

# Okuddamu okuzimba Civic Space Interventions mu Uganda

Amateeka, enkola  
n'ebiragi  
ebikugira Civic  
Space mu Uganda



COVIDWATCH  
AFRICA

## Okwanjula

Kkampuni ya African Youth Development Link (AYDL) ekola pulojekiti eyitibwa "Rebuilding Civic Space Intervention in Uganda" ng'ekolagana n'ekitongole kya Covid Watch Africa Initiative (CWAI) ne Forum for International Cooperation (FIC). Ekigendererwa kya pulojekiti eno kwe kwongera ku ddembe ly'abantu n'ebibiina by'obwannakyewa ery'okwogera n'okwetaba mu Uganda nga bawagira okwekenneenya amateeka, ebiragiro, n'enkola ezivuddemu ekifo ky'obwannakyewa ekifunda. Pulojekiti eno etandikiddwa mu nkola mu Uganda, n'emikwano mu disitulikiti ttaano, okuli Arua, Gulu, Soroti, Kasese, ne Kampala, nga banyigiriza okuddamu okutunula mu mateeka, ebiragiro, n'enkola eziviiriddeko ekifo ky'obwannakyewa okukendeera. Enkola ya pulojekiti eno ey'okubunyisa amawulire erimu okukola okunoonyereza okwesigamiziddwa ku bujulizi, okuleeta ebiteeso eby'okuddamu okwetegereza era we kiba kituufu, okusazaamu amateeka n'ebiragiro, n'okukola emikago egy'amaanyi n'emikwano egy'amaanyi n'abakwatibwako mu ggwanga.

Ekiwandiiiko kino ng'ekimu ku nteekateeka y'okubunyisa amawulire, kivvuunula mu lulimi lw'ekitundu amateeka, enkola, n'ebiragiro ebikosa obutereevu ku Civic space mu Uganda.



## Etteeka ly'ebibiina ebitali bya gavumenti, 2016

Nga 14th March 2016, etteeka ly'ebibiina ebitali bya gavumenti, 2016 (Etteeka ly'ebibiina by'obwannakyewa) yatandika okukola. Etteeka lino lidda mu kifo ky'Ebibina Ebitali bya Gavumenti. (Okuwandiisa) Etteeka Cap 113 (Etteeka ly'okuwandiisa ebibiina by'obwannakyewa). Ebbago ly'etteeka kati erifuuse...

Etteeka lyaleetebwa mu Palamenti mu April 2015. Ebibiina by'obwannakyewa yalooa okulaba ng'ebiragiro ebisinga okuleeta obuzibu mu bbago lino biggyibwewo. Mazima ddala, eky'akamalirizo.

Etteeka eryayisibwa mu November 2015 teririmu bukwakkulizo obusinga obukambwe. Wabula wakyalibo ebiragiro ebimu ebyeralikiriza mu tteeka ly'ebibiina by'obwannakyewa. Ebiragiro bino bye katundu 44(d) ne (f) akassa obuvunaanyizibwa obw'enjawulo ku bibiina obuteenyigira mu mirimu egikosa 'ebyokwerinda n'amateeka ga Uganda', n'eri 'ebigendererwa bya Uganda n'ekitiibwa kya Bannayuganda' era akawayiro 30(1)(a) akakiriza ekitongole ky'obwannakyewa Bureau okugaana okuwandiisa ekibiina ebigendererwa byakyo ebitwalibwa ng'ebimenya amateeka ga Uganda.

Etteeka ly'ebibiina ebitali bya gavumenti ("NGO") Act of 2016 lyadda mu kifo ky'etteeka ly'okuwandiisa ebibiina by'obwannakyewa Cap 113. Litwalibwa ng'entikko ya kampeyini empanvu ey'okwongera okulunganya n'okulondoola emirimu gy'ebibiina ebitali bya gavumenti, awamu n'a kampeyini ng'awakanya ekigendererwa ekyo. Etteeka lino ligoberera etteeka ly'ebibiina by'obwannakyewa erya 1989, eryakyusibwa mu 2006, n'ebiragiro ebikwata ku kuwandiisa abantu ebyateesebwako mu 2009, nga byombi byalondoola nnyo ebibiina by'obwannakyewa era ne biwa olukiiko lw'ebibiina by'obwannakyewa obuyinza obw'amaanyi. Oluvannyuma lw'ebiragiro ebyo okusoomoozebwa mu kkooti, etteeka lino eppya lyatondebwawo okuyita ku nsala ku mpaaba eyo. Etteeka erimaliriziddwa litunuulirwa ng'engeri y'okukugira ebibiina by'obwannakyewa.

Etteeka ly'ebibiina by'obwannakyewa erya 2016 liraga ebigendererwa byalyo, wabula, nga bino bye bino: (1) okuteekawo enkola y'okuddukanya emirimu n'okulunganya ebibiina mwe bisobola okutambuza emirimu gyabyo; (2) okutumbula n'okwetaaga ebibiina okukuuma omutindo ogw'awaggulu ogw'enfuga, obwerufu, n'obuvunaanyizibwa; (3) okutumbula omwoyo gw'okukolagana, okukolagana, n'obuvunaanyizibwa obw'okugabana wakati w'ekitongole ky'ebibiina, Minisitule, Gavumenti, n'abakwatibwako abalala; (4) okuwa enkulaakulana y'ebibiina eby'amaanyi n'okwanguyiza okutondebwawo n'okukola obulungi ebibiina olw'ekigendererwa eky'okuganyula abantu; ne (5) okutumbula n'okunyweza obusobozi bw'ekitongole ky'ebibiina ekiwangaala era ekisobola okutuusa obuweereza mu ngeri ey'ekikugu; (6) okutumbula enkulaakulana y'okwefuga mu bibiina; (7) okuwa embeera esobozesa ekitundu ky'ebibiina; (8) okunyweza obusobozi bwa Bureau; ne (9) okutumbula n'okukulaakulanya obuwangwa bw'obwannakyewa obw'obwannakyewa, obutaliimu kyekubiira, era obukwatagana n'ebyetaaga n'ebiruubirirwa by'abantu ba Uganda.

Ennyiriri 7, 44 ne 45 ez'etteeka ly'ebibiina by'obwannakyewa zikontana n'ebigendererwa by'eggwanga n'ebiragiro by'enkola y'eggwanga ii (vi) n'ennyingo 23, 38 eza Ssemateeka. E.g.-Akawaayiro 7 kalaga obuyinza bwa Bureau okuyita, okukangavvula, n'okubonereza abazannyi b'ebibiina by'obwannakyewa nga tekitegeezezza nti emisango gikontana n'ennyingo 23 eya Ssemateeka egamba nti emisango gyonna girina okuwandiikibwa n'ebibonerezo byabwe. Okujjako omusango gwokka ogw'okunyooma Kkooti.

Ng'oggyeeko ebiragiro ebyo waggulu okubeera n'ebigendererwa ebibi ennyo ku mulimu gwa... ebibiina by'obwannakyewa, nabyo bimenya ssemateeka. Kino kiri bwe kityo kubanga bamenya amateeka eddembe ly'okwegatta.

Ebiragiro byonna ebijuliziddwa birina ekikolwa eky'okusaanyawo eddembe ly'okwegatta. Eddembe ly'eddembe ly'okwegatta likuumibwa wansi w'ennyingo 29(1)(e) ey'... Ssemateeka wa Uganda. Mu nsonga z'ebirimu (normative content), eddembe ly'oku... eddembe ly'okwegatta likwata ku kutondawo n'okwegatta kw'ebibiina by'omuntu yenna ebigendererwa- eby'endowooza, eby'eddiini, eby'obufuzi.

Okusinzira, okukebera ebibinja kuziyiza okukwatagana, n'amadaala g'okukebera n'ebikwatagana ku abantu mu kitongole n'emirimu gyebakola yo.

Eteeka liwa Minista w'ensonga z'egwanga amanyi n'obuyinza bungyi. Esuula 55(1) egamba, "Minista ayinza okukyusa eteeka lino bwaba amaze okwebuza ku ntekateka y'ebyensimbi. Kino, kiwa Minista ebanga okumanya ebyenkola ebinawa eteeka obulamba era nga teririko nsonga zona okujjako, okwebuza ku 'abakulu' ekitayogedwako.



## Etteeka erifuga embeera z'abantu (POMA), 2012

Etteeka lino litegekeddwa okulunganya enkung'aana z'abantu era okuva lwe lyatandika okukola libadde nsonga ya kuwakana. Okunenya POMA kuva mu bizibu by'ereeta ku ddembe ly'okukunjaana mu mirembe, eddembe ly'okwegatta n'okwekalakaasa (Arinda, 2018:3) era ebivaamu bijja kwongera okwekenneenyezebwa mu kwekenneenya (5.2.1.).

Etteeka eriyitibwa Public Order Management Act - POMA eryatandika okukola mu 2013, lyakyusa enkola y'amateeka eri ebibiina by'obwannakyewa mu Uganda. Etteeka lino erigendereddwamu okufuga enkiiko z'olukale, libadde lireeta obutakkaanya okuva lwe lyatandikibwawo. POMA ebadde evumirira olw'okulemesa eddembe ly'okukunjaana, okwegatta, n'okwekalakaasa mu mirembe. Akawayiro 8 aka POMA kalina obuzibu kubanga kawa omuduumizi wa poliisi obuyinza obw'enjawulo okuziyiza oba okuwera enkiiko z'olukale n'okwekalakaasa.

Singa wabaawo olukiiko n'abantu abasukka mu basatu, ebibiina by'obwannakyewa birina okutegeeza ab'obuyinza. Ebikolwa bingi ebikolebwa ebibiina by'obwannakyewa bisobola okuteekebwa mu kibinja kya "olukiiko lw'olukale" wansi wa POMA, ne kireetawo embeera ebibiina by'obwannakyewa mwe bitasobola kukola oba okubuuza ebibuuzo mu ngeri ey'ekigendererwa awatali kutya kwesasuzwa oba kubonerezebwa.

Okugatta ku ekyo, etteeka liwa obuyinza okukozesa amaanyi okusaasaanya enkiiko nga tewali magezi gamala okukozesa enkola endala okuddukanya ensonga z'enteekateeka y'olukale (ARTICLE 19, n.d.). Ng'eri wamu n'etteeka ly'ebibiina by'obwannakyewa erya 2016, POMA ekoze kinene nnyo mu kufunza ebifo by'obwannakyewa n'okuziyiza ebibiina by'obwannakyewa mu kaweeefube w'okukubaganya ebirowoozo ku kubunyisa amawulire, eddembe ly'obuntu, n'enfuga.

Akawayiro 8 aka POMA kalina obuzibu kubanga kawadde omuduumizi wa poliisi obuyinza obw'enjawulo okuyimiriza oba okulemesa enkung'aana z'abantu mu ngeri ey'ekimpatira n'okulwanyisa okwekalakaasa. Okutegeezebwa ebibiina by'obwannakyewa kyetaagisa singa wabaawo olukiiko olutuula n'abantu abasoba mu basatu. Emirimu mingi egikolebwa ebibiina by'obwannakyewa giyinda okutwalibwa nga 'olukiiko lw'olukale' wansi wa POMA era kino kireeseewo embeera ebibiina by'obwannakyewa gye bitasobodde kukola oba okubuuza ebibuuzo mu ngeri ey'ekigendererwa awatali kutya kwesasuzwa oba okuvunaanibwa. (Mbazira & Namatovu, 2018:88). Ekirala, ekiragiro

Ebitundu 3, 5, 6 ne 8 eby'etteeka erifuga entegeka z'abantu bikontana n'ennyingo 29, 43, 212, 214 eza Ssemateeka n'ennyingo 21 ey'endagaano y'ensi yonna ku ddembe ly'obuntu n'ebyobufuzi (ICCPR) nga bwe kiri wansi: e.g. Ekitundu 3 – Obuyinza eri IGP okulunganya enkiiko z'olukale butera nnyo okutaputibwa obubi nga buzingiramu obuyinza okukkiriza oba okugaana enkiiko z'olukale.

Akawayiro kano katera okukozesebwa obubi era kakontana n'ennyingo 29, 43 ne 212 eza Ssemateeka.

Okuteesa okusooka: Akatundu 3 ak'etteeka erifuga enkola y'emirimu mu ggwanga (POMA) kisaana okukyusibwamu okulaga obulungi nti obuyinza okulungamya entambula y'enkiiko tebuzingiramu buyinza kukkiriza oba kugaana nkiiko. Omulimu gwa Poliisi gulina kukoma ku kuwa bukuumi mu nkiiko z'olukale nga zikwatagana n'emirimu gya Poliisi nga bwe giri mu nnyingo 212 eya Ssemateeka.

## Enterekero z'abanamawulire, Cap 105

Ekitundu ekivunula tekikyogera ku munamawulire era nga tekiraga nkola ye. Kiyina okukyusibwa okuvunula munamawulire kyali.

Esuula ewa omubiri eri okusobola ebitongole ebiwandika. Kiwa olukisa eri banamawulire, nga mwemuli ebintu eri ani asbola okuba omunamawulire, okuwandiisa abawandiisi, eri abayombera ebitatambula bulungi, ekitunu ewawabira ebitatambula bulungi. Ensonga ya draft Bill yandibade okuteka munkola entekateka y'okukola mpapura z'amawulire. Kisobola okukyusa entegeragana ya Media Council n'ee Disciplinary Commintte, era wagendewo ebikora ebipya eri amawulire, agagenda okusomebwa eri eby'okwelinda mu gwanga. Eteeka lino liyina amateeka eri emirembe okwogera. Entegeka etereddawo, nga, Council ne'kiti ky'empisa, obutaba nokwefuga okuva mu gavumenti. Okuwa banamawulire. Okuwa banamawulire obuyinza okukola emirimu gyabwe, era nokumanya ani asobola okukola amawulire eri embuga z'ensi yiona kiwa emirembe eri okweyogerako. Entegeka z'okukunganya ebiyombedwako. Entegeka ekungaanya obutali busanyuu eremedwa okukuma entrekero z'ensi yona, mungeri nyinji, nga ebyo ebiri mu era nga tebikiriziddwa.

Ebizibu bino byongerera okusajjuka olw'ebbago lino.

Ebbago ly'etteeka erigenderera okuwa empapula z'amawulire layisinsi, mu ngeri etegeerekeka obulungi eddembe ly'okwogera, n'okussaawo obukwakkulizo obusukkiridde obutategeerekeka era obugazi ku biri mu biyinza okubaawo ebifulumiziddwa.

Mu kiseera kye kimu, etteeka n'ebbago ly'etteeka lino lirimu ebiragiro bitono nnyo ebiwagira eddembe ly'... okwolesebwa oba okukulaakulanya ekitongole ky'amawulire eky'enjawulo, eky'eddembe era eky'ekikugu. Ekitundu 2 kikola okulangirira eddembe ly'okufulumya olupapula lw'amawulire, wadde nga kino kintu ekirina okutwalibwa mu demokulasiya. Wabula ebbago ly'etteeka lino lyandissaawo okuwandiisa okunyigiriza era... enkola ya layisinsi z'empapula z'amawulire, eyanditutte ddala ekiwandika kino ekya... omusingi. Akawaayiro akalala akalungi ke kawaayiro 38, akakuuma bannamawulire obutabeera... beetaagibwa okulaga ensibuko zaabwe ez'ekyama ez'amawulire, okuggyako ekiragiro kya kkooti. Kiyinza okuba nga bwe kiri yategeezezza nti mu nsi nnyingi, obukwakkulizo buteekebwa ku buyinza bwa kkooti okulagira ensibuko okubikkula.

Akatundu 26 kalaga okuwandiisa bannamawulire. Kino kityoboola bannamawulire ba bannansi n'eddembe ly'emikutu gy'amawulire okunoonya, okufuna n'okubunyisa amawulire. Kino kikontana n'ennyingo 29 (1) eya Ssemateeka, ennyingo 19 – UDHR n'ennyingo 19 eya ICCPR egamba nti “Buli muntu alina eddembe ly'okulowooza n'okwogera; eddembe lino lirimu eddembe ly'okukwata endowooza awatali kutaataaganyizibwa n'okunoonya, okufuna, n'okubunyisa amawulire n'ebirowooza nga bayita mu mikutu gyonna era awatali kufaayo ku nsalo”. Okusobola okufuula eddembe ly'okwogera okuba ery'amazima, wateekwa okubaawo:

(i) Embeera y'amateeka n'okulunganya esobozesa ekitongole ky'amawulire ekiggule era eky'abantu abangi okuvaayo

(ii) Ekiraamo ky'ebyobufuzi okuwagira ekitongole kino n'enfuga y'amateeka okukikuuma

(iii) Amateeka agakakasa okufuna amawulire naddala amawulire agali mu lujjudde ne

(iv) Obukugu obwetaagisa mu kumanya emikutu gy'amawulire mu bakozesa amawulire okwekenneenya obulungi n'okugatta amawulire ge bafuna okugakozesa mu bulamu bwabwe obwa bulijjo n'okuvunaana emikutu gy'amawulire olw'ebikolwa byagwo

Okusobola okufuula eddembe ly'okwogera okuba ekituufu, wateekwa okubaawo: embeera y'amateeka n'okulunganya esobozesa ekitongole ky'amawulire ekiggule era eky'abantu abangi okuvaayo; ekiraamo ky'ebyobufuzi okuwagira ekitongole kino n'enfuga y'amateeka okukikuuma; amateeka agakakasa okufuna amawulire naddala amawulire agali mu lujjudde n'obukugu obwetaagisa mu kusoma n'okuwandiika emikutu gy'amawulire mu bakozesa amawulire okwekenneenya ennyo n'okugatta amawulire ge bafuna okugakozesa mu bulamu bwabwe obwa bulijjo n'okuvunaana emikutu gy'amawulire olw'ebikolwa byabwe.



## Eteeka lya Police, Cap 303

Eteeka lya Police ly'eteeka eriwa obugumu, okuyimirira eri ebitongole n'emiti gyona egikwatagana ku Police, engeri y'okwekwatamu nga owa Police, entegeka y'okubera obulungi, tender ya Police neebirara ebikwatagana ku Police.

Esuula 23 – okusiiba nga tekuli kuwoza – Omu Polisi ayinza okuwa omuntu obudde okuwoza oba obutawoza oyo omuntu wabeera nga ayina ensonga entuffu okwewozako oba nedda. Esuula eno ewa Polisi amanyi n'obuyinza bungyi okusiba abantu abalabikanga abali okumpi okuza omusango oguvuganya amateeka mu suula 23 ku bukuumi n'enzikiriza z'omuntu. Kino kiziyiza obukumi eri abantu b'egwanga. Kino tekiri mu mateeka, era nga kisoboka okuvumibwa mu koti ya appeal wansi wa project no. Esuula 24(1) (d) (e) – okwewala okusibibwa nga toza musango eri entrekero zitadibwawo eri buli kinomu mu gwanga; okuva mu kukola. Ekitundu ku teeka lino mu suula 23 kisobola okukyusibwa.