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S. RES. 807

Urging the Government of Uganda and all parties to respect human, civil, and political rights and ensure free and fair elections in January 2021, and recognizing the importance of multiparty democracy in Uganda.

IN THE SENATE OF THE UNITED STATES

DECEMBER 18, 2020

Mr. MENENDEZ submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Urging the Government of Uganda and all parties to respect human, civil, and political rights and ensure free and fair elections in January 2021, and recognizing the importance of multiparty democracy in Uganda.

Whereas the United States has an important interest in supporting democracy in Uganda and has consistently demonstrated support for the people of Uganda through efforts to advance good governance, economic growth, and improved access to health and education;

Whereas Uganda has been an important security partner of the United States, including through its contributions to the counter-terrorism efforts in East Africa, and to the African Union Mission in Somalia;

Whereas Uganda remains one of the top refugee hosting countries in the world, a contribution that plays an important role in regional stability and humanitarian protection;

Whereas more than 75 percent of Uganda's population is younger than 30 years of age, and the political, economic, and social stability of country will be shaped by the welfare of its youth, and their access to opportunity, equality, and dignified lives;

Whereas respect for human, civil, and political rights and deepening multiparty democracy are essential to Uganda's long-term economic prosperity and political stability;

Whereas the conduct of elections, particularly the January 2021 elections, will have a significant impact on the trajectory of democratic growth in Uganda and its relationship with the United States;

Whereas the National Resistance Movement (referred to in this preamble as "NRM") took control of the Government of Uganda in 1986 after period of protracted conflict and has dominated the political affairs in Uganda ever since;

Whereas Yoweri Museveni has served as Uganda's head of state since 1986, making him the third-longest actively serving head of state in Africa;

Whereas Uganda has had national elections since 1996, and multiparty elections since 2006, all of which have been won by the NRM and President Museveni;

Whereas the NRM has engineered changes to the Ugandan constitution in 2005 and 2017, which removed presidential term limits and age-limits respectively, and have

allowed President Museveni to remain in power for more than 3 decades;

Whereas national elections in Uganda since 1996 have not met internationally accepted standards for free and fair polls, as the ruling party has leveraged access to, and influence over, state resources and institutions to tilt the electoral balance in its favor;

Whereas Ugandan authorities have used coercive measures, including arbitrary arrests and detentions, torture, extrajudicial killings, and intrusive surveillance technology to intimidate and silence political opposition in the country;

Whereas in March 2020, the Constitutional Court of Uganda annulled section 8 of the repressive Public Order Management Act of 2013, but Ugandan authorities continue to obstruct lawful assemblies by the political opposition, often through violence;

Whereas the Museveni Administration has used arbitrary and partisan legal action, enabled by its control of the courts, to intimidate and silence members of the political opposition;

Whereas Ugandan authorities have not been held accountable for human rights abuses, including those perpetrated against prominent members of the political opposition, including members of parliament;

Whereas many Ugandan officials have not been held accountable for acts of gross corruption, which have been documented by Human Rights Watch in 2013 and other non-governmental organizations (referred to in this preamble as “NGOs”), despite the existence of anti-corruption laws, including—

(1) the Penal Code Act;

- (2) the Leadership Code Act, 2002;
- (3) the Inspectorate of Government Act, 2002;
- (4) the Anti-Corruption Act, 2009; and
- (5) the Public Finance Management Act, 2015;

Whereas Ugandan authorities continue to deploy a range of restrictive and onerous administrative measures against NGOs, including—

- (1) the deregistration of more than 12,000 mostly local NGOs in November 2019;
- (2) the freezing of the bank accounts of some NGOs in December 2020; and
- (3) a broader range of actions designed to intimidate civil society, such as the denial of entry or deportation of some leaders of international NGOs in 2020;

Whereas independent media outlets in Uganda have been placed under increasing duress by the Museveni Administration through regulatory and other administrative and legal actions designed to intimidate journalists who report independently;

Whereas journalists working for foreign media outlets are now required to re-register with Ugandan authorities or risk criminal penalties and some foreign journalists have been deported from the country;

Whereas Ugandan authorities have sought to undermine digital rights, including by—

- (1) subjecting people with large social media followings to onerous administrative regulation through the Uganda Communications Commission public notice of September 2020 and prior regulatory acts of the Uganda Communications Commission;
- (2) imposing burdensome taxes on social media users;

(3) blocking access to social media during the 2016 elections; and

(4) prosecuting some individuals who have criticized the Museveni Administration on social media platforms;

Whereas although Uganda is home to one of the premiere institutions of higher education in Africa (Makerere University), Ugandan authorities have taken repeated action to suppress academic freedom and intimidate students and faculty that have been critical of the Museveni Administration, including by firing and jailing professors who criticize the regime;

Whereas same-sex relations in Uganda remain criminalized under section 145 of the Penal Code Act, and people who identify as lesbian, gay, bisexual, transgender, or queer (referred to in this preamble as “LGBTQ persons”) face a range of direct punitive action from Ugandan authorities, such as arrest and detention, and a permissive environment that encourages impunity for attacks against LGBTQ persons;

Whereas the Museveni Administration has deployed an escalating array of repressive measures before the January 2021 elections, including placing uneven and partisan limits on the campaign activity of leading opposition candidates and arresting some candidates, which have triggered protests and the subsequent use of force by the security apparatus to put down the protests, which led to the deaths of at least 28 people in November 2020:

Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) condemns the Museveni Administration’s

3 assault on democratic freedoms, including attacks on

1 opposition politicians, assaults on journalists and
2 media freedoms, and burdensome restrictions on
3 nongovernmental organizations;

4 (2) urges the Government of Uganda—

5 (A) to respect the rights enshrined in the
6 Constitution of the Republic of Uganda (re-
7 ferred to in this resolution as the “Constitu-
8 tion”) and relevant international obligations,
9 particularly the rights to freedom of movement,
10 expression, information, religion, association,
11 equality, privacy, and personal security; and

12 (B) to take immediate steps to improve the
13 pre-election environment and to create condi-
14 tions for credible democratic elections in Janu-
15 ary 2021 that enable Ugandan citizens the op-
16 portunity to freely exercise their right to vote;

17 (3) calls upon the Government of Uganda and
18 President Museveni—

19 (A) to repeal repressive laws and adminis-
20 trative actions that are contrary to the prin-
21 ciples of good governance, a healthy democracy,
22 and the rights enumerated in the Constitution,
23 such as—

24 (i) colonial-era laws that target the
25 LGBTQ community; and

1 (ii) the Uganda Communications
2 Commission's September 2020 public no-
3 tice that, in conjunction with other regula-
4 tions, undermines digital rights;

5 (B) to allow citizens, civil society organiza-
6 tions, and political parties to assemble peace-
7 fully and to freely express their views;

8 (C) to immediately lift uneven and par-
9 tisan restrictions on political activities, includ-
10 ing the uneven, partisan, and violent application
11 of COVID-19 restrictions on opposition polit-
12 ical gatherings and rallies, and to safely allow
13 opposition parties to hold political rallies, meet-
14 ings, and demonstrations at times of their
15 choosing;

16 (D) to provide transparent, consistent, and
17 nonintrusive procedures for nongovernmental
18 organizations to register, and to enable them to
19 carry out programs and other legal activity
20 without interference from the state authorities;

21 (E) to safeguard press and academic free-
22 dom, in accordance with the Constitution and
23 the Universal Declaration of Human Rights,
24 adopted in Paris December 10, 1948;

1 (F) to condemn threats and attacks
2 against opposition political parties and civil so-
3 ciety, and to ensure accountability for harass-
4 ment, intimidation, or physical attacks on mem-
5 bers of the opposition;

6 (G) to end the escalating campaign of re-
7 pression against opposition candidates and their
8 parties before the January 2021 elections; and

9 (H) to guarantee the ability of domestic
10 and international election observers to monitor
11 the January 2021 polls without hindrance;

12 (4) calls on the Secretary of State, and the
13 heads of relevant departments and agencies of the
14 United States Government to continue—

15 (A) to speak out against the Government
16 of Uganda's efforts to undermine democracy;
17 and

18 (B) to hold the Government of Uganda ac-
19 countable for respecting the rights of its citi-
20 zens, in accordance with its Constitution and
21 international obligations, including by—

22 (i) considering the imposition of tar-
23 geted sanctions and visa restrictions on ac-
24 tors involved in undermining credible,

transparent elections, or for perpetrating
or abetting human rights abuses;

(ii) leading international partners and
institutions, including those in Africa, in
developing and implementing strategies
and actions to promote and defend human,
civil, and political rights and multiparty
democracy in Uganda;

(iii) immediately conducting a review
of United States Government assistance
and cooperation with the Government of
Uganda for the purposes of reprioritizing
areas and sectors of assistance should neu-
tral observers determine that the January
2021 polls do not meet internationally ac-
cepted standards for credible elections; and

(iv) insisting on full and public inves-
tigations that ensure accountability for
acts of violence, harassment and intimidat-
ion perpetrated against political opposi-
tion, journalists, and members of civil soci-
ety, especially before and after the January
2021 elections.

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