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## TEXTS ADOPTED

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### **P9\_TA(2021)0057**

#### **Political situation in Uganda**

##### **European Parliament resolution of 11 February 2021 on the political situation in Uganda (2021/2545(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Uganda,
- having regard to the declaration by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on behalf of the European Union of 20 January 2021 on the elections in Uganda,
- having regard to the statement by the VP/HR of 12 January 2021 on the upcoming general elections in Uganda,
- having regard to the remarks by EU Ambassador Attilio Pacifici of 12 January 2021 on the freezing of NGOs' bank accounts,
- having regard to the joint local statement by the Delegations of the European Union to Uganda and the diplomatic missions to Uganda of Austria, Belgium, Denmark, France, Germany, Ireland, Italy, the Netherlands, Sweden, Iceland and Norway of 26 November 2020 on the recent election-related violence in Uganda,
- having regard to the press briefing notes of the Spokesperson for the UN High Commissioner for Human Rights of 8 January 2021 on Uganda,
- having regard to the statement by UN human rights experts of 29 December 2020 entitled 'Uganda: UN experts gravely concerned by election clampdown',
- having regard to the Universal Declaration of Human Rights of 10 December 1948, to which Uganda is a signatory,
- having regard to the International Covenant on Civil and Political Rights of 16 December 1966, which was ratified by Uganda on 21 June 1995,
- having regard to the African Charter on Human and People's Rights of 27 June 1981,
- having regard to the African Charter on Democracy, Elections and Governance of 30 January 2007,

- having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984,
  - having regard to the Constitution of the Republic of Uganda of 1995, amended in 2005,
  - having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part (the Cotonou Agreement) of 23 June 2000<sup>1</sup> and in particular to Article 8(4) thereof on non-discrimination,
  - having regard to the joint EU-Africa Strategy,
  - having regard to the EU Election Observation Mission to Uganda’s final report of 18 February 2016,
  - having regard to the joint local statement of the Partners for Democracy and Governance Group (PDG) of 23 December 2020 on the arrest of human rights activists in Uganda,
  - having regard to the UN’s 2030 Agenda for Sustainable Development and to the Sustainable Development Goals contained therein,
  - having regard to the National Indicative Programme for Uganda of the 11<sup>th</sup> European Development Fund,
  - having regard to Rule 144(5) and 132(4) of its Rules of Procedure,
- A. whereas on 14 January 2021 Ugandan voters went to the polls to elect a president and members of parliament amid huge reports of irregularities, and whereas on 16 January 2021, the Electoral Commission declared President Yoweri Museveni, who has been in office for 35 years, the winner – for a sixth term – with 59 % of the vote, against main opposition leader Robert Kyagulanyi Ssentamu, also known as Bobi Wine, who received 35 %; whereas the results of the election were hard to verify because the Elections Commission did not follow the prescribed tallying process;
- B. whereas the run-up to the 2020 Ugandan presidential elections was marred by violence, with opposition candidates, civil society organisations (CSOs), human rights defenders, electoral experts and journalists facing systematic oppression and intimidation when exercising their legitimate rights; whereas the excessive use of force by law enforcement and security agencies seriously tarnished the electoral process;
- C. whereas from autumn 2020 onwards the authorities intensified their repression of the political opposition ahead of the elections, with security agencies arresting the key opposition candidates Bobi Wine, Patrick Oboi Amuriat and Lt Gen. Henry Tumukunde, disrupting their rallies and limiting media coverage of the elections;
- D. whereas the presidential candidate of the opposition party Forum for Democratic Change, Patrick Oboi Amuriat, was arrested numerous times prior to the elections, with crowds at one of his campaign rallies being dispersed by tear gas on 9 November 2020 and his convoy being shot at by police on 6 January 2021;

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<sup>1</sup> OJ L 317, 15.12.2000, p. 3.

- E. whereas the increasing militarisation of the election campaign became particularly apparent on 18 and 19 November 2020 when security forces clamped down on protestors who were demanding the release of the then-detained presidential candidate Bobi Wine, resulting in at least 54 protestors dying in at least seven districts around the country, hundreds being arrested and others going missing;
- F. whereas after the elections the opposition candidate Bobi Wine was put under de facto house arrest, with security forces surrounding his house for 11 days;
- G. whereas on 1 February 2021, Bobi Wine filed a petition at Uganda's High Court to challenge the election results, alleging widespread fraud, including the involvement of the military in stuffing ballot boxes, casting ballots for people and deterring voters from entering polling stations; whereas President Museveni has faced High Court challenges following the last four elections;
- H. whereas on 7 January 2021, Bobi Wine filed a petition with the International Criminal Court (ICC) accusing President Museveni and nine other senior officials of multiple human rights violations;
- I. whereas international observer and electoral expert missions were largely absent from the polls after Ugandan authorities failed to accredit the missions and whereas the authorities also failed to implement recommendations from past missions; whereas the EU had offered to send a small team of electoral observers, but the offer was declined; whereas the USA cancelled its observation of Uganda's general election because most of its accreditation requests were denied; whereas the 2016 EU Election Observation Mission's final report made some 30 recommendations, including highlighting the need for a more independent electoral body and the elimination of the excessive use of force by security services, none of which were implemented by the Ugandan authorities;
- J. whereas the government restricted internet access prior to the elections and started to introduce a social media tax on users buying internet data, and whereas there have been reports of access to online messaging and social media platforms being blocked before the elections; whereas access to some social media sites remains restricted;
- K. whereas the COVID-19 pandemic has also been used as a pretext for repression and disproportionate restrictions on opposition gatherings and activities; whereas Uganda has reported approximately 40 000 cases of COVID-19; whereas the UN High Commissioner for Human Rights has expressed concern that COVID-19 measures were used to restrict political freedoms and political participation during the election process; whereas on 26 December 2020, Uganda suspended campaigning in areas where the opposition enjoyed particular popularity, including Mbarara, Kabarole, Luwero, Kasese, Masaka, Wakiso, Jinja, Kalungu, Kazo, Kampala City and Tororo, citing COVID-19 precautions;
- L. whereas on several occasions, COVID-19-related restrictive measures have targeted particular groups, resulting in excessive violence and arbitrary arrests without access to a lawyer, as illustrated by the police raid held on 29 March 2020 on the Children of the Sun Foundation, a shelter for homeless young people who identify as lesbian, gay, bisexual or transgender;
- M. whereas in November 2020, the National Bureau for NGOs (non-governmental organisations) arbitrarily halted the activities of the newly formed National Election

Watch Uganda, a citizen-led CSO set up to observe elections; whereas the Financial Intelligence Authority of Uganda froze the bank accounts of several CSOs, including the Uganda National NGO Forum and Uganda Women's Network (UWONET), citing uncorroborated charges of financing terrorism;

- N. whereas over the past years, the Ugandan authorities have increasingly targeted CSOs, particularly those working on human rights and elections; whereas on 23 December 2020, Nicholas Opiyo, a leading human rights lawyer and Sakharov Fellow was arrested alongside three other lawyers – Herbert Dakasi, Anthony Odur, and Esomu Obure – and Hamid Tenywa, a National Unity Platform (NUP) member, on accusations of money laundering and breaching Uganda's constitutional guarantees; whereas Nicholas Opiyo was released on bail on 30 December 2020, but is still awaiting a trial; whereas Opiyo fiercely denies the accusations, stating that monies were legally used to support Chapter Four Uganda's human rights work;
- O. whereas hundreds of NUP supporters have been abducted by security operatives on the campaign trail and an unclear number of them are still being forcibly detained or are missing;
- P. whereas on 2 January 2020, in a letter to the Ministry of Finance, President Museveni ordered the suspension of the Democratic Governance Facility (DGF); whereas, the DGF funds the majority of NGOs in Uganda and is supported by numerous Member States including Austria, Norway, the Netherlands, Sweden, Denmark, and Ireland; whereas its purpose is to strengthen democratisation, protect human rights, improve access to justice and enhance accountability; whereas the implementation of important programmes with EU funding is being severely hindered;
- Q. whereas in December 2020, the Human Rights Network for Journalists – Uganda reported over 100 cases of human rights violations against journalists, including police violence, which mainly took place when they were out covering the campaigns of political candidates; whereas the police vowed on 30 December 2020 that only 'certified journalists' would be allowed to cover the vote; whereas at the end of November 2020, the authorities expelled three Canadian journalists; whereas Uganda is now ranked 125<sup>th</sup> out of 180 countries according to the Reporters Without Borders 2020 World Press Freedom Index;
- R. whereas on 12 December 2020 the government froze the assets of four NGOs active in election campaigns encouraging the participation of women and youth – UWONET, the National NGO Forum, the Women International Peace Centre, and the Alliance of Finance Election Monitoring – on charges of financing terrorism;
- S. whereas on 11 January 2021, the Office of the UN High Commissioner for Human Rights condemned what it termed 'the deteriorating human rights situation in Uganda' and reported numerous violations of human rights, including the rights of freedom of expression, peaceful assembly and participation, as well as the arbitrary deprivation of life, arbitrary arrest and detention, and torture;
- T. whereas an increasingly anti-Western rhetoric has been present in the election campaign and statements by President Museveni;

- U. whereas Uganda has one of the youngest and most rapidly growing populations in the world, many of whom exercised their right to vote in a peaceful manner; whereas one million young eligible voters were not registered by the Uganda National Electoral Commission, which claimed to lack the material resources to register them;
  - V. whereas through the 11<sup>th</sup> European Development Fund, the EU is providing Uganda with EUR 578 million, namely to support the promotion of good governance, improve infrastructure, ensure food security and support agriculture; whereas Uganda also receives EUR 112,2 million from the EU Emergency Trust Fund for Africa;
  - W. whereas security and development cooperation between Uganda and the EU, the USA and other countries is conducted in the context of the African Union Peacekeeping Mission in Somalia (AMISOM);
  - X. whereas the UN Human Development Index ranks Uganda 159<sup>th</sup> out of 189, and whereas according to Transparency International, Uganda ranks 137<sup>th</sup> out of 180 countries in the Corruption Perceptions Index;
  - Y. whereas Uganda has one of the world's harshest laws against homosexuality and whereas discrimination and violence against LGBTQ+ people persists;
  - Z. whereas former militia leader and child soldier Dominic Ongwen from Uganda was found guilty of war crimes and crimes against humanity at the ICC in a landmark judgment on 4 February 2021, which saw him convicted of 61 individual charges of murder, rape, sexual slavery, abduction and torture committed during his time as a commander in the Lord's Resistance Army (LRA), a violent cult which waged a bloody campaign of violence in Uganda and neighbouring countries from the mid-1980s until a few years ago;
1. Deplores the fact that the election process was not democratic and transparent; condemns the excessive use of force by the police and the armed forces in the presidential election and their growing interference in the political process; regrets the fact that independent, local and international election observers were prohibited from overseeing the election, preventing it from being assessed against internationally recognised standards; underlines the fundamental importance of free and fair elections, which are a prerequisite for sustainable and long-term development; in this spirit applauds the Ugandan people, in particular the young population, for the courage and enthusiasm for democracy that they demonstrated during this election campaign;
  2. Condemns the violence against, continued harassment of and systematic crackdown on political opposition leaders in Uganda, as well as the suppression of civil society, human rights defenders and the media, and the disruption of social media platforms and internet blackouts;
  3. Calls on the government, therefore, to put an end to the persistent use of lethal and excessive force by the security forces and the arbitrary arrests and detention of, and attacks against, opposition politicians and supporters, protesters, human rights defenders and journalists;
  4. Calls on the Ugandan Government to ensure justice and accountability for all victims by carrying out impartial, thorough and independent investigations into the shootings and violence perpetrated by security forces, and similarly calls on the Ugandan judiciary to

objectively and independently apply the existing legislative framework and to take full note of the facts and evidence available; calls on the Ugandan authorities to launch an immediate independent investigation into the tragic events of 18 and 19 November 2020, where at least 54 people needlessly lost their lives at the hands of the police following the arrest of Bobi Wine, and where hundreds more were injured, something that President Museveni himself has acknowledged, and to hold those responsible to account;

5. Underlines that appeals against and challenges to election results are a fundamental feature of a credible electoral process; expects all election challenges and complaints to be addressed in an independent and transparent manner using the available constitutional and legal remedies;
6. Calls on the government to immediately and unconditionally release or drop all charges against all those arrested and detained solely for participating in peaceful political assemblies or for exercising their right to freedom of expression and association, including the 2016 European Parliament Sakharov Fellow Nicholas Opiyo; reminds the Government of Uganda to respect the freedom of expression and the right to peaceful and safe assembly, including the free movement of all political actors and their supporters, and denounces the ongoing crackdown on civil society; calls on the government to ensure that Mr Opiyo's rights to due process and a fair trial are upheld to the highest standard;
7. Reminds the Ugandan authorities of their obligation to guarantee, protect and promote fundamental rights – including the civil and political rights of the country's citizens – fair representation regardless of ethnic background, freedom of speech and freedom of assembly, and to affirm the crucial role that the political opposition, civil society actors, journalists and the media play in the country; calls on the authorities to lift any restrictions that may limit people's right to freedom of peaceful assembly, freedom of expression and freedom of association;
8. Reminds the Government of Uganda of the importance of freedom of expression and the role of free and pluralistic media in a democratic society; notes with concern that journalists covering the elections were routinely subjected to intimidation and violence; expects the Ugandan authorities to create an environment where journalists can carry out their work without hindrance;
9. Calls on the Ugandan authorities to ensure secure and unrestricted internet access for all, including to social media and online messaging platforms, as not to do so constitutes a serious obstacle to freedom of information, including media freedom;
10. Urges the Ugandan authorities to end the arbitrary suspension of civil society activities, and the arrests of civil society activists and the freezing of their financial assets; in this regard, condemns in the strongest terms the attempts to limit civil society funding, in particular by President Museveni's order to suspend the multi-million euro DGF, a pooled fund coordinated by the EU and national development partners to support groups working to promote human rights, deepen democracy and improve accountability in Uganda;
11. Expects the Ugandan Government to immediately desist from using the COVID-19 pandemic as a pretext for introducing laws and policies that violate international law and for rolling back human rights guarantees, including unduly restricting the rights to freedom of peaceful assembly and freedom of expression, the main targets of which are LGTBTQ+ persons; urges the Ugandan authorities to respect the rights and dignity of the

country's people and to strictly limit the exercise of emergency power to the protection of public health;

12. Strongly criticises Uganda's harsh laws against homosexuality and calls for their urgent revision, together with a strategy to combat discrimination and violence against LGBTQ+ people;
13. Insists that the EU delegation in Uganda continue to monitor closely the situation of LGBTQ+ people and actively support CSOs, human rights defenders and LGBTQ+ people on the ground;
14. Insists on the EU's commitment and readiness to engage with the Ugandan authorities and assist with much-needed democratic and governance reforms; underlines, however that the success of this cooperation largely depends on willingness from the Ugandan side to actually implement those reforms; recalls, in this regard, that the systematic use of state repression and violence could fundamentally impact the EU's future relationship with Uganda; calls on the EU to take advantage of the political leverage provided by development aid programmes, namely budget support programmes, to enhance the defence and promotion of human rights in Uganda;
15. Insists that the EU and other international actors maintain and strengthen their integrated and coordinated approach on Uganda, which includes the promotion of good governance, democracy and human rights, and the strengthening of the justice system and rule of law, and urges the EU and its Member States to raise these concerns through public and diplomatic channels; reiterates that sanctions against individuals and organisations responsible for human rights violations in Uganda must be adopted at EU level under the new EU human rights sanction mechanism, the so-called EU Magnitsky Act;
16. Recommends increasing scrutiny of Uganda's fiscal management and transparency; urges the Commission and the European External Action Service to continue conducting systematic reviews of EU budget support programmes where there is a risk of funds being diverted for use by the Ugandan authorities in activities which may abet human rights abuses and target activists;
17. Welcomes the verdict in the case against former LRA commander Dominic Ongwen, who was found guilty of war crimes and crimes against humanity by the ICC, and views it as a significant step towards justice and accountability for the atrocities committed by the LRA;
18. Remains concerned by the overall security situation in the region and underlines, in this regard, the important work of AMISOM; stresses that its long-term objectives will only be reached if all those involved lead by example when it comes to respecting the rule of law, fundamental rights and democratic principles;
19. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the President of the Republic of Uganda, the Speaker of the Ugandan Parliament, and the African Union and its institutions.