



# Meeting Report

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## CONSULTATIVE MEETING TOWARDS THE HUMAN RIGHTS DEFENDERS PROTECTION BILL 2016

Imperial Royale Hotel,

Kampala – Uganda

13<sup>th</sup> July 2016

## About this Publication

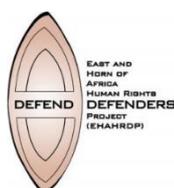
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This report summarises the key discussions and findings from the Consultative Meeting towards the Human Rights Defenders Protection Bill 2016, held on Wednesday 13<sup>th</sup> July 2016. The meeting was organised by the Defenders' Protection Initiative (DPI) in conjunction with the National Coalition for Human Rights Defenders – Uganda (NCHRDU), the Human Rights Centre Uganda (HRCU) and Defend Defenders. It took place at Imperial Royale Hotel, Kampala.



<http://defendersprotection.org>

<http://hrcug.org>



<http://defenddefenders.org>

<http://hrdcoalition.ug>

## Information on Funders

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This meeting was made possible with the support of the Open Society Initiative for Eastern Africa (OSIEA)



<https://www.opensocietyfoundations.org/about/offices-foundations/open-society-initiative-eastern-africa>

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## Acronyms

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1	AGM	Annual General Meeting
2	AU	African Union
3	CSO	Civil Society Organisation
4	DPI	Defenders Protection Initiative
5	EGM	Extraordinary General Meeting
6	FHRI	Foundation for Human Rights Initiatives
7	HRAPF	Human Rights Awareness and Promotion Forum
8	HRCU	Human Rights Centre Uganda
9	HRD	Human Rights Defender
10	HRDC	Human Rights Defenders' Council
11	HURINET	Human Rights Network
12	ISHR	International Service for Human Rights
13	LASPNET	Legal Aid Service Providers' Network
14	LDC	Law Development Centre
15	LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
16	LRC	Law Reform Commission
17	NCHRDU	National Coalition of Human Rights Defenders - Uganda
18	OSIEA	Open Society Initiative for Eastern Africa
19	UHRC	Uganda Human Rights Commission
20	UK	United Kingdom
21	ULS	Uganda Law Society
22	UN	United Nations
23	UNHRC	United Nations Human Rights Council

# Overview and Key Outcomes

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## Background

The meeting was organised by four (4) civil society organisations that are at the forefront of defending the rights of human rights defenders; Defenders Protection Initiative (DPI), the Human Rights Centre Uganda (HRCU), the National Coalition for Human Rights Defenders – Uganda (NCHRDU) and Defend Defenders.

Defenders Protection Initiative contributes to the promotion and protection of human rights, good governance, and rule of law, peace and democracy by strengthening the capacity of human rights defenders (HRDs) to mainstream security, safety and protection management in their work.

The Human Rights Centre Uganda works towards creating an enabling environment for the protection and promotion of rights of human rights defenders in Uganda through capacity building, advocacy and research.

Defend Defenders (formerly the East and Horn of Africa Human Rights Defenders' Project) works to strengthen the work of human rights defenders (HRDs) throughout the region by reducing their vulnerability to the risk of persecution and by enhancing their capacity to effectively defend human rights.

The National Coalition of Human Rights Defenders Uganda (NCHRD-U) is an umbrella organization of individuals and organizations working to promote the protection of Human Rights Defenders (HRD) in Uganda, united in our mission we provide a platform for promoting synergy, cooperation, collaboration and sharing of best practices among HRDs in Uganda to overcome challenges faced.

While these organisations work towards enabling HRDs in their duties, the environment within which HRDs operate has been increasingly challenging with the tabling and enactment of restrictive legislations, intimidation and harassment of HRDs in Uganda. The civil society organisations are working together towards the drafting and subsequent enactment of a law for the protection of the rights of HRDs in Uganda. It is envisaged that this law shall be drafted pursuant to the United Nation's 1998 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms using guidance of the Model Law for the Recognition and Protection of Human Rights Defenders.

## The Meeting

The meeting was held on Wednesday 13<sup>th</sup> July 2016 at Imperial Royale Hotel Kampala. It was organised by the DPI in collaboration with NCHRDU, HRCU and Defend Defenders and sponsored by the Open Society Initiative for Eastern Africa (OSIEA).

Forty one (41) participants attended the meeting most of them representing organisations and a few attending in their personal capacity. See Annex 2 for the full list of participants.

## Meeting Objectives

The purpose of the meeting was to initiate the process of drafting the Human Rights Defenders' Protection Bill 2016 through consultations with key HRDs on the initial draft bill drawn by the consultant and the Model Law. Its specific objectives were to:

- Provide a platform for constructive discussion on the draft law
- To seek clarity and draw recommendations on the proposed law in Uganda that will protect HRDs in Uganda
- To critically analyse the existing legislative gaps that the law will need to address.
- To institute a working group that shall further the process of the proposed bill to becoming an act of Parliament

## Observations

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During the discussions in this consultative meeting a number of observations were made which will inform the course of action that shall be taken in drafting the bill.

HRDs are facing a hostile working environment as they pursue their noble duty of defending the rights of fellow citizens. These include threats, harassment, intimidation, assault, illegal arrests, murder and a hostile political environment. It was observed that there is a growing wave within the region and beyond of governments enacting affront laws that seek to stifle the activities of HRDs. This wave is influenced by the authorities' pursuit to strengthen their grip on power.

Certain categories of HRDs in the region were identified to be at greater risk of attack and abuse. These include activists in the extractive industry and the environment, women HRDs, LGBTI activists, investigative journalists and election monitors. The needs of these activists require special attention.

Subsequent to an earlier study conducted by DPI, *"Legislative Climate for Human Rights Defenders in Uganda; A Glance at the Legal Excesses"*, a law to protect the rights of HRDs is necessary as part of the struggle to make a safe and enabling environment for HRDs. This bill does not create new rights but reaffirms rights that are fundamental to the defence of human rights.

While there may be the perception that the law duplicates some aspects of the mandate of the Uganda Human Rights Commission (UHRC), it was noted that it does not. In fact, it seeks to protect the rights of all HRDs including the staff of UHRC. There is however a need for clarity on the importance of the bill and an independent mandate to champion the recognition and protection of the rights of HRDs.

After consultation of nearly 500 HRDs and the input of various experts, the International Service for Human Rights (ISHR) launched the *"Model Law for the Recognition and Protection of Human Rights Defenders"*. This law is a guideline that state and non-state actors can use in drafting and enacting legislations that recognise and protect HRDs. Its

provisions must be conceptualised to meet the unique circumstances of the states drafting their domestic laws.

It was noted that the draft bill presented at the meeting was a good start and that there is room for it to be improved. This will require the input of a broader spectrum of stakeholders and the incorporation of relevant parts of the Model Law.

Besides the law, there are other prerequisites that are necessary for the protection of HRDs. These are an independent judiciary, strong and independent national human rights institutions and public support for HRDs.

The previous experiences of Ugandan civil society organisations in championing the enactment of laws have shown that it can be a long and drawn out process. It requires a lot of lobbying, advocacy work and popularising the bills to garner the support of the wider public in addition to members of the legislature. These experiences and lessons learnt should be used to expedite the enactment of the law.

It is envisaged that the bill shall be tabled as a private member's bill as a way of protecting the HRDs' interests enshrined in it. However, there will be need for safeguards to be put in place to protect these interests in the event that the bill is hijacked by other parties in parliament.

It was noted that the process of drafting the bill and its eventual enactment requires a lot of resources both human and financial. The financial support of OSIEA has been very critical in the formulation of the model law and in kick-starting the process of drafting the Human Rights Defenders Protection Bill 2016. The meeting was very grateful for this financial support. The meeting was also grateful to the consultant and the consortium of CSOs (DPI, HRCU, Defend Defenders and NCHRDU) that made the initial input to the draft bill.

## Resolutions

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During the course of the consultative meeting, a number of resolutions were made in regard to drafting the bill, creating advocacy for it, obtaining funding to support the exercise and lobbying parliament to enact the law protecting the rights of HRDs. Below are the resolutions that were made:

1. A working group should be formed and working together with the consultant, given ample time to examine both the draft law bill and the model law, adopt relevant sections of the model law to fit the Ugandan context and to improve the initial draft bill. The group should address the concerns raised in the consultative meeting as spelt out in the discussions on the draft bill (see Annex 3).
2. The working group should draw a roadmap of activities towards the enactment of the Human Rights Defenders' Protection Bill into law. The roadmap shall include the following
  - a. Updating the draft bill
  - b. Soliciting and obtaining financial support for the various activities required to enact the bill into law.
  - c. An advocacy plan to lobby all stakeholders and popularise the bill to members of parliament and the general public.
3. Members of the Working Group should show commitment to the process of getting the bill enacted into law.
4. The scope of stakeholders to be engaged in the process should be broadened in order to obtain greater support for the bill.
5. A certificate of Financial Implication needs to be obtained before the bill is tabled in parliament.
6. Members of Parliament that shall be at the core of fronting the bill are identified and at an appropriate time engaged in the process of drafting the bill and in the advocacy programme for the bill.

7. An effective advocacy programme is drawn to lobby the public and parliament to support the bill.
8. The working group shall draft a commentary to the draft bill. The commentary shall serve to clarify various concepts and provisions of the bill such as the definition of an HRD, the need for the Human Rights Defenders Council and how it relates with existing public bodies such as the Uganda Human Rights Commission (UHRC) etc. It will form a common understanding of the concepts in the bill among the bill's advocates which they will use when publicising and popularising the bill. The commentary shall also include experiences of other countries such as Cote d'Ivoire and Mexico in drafting and enacting similar laws and the lessons Uganda can draw from them.

## Way Forward

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The lead organisation in the drafting of the bill, DPI will communicate with the members of the working group before the end of the week starting on the 18<sup>th</sup> of July 2016. The communication will advise on how the Working Group will proceed in executing its duties.

Comments about the draft bill can be sent to Executive Director of DPI for onward submission to both the consultant and the Working Group.

Utmost commitment shall be required of members of the group in order for HRDs to realise the enactment of a law that protects them in their area of work.

# Annexes

## Annex 1: Agenda

 **DEFENDERS PROTECTION INITIATIVE**

CONSULTATIVE MEETING TOWARDS THE HUMAN RIGHTS DEFENDERS PROTECTION BILL 2016  
13<sup>TH</sup> JULY 2016 - IMPERIAL ROYALE HOTEL

TIME	AGENDA ITEM	PERSON RESPONSIBLE
8:00-8:15 AM	Arrival and Registration	DPI
8:15-8:30 AM	Welcome remarks	DPI
8:40-9:10 AM	Incorporating the UNDHRDs into national law (The Model Law)	HRCU
9:10-9:40 AM	An overview of the regional context on the work of HRDs	Defend Defenders
9:40-11:40 AM	Presentation of the Draft HRDs Protection Bill 2016	Consultant
11:40-12:00 AM	Discussion of the draft HRDs Protection Bill	Moderator
12:00- 12:30 PM	Formation of Working Group	Moderator
12:30-1:00 PM	Way forward and Closure	DPI

*In Collaboration with*   

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## Annex 3: Meeting Deliberations

### The Panel

- **Hassan Shire Shiekh:** Executive Director of Defend Defenders (formerly the East and Horn of Africa Human Rights Defenders' Project) and participated in the drafting of the Model Law for the Recognition and Protection of Human Rights Defenders.
- **Sarah Kihika:** Lawyer and moderator
- **Yona Wanjala:** Executive Director of Defenders Protection Initiative
- **Florence Nakachwa:** Deputy Director of Law Development Centre and consultant in Legislative Drafting
- **Margaret Sekaggya:** Executive Director of Human Rights Centre Uganda (HRCU), former UN Special Rapporteur on the Situation of Human Rights Defenders and participated in the drafting of the Model Law for the Recognition and Protection of Human Rights Defenders.

### Welcome Remarks - DPI

The Executive Director of DPI, Mr. Wanjala Yona made the welcome remarks. He welcomed all participants to the consultative meeting most notably the development partner, Open Society Initiative for Eastern Africa represented by the Country Manager, Mr. Mugisha Richard, the collaborating partners, Defend Defenders led by Mr. Shire Hassan Shiekh, Human Rights Centre of Uganda led by Mrs. Sekaggya Margaret, human rights activists, legal experts and the media. The meeting was intended to further the journey towards achieving a safe working environment for HRDs in Uganda.

He noted that HRDs encounter numerous challenges especially threats, intimidation, assault and illegal arrests on trumped up charges amidst a hostile political and legislative environment without a specific legislation to protect them.

One of the key recommendations to the DPI research “Legislative Climate for Human Rights Defenders in Uganda: A Glance at the Legal Excesses” was the enactment of a law on the protection of HRDs in Uganda. DPI engaged in strategic engagements with various stakeholders to initiate the process. These engagements resulted in obtaining funding from OSIEA to kick-start the process of drafting the Human Rights Defenders Protection Bill. The process has involved the procurement of a consultant, Ms. Nakachwa Florence, to draft the bill, meeting and consulting HRCU and Defend Defenders and drawing a roadmap towards the eventual enactment of the bill into a law. The bill was drafted while considering and contextualising the Model Law for the Recognition and Protection of Human Rights Defenders which was drawn as a consequence of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Protect Universally Recognised Human Rights and Fundamental Freedoms. Mr. Shire and Ms. Sekaggya participated in the drafting of the Model Law. The proposed law does not create new rights but reaffirms rights that are instrumental to the defence of human rights.

He urged participants to make sure that the draft bill is concise and addresses the reality and the Ugandan context within which HRDs operate especially in regards to the Ugandan track record in enforcing laws. He stressed the importance that the draft bill is not seen to and does not duplicate other laws or create institutions that duplicate the mandates of existing bodies. He asked participants to consider whether the draft bill creates duplications in the mandates of existing statutory bodies such as the Uganda Human Rights Commission (UHRC) or if there must be a Human Rights Defenders Council as proposed by the bill to ensure that HRDs have an independent body to champion their rights. He observed that Uganda has many good laws but that there’s usually a challenge in their enforcement.

He urged the participants to examine the draft bill while considering the Ugandan context, promoting and protecting the civil society space and taking lessons from other countries that have enacted legislations and guidelines for protecting the rights of HRDs such as Cote d’Ivoire, Mexico, Sweden and the United Kingdom (UK).

## Incorporating the UNDHRDs into the National Law (The Model Law) – HRCU

The Executive Director of Human Rights Centre Uganda, Ms. Sekaggya Margaret presented a background to the drafting of the Model Law. She said the United Nations Human Rights Council (UNHRC) made recommendations and passed a resolution to recognise and protect HRDs through legislation. The International Council on Human Rights Policy in Geneva together with the UN Special Rapporteur on the Situation of Human Rights Defenders initiated work on creating a Model Law for the recognition and protection of HRDs. However, besides the law, there are other prerequisites necessary for the protection of HRDs such as a conducive administrative framework such as an independent judiciary, proper laws, a strong and independent national human rights institutions and effective protection mechanism including public support for the work of HRDs. She emphasised the need to get the public to support the work of HRDs and that special attention should be given to HRDs at particularly high risk such as women HRDs and those that work on gender issues. She pointed out that none state actors (media, corporations) need to be encouraged to recognise and support the work of HRDs. HRDs should have safe and open access to international human rights organisations and the UN and a dynamic and diverse pool of HRDs needs to be mobilised and work together towards achieving a conducive environment for their work.

The Model Law was informed by a number of factors such as a gap in the implementation of existing laws regarding human rights and the rights of HRDs, the need for a conducive and enabling environment for HRDs, the need for technical assistance for states that wanted to enact laws that recognise and protect HRDs, The law is intended to assist and guide state and other actors to ensure full and effective implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Protect Universally Recognised Human Rights and Fundamental Freedoms. The purpose of this law is to provide an advocacy tool for HRDs and provide authoritative expertise where a domestic law is to be drafted.

The process of drafting the model law was conducted over a period of three (3) years. It included conducting consultations with five hundred (500) HRDs worldwide with the help of the UN Special Rapporteur on the Situation of HRDs, conducting research in 52 jurisdictions and looking at existing legislations, conducted civil society missions to Mexico, Honduras, and Cote d'Ivoire to draw lessons learnt in the enactment of laws that protect HRDs. A team of twenty six (26) experts examined and reviewed the law in detail. The team included persons conversant with the work of HRDs, policy makers, and other expertise. The objective of engaging the experts was to agree on the structure of the law, identifying key issues that the law should cover and the experts finally endorsed the law as a Model Law. This law is a model law but not the law. The model law can be used as a guide in drafting domestic law that fits the domestic context of a state. The law was launched on 21<sup>st</sup> June 2016 in Geneva by the International Service for Human Rights (ISHR).

The law considers aspects of international and regional mechanisms and international law and instruments. It does not create new rights. It states all the rights of HRDs drawn from the UN Declaration of Human Rights, international and regional instruments. It also lists the obligations of the state highlighting the state's responsibility to protect the rights of HRDs, the obligations of non state actors, protection mechanisms of the rights of HRDs and aspects regarding the financing of the activities of HRDs.

Ms. Sekaggya appreciated the efforts so far made towards drafting a bill to recognise and protect HRDs in Uganda and pledged the HRCU's contribution towards achieving the enactment of a good and effective law towards the protection of the rights of HRDs. She recognised that the process of pushing through legislation is not easy as evidenced in the process of drafting and enacting a law against torture. The process took 6 years. The coalition on the law against torture engaged in an advocacy programme, drew a roadmap and heavily lobbied parliament. The law was tabled as a Private Member's Bill before being enacted as law. She said that with a better understanding of human rights in Uganda, the benefit of lessons learnt in enacting the anti-torture law and a good lobbying and advocacy strategy, it should take a shorter time to get the law on the protection of the rights of HRDs enacted by parliament.

## An Overview of the Regional Context on the Work of HRDs – Defend Defenders

Mr. Shire Hassan made a presentation on the regional context within which HRDs operate. Defend Defenders works in Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia (together with Somaliland), South Sudan, Sudan, Tanzania and Uganda.

He stated that activism has become an increasingly precarious endeavour as authorities on the African continent have made a concerted effort to entrench themselves in power. They have enacted affront laws and rule by law as opposed to following the rule of law. Increasingly, the law is being used as a weapon to trample upon the rights of citizens of African countries. In a study on the effect of elections on HRDs, before, during and after the elections in Ethiopia, Sudan, Burundi and Uganda, an HRD in Ethiopia noted that, *“in the past, they used to come with the gun in order to silence us but now, they come with the law”*. The authorities use affront laws to arrest activists, confiscate their information and prosecute them. These laws are being adopted by an increasing number of states across the world bent on stifling the activities of HRDs. The law is being used to attack HRDs on charges of aiding and abetting terrorism, money laundering and illegally obtaining funding. The authorities are also recruiting un gazetted law enforcers who are not part of the established state organs. These law enforcers often beat, abduct, shoot, torture and kill at will.

This has necessitated activists to come together in coalitions and networks to confront the challenges they face. Activists and civil society organisations in Cote d’Ivoire, Burkina Faso, Senegal, Ghana, Botswana and Mauritius have stood up and registered success in deposing dictatorships, ushering democracy and the rule of law and the societies in those countries are better off than before.

Since the UN acknowledged the work of HRDs and activists in 1998, the African Union has acknowledged the role of HRDs. The African Union Commission created mandates for the protection of the rights of HRDs similar to that of the UN. Since then, both the UN and AU Commission mandates have made joint visits to the HRDs in Togo and Tunisia. He encouraged the HRDs to regularly engage these mandates of the UN and AU Commission.

He identified the categories of HRDs that are most at risk of having their rights violated.

These are:

- Environmental activists and activists in the extractive industry who stand up for the rights of the indigenous communities, the environment and transparency in the management of these lucrative industries.
- LGBTI activists who stand against outdated cultural practices and norms in societies reinforced by laws inherited from the colonial regimes.
- Women HRDs and gender activists who seek change in the cultural norms and attitudes towards gender.
- Investigative journalists who expose high level corruption and impunity among various state and non state actors
- Election monitors who report on the many times fraudulent manner in which elections are conducted as opposed to the official account.

The needs of these categories of HRDs need to be addressed in the drafting of the bill to protect their rights and creating an enabling and safe environment for them.

He concluded by calling for the engagement of a broad spectrum of stakeholders to include all HRDs, members of parliament, the justice and law sector and various other expertise to build a consensus on how to draft a bill that will create a conducive environment for HRDs to fight for human rights. He also highlighted the need for vast resources to sustain the exercise of drafting, advocacy and the eventual enactment of a law that recognises and protects the rights of HRDs. He noted that Uganda should continue being a hub for struggle for human rights in Africa together with Cote d'Ivoire, Tunisia and South Africa,

#### Presentation of the Draft HRDs Protection Bill 2016 – Ms Nakachwa Florence

Ms. Nakachwa Florence, the consultant hired to draft the bill presented it in detail. See Annex 4. In her presentation, she highlighted aspects about the bill shown below:

- Most of the bill was drafted before the Model Law was launched. The Model Law was subsequently reviewed and aspects of it were incorporated into the bill specifically Section 11 (c) that entitles an HRD to submit to government bodies and institutions views that may hinder promotion, protection or realisation of fundamental human rights and freedoms.
- The Uganda Constitution covers in great detail matters relating to human rights and freedoms. This greatly helps in drafting enabling laws for the protection of human rights.
- The provision for the creation of the Human Rights Defenders' Council in no way duplicates or contradicts the existence and mandate of the Uganda Human Rights Commission (UHRC). This bill seeks to protect the rights of the staff of the UHRC.
- In its draft form, the bill could be sponsored either by the Minister in charge of Justice or as a Private Member's Bill. It is imperative that in the event that it is a private member's bill, it be sponsored by a persuasive, influential and vocal member of parliament.
- Section 4 (4) makes provision for at least a third of the members of the Human Rights Defenders Council to be women.

## Discussion of the draft HRDs Protection Bill

	<b>Issue</b>	<b>Response</b>
<b>1</b>	Is there a need for a separate public body – Human Rights Defenders Council (HRDC) to cater for the protection of the rights of HRDs while the UHRC exists?	Yes, there is need for a separate public body as the bill does not contravene Article 50(4), Article 51 which creates the UHRC and Article 52 which states the functions of the UHRC. In fact, the bill seeks to protect the rights of the staff of UHRC among other HRDs.
<b>2</b>	The bill should address the challenges of HRDs such as affront laws, the shrinking civil society space, discrimination against HRDs or sections of them and how HRDs can be protected from such practices and violations	To be addressed by the working group in the version of the draft bill.
<b>3</b>	The five (5) members of the council should be elected from the general assembly as opposed to being appointed from the public by the minister.	The minister’s powers over the membership of the HRDC should be trimmed and more of that power placed in the hands of HRDs. However, the public should be given a role in the affairs of HRDs as they are a crucial ally.
<b>4</b>	While the bill has affirmative action for women, it does not address representation of other marginalised groups.	Expanding to include other marginalised groups will adversely affect the membership of the Council.
<b>5</b>	The bill needs to harmonise the place of the NCHRDU, the association of HRDs and the HRDC and properly define their relationship.	To be reviewed and harmonised by the working group

	<b>Issue</b>	<b>Response</b>
<b>6</b>	S12(b) should broaden the forms of discrimination HRDs should fight beyond sex, race, tribe and religion	To be handled by the working group
<b>7</b>	Sections from the model law relating to HRDs obtaining funds to support their activities and the right to associate with various individuals and associations should be incorporated in the bill to stave off affront laws that seek to stifle the activities of HRDs	To be included in the draft bill together with other provisions from the model law as will be deemed fit by the working group
<b>8</b>	S14 on application for membership should state the grounds by which the HRDC can reject an application for membership and should require the Council to give the justification for rejecting an applicant in writing to the applicant.	To be addressed by the working group in the version of the draft bill.
<b>9</b>	Among the functions of the Council in S6, the role of sensitising the public about HRDs should be added	To be addressed by the working group in the version of the draft bill.
<b>10</b>	S12(e) should include the promotion of economic justice	To be addressed by the working group in the version of the draft bill.
<b>11</b>	S13(c) should also include the role of government to conduct thorough and prompt investigations into the violation of the rights of HRDS.	To be addressed by the working group in the version of the draft bill.

	<b>Issue</b>	<b>Response</b>
<b>12</b>	The application form for members of the Association in the First Schedule of the bill should cater for applications from law firms and corporate bodies.	Law firms are partnerships whose membership and existence is ever changing. Individual members of the firms shall register in their personal capacities.
<b>13</b>	A certificate of Financial Implication of this bill needs to be obtained prior to tabling the bill in Parliament.	The certificate shall be obtained
<b>14</b>	S7(e) should be corrected to state "to take legal action <b>against</b> (as opposed to " <b>in defence of</b> ") violations of the rights of a human rights defender	To be addressed by the working group in the version of the draft bill.
<b>15</b>	S10 addresses termination of the services of directors of the Council. It should also address the termination of the other members of the Council.	To be addressed by the working group in the version of the draft bill.
<b>16</b>	It is not clear who calls the meetings of the Association, does the Council call meetings of the Association or does the executive of the Association call its own annual and extraordinary general meetings	To be addressed by the working group in the version of the draft bill. The bill should establish which entities the bill creates and recognises and their roles
<b>17</b>	If the law provides for the position of directors, their terms of office, functions and how they are terminated, S8(1) creates a contradiction by giving the annual general assembly the power to determine the terms of service of the directors.	To be addressed by the working group in the version of the draft bill.

	<b>Issue</b>	<b>Response</b>
<b>18</b>	The bill states in S3 that directors are appointed while in S8(1) it states that they shall be elected. This should be harmonised in the bill.	To be addressed by the working group in the version of the draft bill.
<b>19</b>	The HRD association, rather than the HRDC should determine the fees and subscription paid by members.	To be addressed by the working group in the version of the draft bill.
<b>20</b>	The bill should be clear on the definition of an HRD in respect to the requirement that the organisations or associations should be legally constituted in light of the ever more restrictive legislations on registration of civil society organisations.	To be addressed by the working group in the version of the draft bill. Commentaries to the bill shall be made and these should among other issues help to properly define an HRD. This should also serve to ensure that the role of HRD is not abused by unscrupulous persons and entities.
<b>21</b>	The term of the members of the HRDC should be increased to five (5) years	5 year terms are too long.
<b>22</b>	The bill does not state the role of members of the HRD association and which body regulates HRDs	To be addressed by the working group in the version of the draft bill.
<b>23</b>	The bill in S8(2) should include among the qualifications of a director that the director should have engaged in legal practice and human rights related work.	The key qualification in addition to administrative experience should be one's passion and participation in matters of human rights.

	<b>Issue</b>	<b>Response</b>
<b>24</b>	S13(e) should include line government ministries, departments and agencies such as the Ministry of Justice and the Equal Opportunities Commission (EOC).	To be addressed by the working group in the version of the draft bill.
<b>25</b>	The law should be mindful of how the HDRC and UHRC relate including the financial implication of having both bodies.	To be addressed by the working group in the version of the draft bill.
<b>26</b>	The quorum at the AGM and EGM should be half of the membership of the association	To be addressed by the working group in the version of the draft bill.
<b>27</b>	S13 In Addition to role of government, it should read: Through the Minister the HRDC to make annual reports to the government on HRDS work	To be addressed by the working group in the version of the draft bill.
<b>28</b>	S14, Add that in the event of rejection, it should be accompanied with reasons why	To be addressed by the working group in the version of the draft bill.
<b>29</b>	S18 From experience of meetings in Uganda, quorum should be changed from two thirds to a simple majority	To be addressed by the working group in the version of the draft bill.
<b>30</b>	S8.1 Expand on other roles of the HRDC Director, stipulate when all members can be removed not only the Director	To be addressed by the working group in the version of the draft bill.
<b>31</b>	Application form should consider corporates and NGOs as members of the HRD family not only individuals	To be addressed by the working group in the version of the draft bill.

## Formation of a Working Group

During this session of the consultative meeting, it was proposed that a working group be formed. The working group shall draw a roadmap of activities to be undertaken in order to realise the enactment of a HRD protection law.

It was envisaged that the roadmap would include drawing an advocacy and lobbying plan that would draw on the support of all stakeholders in the human rights struggle and seek the expertise of other parties for example in finance and economics that can help in the successful enactment of the law. The working group will identify a broad spectrum of players and draw strategies on how to involve them in the process of popularising the bill across the country and supporting the enactment of the law.

The working group shall work with the consultant to further examine and amend the draft bill taking into account the various concerns raised in the meeting and also reviewing the model law and other international best practices with the view of obtaining relevant clauses in it that can be incorporated in the draft bill. The group shall also develop a commentary to the draft bill which shall help to clarify areas of the draft bill that may not be understood by the public such as the definition of an HRD, the need to create a body to champion the protection of the rights of HRDs as opposed to giving the mandate to UHRC and others.

It is envisaged that the bill will be tabled as a private member's bill in parliament in order for it to cater for the interests of HRDs. However, there is the risk that the legislative process may be hijacked by other parties such as the state whose interests in the bill may be at cross purposes with those of HRDs. While there may not be adequate measures to stop the hijack of the bill, the working group should devise mechanisms to ensure that the core interests of HRDs in the bill are not removed or watered down during the enactment of the law.

Membership to the working group shall be voluntary and will seek to incorporate persons with varied expertise. Membership to the working group shall require commitment to expedite the process. The working group shall be expected to draw its terms of reference (ToRs) to guide it in the execution of its duties.

The following categories/organisations volunteered/were nominated to be part of the working group, it was agreed that more partners can be included:

- HRCU
- Defend Defenders
- DPI
- NCHRDU
- A representative from the academia
- A representative from the private sector – Eron Kiiza
- Either of the Law Reform Commission (LRC) or Uganda Law Society (ULS)
- HURINET
- Chapter Four
- Foundation for Human Rights Initiatives (FHRI)
- Either of Uganda Women’s Network (UWONET) or FIDA
- UHRC
- HRAPP
- LASPNET
- The Technical Advisor on Human Rights at the Justice, Law and Order Sector (JLOS)
- ACTV

The working group shall work in teams that address thematic areas of the process such as finance, advocacy and lobbying and drafting the bill.

### Way Forward and Closure

Going forward, DPI together with HRCU, Defend Defenders and NCHRDU will communicate with the members of the working group before the end of the week starting on the 18<sup>th</sup> of July 2016. The communication will advise on how the working group will proceed in executing its duties. Utmost commitment shall be required of members of the group in order for HRDs to realise the enactment of a law that protects them in their area of work.

While closing the meeting, Mr. Ndifuna Mohammed, Chairman of the NCHRDU and Executive Director of the Human Rights Network (HURINET) noted that this meeting marks the start of the important process of getting legislation that recognises and protects the rights of HRDs. He expressed his gratitude to DPI, HRCU, and Defend Defenders for spearheading this process.

He noted that HRDs face numerous challenges in their work including threats, assault, harassment, a hostile legal framework, etc. and the law shall make an invaluable contribution towards mitigating these challenges.

He also noted that HRDs have common values, face common threats and have a common interest in having a safe and enabling environment for their work. They should therefore embrace the process with enthusiasm in order for them to achieve the dream of having a law that protects them.

He urged HRDs to learn from previous experiences in pushing for legislation on access to information and the anti-torture law and to take advantage of the disparate skill set in the civil society to draw an effective strategy and tactics that will expedite the successful enactment of law. They should also draw upon the support of the many allies of HRDs such as members of the legislature to enable the enactment of the law. He also suggested for the working group to be clustered into thematic clusters with specific roles towards the bill.

He pledged the commitment and support of NCHRDU towards the process of seeing the legislation enacted and was grateful that the initial draft was reviewed at this meeting in order that the eventual law addresses the needs of HRDs