

HUMAN RIGHTS VIOLENCE AGAINST FISHERFOLK ON
LAKE VICTORIA AND KYOGA IN UGANDA

Prepared by
FFOU LEGAL AID PROJECT
Supported by
FEDERATION OF FISHERIES ORGANISATIONS
UGANDA,



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Report

Objectives

The FFOU Legal Aid Project draws its Objectives from FFOU Strategic Objective 1 which consists of Legislations, Policies and Human rights.

- To provide legal aid services and awareness to fishermen, women and children in fishing community
- To promote the respect for human rights in the fishing sector in Uganda
- To lobby and advocate for legislation and policies which act in favour of the poor fishers
- To build mechanisms and aggressively mobilize resources to ensure FFOU Legal Aid services financial sustainability.

Target Beneficiaries

Indigent fishermen, women and children with special consideration to women, children, disabled and other vulnerable in fishing communities

Coverage

Masaka, Kyotera, Kalangala, Kampala, Kalungu, Jinja, Mukono, Namayingo, Buyende, Amolatar, Serere, Dokoro, Nakasongola

Area(s) of Work / Focus

Legal advice, Mediation, Awareness, Negotiation, ADR, Public interest litigation

Summary of Activities

- ❖ Provision of legal information, advice and Awareness.
- ❖ Mediation, negotiation and other alternative dispute resolution services
- ❖ Court representation
- ❖ Training Para Legals in fishing community to conduct human rights awareness programs
- ❖ Production of Human and Legal Rights publication materials
- ❖ Lobbying and Advocacy for Pro poor laws, research documentation and dissemination.

ACRONYMS

FFOU	Federation of Fisheries Organizations Uganda
GIZ	German Agency for International Cooperation
FAO	Food and Agriculture Organization
FPU	Fisheries Protection Unit
UPDF	Uganda Peoples' Defence Forces
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
UNCRC	United Nations Convention on the Rights of the Child
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women

Foreword

I am delighted to present you with the FFOU Legal Aid Project Report on Human Rights Violence Against Fisherfolk on Lake Victoria and Kyoga for March 2022.

This report provides you with an overview of the Organisation's achievements and the challenges we faced during the period under review. It further accounts for the progress the FFOU Legal Aid Project made in fulfilling its objectives and sets out how we are to tackle the key priorities.

The FFOU Legal Aid Project experienced resource and systems constraints that affected its ability to meet targets against its strategic objective due to the COVID - 19 pandemic and its aftermath.

Generally, we have handled 36 cases in the courts of law all concerning the fisherfolk and categorically are; 7 murder cases, 15 cases on torture with investigations still on going, 6 cases on unlawful eviction, 8 cases on loss of property in which 3 of these were disposed of and 5 still ongoing.

Focusing ahead, while the human rights violations have only been addressed in a fragmented and piecemeal manner, we must urgently identify and address human rights violations against the fisherfolk and work hand in hand with the government agencies so as they understand their human rights responsibility to the fisherfolk.

Secondly, the government lacks proper national policies, legislation, monitoring and enforcement mechanisms to prevent and address human rights violations in the fishing community. The government must strengthen monitoring, control and surveillance to eradicate forced evictions and other human rights violations and protect the access rights of small-scale fishers.

The report also clarifies that in a bid by the state agencies to eliminate what it considers illegal fishing more atrocities on the fisherfolk have been recorded than before their tenure on the water bodies. With this in mind, I believe that the World needs to respond with a rights-based approach to fisheries Management, which prioritizes the needs of vulnerable small-scale fishing communities who make up the majority of fish workers in the country.

On a special note, I take this opportunity to register my appreciation to FFOU President of the Federation of Fisheries Organizations Uganda Kanyana Ezra who

initiated the FFOU Legal Aid Project, his resource mobilization efforts and continuously guided, supported the Legal Aid in human rights advocacy.

I recognize the efforts of Law Council of Uganda, our partners GIZ RFBCP Jinja office working together with FFOU to make a difference in the rural fishing community in the areas of Business Development Services which enabled us to more hands-on skills as we got to know more about the human rights violation in the sector.

I also convey my gratitude Special to Uganda Human Rights Commission for the information and guidance provided during the compilation process of this report, GIZ-CUSP Kampala Office which provided technical guidance throughout the review process, funded all regional meetings during the FFOU constitutional amendments which resulted into the formation of FFOU Legal Aid.

Special recognition also goes to the FFOU Technical Team headed by the Executive Director Ms. Nangoma Salama and also the Head of FFOU Legal Aid Project Ms. Among Pauline including Ms. Biryeri Zauja - Programmes Director, Mr. Baidhuse Micheal - Director Compliance, quality and legal, Mr. Ayebale Simon the National Programs Coordinator, Mr. Waiswa Faruk the Senior Human Resource Officer among others who worked hard during the process of compiling this report.

Finally, I wish to thank and congratulate all FFOU member associations (fishers), Rural Fishing Authorities and all District stakeholders including DFOs in their various capacities for their active participation and support in compilation of this report.

Now, let's head into the future with resolve, optimism and the fighting spirit for which Ugandans are known

A handwritten signature in black ink, appearing to read 'Nangoma Salama', with a stylized initial 'N'.

Nangoma Salama
Ag Executive Director.

Executive summary:

The Fundamental human rights of Ugandan fishing communities, such as the right to food, to an adequate standard of living and to decent working conditions among others, are being threatened by the failure of the state Agencies/government to address the Human Rights Violations.

Human rights issues in fishing communities in Uganda, highlight death, forced evictions, torture detention without trial, child labour, forced labour, violence and personal insecurity, including gender-based violence, as key areas of concern.

We realize that human rights violations undermine current attempts to reform the fisheries sector in Uganda by increasing the vulnerability and marginalization of certain groups.

Cited cases from Kalangala, Masaka, Kyotera, Kalungu, Mpigi, Wakiso, Kampala, Buvuma, Namayingo, Busia, Nakasongola, Hoima and Buyende districts, we show how human rights advocacy can be an effective element of support for development in fisheries sector. Consequently, we note that fisheries reform can better address human rights issues and can be an essential complement to the equitable allocation of fishing rights, contributing to improved resource management and human wellbeing in Uganda.

Introduction:

Uganda government gazetted the fisheries and aquaculture Bill in 2020. The Bill, in its current form, poses threats to various human rights of both civil and political nature such as freedom from torture and the right to a fair hearing, as well as those of an economic, social and cultural nature such as the right to adequate food. The harsh fines, penalties and levies the Bill seeks to introduce will affect the fishing Community who solely depend on fishing for their livelihood.

Lake Victoria Basin has a population of approximately 40 million, with a population density of 250 people per square kilometre. Lake Victoria is bordered by Uganda, Tanzania and Kenya. It is the main source of food and livelihoods for riparian Communities.

Uganda has over a thousand kilometres of shoreline and fishing is one source of income for many communities living in extreme poverty. Women are particularly active in small-scale fisheries as they are generally responsible for drying, processing and selling the fish, as well as feeding their households.

Overfishing, especially of fish for export, combined with pollution from industry and agribusiness is threatening the livelihoods of millions. Human rights concerns have however gained prominence in international development policy in recent years as a complement and sometimes alternative to approaches focused on local livelihoods and national economic growth.

The "FFOU Legal Aid argues that human rights are integral part of development outcomes, as international human rights norms highlight the freedoms and capabilities of each individual, essential components of the human side of development that economic indicators fail to capture.

In its application to natural resource management, a human rights-based framework draws attention to the institutions and power structures that determine resource allocation and access, as essential contributions to livelihoods and wellbeing, sometimes framed as environmental entitlements.

Establishing access rights to a natural resource for the poor, as part of a right to livelihood, represents a legal and moral claim that cannot be easily ignored, and opens up ways of defending these claims through advocacy that references domestic and national legal instruments.

The approach also draws attention to the range of factors beyond resource access that can undermine the health and welfare of natural resource-dependent communities. An analysis of human rights issues in fisheries sector is particularly pertinent as recent years have seen an explicit adoption of human rights principles in international norms in the sector. Most notably, the UN Food and Agriculture Organization (FAO), with a range of civil society partners, has since 2007 increasingly framed policy support and governance advice in the small-scale fisheries sector in terms of human rights

FFOU Legal background:

FFOU Legal Aid is registered with Law Council of Uganda number CLA/039/2023 under Regulation 9 of the Advocates (Legal Aid to Indigent Persons) Regulations 2007 and committed to provide Legal Aid services to grassroot Ugandan fisherfolk. The project looks at enabling fisher folk know their rights and are protected by establishing a peaceful, free, just and developed society with the underpinnings of genuine principles of the Rule of Law, mainly from legal aspect. Further the project raises fisherfolk awareness for the emergence of just laws and a better legal framework, in which individual fishers' freedom and collective rights of fishing communities are well protected. FFOU provides legal aid and assistance to fisherfolk victims, facilitation of justice defender lawyers and taking actions.

FFOU Legal Aid is managed and implemented by the Federation of Fisheries Organizations Uganda (FFOU) a Non-Profit Making Organization registered under Non-governmental Organizations Act, 2016 registration number 6521 (INDR160045220NB) in Uganda East Africa.

FFOU is a National Umbrella body of all non-state actors in the Fisheries Subsector which National Bureau for Non-Governmental Organisations is currently regulating 131-member Associations / Organizations which brings together all the Fishing Communities across the five great Lakes of: Victoria, Kyoga, Albert, George, Edward and the Surrounding districts in Uganda. The strategic implementations of FFOU try to tackle some of these sensitive issues among these marginalized communities although with limited support.

Situation in fisheries sector in Uganda:

Natural water bodies cover approximately 42 000 km², or about 18% of Uganda's total area, and fisheries play a very important role as a foundation of subsistence and commercial livelihood.

Fishing communities in Uganda are of varied ethnic backgrounds and reside in more than 34 districts of the 135 Districts in Uganda where fishing water bodies are located. It is estimated that about 1,000,000 people earn their livelihood from the fisheries sector, majority of whom are subsistence fishermen, while women are involved in fish drying (sardines), traditional processing of fish, petty trading as well as cooking for household consumption. Fishing communities live in precarious conditions with inadequate access to housing, health facilities, and other infrastructure. Poverty is rampant among these fishing communities because fishing alone is not enough to sustain their livelihood. Hence, poverty is the main cause that pushes small-scale fishers to use undersized nets and catch undersized fish as a coping mechanism to sustain their livelihood, which is considered unlawful and illegal by the government of Uganda.

Right to Food and nutrition:

Uganda ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 21 January 1987 (Art.11). It also ratified all other treaties relevant to the right to food and nutrition, including the International Covenant on Civil and Political Rights – 21 June 1995 (Art. 6-1), the Convention on the Rights of the Child – 17 August 1990 (Arts. 24 and 27) and the Convention on the Elimination of All Forms of Discrimination against Women – 22 July 1985 (Arts.12 and 14). This means that under its international human rights obligations, the Government of Uganda has

the duty to guarantee the enjoyment of the right to food and nutrition, and other connected rights in Uganda.

FPU (Fisheries protection unit) under Uganda Peoples Defense Force (UPDF) is brutally targeting fishing communities living on subsistence fishing on Lake Victoria and other lakes to eliminate what it considers illegal fishing but they are on record for causing more atrocities than before their tenure on the water body.

Federation of Fisheries Organizations Uganda (FFOU Legal Aid Project) calls on Fisheries Protection Unit (FPU) [to stop the criminalization](#) of small-scale fishing and ongoing human rights violations in Uganda.

Enforcing a 2017 directive of the President to combat illegal fishing, the FPU has confiscated equipments, burned fishing boats, intimidated and harassed fisherfolk. Beatings and torture is common and property has been burned down.

Many young fishermen have died during operations by the armed forces on waters. Many families were left in abject poverty as all their savings were invested in subsistence fishing which has been condemned brutally.

"Many boats were burned when the FPU operations began," said one fisherman in Kalangala district, adding that Uganda's fishing regulations make it impossible to earn a living.

The nets they want fishers to use are so expensive, the requirements are expensive, the boat engines are expensive as well as the size of the boats needed. Everything is expensive, we request the government to help fishers, they no longer have food to eat.

Fisherfolk are experiencing a lot of challenges in their daily lives including taking care of their families yet many of them are facing healthy related issues like HIV/AIDS, TB, Malaria etc. These challenges have been shared by many FFOU members/ fisherfolk and they have been supported by [Federation of Fisheries Organizations Uganda](#) although with a lot of constraints, FFOU has held human rights training sessions in deferent districts on lake Victoria, Albert and

Kyoga and created awareness among these marginalized fishers, as an umbrella body feel we can do a lot more to change lives of these people.

The government brought the FPU under the guise of protecting Fishers. But fisherfolk members are suffering because of lack of sensitization about responsible fishing and tax education as well, the fishers are coerced to pay all sorts of illegal and legal taxes taking advantage of their ignorance.

It was discovered that they find them on the lake and claim that the boats are not of the standard size and that the nets are illegal, and the fish caught is also still young yet in most cases, everything is ok but because they want money out of the fisherfolk they are arrested, beaten and taken to courts of law after some weeks in police or their hidden places/illegal detention.

FFOU demand that:

- FPU cease and desist from all acts of torture or cruel, degrading and inhumane treatment perpetrated against fishermen accused of involvement in unlawful fishing activities even before being sensitised about new fishing regulations.
- Fishermen suspected to be involved in unlawful fishing activities be promptly presented to the courts of law for trial rather than being subject to arbitrary punishment by enforcement officials.
- The government should investigate and hold to account those responsible in FPU for human rights violations including killings, torture or/and inhuman treatments.

Conclusion

- ✓ FFOU Legal Aid has held several dialogue meetings with Fisheries Protection Unit (FPU) and the UPDF Marines to ensure that in their mandate to fight illegal fishing on all waterbodies in Uganda, the stringent enforcement measures which have cost lives and rendered many fisherfolk homeless as their houses are often destroyed during operations in the search for illegal fishing gears is minimized or eliminated.
- ✓ In addition, FFOU Legal Aid has called upon the Fisheries protection Unit (FPU) to invest in alternatives like awareness campaigns or sensitization and donation of fishing gears rather than management by the gun and engaging in criminality in the name of fighting illegal fishing practices.
- ✓ FFOU has organized the fishers into organized associations for clear identification and build their capacities to know their rights as citizens in fisheries sector and has sensitized fishers on various aspects of human rights.
- ✓ FFOU has also taught reproductive health and skills development among the women and youth to reduce poverty as a result of over dependency on the restricted lakes.
- ✓ FFOU has initiated aquaculture demonstration projects meant to skill the youth specifically those involved in fishing activities to reduce pressure on the lakes in Uganda.
- ✓ FFOU still looking for partners to help in tax education which has been a center of exploitation.
- ✓ FFOU established legal clinics and offered pro bono services for the marginalized groups like sex workers and others in fishing communities.
- ✓ FFOU have developed a mobile application known as (Abavubi app) for information sharing in the areas of human rights, healthy and business development for the purposes of digitalize the sector and also used to monitor the lake for fisher's safety.

Recommendations:

- ❖ The Government must adopt a rights-based approach to fisheries Management, which prioritizes the needs of vulnerable small-scale fishing communities who make up the majority of fish workers in the country yet are often marginalized in decisions concerning their livelihoods.
- ❖ The Proposed Fisheries and Aquaculture Bill 2020 must be reviewed to establish a clear and unequivocal legal basis to respect, protect and fulfill the human rights of the fishing communities while ensuring environmental security and sustainability.
- ❖ The Bill should promote the sustainable management of the fisheries resources through the provision of an institutional framework that will sensitize and empower small-scale fishers as the basis for the realization of the right to food and nutrition of small-scale fishers.
- ❖ Ensure that the Bill is re-drafted in an inclusive and participatory manner, with wider consultations including especially fishing communities. Therefore, the government should engage the FFOU and members of parliament from lake regions to conduct wide consultations in their constituencies on alternative provisions to the sustainable management of fisheries in their communities.
- ❖ Take proactive measures to ensure that fishing communities' activities are not hampered by the violence of FPU. Hence, provisions of the Bill that legitimize the use of force as a default mode of operation should be amended.
- ❖ Investigate and hold to account those responsible in FPU for human rights violations including killings, torture or/and inhuman reamendment.

For queries and additional information, you may contact FFOU Legal Aid Project, Uganda at info@ffou.org