

THE HUMAN RIGHTS DEFENDER'S PROTECTION BILL, 2022

MEMORANDUM

1. Policy and principles of the Bill

The Policy of the Bill is to provide a framework for the recognition and protection of the work and activities of Human rights defenders in order to guarantee a safe and enabling environment for human rights defenders to freely operate.

2. Defects with current legislation

Chapter Four of the 1995 constitution of the Republic of Uganda provides a Bill of rights which guarantees various rights and freedoms for persons in Uganda, including recognising the existence and work of Human Rights Defenders under article 50 (2) of the Constitution and empowering them to bring action against the violation of human rights and freedoms.

Objective V (ii) of the National Objectives and Directive Principles of State Policy further recognizes the existence and work of human rights defenders and enjoins the state to guarantee and respect the independence of non-governmental organisations which protect and promote human rights. Article 38 (2) further buttress the work of human rights defenders by guaranteeing the civic rights of Ugandans, including their participation in peaceful activities to influence the policies of Government through civic organisations.

The recognition and existence of human rights defenders under the Constitution of the Republic of Uganda is a realization that the promotion and protection of human rights is a shared responsibility between the state and non-state actors in form of human rights

defenders who increasingly play an important role in keeping the State and other non-state actors in check and ensuring that the State and the non-state actors not only protect, but also promote human rights and fundamental freedoms of the people of Uganda.

In doing so, the individuals, or the association of individuals who qualify as human rights defenders have been increasingly victimized by those perpetrating violations of rights and freedoms guaranteed under the Constitution and are often the target of coercive measures by state and non-state actors through misinformation, fabricated criminal charges, forced disappearance, imprisonment, torture, intrusion, intimidation and unlawful restricts from the state and state organs and are not recognised a critical body of persons in the field of human rights protection to warrant special legal protection themselves.

The Bill therefore seeks to recognize, promote and enhance the protection of the work and activities of human rights defenders through—

- (a) imposing specific obligations on the Government to recognise, protect and promote the work and activities of human rights defenders in order to guarantee a safe and enabling environment for human rights defenders to freely operate;
- (b) prescribing the functions of human rights defenders beyond merely bringing action against the violation of another person's or group's human rights and freedoms but being actively engaged in the recognition, promotion and protection of human rights and freedoms of other;
- (c) the criminalisation of acts and omissions that not only hinder the safe and free operation of human rights defenders but

also unreasonably restrict the enjoyment of their rights and freedoms.

3. PROVISIONS OF THE BILL

The Bill has 31 clauses divided into six parts.

PART I—PRELIMINARY

This part has three clauses. Clause 1 incorporates the application of the Bill, clause 2 deals with application of chapter four of the Constitution to human rights defender and clause 3 defines the key words and phrases used in the Bill in the context in which they are used in the Bill;

PART II—OBLIGATIONS OF GOVERNMENT AND OTHER ORGANS OF STATE

This part incorporates clauses 4 to 12, dealing with obligation to protect human rights defenders, obligation to protect human rights defenders from intimidation and reprisals, obligation to protect human rights defenders from unlawful and arbitrary intrusion and interference, obligation to protect human rights defenders' communication and cooperation, obligation to recognise participation of human rights defender in the conduct of public affairs, obligation to take measures to facilitate the activities of human rights defenders, obligation to respect freedom of movement of human rights defenders, responsibilities of non-state actors and additional Obligations on Government.

PART III—WORK AND ACTIVITIES OF HUMAN RIGHTS DEFENDERS

This part incorporates clauses 13 to 16 dealing with functions of human rights defenders, limitation of functions of human rights defenders, funding of work and activities of human rights defenders and assistance to human rights defenders.

PART IV -ENFORCEMENT OF OBLIGATIONS

This part incorporates clauses 17 to 19 dealing with enforcement of obligations under this Act, general provisions on suits for enforcement of obligations and orders that may be made by court.

PART V- REGISTRATION OF HUMAN RIGHTS DEFENDERS

This part incorporates clauses 20 to 25 dealing with registration of human rights defenders, certificate of registration production of certificate of registration, revocation and suspension of registration of human rights defender, effect of registration of human rights defender and disapplication of part.

Part VI- Miscellaneous

This part incorporates clauses 26 to 32 dealing with offences, no immunity from prosecution, personal liability for failure to comply with obligations, report on the implementation of this Act, transitional provisions, regulations and amendment of schedules.

AOGON SILAS,

*Member of Parliament
Kumi Municipality.*

**THE HUMAN RIGHTS DEFENDER’S PROTECTION BILL,
2022**

ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

1. Application
2. Application of chapter four of the Constitution
3. Interpretation

**PART II—OBLIGATIONS OF GOVERNMENT AND
OTHER ORGANS OF STATE**

4. Obligation to protect human rights defenders
5. Obligation to protect human rights defenders from intimidation and reprisals
6. Obligation to protect human rights defenders from unlawful and arbitrary intrusion and interference
7. Obligation to protect human rights defenders’ communication and cooperation
8. Obligation to recognise participation of human rights defender in the conduct of public affairs
9. Obligation to take measures to facilitate the activities of human rights defenders

10. obligation to respect the freedom of movement of human rights defenders
11. Responsibility of non–state actors
12. Additional Obligations on Government

PART III—WORK AND ACTIVITIES OF HUMAN RIGHTS DEFENDERS

13. Function of human rights defenders

Clause

14. Limitation of powers of human rights defenders
15. Funding of work and activities of human rights defenders
16. Assistance to human rights defenders

PART IV— Enforcement of Obligations

17. Enforcement of obligations under this Act
18. General provisions on suits for enforcement of obligations
19. Orders that may be made by court

PART V —Registration of Human Rights Defenders

20. Registration of human rights defenders
21. Certificate of registration
22. Production of certificate of registration

23. Revocation and suspension of registration of a human rights defender
24. Effect of registration of human rights defender
25. disapplication of part

PART VI — MISCELLANEOUS

26. Offences
27. No immunity from prosecution
28. Personal liability for failure to comply with obligations
29. Report on the implementation of this Act
30. Transitional
31. Regulations
32. Amendment of Schedule

SCHEDULE: Currency Point

A Bill for an Act

ENTITLED

**THE HUMAN RIGHTS DEFENDER'S
PROTECTION ACT, 2022**

An Act to prescribe obligations of Government and non-state actors towards human rights defenders; to provide for powers of human rights defenders; to prescribe limitation on powers of human rights defenders; to provide for the registration of human rights defenders; to provide for assistance of human rights defenders; to provide for enforcement of obligations imposed on Government and non-state actors towards human rights defenders; to require the registration of human rights defenders by Uganda Human Rights Commission; to prescribe offences for violation of human rights defender; and for related matters.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Application

- (1)** Save for section 13 (3) which only applies to a registered human rights defender, this Act applies to all Human Rights Defenders in Uganda.
- (2)** This Act applies to a human rights defender in Uganda without discrimination based on gender, race, colour, tribe, language, religion or belief, political or other opinion, ethnic origin, birth, creed, religion, nationality, age, economic position, marital status or disability.

2. Application of chapter four of the Constitution

- (1) The rights and fundamental freedoms guaranteed under chapter four of the Constitution shall apply to human rights defenders who are natural persons.
- (2) For the avoidance of doubt, the Human Rights (Enforcement) Act, 2019 shall apply to the enforcement of rights and freedoms of human rights defenders.

3. Interpretation

In this Act, unless the context otherwise requires—

“associate of a human rights defender” includes a family member, a legal or other representative, an employer, an employee or a partner of a human rights defender;

“Commission” means the Uganda Human Rights Commission established under article 51 of the Constitution;

“competent court” means the High Court;

“computer” means an electronic, magnetic, optical, electrochemical or other data processing device or a group of interconnected or related devices, performing logical, arithmetic or storage functions; and includes any data storage facility or communications facility directly related to or operating in conjunction with such a device or group of such interconnected or related devices;

“currency point” has the value assigned in the schedule to this Act;

“cyber-attack” means any kind of malicious activity or attempt to

collect, disrupt, deny, degrade or destroy information held on a computer or any other information system;

“human rights defender” means an individual or an organisation which solely, or in association with others advocates for promotion, protection or realisation of another person or group’s human rights and fundamental freedoms guaranteed under the Constitution;

“intimidation or reprisal means any form of violence, threat, retaliation, discrimination, pressure or any other unlawful, arbitrary or abusive action or threat related to a person’s status, work or activity as a human rights defender, directed at—

- (a) the human rights defender;
- (b) an associate of a human rights defender;
- (c) a legal or other representative of the human rights defender;
- (d) a family member or relative of the human rights defender;
- (e) a group, association, organisation, community or network,

whether formal or informal, with which the human rights defender is associated or the home, property or possessions of the human rights defender;

“intrusion and interference” includes any form of cyber-attack or unlawful form of surveillance, interception of communication, digital or electronic interference, recording, search and seizure carried out against

a human rights defender or an associate of a human rights defender, in connection with the human right's defender's legitimate activity or work as a human rights defender;

“Minister” means the Minister responsible for Justice and Constitutional Affairs;

“registered human rights defender” means a human rights defender registered in accordance with section 20 of this Act;

“victimization” means the unfair or less favorable treatment of a human rights defender as a result of his or her work or activity as a human rights defender;

“work and activities of human rights defenders” means the work and activities of a human rights defender prescribed under section 11 of this Act.

PART II—OBLIGATIONS OF GOVERNMENT AND OTHER ORGANS OF STATE

4. Obligation to protect human rights defenders

(1) Government shall guarantee, uphold, encourage and respect the work and activities of a human rights defender.

(2) Government and all its organs and agencies shall ensure that—

(a) laws, policies and programs are consistent with the obligations of Government prescribed in this Act and any other law;

(b) security personnel are adequately trained to respect, protect and promote the rights and work of human rights defenders;

and

- (c) human rights defenders are able to undertake their activities and work in a safe and enabling environment, free from unlawful restrictions.

5. Obligation to protect human rights defenders from intimidation and reprisals

(1) Government shall protect and take measures for the protection of human rights defenders from acts of intimidation and reprisal.

(2) Without limiting the general effect of subsection (1), Government shall combat intimidation and reprisals aimed at human rights defenders by inquiring into the intimidation and reprisals and ensuring that perpetrators are prosecuted or dealt with under the law.

6. Obligation to protect human rights defenders from arbitrary and unlawful intrusion and interference

(1) Government shall protect and take measures for the protection of human rights defenders from arbitrary or unlawful intrusion and interference.

(2) A human rights defender may lawfully take measures to protect itself from unlawful and arbitrary intrusion or interference in its communication, home, places of work, possessions and correspondence through encryption of communication and other lawful means.

7. Obligation to protect human rights defender's communication and cooperation

(1) Government shall recognize, protect and encourage cooperation and communication between a human rights defender and a national, regional or international human rights body, including subsidiary bodies, treaty bodies, special procedures, special rapporteurs,

mechanisms or experts with a mandate relevant to the protection and enforcement of human rights and fundamental freedoms.

(2) Notwithstanding subsection (1), a human rights defender shall not—

(a) cooperate or communicate with—

(i) an individual, organisation or foreign government which is at war with the Republic of Uganda, has declared a state of war on the Republic of Uganda or which is engaged in waging war against the Republic of Uganda;; or

(ii) an organisation which has been declared by, statutory instrument, a terrorist organisation under the Anti-Terrorism Act, 2002;

(b) communicate information which the human rights defender knows or has reason to believe to be false, misleading or inaccurate.

8. Obligation to recognise participation of human rights defender in the conduct of public affairs

(1) Government shall recognize, protect and encourage the participation of human rights defenders in the conduct of public affairs.

(2) The participation in the conduct of public affairs by a human rights defender shall be in furtherance of the realization and protection of human rights and fundamental freedoms and may include—

- (a) the submission to any person, public authority, agency or organisation, proposals for improving its functioning with respect to the promotion and protection of human rights and fundamental freedoms;
- (b) recommending to any public authority proposals for legislative or regulatory improvements with respect to the protection and promotion of human rights and fundamental freedoms; and
- (c) drawing to the attention of any public authority—
 - (i) any aspect of its work that may hinder or impede the promotion, protection and realisation of human rights and fundamental freedoms; or
 - (ii) any action or omission by any actor, private or public, that may involve or contribute to the violation of human rights or fundamental freedoms.

9. Obligation to take measures to facilitate the activities of human rights defenders

(1) Government shall take all necessary measures to facilitate the work and activities of human rights defenders.

(2) Without limiting the general effect of subsection (1), all organs and agencies of Government shall—

- (a) permit and facilitate human rights defenders access information required in the exercise of their rights and freedoms; and
- (b) develop and implement policies and measures to promote, support and enhance the capacity of human rights defenders

to promote and protect human rights and fundamental freedoms.

10. Obligation to respect the freedom of movement of human rights defenders

(1) Government shall ensure that a human rights defender lawfully within the territorial jurisdiction of Uganda shall have the right to carry out his or her human rights activities in any part of Uganda.

(2) A human rights defender lawfully within the territorial jurisdiction of Uganda shall not be expelled from Uganda on account of his or her work or activities as a human rights defender.

(3) A person shall not be deprived of the right to enter or leave the territorial jurisdiction of Uganda on account of or in association with his or her status, activities or work as a human rights defender.

11. Responsibility of non-state actors

(1) The obligations imposed on the state shall with the necessary modifications apply to non-state actors.

(2) Every person in Uganda shall promote and to strive for the protection of the work and activities of human rights defenders.

(3) A person shall not participate, by act or omission, in hindering the work and activities of human rights defenders.

(4) Every person in Uganda shall ensure that human rights defenders are able to undertake their activities and work in a safe and enabling environment free from restriction.

12. Additional Obligations towards human rights defenders

(1) The obligations of Government and non-state actors

specifically mentioned in this Act shall not be regarded as excluding others not specifically mentioned.

(2) The obligations imposed on Government under this Act shall apply to all organs and agencies of Government.

PART III- WORK AND ACTIVITIES OF HUMAN
RIGHTS DEFENDERS

13. Functions of a human rights defenders

- (1) A human rights defender may bring an action against the violation of another person's or group's human rights and freedoms guaranteed under the Constitution.
- (2) A human rights defender may receive, evaluate and collect evidence in regard to a complaint of a violation of human rights and freedoms of a person's or group's rights and seek redress.
- (3) Without limiting the general effect of subsection (1), a human rights defender may lawfully—
 - (a) recommend to Government, its organs and agencies effective measures to promote human rights and freedoms guaranteed under the Constitution;
 - (b) visit a place of detention, whether gazetted or not, for the purpose of protecting the rights and freedoms of a person detained in the place of detention;
 - (c) offer and provide legal assistance or other relevant advice to any person;
 - (d) attend public hearings, proceedings and criminal trials;
 - (e) monitor and report on Government's compliance with

human rights and freedoms guaranteed under the Constitution;

- (f) monitor human rights compliance with national laws and other regional and international instruments;
- (g) make recommendations to Government on the appropriate measures to be taken to promote a safe and enabling environment for human rights defenders;
- (h) prepare and submit reports on the situation of human rights defenders in Uganda to Government and any other relevant government agency;
- (i) disseminate information to the public about human rights matters, including information relating to the violation and protection of human rights and freedoms;
- (j) seek, obtain, hold and use information including—
 - (i) information regarding how rights and freedoms are given effect in the legislative, judicial and administrative systems;
 - (ii) information that may be necessary for exercising or protecting or assisting in the exercise or protection of human rights or fundamental freedoms;
 - (iii) lawfully publishing, imparting or disseminating the information to any other person; and
 - (iv) studying, discussing, forming and holding opinions on the observance of human rights and fundamental freedoms and to draw public attention to those

matters;

- (k) bring action, both civil or criminal, for enforcement of rights and freedoms guaranteed under the Constitution; and
 - (l) exercise any other function necessary for the promotion and protection of human rights and fundamental freedoms.
- (4) A human rights defender shall—
- (a) carry out his or her work and activities lawfully;
 - (b) exercise his or her functions with due respect for the rights of others, public safety, ethics, morals and good conscience;
 - (c) promote and protect the fundamental rights and freedoms guaranteed under the Constitution without discrimination;
 - (d) promote the rule of law and constitutionalism in Uganda; and
 - (e) promote social justice.
- (5) The functions of a human rights defender –
- (a) specifically mentioned in this section shall not be regarded as excluding others not specifically mentioned;
 - (b) prescribed in subsection (3) only apply to a human right defender who is registered in accordance with this Act.

14. Limitation of functions of human rights defenders

(1) In the exercise of any functions granted under this Act, a human rights defender shall not—

- (a) participate, by act or omission, in the violation of human rights and fundamental freedoms of another person;
- (b) participate in or undermine democratic societies, institutions and processes;
- (c) disclose confidential information or sources of such confidential information;
- (d) engage in or encourage violence;
- (e) engage in or encourage any kind of intimidation;
- (f) encourage any unlawful means of advocating, protecting, promoting or encouraging the observance of human rights and fundamental freedoms;
- (g) encourage hatred, ethnic incitement, racial incitement, vilification of others or incitement to cause harm or any other unlawful conduct; or
- (h) circulate information knowing it to be false or misleading or encourage misinformation or disinformation.

(2) A human rights defender that does any of the acts prohibited in subsection (1) commits an offence and is liable to a fine not exceeding seventy two currency points or imprisonment for three years or to both fine and imprisonment.

15. Funding of work and activities of human rights defenders

(1) A human rights defender may solicit, receive and utilise financial resources or assistance from domestic and international sources for the purpose of promoting and advocating for the protection

and realisation of human rights and fundamental freedoms.

(2) Without limiting the general effect of subsection (1), the funds of a human rights defender consist of—

- (a) any grants, gifts, donations, loans or other endowments given to the human rights defender; or
- (b) such funds as may vest in or accrue to the human rights defender in the course of the exercise of its functions.

(3) Notwithstanding subsection (1), a human rights defender shall not solicit, receive or utilise funds or assistance—

- (a) from an individual, organisation or foreign government which is at war with the Republic of Uganda, has declared a state of war on the Republic of Uganda or which is engaged in waging war against the Republic of Uganda;
- (b) from an organisation which has been declared, by Statutory Instrument, a terrorist organisation under the Anti-Terrorism Act, 2002; or
- (c) in contravention of the Anti-Money Laundering Act 2013.

(4) Notwithstanding subsection (2), Government or a financial institution shall not, except with an order of court, freeze, confiscate, or seize funds or any other financial assistance belonging to a human rights defender.

(5) A human rights defender who solicits, receives or utilises funds or other assistance in contravention of subsection (2) (a) and (b) commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or imprisonment for a period not exceeding five years, or both.

(6) Where a human rights defender is convicted under subsection (5) court shall in addition to the penalty prescribed, forfeit the funds to the State and be barred from receiving funds or financial assistance for a period not exceeding five years.

(7) Nothing in this Act shall be interpreted as imposing an obligation on Government to fund the activities of a human rights defender.

16. Assistance to human rights defenders

(1) Wherever it appears to a person in authority or any other person that a human rights defender is in need of assistance, the person in authority or that other person may—

- (a) assess the needs or circumstances of the human rights defender;
- (b) provide assistance to the human rights defender or refer a human rights defender to appropriate organizations and institutions for assistance and support; or
- (c) take the human rights defender to a place of safety, if the human right defender is in danger.

(2) Subject to subsection (1), a person in authority shall provide reasonable protection to the human rights defender and prevent the human rights defender from being intimidated or becoming the object of reprisals by any person.

(3) A human rights defender shall be entitled to information on the nature of protection, assistance and support he or she is entitled to and the mechanisms of obtaining such assistance and support from any

organisation.

(4) The assistance referred to in this section may include providing a human rights defender with—

- (a) safe and appropriate housing or accommodation;
- (b) legal aid services;
- (c) counselling;
- (d) information regarding his or her legal rights;
- (e) medical care;
- (f) psychological assistance;
- (g) social services;
- (h) safety; or
- (i) any other assistance which the person in authority or any other person deems necessary.

(5) In this section, “person in authority” includes—

- (a) a member of the village local council,
- (b) a member of a local government council;
- (c) the Resident District Commissioner;
- (d) a social welfare officer,
- (e) a registered Non-Governmental Organisation;
- (f) an accredited legal aid service provider;
- (g) a police officer or a member of any other law enforcement agency established by an Act of Parliament.

PART IV—ENFORCEMENT OF OBLIGATIONS

17. Enforcement of obligations under this Act

- (1) A human rights defender who claims that any of the obligations imposed under this Act has been infringed, violated or is threatened may, without prejudice to any other action with respect to the same matter that is lawfully available, apply for redress to a competent court.
- (2) The proceedings under subsection (1) may be instituted by—

 - (a) a human rights defender;
 - (b) an associate of a human rights defender;
 - (c) person acting on behalf of a human rights defender, including-

 - (i) an association of human rights defenders acting in the interest of one or more of its members; or
 - (ii) a member of a group or association, in the interest of a another member or a group or association of human rights defenders; or
 - (d) a person acting in public interest.
- (3) A complaint made under this part may be made orally or in writing signed by the complainant, but if made orally, shall be reduced into writing by the competent court and when so reduced shall be signed by the complainant.
- (4) The Civil procedure Act Cap 71 and the rules made thereunder may, with the necessary modifications, apply to the enforcement of obligations under this Act.

18. General provisions on suits for enforcement of obligations

- (1) A suit for the enforcement obligations imposed under this Act

shall, where possible, be instituted in the court in whose jurisdiction the alleged violation took place.

- (2) Where a human rights defender or a person acting on behalf of a human rights defender is in doubt as to the person from whom he or she is entitled to obtain redress as a result of a violation of an obligation imposed under this Act, the human rights defender or a person acting on behalf of a human rights defender may join two or more persons in order for the question as to which person is liable for the violation of an obligation to be determined by the competent court.
- (3) The competent court may allow any person with expertise on a particular issue which is before court to appear as a friend of the court, either on application or on the request of the competent court.
- (4) For avoidance of doubt, statutory notice shall not be a requirement for suits under this Act.
- (5) No suit instituted under this Act shall be rejected or otherwise dismissed by the competent court merely for failure to comply with any procedure, form or on any technicality.

19. Orders that may be made by court

- (1) Where the competent court determines that an obligation imposed under this Act has been violated, unlawfully denied or should be enforced, the competent court shall issue orders it considers appropriate, including an order for compensation, restitution or rehabilitation.
- (2) Restitution, compensation, rehabilitation or any payment ordered by the competent court under this section shall be a civil debt owed to the victim of the violation.
- (3) Any order made under this Act shall be complied with, within six months from the date of determination, unless appealed against.

PART V—REGISTRATION OF HUMAN RIGHTS DEFENDERS

20. Register of human rights defenders

- (1) The Commission shall keep and maintain a register of human rights defenders.
- (2) A human rights defender shall, on application and upon payment of the prescribed fee, be entered on the register of human rights defenders.
- (3) The form of application referred to in subsection (2) shall be prescribed by the Minister, by regulations.
- (4) The register shall contain the following information-
 - (a) the name of the human rights defender;
 - (b) the registered office and address of the human rights defender;
 - (c) the names of the persons managing the affairs of the human rights defender, if incorporated; and
 - (d) any other information as may be prescribed by the Minister, by regulations.
- (5) The register may be accessed by the public upon payment of the prescribed fee.
- (6) A human rights defender entered on the register shall remain registered until-
 - (a) it's registration is cancelled; or
 - (b) human rights defender is voluntarily deregistered, wound up or dissolved, if the human rights defender is incorporated.
- (7) A human rights defender shall in writing, notify the Commission any changes in its registered information.

21. Certificate of registration

- (1) A human rights defender shall on being entered on the register of human rights defenders, be issued with a certificate of registration.

- (2) The certificate shall be valid for two years and may, upon payment of the prescribed fee, be renewed.
- (3) The certificate of registration shall authorize the human rights defender to exercise the functions of a human rights defender prescribed in section 13 (3).

22. Production of certificate of registration

- (1) A human rights defender shall, when required by a person in authority, produce a certificate of registration.
- (2) Notwithstanding subsection (1), a human rights defender shall, when visiting a place of detention, whether gazetted or not, have in his or her possession a certificate of registration.
- (3) For purposes of this section, a person in authority includes a police officer, immigration officer, a member of the Uganda prison service, a member of the Uganda of Uganda People's Defence Forces or a member of any other law enforcement agency established by an Act of Parliament.

23. Revocation and suspension of registration of a human rights defender

- (1) The registration of a human rights defender may be suspended or revoked by the Commission where-
 - (a) the human rights defender no longer meets the criteria for registration as a human rights defender;
 - (b) the operations of the human rights defender have been suspended; or
 - (c) the human rights defender is carrying its work or activities for an illegal purpose or in contravention of any provision of this Act;
- (2) The Commission shall before revoking or suspending the registration of a human rights defender inform the human rights defender of its intention and request the human rights defender to show cause why its registration should not be suspended.

- (3) A human rights defender shall, within seven days of receipt of the notice referred to in subsection (2), respond in writing to the Commission.
- (4) The Commission shall in deciding whether to revoke or suspend a human rights defender, consult any person or body as the Commission considers necessary.
- (5) The Commission shall, before revoking the registration of a human rights defender suspend its operation for a period not exceeding six months to enable the human rights defender remedy the cause of its suspension.
- (6) Where after the expiration of the period referred to in subsection (5), the human rights defender has not, to the satisfaction of the Commission, remedied the cause of suspension, the Commission shall revoke the registration of the human rights defender.
- (7) Where the registration of a human rights defender is suspended or revoked, the human rights defender shall cease operations.
- (8) A human rights defender which contravenes subsection (7) commits an offence and is liable to a fine not exceeding seventy two currency points or imprisonment for a period not exceeding three years or to both fine and imprisonment.
- (9) Where an offence referred to subsection (7) is committed by a human rights defender who is legal person, court may hold the director, employee, manager, officer or any other principle officer or natural person in authority in the human rights defender to be responsible for the actions of the human rights defender and hold such a person liable for the offence committed and punished as provided in this section.

24. Effect of registration of human rights defender

- (1) A Human rights defender shall not exercise any of the functions prescribed in section 13 (3) unless the human rights defender is registered by Uganda Human Rights Commission.

- (2) A human rights defender who carries out or purports to carry out the functions prescribed in section 13 (3) without a valid certificate commits an offence and is liable on conviction to imprisonment for a period not exceeding three years or to a fine not exceeding seventy two currency points or to both fine and imprisonment.
- (3) Where an offence referred to subsection (2) is committed by a an employee, manager, officer or any other principle officer or any other person in authority in the human rights defender, the employee, manager, officer or any other principle officer or such other person in authority in the human rights defender shall be responsible for the actions of the human rights defender and shall be liable for the offence committed and punished as provided in this section.

25. Disapplication of part

This part shall not apply to a human rights defender who belongs to a professional body established by an Act of Parliament.

Part VI—Miscellaneous

26. Offences

- (1) A person who does any act prescribed in subsection (2) commits an offence and is liable on conviction to a fine not exceeding one thousand hundred currency points or a term of imprisonment not exceeding ten years or both fine and imprisonment.
 - (2) The acts referred to in subsection (1) are where a person—
 - (a) subjects a human rights defender to any form of intimidation, reprisal, victimisation or harassment;
 - (b) attacks the honour or reputation of a human rights defender;

- (c) unlawfully intrudes on or interferes with the premises of a human rights defender;
- (d) unlawfully detains a human rights defender;
- (e) carries out a cyber-attack on a human rights defender;
- (f) unlawfully carries out surveillance on a human rights defender;
- (g) unlawfully intercepts or interferes with the communication of a human rights defender;
- (h) intrudes or interferes in the privacy of a human rights defender or an associate of a human rights defender;
- (i) does any act that constitutes gender based violence against a human rights defender;
- (j) unlawfully discriminates against a human rights defender;
or
- (k) being a human rights defender, does any act in contravention of section 13 of this Act.

(3) Where an offence in this section is committed by a legal person, court may—

- (a) hold a shareholder, director, employee, manager, officer or any other principle officer or natural person in authority in the legal person to be responsible for the actions of the legal person and therefore liable for the offence committed and punished as provided in this Act; and

- (b) in addition to any penalty stipulated in this section—
 - (i) impose a penalty not exceeding twenty thousand currency points on each count;
 - (ii) order for the cancellation of the registration of the legal person as a corporate body;
 - (iii) temporarily or permanently disqualify the legal person from being a human rights defender or undertaking any other trade;
 - (iv) temporarily or permanently close the establishment which have been used by the legal person to commit the offence; or
 - (v) suspend or cancel the trading license or any other license issued under any law applicable in Uganda.

(4) For the purpose of subsection (2) (d), a person shall be taken to have unlawfully detained a human rights defender where, without lawful justification—

- (a) compels, induces, restrains or prevents the human rights defender, by any means, from leaving the premise, vehicle, vessel or any other place;
- (b) with the intent to compel or induce the human rights defender to remain in or upon the premises, vehicle, vessel or any other place, does any act which prevents the human rights defender from leaving such premises, vehicle, vessel or place; or

- (c) with the intent to compel or induce the other person to remain in or upon the premises, vehicle, vessel or any other place, that person withholds from the human rights defender any clothing apparel, travel document or other property belonging to the human rights defender.
- (5) For purposes of this section—
 - (a) “discriminate” means to give different treatment to different persons attributable only or mainly to their respective descriptions by sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability;
 - (b) “gender based violence” means any harmful act directed against individuals or groups of individuals on the basis of their gender.

27. No immunity from prosecution

Subject to article 98 (4), immunity from prosecution shall not be a bar to prosecution for offences instituted against any person under this Act or be a defense to proceedings commenced under this Act.

28. Personal liability for failure to comply with obligations

- (1) A public officer who, individually or in association with others, hinders, violates or participates in the violation of any of the obligations imposed under this Act shall be held personally liable for the violation notwithstanding the State being vicariously liable for his or her actions.
- (2) Whenever the competent court orders for the payment of

compensation or any other form of compensation, damages or restitution to a human rights defender, a public officer who is found by competent court to have personally violated or participated in hindering or violating the obligations imposed under this Act shall pay a portion of the compensation, damages or restitution so ordered as shall be determined by the competent court.

29. Report on the implementation of this Act

(1) The Minister shall coordinate, monitor and oversee the implementation of this Act.

(2) The Minister shall annually submit to Parliament a report on the implementation of this Act.

(3) The report referred to in subsection (1) shall contain information on—

- (a) the nature of complaints made by human rights defenders;
- (b) the investigation and prosecution of offences under this Act; and
- (c) The fulfilment of obligations of Government;
- (d) the effectiveness of this Act; and
- (e) the challenges faced in enforcing the Act.

30. Transitional provisions

(1) A human rights defender that is in existence immediately before the commencement of this Act shall continue to exist and carry out its functions as if the same had been existing and functioning under this Act.

(2) A human rights defender existing immediately before the commencement of this Act shall, within six months from the

commencement of this Act, comply with the provisions of this Act relating to registration.

31. Regulations

(1) The Minister may, by statutory instrument, make regulations for better carrying into effect the provisions of this Act.

(2) Notwithstanding the Interpretation Act, the Minister may, while exercising his or her powers under subsection (1), by statutory instrument, prescribe such fines and imprisonment as may be appropriate in the circumstances which may be in excess of the penalties prescribed by section 38 of the Interpretation Act.

31. Amendment of Schedule

The Minister may, by statutory instrument, with the approval of Cabinet, amend the Schedule 1 to this Act.

SCHEDULE

Section 2

Currency Point

A currency point is equivalent to Twenty Thousand Shillings.