

## **TERMS OF REFERENCE FOR REVIEW OF ANTI-TERRORISM LAWS IN UGANDA AND THEIR EFFECT ON HUMAN RIGHTS**

### ***Fight against terrorism and its effect on human rights***

#### **1.1 Introduction**

Uganda like many countries in the world has faced the challenge of terrorism, which not only has had an effect on enjoyment of rights of citizens but also has had an impact on how we respond to crime and criminality in society. Security and safety of an individual is a basic right, which the state has a duty to protect. Acts of terror across the world have violated the rights of victims and their families, prompting states to prioritize efforts to fight terrorism. However in fighting terrorism, a number of states including Uganda have taken measures that have the potential to violate the rights of suspected terrorists and citizens generally. Some states have been criticized for using the fight against terrorism as a pretext for cracking down on the opposition and other forms of dissent. Some states have engaged in torture, detention without trial, and execution of suspects, all of which constitute grave human rights violations. Some states have gone ahead to make laws that would make such violation of rights legal or would give law enforcement agencies excessive powers that at times are used to violate rights.

Uganda made its first anti-terrorism law in 2002. The 2002 law and subsequent amendments have the potential to violate human rights through provisions that contain excessive measures, grant excessive powers to state agencies in their fight against terrorism and create overly broad offences. For example the Anti Terrorism Act 2002, provided for state surveillance on communication of individuals without providing for checks such as a court review of such surveillance. A number CSOs challenged the Anti Terrorism Act, 2002, but the case was dismissed following the 2015 amendment to the Act.

The Act was amended in 2015 and new amendments have been proposed. The amendments to the Act as well as the old positions on the Act all have the potential to affect civil liberties in Uganda.

It is against the above background that Chapter Four would like to carry out an assessment of the Anti Terrorism Act, its amendments and the proposed Bills to assess their likely impact on human rights in Uganda.

## **1.2 Objectives of the study**

The key objective of this study will be to assess the possible impact of the Anti Terrorism Act, its amendments and the proposed Bills on civil liberties in Uganda. Specifically the analysis will seek to;

- a. Highlight the key human rights issues in the Anti Terrorism Act and the proposed amendments;
- b. Study the trend in handling anti terrorism laws and borrow examples for improvement of the law in as far as the link between fighting terrorism and promotion of human rights is concerned; and
- c. Give recommendations for improvement of the Anti terrorism Act, the amendments and its enforcement.

## **1.3 Methodology**

The Consultant will develop a methodology, which covers the key issues of the study. Document review including review of the laws, proposed Bills, Hansards of parliament among others will be carried out.

The consultant will work hand in hand with staff at Chapter Four who will review and discuss the paper as it progresses.

## **1.4 Deliverables**

At the end of the consultation the consultant will deliver the following:

- a. Inception report.
- b. A Copy of the final report.

## **1.5 Administration information**

The Consultant will be liable for all taxes and other government dues, which may accrue directly from this assignment.

## **1.6 Required skills**

The Consultant shall have a Degree in law with experience in enforcement of human rights in Uganda. Knowledge of regional and international human rights systems will be an added advantage.

## **1.7 Address and application**

Interested applicants should send a response to the TORs, Budget and CV to the Program Officer on [ptwasiima@chapterfouruganda.com](mailto:ptwasiima@chapterfouruganda.com) copy to the Finance and Administration Officer on [smugisha@chapterfouruganda.com](mailto:smugisha@chapterfouruganda.com) not later than October 20, 2017.