



Questionnaire on National Human Rights Institutions and human rights defenders

Response from East and Horn of Africa Human Rights Defenders Project – October 2012

Uganda

1) a) Please indicate if you are aware of any mechanisms that are in place within the National Human Rights Institution to ensure that human rights defenders at risk are protected? (e.g. through protection programmes, early warning systems or by submitting complaints to regional/international bodies on specific cases)

The Uganda Human Rights Commission established an HRD desk in 2011. The desk is mandated to receive communications from human rights defenders, monitor the situation of human rights defenders across Uganda, capacity-building for HRDs, strengthening network of HRDs across Uganda and to create a platform for dialogues with stakeholders on different human rights issues.

b) Please indicate whether a complaint has ever been submitted to the Institution on your behalf, or that of your organisation. If applicable, please outline the Institution's response to the grievance and whether it met with your expectations in line with international human rights standards.

No.

c) Please indicate whether your organisation has ever been consulted by the Institution about protection measures for human rights defenders in your country.

Yes, EHAHRDP has been consulted informally by the UHRC and its HRD desk on protection measures necessary for HRDs.

2) a) Please indicate whether the Institution is perceived to be independent from the Government. If not, please provide details as to why this is the case.

The UHRC is a state institution established under the Constitution and required to report to parliament. The Commissioners are appointed by the President and approved by the parliament. While it is technically independent from Government, some perceive it be a government body. However, the UHRC does in EHAHRDP's opinion act independently and has spoken out against the government on some

critical issues. For example, in its annual report for 2010, the UHRC stated that of the much-criticized Anti-Homosexuality Bill that “some of the provisions in the bill are unnecessary, and [...] most of them violate international human rights standards”. The UHRC expressed similar concerns during the Universal Periodic Review of Uganda.

b) If applicable, please outline what steps could be taken by the State to ensure that the Institution is allowed to operate effectively to protect and promote human rights.

More timely consideration of the UHRC reports by parliament and better funding of the Commission, which operates from inadequate premises, would allow it to operate more effectively.

3) a) Please describe the general working relationship, if any, between your organisation and the Institution

UHRC and EHAHRDP take part in each others’ discussions and public events to promote awareness of the situation of HRDs and the services offered to them.

b) Please indicate what measures could be taken to ensure better cooperation between the Institution and civil society, including human rights defenders. If applicable, please provide examples of good practice.

Greater publicity of the HRD desk mechanism and interventions that the mechanism would be able to make would promote more effective cooperation between the Institution and civil society. It would also be useful to diversify the reporting tools available to civil society to report violations, for example, through the establishment of a hotline or SMS number to report violations against HRDs.

4) a) Please include whether Institution staff are considered to be human rights defenders in your country.

While we cannot comment on the perception of UHRC staff throughout the country, EHAHRDP considers them to be HRDs. Nevertheless, despite the different roles of HRDs working in NGOs and NHRIs, we would like to see UHRC staff take a more proactive role on certain issues.

b) If so, please indicate whether any challenges or obstacles exist that may prevent the Institution from protecting and promoting human rights in your country.

Kenya

1. a) Please indicate if you are aware of any mechanisms that are in place within the National Human Rights Institution to ensure that human rights defenders at risk are protected? (e.g. through protection programmes, early warning systems or by submitting complaints to regional/international bodies on specific cases)

The Kenya National Commission on Human Rights has not informed HRDs or human rights organizations regarding existence of such a programme. If such a mechanism is available, the information has not been shared.

b) Please indicate whether a complaint has ever been submitted to the Institution on your behalf, or that of your organisation. If applicable, please outline the Institution's response to the grievance and whether it met with your expectations in line with international human rights standards.

The National Coalition of Human Rights Defenders (NCHRD) of Kenya (which is part of the East and Horn of Africa Human Rights Defenders Network) is aware of the case of an individual HRD who submitted a case but did not receive feedback.

c) Please indicate whether your organisation has ever been consulted by the Institution about protection measures for human rights defenders in your country.

KNCHR has consulted the National Coalition of Human Rights Defenders regarding protection measures for HRDs

2. a) Please indicate whether the Institution is perceived to be independent from the Government. If not, please provide details as to why this is the case.

The KNCHR is generally considered independent of the Government. This is because it has not hesitated to publicly criticize the government whenever there were human rights concerns.

b) If applicable, please outline what steps could be taken by the State to ensure that the Institution is allowed to operate effectively to protect and promote human rights.

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3) a) Please describe the general working relationship, if any, between your organisation and the Institution

The relationship between NCHRD and KNCHR is good. However, this is largely at the informal level rather than through structured engagements between the two institutions.

b) Please indicate what measures could be taken to ensure better cooperation between the Institution and civil society, including human rights defenders. If applicable, please provide examples of good practice.

Measures that could be taken to make cooperation between the KNHRC and civil society more effective would include: regular meetings with civil society organisations and HRDs; joint missions to assess reported human rights violations; demonstration of solidarity with HRDs and human rights organizations when targeted by state institutions particularly the police; and participation in activities organized by human rights NGOs.

4) a) Please include whether Institution staff are considered to be human rights defenders in your country.

Some staff members are considered HRDs because of their active engagement with human rights concerns.

b) If so, please indicate whether any challenges or obstacles exist that may prevent the Institution from protecting and promoting human rights in your country.

Burundi

1) a) Please indicate if you are aware of any mechanisms that are in place within the National Human Rights Institution to ensure that human rights defenders at risk are protected? (e.g. through protection programmes, early warning systems or by submitting complaints to regional/international bodies on specific cases)

There are no specific mechanisms for HRDs available that EHAHRDP or the National HRD Coalition are aware of at the National Independent Human Rights Commission (CNIDH) in Burundi.

b) Please indicate whether a complaint has ever been submitted to the Institution on your behalf, or that of your organisation. If applicable, please outline the Institution's response to the grievance and whether it met with your expectations in line with international human rights standards.

No.

c) Please indicate whether your organisation has ever been consulted by the Institution about protection measures for human rights defenders in your country.

Protection measures for HRDs have been discussed with the Commission, but not as part of a formal consultation process.

2) a) Please indicate whether the Institution is perceived to be independent from the Government. If not, please provide details as to why this is the case.

Although the National Human Rights Commission in Burundi has only recently been established and has not yet been accredited by the ICC, through its actions so far it is perceived to be independent from the Government. The Commissioners are also generally considered to act independently. They were elected by the National Assembly from a shortlist of candidates, which had been put together by an ad hoc commission that assessed the applications received.

b) If applicable, please outline what steps could be taken by the State to ensure that the Institution is allowed to operate effectively to protect and promote human rights.

The State should ensure that the Commission continues to receive adequate funding to carry out its mandate and to reach the whole country.

3) a) Please describe the general working relationship, if any, between your organisation and the Institution

The National HRDs Coalition in Burundi has a good working relationship with the CNIDH. The Coalition collaborates with the Commission by referring cases, including other people at risk and threatened (among them some members of the police and presidential police, as well as political party leaders even at the community level).

The working relationship between EHAHRDP and the Commission has also been cooperative. EHAHRDP has been able to meet and consult with the Commission on a number of occasions during visits of EHAHRDP secretariat staff to Burundi.

b) Please indicate what measures could be taken to ensure better cooperation between the Institution and civil society, including human rights defenders. If applicable, please provide examples of good practice.

The establishment of an HRD desk at the Commission (as is the case in Uganda) could increase the formal cooperation between civil society and the Commission.

4) a) Please include whether Institution staff are considered to be human rights defenders in your country.

Based on the Commission's work so far, its staff are considered to be human rights defenders.

b) If so, please indicate whether any challenges or obstacles exist that may prevent the Institution from protecting and promoting human rights in your country.

Members of the Commission on occasion face similar challenges and obstacles to other HRDs in the country. For example, members of the Commission were summoned along with other HRDs for questioning in September 2011 in the high-profile case of the murder of HRD Ernest Manirumva. These summonses were generally considered as a form of intimidation.

Likewise, on 8 June 2012, Rema FM radio station broadcast an editorial containing serious and defamatory accusations against a number of prominent HRDs who had publicly called for investigations into an apparent extrajudicial execution. The broadcast also referred to the chairperson of the Commission. Following a complaint to the National Communications Council (CNC) the radio station was banned from broadcasting commentary, editorial, analysis and viewpoint pieces for 30 days.