

## EXECUTIVE SUMMARY

Over the past decade, Uganda has experienced a progressive deterioration of its human rights environment, marked by systemic repression, widespread abuses by security forces, and an increasingly hostile climate for political dissent, civil society, and vulnerable groups. While the country remains a significant host of refugees within the region, credible and consistent evidence demonstrates that its internal governance and protection mechanisms have significantly weakened, particularly over the last five years. International human rights organisations, United Nations bodies, and independent monitors have documented recurring patterns of arbitrary detention, torture and ill-treatment, enforced disappearances, and the use of military courts against civilians. These violations are not isolated incidents but reflect structural deficiencies in the rule of law, judicial independence, and accountability mechanisms. Recent escalations—including the violent repression of political opposition, restrictions on freedom of expression, and the targeting of human rights defenders—have further intensified concerns regarding the safety of individuals at risk of persecution.

In this context, proposals or discussions involving the transfer of asylum seekers from European Union Member States to Uganda raise serious legal and ethical concerns. Under international refugee law and international human rights law, States are bound by the principle of non-refoulement, which prohibits the removal of individuals to any country where they face a real risk of persecution, torture, or other forms of serious harm. This obligation is absolute, non-derogable, and applies irrespective of political agreements, diplomatic assurances, or migration management objectives.

The legal framework governing asylum and human rights—comprising the 1951 Refugee Convention, the Convention Against Torture, the International Covenant on Civil and Political Rights, the European Convention on Human Rights, and the EU Charter of Fundamental Rights—requires States to conduct rigorous, evidence-based risk assessments grounded in current and reliable country information. Where systemic human rights violations are documented, the margin for lawful transfers is extremely narrow, if not entirely foreclosed. Recent European precedents underscore these legal constraints. Externalisation arrangements such as the EU–Turkey Statement and the United Kingdom’s proposed transfer of asylum seekers to Rwanda have faced sustained legal challenges and international criticism. In the case of Rwanda, judicial scrutiny ultimately confirmed that assurances and formal agreements cannot override factual assessments of human rights risks. These precedents provide a cautionary framework for evaluating any similar proposals involving Uganda.

Within the European Union, responsibility for ensuring compliance with fundamental rights is shared between Member States and EU institutions. The European Parliament—particularly through its Committee on Civil Liberties, Justice and Home Affairs (LIBE)—plays a central role in scrutinising migration policies, safeguarding fundamental rights, and holding executive actors accountable. Members of the European Parliament

possess both the authority and the obligation to intervene where credible risks of refoulement and serious human rights violations arise.

This report concludes that, in light of the documented human rights situation in Uganda and the binding legal obligations under international and European law, any policy aimed at transferring asylum seekers to Uganda would expose individuals to foreseeable risks of serious harm and place transferring States in breach of their legal commitments. Such proposals warrant immediate reconsideration, heightened parliamentary scrutiny, and robust public debate grounded in the principles of human dignity, legality, and accountability.

# HUMAN RIGHTS CONTEXT IN UGANDA - Extended background report

## I. Political system and authoritarian consolidation

Uganda has been governed by President Yoweri Kaguta Museveni since 1986, making his presidency one of the longest-standing in contemporary Africa. Over nearly four decades, the Ugandan political system has evolved from a post-conflict reconstruction framework into a highly centralised executive system characterised by weakened checks and balances, limited judicial independence, and shrinking political pluralism.

A key feature of this consolidation has been the **progressive dismantling of constitutional safeguards**. In 2005, presidential term limits were removed through constitutional amendment. In 2017, age limits for presidential candidates were abolished, allowing President Museveni to run indefinitely. These reforms were passed amid parliamentary violence, arrests of opposition lawmakers, and heavy military presence, raising serious concerns about the integrity of constitutional processes (Amnesty International, 2017).<sup>1</sup> Over the past five years, executive dominance has intensified through increased reliance on military and intelligence agencies in civilian governance; weakening of parliamentary oversight and instrumentalisation of legal and security frameworks to suppress dissent.

International observers consistently describe Uganda as a **hybrid authoritarian system**, where formal democratic institutions exist but are subordinated to executive control (Freedom House, 2024).<sup>2</sup>

## II. Elections, political repression, and militarisation (2019–2024)

The period surrounding the **January 2021 general elections** marked a critical escalation in political repression. The campaign period was characterised by widespread violence, arbitrary arrests, and lethal use of force against civilians, particularly supporters of opposition candidates. According to Human Rights Watch, security forces killed at least **54 people in November 2020** during protests following the arrest of opposition leader Robert Kyagulanyi (Bobi Wine). Many victims were shot with live ammunition, often while unarmed (HRW, 2021). In the months before and after the elections:

- opposition rallies were banned or violently dispersed;
- political activists were abducted and detained incommunicado;
- military courts were increasingly used to prosecute civilians.

Internet shutdowns and social media restrictions were imposed nationwide during the electoral period, severely limiting freedom of expression and access to information (Access Now, 2021). The post-election environment did not improve. Instead, repression

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<sup>1</sup> Amnesty International Report 2017/18 - Uganda,  
<https://www.refworld.org/reference/annualreport/amnesty/2018/en/120441>

<sup>2</sup> Freedom House, *Freedom in the World – Uganda* (2024),  
<https://freedomhouse.org/country/uganda/freedom-world/2024>

became normalised, with continued arrests of opposition members, surveillance of activists, and intimidation of perceived critics of the regime.

Eventually in early 2026, ahead of a highly contested presidential election, Amnesty International documented a “brutal campaign of repression” by security forces against supporters of the National Unity Platform (NUP). In Kawempe and Iganga, opposition rallies were met with tear gas, pepper spray, batons, and tasers by police officers, with eyewitness testimony describing severe beatings, broken bones, and other mistreatment. Victims reported being held in police custody for days without access to family or legal counsel. In January 2026, Reuters reported on the **mass detention of thousands of opposition supporters and the killing of at least 30 individuals** following a disputed election. According to military communications, about **2,000 opposition supporters were detained and 30 killed**, with accusations of torturous conditions in unofficial detention centres and harassment of key opposition figures. The United Nations expressed concern, emphasising the need for restraint and compliance with human rights obligations. Furthermore the government’s control over digital spaces was further highlighted by a **nationwide internet blackout** imposed ahead of the 2026 elections, justified by authorities as a measure to prevent misinformation but widely condemned as a tactic to suppress dissent and limit information flow during a critical political period. Civil society groups and international human rights observers labelled the blackout a form of censorship aimed at controlling public discourse.

These episodes demonstrate not isolated incidents but **systemic patterns of political repression**, where membership or perceived affiliation with opposition movements carries high risks of abuse.

### **III. Shrinking civic space and media repression**

Since 2019, Uganda has experienced a systematic contraction of civic space. Civil society organisations, particularly those working on governance, human rights, elections, and accountability, have been subjected to increasing administrative and security pressure. The **Non-Governmental Organisations Act** has been used to suspend or deregister organisations on vague grounds such as “operating against national interests.” Human rights groups report raids on offices, confiscation of documents, and interrogation of staff (UN OHCHR, 2022). Media freedom has deteriorated sharply. Journalists covering protests or opposition activities have been beaten, detained, or charged with criminal offences such as “incitement” or “spreading false information.” Several independent radio stations and TV outlets have been temporarily shut down, particularly during politically sensitive periods.<sup>3</sup>

This environment has produced a chilling effect, discouraging public participation, reporting, and dissent. The UN Special Rapporteur on freedom of expression has warned

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<sup>3</sup> Amnesty International, *Uganda: Crackdown on Civil Society* (2023): <https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/uganda/>

that Uganda is failing to meet its international obligations regarding freedom of opinion and expression.<sup>4</sup>

#### **IV. Systemic human rights concerns and state practices**

Beyond the formal political framework and the visible repression of opposition and civil society, Uganda's human rights situation is marked by **systemic practices of abuse embedded within state institutions**, particularly the security sector. Over the past five years, reports by international organisations have repeatedly highlighted how police units, military forces, and intelligence services operate with broad discretionary powers and minimal accountability. Security operations in response to public demonstrations, political gatherings, or perceived threats to public order frequently involve the use of **excessive and disproportionate force**. Live ammunition has been used against civilians during protests, and investigations into resulting deaths are rare, opaque, or entirely absent. This pattern contributes to a climate of fear and reinforces the perception that state agents are effectively immune from prosecution.

Detention practices constitute another area of grave concern. Individuals arrested during political operations or security sweeps are often held without charge, denied access to legal counsel, and transferred between facilities without notification to families. Numerous testimonies collected by human rights organisations describe **torture, beatings, stress positions, and psychological abuse**, particularly in unofficial detention centres operated by security agencies. These practices are not isolated incidents but rather appear as part of a broader system of coercion aimed at extracting information, punishing dissent, or deterring future opposition. The lack of effective judicial oversight exacerbates these abuses. While Uganda maintains a formal judiciary, the increasing use of **military courts to try civilians** has significantly undermined fair trial guarantees. Civilians accused of security-related offences are frequently brought before military tribunals that lack independence and do not meet international standards of due process. Legal experts and UN bodies have repeatedly raised concerns that such proceedings violate Uganda's obligations under international human rights law. At the same time, **impunity remains deeply entrenched**. Complaints against security forces rarely result in prosecutions, and disciplinary measures, when they occur, are often internal and non-transparent. Victims of abuse have limited access to remedies, and fear of retaliation discourages reporting. This systemic absence of accountability reinforces cycles of abuse and signals institutional tolerance of violations.

Therefore over the past five years, the Ugandan government has increasingly relied on **criminal law as a tool of social and political control**. Vaguely defined offences such as "incitement to violence," "spreading false information," or "offending the president" have been used to prosecute journalists, activists, artists, and ordinary citizens expressing dissenting views. Digital surveillance has also expanded. Social media platforms are

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<sup>4</sup> Committee to Protect Journalists, *Uganda: Press Freedom Under Attack* (2023): <https://cpj.org/africa/uganda/>

monitored, online activism is criminalised, and individuals have been arrested for posts critical of government policy. Periodic internet shutdowns and restrictions on social media access have further constrained freedom of expression, particularly during elections or moments of political tension. These measures disproportionately affect young people, activists, and marginalised communities who rely on digital platforms for mobilisation and communication. This environment of constant monitoring and legal uncertainty has had a chilling effect on civic participation. Citizens increasingly self-censor, civil society organisations limit their activities, and independent voices struggle to operate without fear of reprisal. The cumulative effect is a **progressive erosion of democratic culture**, even where formal institutions remain in place.

## **V. Persecution of vulnerable and marginalised groups**

While repression affects broad segments of society, certain groups face **heightened and specific risks**. The enactment of the Anti-Homosexuality Act in 2023 represents one of the most explicit examples of state-sanctioned persecution in recent years. However, its significance goes beyond the LGBTQ+ community alone. The law has legitimised broader practices of harassment, forced evictions, arbitrary arrests, and violence by both state and non-state actors. Individuals perceived as LGBTQ+, as well as those associated with them — including healthcare workers, teachers, NGO staff, and human rights defenders — have been targeted. Reports document instances where police have failed to intervene in attacks or have themselves participated in abuses.

Women activists, journalists, and opposition figures also face gender-specific forms of repression, including sexual violence, public shaming, and threats against family members. Refugees and migrants residing in Uganda are not immune from these dynamics, particularly when they belong to groups already subject to discrimination or when they lack legal documentation.

Importantly, these patterns demonstrate that persecution in Uganda is not limited to isolated incidents but reflects **structural vulnerabilities**, where protection depends heavily on political loyalty, social conformity, and access to informal networks of power.

## **VI. Uganda's refugee framework: reputation versus reality**

Uganda is frequently cited as hosting one of the largest refugee populations in Africa and has been praised internationally for its progressive refugee policies, including freedom of movement and access to employment. However, this reputation masks **significant shortcomings in practice**, particularly in recent years. The refugee protection system is heavily dependent on international funding, which has declined sharply since 2020. As resources have diminished, access to essential services — including healthcare, food assistance, and legal support — has become increasingly precarious. Refugees have reported deteriorating living conditions, reduced rations, and limited protection against exploitation and violence. Moreover, allegations of corruption within refugee management structures have undermined trust in the system. Investigations have revealed manipulation of registration processes and diversion of aid, raising serious questions about governance

and oversight. For refugees facing threats within Uganda or lacking effective protection mechanisms, avenues for redress are extremely limited.

These constraints are particularly relevant when considering Uganda's capacity to host individuals transferred from third countries. Persons relocated without community ties, legal assistance, or durable status would face **heightened risks of insecurity, marginalisation, and rights violations**, especially if they belong to groups already targeted by state policies or societal hostility.

## **VII. Implications for safety and protection**

Taken together, the developments outlined above indicate that Uganda's human rights environment over the past five years has been characterised by **systemic repression, weak accountability, and targeted persecution of vulnerable groups**. While the country maintains formal legal commitments to international human rights instruments, the gap between law and practice remains profound.

The persistence of torture, arbitrary detention, repression of dissent, and discriminatory legislation raises serious concerns regarding Uganda's ability to guarantee fundamental rights in practice. These concerns are not theoretical but are grounded in extensive documentation by international bodies and reflected in the lived experiences of individuals subjected to state power.

This context is essential for assessing Uganda's suitability as a place of safety for vulnerable individuals, including asylum seekers and others transferred from external jurisdictions. The human rights situation cannot be evaluated solely on the basis of formal policies or diplomatic assurances; it must be assessed against the **documented realities of governance, enforcement, and protection on the ground**.

## **VIII. Systemic arbitrary arrests and detentions**

A recurrent theme in international human rights reporting is the **frequency and scale of arbitrary arrests** carried out by Ugandan security forces, especially in political and public order contexts. The U.S. Department of State's *2023 Country Report on Human Rights Practices* underscores that despite legal prohibitions on arbitrary arrest and detention, security forces often detained opposition supporters, activists, and critics without due process or lawful justification. For instance, the report documents the detention of Hamza Isma Mubiru (also known as Sadam Sadat), a supporter of the National Unity Platform (NUP), who was held by military and police intelligence units for more than a month without formal arraignment, illustrating prolonged incommunicado detention practices. Amnesty International has also condemned such practices. In a July 2024 statement addressing anti-corruption protests, Amnesty criticised the **heavy-handed tactics used by the state to stifle dissent**, noting that over a hundred peaceful protesters were arrested and detained simply for exercising their right to peaceful assembly. The organisation called for the **immediate and unconditional release** of individuals detained solely for voicing dissent.

## **IX. Harassment and intimidation of journalists and critics**

Journalists and media outlets continue to face state-backed harassment. Freedom House's *Freedom in the World 2025* report notes that freedom of assembly and free expression remain severely restricted in Uganda, with protesters frequently detained and media houses targeted for coverage critical of government policies. Security forces have violently enforced restrictions on public assembly, resulting in arbitrary arrests and physical injury to journalists and protestors alike. Amnesty International and other human rights monitors have repeatedly raised alarms about the **dangerous environment for critical voices**, including activists, political bloggers, and independent media. These practices contribute to a pervasive climate of fear and self-censorship, undermining basic democratic freedoms and posing serious challenges for individuals seeking to express political opinions or document human rights abuses.

## **X. Environmental, human rights defenders and civil society at risk**

Beyond political opposition, **environmental human rights defenders (EHRDs)** have also faced threats, judicial harassment, and arbitrary arrest. The Civicus Monitor reports that a significant portion of Uganda's human rights defenders lack access to emergency protection services, leaving them vulnerable to threats and torture. This is especially acute for activists involved in peaceful protest against large development projects such as oil infrastructure, where security responses have been documented as repressive. These findings highlight that repression in Uganda extends beyond partisan political disputes to include a broad array of actors advocating for environmental protection, land rights, and civil liberties.

Moreover Amnesty International has repeatedly called for the unconditional release of peaceful protesters unlawfully detained and criticised the state's actions as a **manifest clampdown on dissent**. The organisation emphasised that **expressing dissatisfaction with corruption or government policies should not result in imprisonment** and urged authorities to respect and fulfil their human rights obligations. Furthermore, longstanding tensions between the judiciary and executive are evident in cases where courts have ruled against military jurisdiction over civilians, yet executive authorities have resisted such rulings, maintaining the use of military tribunals as a tool against dissent. The detention and deteriorating health of high-profile opposition figure Kizza Besigye, charged in a military tribunal with treachery and other offences, illustrate how political cases are handled outside regular civilian judicial norms, raising further concern about fairness and human rights protections.

The range of **documented abuses — from arbitrary arrests and political repression to curbs on free expression and violent suppression of dissent — is extensive and well substantiated by multiple independent sources**. These patterns reflect a deeply entrenched environment where state power is exercised with scant accountability and where civil, political, and digital rights are persistently violated. These expanded facts, backed by multiple sources, provide an even **richer evidential foundation** for your background report. They further underpin the assessment that Uganda's human rights

record poses **material risks** to individuals, particularly vulnerable groups, challenging the notion of Uganda as a safe environment for asylum transfer without robust protections.

## **XI. From human rights context to legal assessment**

The analysis presented so far has outlined a deteriorating human rights environment in Uganda over recent years, characterised by widespread repression, systemic abuses by security forces, and shrinking civic space. This factual background is not merely contextual: under international and European law, such conditions are legally determinative when assessing the permissibility of asylum transfers to third countries. International refugee law and human rights law require States to conduct a forward-looking risk assessment based on reliable, up-to-date information on the human rights situation in the receiving country. Where credible evidence points to a real risk of persecution, torture, or inhuman or degrading treatment, States are legally prohibited from transferring individuals to that country, regardless of political agreements or migration management objectives.

Against this backdrop, the following section examines the applicable legal framework governing asylum transfers, with specific attention to the obligations of EU Member States and institutions in the context of proposals to externalise asylum procedures to Uganda.

# **LEGAL FRAMEWORK AND INTERNATIONAL OBLIGATIONS - Asylum law, non-refoulement and EU member state responsibilities**

## **I. Non-refoulement as an absolute and non-derogable principle**

The principle of non-refoulement constitutes the legal backbone of the international protection regime. As established under Article 33 of the 1951 Refugee Convention and reaffirmed by subsequent international jurisprudence, the prohibition on returning individuals to situations of serious harm is both **absolute and preventive** in nature. Importantly, non-refoulement does not require certainty that harm will occur. It is sufficient that there exist **substantial grounds for believing** that a real risk exists. This standard, consistently applied by international and regional courts, places a positive obligation on States to assess risk proactively and in good faith.

The **UN Committee Against Torture**, the **Human Rights Committee**, and the **European Court of Human Rights** have all confirmed that States may not rely on diplomatic assurances, political agreements, or formal legal status of a receiving country when credible evidence demonstrates a pattern of serious human rights violations. This is particularly relevant in contexts where torture, arbitrary detention, and persecution are not isolated incidents but part of a broader, structural pattern—such as those documented in Uganda over the past decade.

## **II. Extraterritorial responsibility and indirect refoulement**

A critical legal dimension often overlooked in externalisation policies is the prohibition of

**indirect refoulement.** States cannot evade their obligations by transferring asylum seekers to third countries that may, in turn, expose them to harm or lack effective protection mechanisms. The **European Court of Human Rights**, notably in *Hirsi Jamaa and Others v. Italy*, clarified that jurisdiction and responsibility arise wherever a State exercises effective control over individuals, including during transfer arrangements or cooperative migration schemes.

Similarly, UNHCR has repeatedly emphasised that responsibility remains with the transferring State when it is foreseeable that the receiving country lacks adequate safeguards. This principle directly applies to arrangements involving asylum processing or relocation outside the EU, particularly where the third country's asylum system is weak, under-resourced, or politically constrained.

### **III. Legal consequences of systemic human rights violations**

International law draws a clear distinction between isolated violations and **systemic or widespread abuses**. Where credible sources document patterns of repression—such as the criminalisation of dissent, use of military courts against civilians, or routine ill-treatment in detention—States are legally required to treat such conditions as strong indicators of risk. In this context, the extensive documentation by UN bodies, Amnesty International, and Human Rights Watch concerning Uganda is legally significant. These reports collectively establish a consistent pattern of violations that must be taken into account in any asylum-related decision-making process. Failure to do so would expose transferring States to legal challenges before European and international courts, as well as potential findings of shared responsibility under international law.

### **IV. The externalisation trend in European migration policy**

Over the past decade, the European Union and several of its Member States have increasingly pursued policies aimed at **externalising migration and asylum responsibilities**. These strategies seek to prevent asylum seekers from reaching EU territory by transferring responsibility for protection to third countries. Such approaches are often framed as pragmatic solutions to migration management; however, they raise profound legal and ethical concerns, particularly when implemented in countries with documented human rights challenges.

### **V. The EU–Turkey Statement (2016)**

The EU–Turkey Statement marked a turning point in EU migration policy. While not formally classified as an international agreement, it established a framework for returning asylum seekers from Greece to Turkey. This arrangement has been widely criticised for undermining access to asylum, limiting procedural safeguards, and exposing individuals to risks of refoulement. UNHCR and multiple NGOs have highlighted deficiencies in Turkey's asylum system, particularly for non-European refugees. The experience of the EU–Turkey deal demonstrates how externalisation mechanisms can create **legal grey zones**, weaken accountability, and shift responsibility without ensuring effective protection.

## **VI. The UK–Rwanda Arrangement as a cautionary precedent**

The UK's proposed transfer of asylum seekers to Rwanda offers a particularly relevant precedent. Despite Rwanda's formal commitments under international law, extensive evidence raised serious concerns about the country's ability to provide effective protection. These concerns were ultimately validated by judicial scrutiny. In 2023, the **UK Supreme Court** ruled that the Rwanda scheme was unlawful, citing real risks of refoulement and systemic deficiencies in Rwanda's asylum system. This ruling underscores a critical point: **formal agreements and political assurances cannot override factual human rights assessments**. The parallels with proposed arrangements involving Uganda are evident and legally instructive.

## **VII. Implications for proposals involving Uganda**

Any proposal by an EU Member State to externalise asylum processing to Uganda must be assessed in light of these precedents. Given the documented human rights situation, such arrangements would likely face similar legal vulnerabilities and challenges. The failure of comparable schemes elsewhere highlights the high legal threshold required to justify transfers to third countries and reinforces the importance of adherence to binding international norms.

# **ROLE OF MEPs AND THE LIBE COMMITTEE**

## **I. Institutional oversight within the European Parliament**

Within the European Parliament, the **Committee on Civil Liberties, Justice and Home Affairs (LIBE)** plays a central role in overseeing EU policies related to asylum, migration, human rights, and fundamental freedoms.

LIBE is responsible for scrutinising legislative proposals, monitoring compliance with the EU Charter of Fundamental Rights, and holding the European Commission and Member States accountable for their actions.

## **II. Political and legal leverage of MEPs**

Members of the European Parliament (MEPs), particularly those serving on the LIBE Committee, possess significant tools to challenge unlawful or rights-incompatible migration policies. These include:

- Parliamentary questions to the Commission
- Requests for legal assessments and impact evaluations
- Initiation of resolutions and hearings
- Engagement with civil society and affected communities

In cases where externalisation policies raise credible concerns of refoulement or human rights violations, MEPs have both the authority and responsibility to intervene.

### **III. Relevance for advocacy and petitioning**

Targeting LIBE Committee members and relevant MEPs is therefore a strategic choice. Their involvement can:

- Trigger institutional scrutiny at EU level
- Increase political visibility and pressure
- Influence legislative and funding decisions
- Strengthen legal challenges and public accountability

For this reason, advocacy efforts opposing transfers of asylum seekers to Uganda should explicitly engage with the European Parliament's human rights mandate.

### **IV. Interim conclusion**

The legal framework governing asylum, human rights, and EU institutional responsibility provides limited room for manoeuvre when credible risks of harm exist. Externalisation policies that disregard documented human rights conditions not only undermine international protection standards but also expose States and EU institutions to significant legal and political consequences. This analysis reinforces the conclusion that any proposal to transfer asylum seekers to Uganda must be critically reassessed in light of binding legal obligations and established precedents.