :

- Coalition for Health Promotion and Social Development (HEPS-Uganda)
- Platform for Labour Action
- NGO Forum
- Uganda Governance Monitoring Platform
- Uganda Law Society
- African Centre for Torture Victims
- Penal Reform International
- Legal Aid Service Providers Network (LASPNET)
- Uganda Child Rights NGO Network (UCRNN)
- Uganda Land Alliance.

The joint activities and discussions revolved around key issues like police accountability; abolition of the death penalty; access to justice, free legal aid services delivery in Uganda, detention conditions, prohibition of torture; corruption; the NGO Registration Amendment Act, 2006; social security; the rights of the mentally disabled; the African Court on Human and Peoples' rights among others.

■ NETWORKING AND COLLABORATION

In 2008, FHRI participated in these events as well:

- Electoral Commission (EC) Consultative Meeting on Code of conduct for Political Parties, Imperial Royale Hotel, Kampala.
- UCICC Training Workshop on International Criminal Investigations, 22nd September 2008.
- National Legal Aid Open Week 18th - 22nd August 2008 organized by Uganda Law Society.
- Training Workshop on Human Rights for Junior Prisons Staff, 7th November 2008, Kampala.
- Meeting on the “Consideration of the Petition on Violence against Women” on 19th August 2008 organised by The Parliamentary Committee on Gender, Labour and Social Development.
- Workshop on “The Anti-corruption Bill, 2008” on 3rd September 2008 organised by Uganda Human Rights Commission, Kampala.
- Meeting on “The Children’s Act” held on 30th September 2008 organised by Uganda Child Rights NGO Network, Kampala.
- Workshop on the CSO shadow report on Uganda Government Implementation of CEDAW 2003-2007; 30th September 2008 organised by UWONET; Kampala.
- 5th Summer School on Human Development and Human Rights under the theme *Pluralism and Development*, organized by the University for Humanistic in the Netherlands in cooperation with the Centre for Study of Culture and Society; 12th August - 3rd September, 2008; Bangalore, India.
- Workshop on the Domestic Relations Bill: Administration of Muslim Personal Law & Domestic Violence Bill, 2008 by Uganda Law Reform Commission, Kampala.
- The National Stakeholders Workshop on Understanding the National Land Policy held on 23rd October 2008 organised by Uganda Land Alliance, Kampala.
- Conference on the role of Public Interest Litigation in Enforcing Economic, Social and Cultural Rights in Uganda; 28th -29th August 2008, Kampala.
- Options for Enhancing Access to Justice and Improving the Administration of Law and Order in Karamoja, organised by Danida/ HUGGO, 20th November 2008, Kampala.
- 9th International Conference of National Human Rights Institutions, organized by Kenya National Human Rights Commission on Human Rights, OHCHR, SIDA and ICC under the theme: *Improving Access to Justice for Vulnerable Groups: Towards a Strategic Partnership between NGOs and NHRI*, 21st – 24th October 2008, Nairobi, Kenya.
- Training workshop for Grantee Partners on the EU/EDF Guidelines and Procedures under the 9th EDF; 11th – 12th November; Kampala.



Participants at the UN Torture Day dialogue, Imperial Royale, Kampala, 26th June 2008

- Study Tour to Namibia by National Alliance for Volunteer Efforts in Uganda (NAVE- Uganda) to study the achievements attained after realizing the National Policy for Volunteer efforts; the prospects and opportunities of volunteering. 28th September – 5th October 2008.
-
- Visit to South Africa to understudy South Africa's systems of Legal Aid Service Provision to inform the development of a National Policy and Legal Framework on Legal Aid; 5th – 11th October 2008; South Africa.

Impact

Working with other organizations in the defense of human rights is a strategic priority. Through networks and joint advocacy FHRI has developed strong relationships with collaborating partners, including government departments and ministries, international organizations, the donor community, and the private sector. These linkages have been critical to FHRI's advocacy work.

Challenge

The growing profile of FHRI has resulted into innumerable demands on its human, technical and financial resources. Establishing priorities against competing interests is a key institutional constraint.



FHRI participated in the legal Aid Week.

■ NETWORKING AND COLLABORATION

This Component focuses on;

- *Staff Training and Development*
- *Policy Development*
- *Office Administration*
- *Investments*
- *Staffing*
- *Donor Review Meeting*
- *Governing Bodies*
- *Public Relations.*

I. Staff Training and Development:

Acquisition of knowledge, skills and change of attitudes enhances the performance of FHRI staff in the execution of program tasks. In 2008, FHRI staff watched a video titled “SASA: Women, Violence and HIV and AIDS” that addressed issues on domestic violence and HIV / AIDS.

The Projects Assistant attended the 5th Summer School on Human development and Human Rights, organized by the University for Humanistic in the Netherlands in cooperation with the Centre for study of Culture and Society in Bangalore, India, 12th August- 3rd September , 2008.

A Study tour to understudy South Africa’s Legal Aid scheme for possible replication in Uganda was organized by PAS from 5th-11th October 2008 and the delegation comprised of the PAS Coordinator, Manager and Legal officer among others.

II. Policy Development:

With a sound policy framework, an enabling environment for institutional growth and development is nurtured. In 2008, the HIV and AIDS at the Workplace Policy, Planning, Monitoring and Evaluation Policy and Gender Policy were adopted.

III. Office Administration:

On a regular basis, FHRI paid its utility bills and met all the associated costs of staff welfare. The rising cost of utilities including fuel, water, electricity, telephone posed a major operational challenge.



Some of the FHRI staff in a training session.



FHRI staff attend a Fire Extinguisher demonstration.



Project Assistant Ms Bernadette Katongole(3rd right) with students who attended the summer school in Bangalore, India



An independent and external audit of the 2007 Financial Accounts was commissioned and ably executed. Both the Annual and Audit Reports , 2007 were discussed and adopted at the General Meeting held on 2nd August 2008.

IV. Investments:

In July 2008 the outstanding mortgage on the Human Rights House was liquidated, thanks to the financial support of SIDA.

Office acquisitions in 2008 include: 1 Motor Vehicle, 2 Laptops, 1 desktop computer, 1 photo-copier, 1 cooker, and 1 vacuum cleaner.

Within its disposal of Assets Policy, FHRI donated used computers and furniture to grass root partner organizations namely;

International Paralegals for Advisory Advocacy and Social Support (IPAASS),

Action for Human Rights & Civic Awareness (AHURICA)and

Women's Initiative Development & Paralegal Activities Association (WIDPAA).

4 STAFF AND ORGANISATION





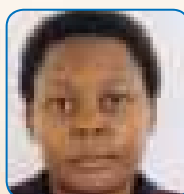
The FHRI secretariat staff comprises of professional and support staff.
The staffing stood as follows:



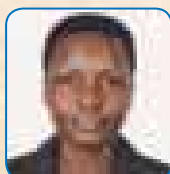
Mr. Livingstone
Sewanyana
Executive Director



Sheila Muwanga
*Deputy Director -
Programmes*



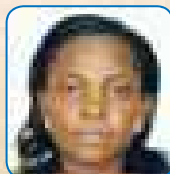
Elizabeth Nantamu
*Deputy Director -
Administration*



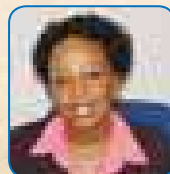
Elinor Chemonges
*Paralegal Advisory
Services Coordinator*



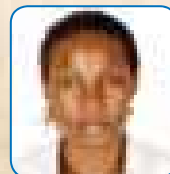
Carol Adoch
Kashanku
*Rights Monitoring and
Policy Advocacy Manager*



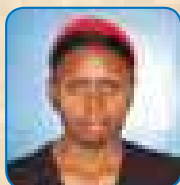
Rose Kamuli
Mwesigwa
Finance Manager



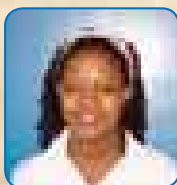
Juliana Namatovu
*Planning, Monitoring and
Evaluation Manager*



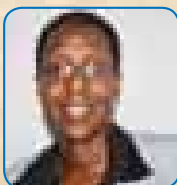
Alice Nassaka
Lakwonyero
*Education and Training
Manager*



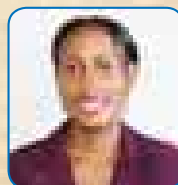
Esther Nankya
Bagoole
*Resource Centre
Manager*



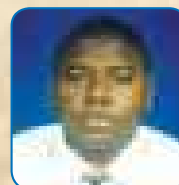
Doreen Namyalo
Kyazze
*Desk Officer, Right to Life
Project*



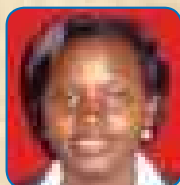
Wendy Kasujja
*Public Relations Officer/
Publications Editor*



Bernadette Katongole
*Project Assistant
(Programs)*



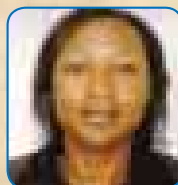
Vincent Babalanda
Research Officer



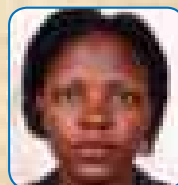
Juliet Nakyanzi
*Desk Officer, Repara-
tion of Torture Survivors
Project*



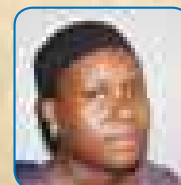
Rosette Arinaitwe
Baroraho
Legal Officer



Cynthia Angela
Mukasa
Legal Officer



Sophie Dhatemwa
*Paralegal Advisory
Services, Legal Officer*



Haawa Birungi Nyenje
Education and Training Officer

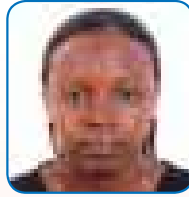
STAFF AND ORGANISATION



Shamim Ddembe
Resource Centre Assistant



Flavia Kasozi
Education and
Training Unit



Emily Ikiriza
Nuwagaba
Executive Officer



Harriet Bwayiga
Project-Assistant
(Administration)



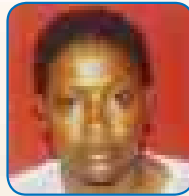
Patrick Lugunga
Accounts Officer



Milly Nakakande
Administrative Assistant



Sebaana Segulanyi
Stephen
Senior Office Assistant



Elizabeth Nakato
Receptionist



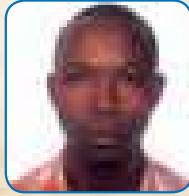
Allan Semalulu
Senior Driver



Moses Kyazze
Driver



Hannington Musisi
Paralegal Advisory
Services, Driver



Mathew Sekitto
Logistics Assistant



Olivia Kigozi
Welfare Assistant

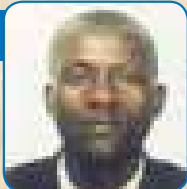


Richard Okeya
Security Guard/
Gardener

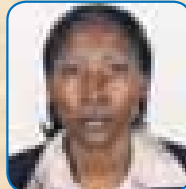


Ali Nsubuga
Gardener

Volunteers



Daniel Ntambi
Resource Centre



Lydia Namazzi
Access to Justice Unit



Evelyn Namukasa
Reparation of Torture
Survivors Project



Daniel Bakayana
Education and Training Unit

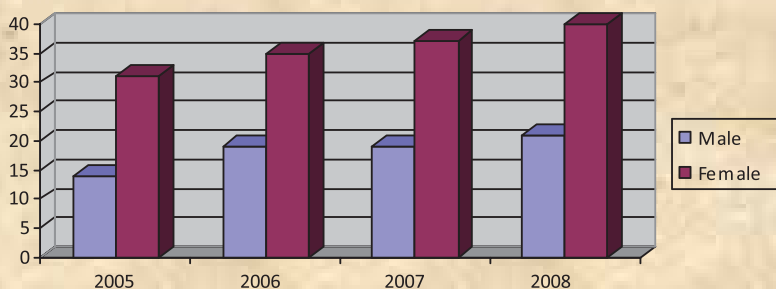


Patricia Lumala
Administration

Interns

Dareen Khattab	Kroc Institute, Notre Dame University, USA	Stanley Lyazzi	Kyanbogo University, Uganda
Jessie Munton	Centre for Capital Punishment, UK	Taylor Tashana	University of Denver, USA
Greg Brazeal	Harvard Law School, USA	Atim Mariam Otti	Washburn University, USA
Kitaka N. Damaris	Law Development Centre, Uganda	Meghan Wilson	Osgoode Hall Law School, Canada
James Nkumbi	Law Development Centre, Uganda	Isabella Mukankusi	London Metropolitan University, UK
Bamanya Christopher	Law Development Centre, Uganda	Katuura Sharon	Makerere University, Uganda
Victoria Mukuwa	Uganda Christian University, Uganda	Robinah Namugenyi	Makerere University, Uganda
Rev. Buwembo Godfrey	Uganda Christian University, Uganda	Luwaya George	Makerere University, Uganda
Peace Cathy	Uganda Christian University, Uganda	James Mulindwa	Dar-es-Salaam University, Tanzania
Priscilla Namubiru	Uganda Christian University, Uganda	Anne Karimi Njeru	Busoga University, Uganda
Amina Samanya	Kyambogo University, Uganda	Dumsani Dlamini	Human Rights & Peace Centre, MUK, Uganda.

FHRI is an equal opportunity employer. With a staffing of 61 members including 17 Program staff, 13 Administrative staff, 9 Volunteers and 22 Interns, 66% of the staff were female while 34% male in 2008. In 2008 4 staff meetings were held to plan and review activities. On 19th December 2008 a One-day Staff/Board retreat was held at the Human Rights House to review annual performance and to adopt Annual work plan 2009.



VI. Donor Review Meeting.

In 2008, FHRI and SIDA held an annual review meeting on 26th August 2008.

In attendance on behalf of the Embassy of Sweden/SIDA was the Counselor/Head of Development Cooperation and the National Program Officer. FHRI had representation from the Board and Secretariat staff. The discussions centered on activity review 2008, proposed Strategic Plan (2009-2011) and possible impact assessment mechanisms.

FHRI was commended for its excellent approach towards human rights work and urged to uphold the positive influence it has on Uganda's human rights record.



A review meeting with SIDA in progress.

VII. Governing Bodies:

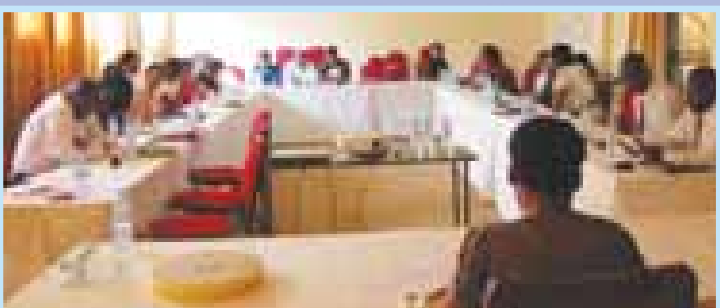
FHRI's organizational structure comprises of a General Assembly, Board of Trustees, Board of Directors and the Secretariat. The General Assembly comprises of FHRI members and it is the supreme decision making body of the Foundation for Human Rights Initiative.

FHRI holds Annual General Meetings (AGM) to adopt and approve Annual Reports and Audit Reports; and approve new strategic plans.

The Board of Directors oversees the development of FHRI policies, and provides strategic guidance



Cross-section of delegates to the AGM in 2008



Staff retreat at Green Valley Hotel, 6th March 2008

on the implementation of programs including recruitment of staff. The Board of Directors had 4 meetings in 2008 to approve budgets, accounts and appraise staff performance.

In 2008, FHRI held its 12th General Meeting on 2nd August 2008 at the Human Rights House, Nsambya. During the Annual General Meeting attended

by **49 members (32 men & 17 women)** the 2007 reports by the Chairperson of the Board of Directors, the Executive Director and the Treasurer together with the 2007 Audit Report were discussed and endorsed by members.

The Board of Directors for the period 2006 – 2009 stands as follows:



Ms. Barbara Katende
Chairperson
Lecturer, Department
of Political Science and
Public Administration,
Makerere University,
Kampala



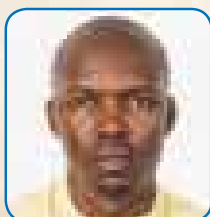
Mr. Wycliffe Birungi
Vice Chairperson
Advocate of the High
Court of Uganda.
Birungi & Co. Advocates.



**Her Worship Stella
Maris Amabilis**
Hon. Secretary
Magistrate Grade One,
Chief Magistrate's Court,
Nabweru, Kampala



**Mr. James Mayanja
Kizito**
Hon. Treasurer
Senior Monitoring Officer,
Uganda Coffee Develop-
ment Authority



**Mr. Patrick
Semwogerere**
Member
Consultant, Professional
Development Consultants
International (PDCI)



Dr. Yasin Olum
Member
Head of Department,
Social Science & Public
Administration, Makerere
University, Kampala.



**Mr. Livingstone
Sewanyana**
Executive Director
Executive Director, Foun-
dation for Human Rights
Initiative (FHRI).

TRUSTEES

Name	Affiliation
Mrs. Mary Ssewamuwe	Minnesota Health International
Ms. Sarah Mukiibi S.	Libra Consultants Ltd
Mr. Albert Mukundane	Kampala City Council
Ms. Allen Nakiboneka	Ministry of Gender, Labour and Social Affairs
Mr. Livingstone Sewanyana	Foundation for Human Rights Initiative (FHRI).

VIII. Public Relations:

Public Relations is an integral part of the 2006-2008 FHRI program, critical in promoting FHRI's corporate image. Through its informal and formal communication channels FHRI's Public Relations Strategy creates and reinforces close ties with different stakeholders to support FHRI programs, broaden public understanding of FHRI activities, increase public involvement in FHRI's activities, gauge public opinion about FHRI relevance, goals and impact of its activities and create regular interaction with related civil society actors and the media.

In 2008 69 articles covering FHRI activities and positions and views featured in the print media. Both the print and electronic media at national and transnational levels voiced findings and works of FHRI. Articles, press releases and features expressing on issues such as the *Kenyan elections*, *Zimbabwean elections*, market demonstrations, the International Criminal Court & Kony, Constitutional Court Ruling on Freedom of Association & Assembly, the Pre-Trial Petition judgment, the Death Penalty hearing, and the Arrest of Opposition Members of Parliament were common.

An open letter on freedom of expression and the plight of journalism under the restrictive legal regime in Uganda was written to the Minister of Information. An open letter was written to President Mwai Kibaki and Mr. Raila Odinga urging them to quickly resolve their differences so as to end the post election violence in Kenya.



Students from UK pose for a photograph with (Mr. Ndebesa lecturer at MUK (L) and Ms. Sheila Muwanga Deputy Director Programmes FHRI.(R) , Human Rights House, Nsambya



Students from Drake University in a lecture at FHRI, Human Rights House, Nsambya



Mr. Dave Peterson (L) and Mr. Eric Robinson (R) from NED listen to Mr. Livingstone Sewanyana, FHRI at the Human Rights House, Nsambya

In 2008 over 100 visitors ranging from FHRI development partners, the academia, professional bodies, civil society, activists to government officials at both local and international level were hosted at the Foundation for Human Rights Initiative. FHRI was applauded for its continued commitment to its noble cause and the invaluable contribution to Uganda's democratization process which has had a positive influence on Uganda's human rights record.

While celebrating its 10th Anniversary since its establishment, the Uganda Human Rights Commission gave FHRI an award to acknowledge FHRI's contribution to the protection and promotion of human rights in Uganda. The FHRI Executive Director was further recognised by the Faculty of Law at Uganda Christian University for the outstanding support to the Law Society and Legal Fraternity on 18th January 2008 while Nkumba University Law Society applauded FHRI's participation in its 3rd Annual Law Conference and Lawyers day that took place on 6th June 2008.



FINANCIAL OVERVIEW

Case: Stanger Birt & Co

Financial Statement

Item	Amount
Revenue	100,000,000
Cost of Sales	(40,000,000)
Gross Profit	60,000,000
Operating Expenses	(20,000,000)
Operating Profit	40,000,000
Interest Expense	(5,000,000)
Income Tax Expense	(10,000,000)
Net Profit	25,000,000

Operating Profit

Operating Profit is calculated as follows:

Notes

1. The company has a long history of providing high-quality products and services to its customers. It has a strong reputation for reliability and customer service.

Operating Profit is calculated as follows:

Operating Profit is calculated as follows: Revenue minus Cost of Sales minus Operating Expenses.

2. The company has a strong financial position and is well-positioned to continue its growth strategy.

3. The company has a strong commitment to environmental, social, and governance (ESG) issues.

4. The company has a strong commitment to community development and social responsibility.



Stanger Birt & Co

Financial Statement

FOUNDATIONS FOR HUMAN RIGHTS INITIATIVE (FHRI) A Company Company Limited, an exempted limited company

Balance Sheet as at 31 December 2008

	2008	2007	2006
ASSETS			
Non-current Assets			
Investment Properties	1,111,111	1,111,111	1,111,111
Investment in Subsidiaries	1,111,111	1,111,111	1,111,111
Investment in Joint Ventures	1,111,111	1,111,111	1,111,111
Investment in Associates	1,111,111	1,111,111	1,111,111
Investment in Other Entities	1,111,111	1,111,111	1,111,111
Investment in Other Assets	1,111,111	1,111,111	1,111,111
Current Assets			
Investment in Subsidiaries	1,111,111	1,111,111	1,111,111
Investment in Joint Ventures	1,111,111	1,111,111	1,111,111
Investment in Associates	1,111,111	1,111,111	1,111,111
Investment in Other Entities	1,111,111	1,111,111	1,111,111
Investment in Other Assets	1,111,111	1,111,111	1,111,111
LIABILITIES			
Current Liabilities			
Investment in Subsidiaries	1,111,111	1,111,111	1,111,111
Investment in Joint Ventures	1,111,111	1,111,111	1,111,111
Investment in Associates	1,111,111	1,111,111	1,111,111
Investment in Other Entities	1,111,111	1,111,111	1,111,111
Investment in Other Assets	1,111,111	1,111,111	1,111,111
LIABILITIES AND EQUITY			
Investment in Subsidiaries	1,111,111	1,111,111	1,111,111
Investment in Joint Ventures	1,111,111	1,111,111	1,111,111
Investment in Associates	1,111,111	1,111,111	1,111,111
Investment in Other Entities	1,111,111	1,111,111	1,111,111
Investment in Other Assets	1,111,111	1,111,111	1,111,111

FOUNDED IN 1998, THE FOUNDATION FOR HUMAN RIGHTS INITIATIVE (FHRI) IS A
NON-PROFIT ORGANIZATION DEDICATED TO PROMOTING AND PROTECTING HUMAN RIGHTS.



Keywords: *depression, self-esteem, self-efficacy, self-esteem, self-efficacy, self-esteem, self-efficacy*

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CONCLUSION

Uganda faces daunting challenges in the quest for democracy, respect for human rights and sustainable development. Democratic institutions are still weak. The culture of human rights has to be nurtured and civil society has to take its rightful place in influencing change.

Despite these challenges there has been a resolute attempt to educate, engage, lobby and advocate for genuine reforms. One such organization is FHRI that has in its 17 years of the struggle made a case that human rights cannot be sacrificed at the alter of political expedience. This effort needs to be sustained.

As we look to the future we wish to thank all our partners, membership, Board of Directors, staff and the Government of Uganda for any individual or collective support to this cause.

United we stand, divided we fall!

“TOGETHER WE CAN MAKE A DIFFERENCE”



ABOUT FHRI

What is FHRI?

The Foundation for Human Rights Initiative (FHRI) is an independent, non-governmental, non-partisan and not for profit human rights advocacy organisation.

Vision

A strong and democratic human rights culture as a foundation for peace, stability, democracy, social justice and sustainable development in Uganda.

Mission

To enhance knowledge, respect and observance of human rights, promote the exchange of information and best practices through training, education, research, advocacy and strategic partnerships.

Mandate

- a) To educate Ugandans about their fundamental human rights and to provide them with the tools to secure and defend these rights.
- b) To advocate for just and humane laws and practices that guarantee human rights respect and observance.
- c) To encourage the sharing of information and experience among human rights defenders and related agencies.

Organizational Objectives

- To promote citizen awareness of basic human rights and duties guaranteed in the Ugandan Constitution and regional human rights instruments.
- To undertake research, monitoring and documentation of human rights practices.
- To promote good governance, respect for the rule of law, democracy and legal protection of human rights.
- To promote best practices in the administration of justice in Uganda.
- To enhance the capacity of democratic structures with knowledge on legal rights, procedures, remedies and civic obligations.
- To upgrade the Resource Centre into a Communication and Information Centre.
- To promote solidarity and partnership building with and among similar institutions, government, communities and individuals on a national, regional and international level.
- To promote access to justice through public interest and legal aid service delivery.
- To build a strong and sustainable human rights organization.

Legal Status

The organization is legally registered, as a Non-governmental human rights organization under the Non-Governmental Organizations Registration Statute 1989. It is a charitable, not-for profit organization. It is duly incorporated under the Companies Act, Cap.110 as a body corporate.

2006–2008 PROGRAMMES:

- Rights Monitoring and Policy Advocacy: Aims at documenting human rights practices in order to promote dialogue and respect for human rights and democratic development in Uganda.
- Access to Justice: Aims at promoting justice for the poor and vulnerable groups, share best practices in the administration of justice and make effective use of the law to enhance human rights advocacy.
- Education and Training: Promotes citizen awareness of human rights values and obligations and builds capacity of grassroots associations to undertake human rights advocacy.
- Radio Program: Promotes dialogue and exchange of views on both human rights policy and practice.
- Focus on Northern Uganda: Aims at continued monitoring and exposure of human rights breaches especially torture of Internally Displaced Peoples (IDP) and refugees as well as advocacy for the implementation of the National IDP Policy.
- Paralegal Advisory Services (PAS): Seeks to improve understanding of principles and procedures of the formal criminal justice system by both users and criminal justice agencies.
- Election Monitoring: (UNELAMP 2006): The program monitors the electoral process in Uganda to ensure that it is free and fair, free from violence, intimidation and corruption.
- Democracy Resource Centre: Is a reference and research facility on human rights and democracy related topics.
- Reparation of Torture Survivors Project: Aims at ensuring remedies and reparation for survivors of torture and cruel, inhuman and degrading treatment and punishment.
- Right to Life: Seeks to bring about the abolition of the death penalty in Uganda.
- Internship program: Provides opportunity to students and emerging human rights defenders to understudy FHRI programs in a climate that encourages research, exchange, fellowship and apprenticeship.

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