

# POLICY AND PRACTICE NOTE

---

## Making the Transition: Engaging Communities in Uganda with the United Nations Declaration on Human Rights Defenders

JAMIE HITCHEN AND JACQUELINE KASOMA\*

### Abstract

The UN Declaration on human rights defenders was designed to promote and protect the rights of individuals engaged in the defence of human rights. Generating awareness of the Declaration remains a challenge. In Uganda, efforts to develop knowledge and awareness at the community level had been noticeably absent, but a recent initiative by the Human Rights Centre Uganda (HRCU) has sought to bridge the divide between the international and community spheres. This policy and practice note will seek to discuss a participatory simplification and translation exercise carried out in six linguistic regions of Uganda. It will outline the thinking behind the high degree of community involvement in the translation process by linking language to identity and culture. It will offer a detailed explanation of the process itself, in order to generate a strong sense of how it played out in reality, before moving on to suggest some of the expected results and acknowledge some of the challenges encountered during implementation. The paper will suggest that the model adopted should serve as an example of how to deliver a translation process that is both relevant and interactive. By taking a community approach, greater awareness of the values inherent in the Declaration are developed and this, combined with a greater sense of ownership of the document, provides human rights defenders in Uganda with some of the tools required to continue to advocate for socio-economic and political change, using a rights-based approach.

*Keywords:* awareness; community; language; simplification; translation

The United Nations (UN) adopted the Declaration on the Right of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms<sup>1</sup> on 9 December 1998. The

---

\* Jacqueline Kasoma (jkasoma@hrcug.org) is the Head of Programmes at the Human Rights Centre Uganda (HRCU); she designed and was in overall charge of the project which is the subject of this policy and practice note. Jamie Hitchen (j.c.hitchen@gmail.com) has worked on governance and human rights issues in India, Uganda and Sierra Leone; in the course of his research assessing the situation facing human rights defenders in Uganda he observed four of the six community translations.

1 Adopted by UN General Assembly resolution 53/144, A/RES/53/144 (commonly referred to as the Declaration on human rights defenders).

instrument is not legally binding, but represents a strong commitment to upholding the rights of human rights defenders (HRDs).<sup>2</sup> It does not create new rights, but rather it underscores existing universally recognized rights, giving them direct relevance and application to HRDs. HRDs are individuals or groups working to promote and protect fundamental freedoms, which all citizens are entitled to ([Amnesty International, 2013a](#)).

Their role is crucial in an environment where those rights are not always respected. In Uganda, there is a need to ensure that HRDs not only receive adequate protection when defending human rights but that they are aware of the rights and responsibilities they hold as defenders. The Declaration can aid the development of this understanding, but only when it interacts with, and impacts at, the community level. This article explores an initiative by the Human Rights Centre Uganda (HRCU) to undertake a community translation initiative of the Declaration. It will explore the thinking behind the project and comment on the successes and challenges faced. Finally it will reflect on the process and offer perspectives on lessons learned, which can guide similar initiatives in the future. As one of the community participants, Suubi S. Francis of Masaka, noted:

In simplifying and translating human rights instruments into local languages it is important that the local communities participate so that they have a sense of ownership of the final documents produced. One of the ways it can be done is having the local people participate in the actual translation. ([Francis interview, 2012](#))

### Human rights in Uganda<sup>3</sup>

During the 2011 Presidential election campaign, an opposition pressure group, Activists for Change (A4C), initiated a series of ‘Walk to Work’ protests. They called upon Ugandans to leave their cars at home and walk to work or to church, to protest peacefully against rising food and fuel prices, corruption and government misappropriation of public funds. The heavy-handed police response led to destruction of property and infringement of people’s fundamental freedoms and human rights, and the crackdown impinged specifically on the rights of freedom of expression and assembly. Ten deaths were recorded ([Sserunjogi, 2011](#)).

In addition, the legal setting in Uganda seeks to impose restrictions upon the HRD working environment. The 2012 Anti-Homosexuality Bill has yet to pass into law, but it seeks to impose life imprisonment for individuals who

2 For a discussion on the problems posed by the definition of HRDs, see the introductory article by the co-editors of this issue.

3 See [Amnesty International \(2013b\)](#) and [Human Rights Watch \(2013\)](#) for a more detailed understanding.

commit aggravated homosexuality.<sup>4</sup> Although a controversial death penalty clause was removed by a ministerial review panel (BBC News, 2012), homosexuality remains illegal in Uganda, punishable by up to 14 years in prison. In this legal framework lesbian, gay, bisexual, transgender and intersex (LGBTI) rights fail to exist. Finally, the 2011 Public Order Management Bill is another piece of proposed legislation that poses a threat to fundamental freedoms. It seeks to limit the number of people who can attend a public meeting without first gaining approval from state authorities. If passed, this would be a clear infringement on the rights to freedom of assembly, association and expression, which are rights provided for in national and international law.<sup>5</sup>

Underequipped HRDs in Uganda, who have limited knowledge of the protection mechanisms available to them, lack awareness of the damaging implications of such bills. There is a pressing need for better awareness to prevent these measures becoming law. Developing preventative awareness is the best way of ensuring that HRDs can act, as it allows them to become less reactive and more proactive in their approach.

### Localizing international developments in human rights

Research conducted by HRCU (2013) found that only 63 per cent of civil society respondents held knowledge of relevant international mechanisms,<sup>6</sup> and only 16 per cent of those had ever utilized existing international mechanisms to promote and protect the rights of HRDs in Uganda,<sup>7</sup> thus indicating a disconnect between international law and the people whom it seeks to protect.

O'Neill (2005) argues that this disconnect is being engineered by states in a way that allows them to use human rights legislation as a tool of political control. She argues that the 1948 Universal Declaration of Human Rights<sup>8</sup> lacks clarity when it comes to deciding upon who is obligated by them; 'the state, groups, individuals, nations, or some mish mash of all' (2005: 431). In applying this to Uganda, where the state has been a regular violator of human rights, educating the community about the role of HRDs and the values they protect and uphold using non-state channels can have a tangible impact on improving fundamental freedoms for all.

4 This refers to non-consensual sex, serial offenders and deliberate infection of victims with HIV-AIDS through intercourse.

5 The Public Order Management Bill was passed by parliament on 6 August 2013. For the Bill to become Law it must receive assent from President Museveni within six weeks. See (Article 19, 2013). <http://www.article19.org/resources.php/resource/37201/en/uganda-public-order-management-bill-for-further-details> (referenced 16 September 2013).

6 The international mechanisms were the Declaration and the UN Special Rapporteur on the situation of human rights defenders.

7 For further information see HRCU (2013). The data for that report was gathered from over 80 respondents.

8 Universal Declaration of Human Rights, adopted by UN General Assembly resolution 217 A (III), 10 December 1948.

### *A lack of public outreach and understanding*

In order to generate awareness of international protection mechanisms, public outreach is crucial. Too often these documents are written in a way that makes them inaccessible to the individuals and groups they seek to protect. Even where there has been an explicit commitment to increase understanding of international mechanisms and processes at the community level, such as by the International Criminal Court (ICC), it was not initially seen as an integral element. This position has evolved significantly and an ICC Outreach Unit began work in 2007 in an effort to focus more attention on engaging communities with its work (International Bar Association, 2008). Initiatives like the television programme ‘Ask the Court’ in Kenya are positive steps. It explains judicial developments as they unfold, clarifies the next steps in the Court’s procedures, and enhances transparency and understanding of ICC proceedings (Kersten, 2011).

In addition, the type of language used in UN Declarations can be difficult to understand and makes concepts hard to grasp—a policy-speak that is disconnected from reality on the ground. An example from the Ugandan context was the phrase ‘public order’ which features in article 17 of the Declaration on HRDs. There is no comparable expression in the local languages.<sup>9</sup> The need for vernacularization is evident but, as Merry (2006) notes, this can create problems of mistranslation and a struggle to adapt ideas and concepts that are not rooted in local culture or customs.

HRCU sought to avert this potential pitfall by focusing on the essence of the article being conveyed rather than seeking a word-for-word translation. The essence refers to a translated expression that captures the core meaning within the article but that might be written in a different form or using alternative vocabulary. It is focused less on replicating the phrase in another language but seeks instead to capture the primary sentiment in a form that allows for more universal access, opening up the document to people from a wider spectrum of educational backgrounds.

### *The issue of language*

Language is an important source of identity for communities and nations. Tanzania’s post-independence nation building project relied heavily on the Kiswahili language to successfully draw together different cultural and tribal groups to forge a common identity. Barkan (1994: 235) states that ‘the potential for ethnic violence in Tanzania has . . . been muted by the near universal use of Kiswahili’. In Uganda, however, there is no unifying indigenous language and the close links between ethnic identity and language have dominated recent post-colonial history. There are sharp differences between the

9 During the project, community discussants constantly grappled with the meaning of this concept.

Nilotic languages and their Bantu counterparts, to the extent that very few words are transferrable or understood intuitively.<sup>10</sup>

English is the official language of Uganda, but the level of comprehension outside of the capital Kampala is often quite low. A Global Entrepreneurship Monitor Report (2003: 13) found that only 19.3 per cent of its questionnaire respondents had a sufficient grasp of the language to respond in English. Furthermore, in the work of Nannyonjo (2007: 20), students across the country were asked about the language spoken at home. Only 3.9 per cent spoke solely English, compared to 31.9 per cent who used a mixture of English and the vernacular and 64.2 per cent solely the vernacular. This highlights the need for the Declaration being made available in vernacular languages if it is to have a significant impact in advancing human rights and the work of HRDs in Uganda at the community level. Similar initiatives were initiated around the 2010 Constitution in Kenya which was translated into Sheng (a vernacular language which combines elements of Kiswahili and English) and posted online with a focus on interactive discussion of the translation (Orenstein, 2010).

### **Simplification and translation: the project in practice**

The translation and simplification initiative of HRCU<sup>11</sup> aimed to bridge the gap that exists in Uganda between the international and local in access to information about the rights of HRDs. Community participation was at the heart of the translation process. This was to ensure that the language being used would be more in tune with the everyday realities of life in rural Uganda. The aim was to help communities develop knowledge and awareness so that they could adopt preventative measures that would improve the situation of HRDs in Uganda, rather than just reacting to developments. Implicit in the thinking behind the project was the idea that everyone in society has the potential to be a HRD.

#### *The model*

Building on its prior expertise,<sup>12</sup> HRCU translated and simplified the UN Declaration on human rights defenders into six local languages.<sup>13</sup> This process was undertaken by HRCU staff and reviewed externally by HRD

10 For greater detail on ethnic identity and language in Uganda see work done by the University of Pennsylvania (African Studies Centre, 2010).

11 HRCU is a not-for-profit organization, founded in 2008, with the sole aim of contributing to the protection and promotion of the rights of HRDs in Uganda. It works across the country, in partnership with local organizations, to deliver capacity building workshops and trainings, carry out research on human rights issues, translate and simplify international and national legal documents, encourage the development of regional networks or coalitions, and advocate for improvements in the human rights environment through detailed research projects.

12 HRCU has previously undertaken translations of the Declaration and Chapter 4 of the Ugandan Constitution (Bill of Rights), but not in a way that has engaged the community.

13 The languages are Acholi, Ateso, Lango, Luganda, Runyankore–Rukiga and Runyoro–Rutooro.

experts. This stage of the translation process focused on capturing the core value inherent in each article of the Declaration and presenting it clearly and succinctly. The communities were not involved at this stage, but were crucial in providing independent verification of the translation, ensuring that it reflected the vernacular language used in the local setting. This is crucial in ensuring that the initial subjective process of capturing the essence is more credible, but its validity is still very reliant on a small portion of native speakers and this is problematic.<sup>14</sup>

Local dialogues were organized over a period of two months, one in each of the six linguistically diverse districts, where at least 20 members of the community<sup>15</sup> were gathered together to voice their opinions on the translation in a free and open discussion. The informal setting, often under trees or in traditional meeting places, was chosen as it was felt that this would encourage greater participation, especially from women.

During the debates, all community participants were given a copy of the simplified version in English and the vernacular. Moderated and led by a local consultant conversant in both languages, an individual was designated to read one article of the Declaration at a time, in the vernacular and in English. Once this had been done the rest of the community participants were encouraged to comment on any discrepancies, grammatical errors or areas where the meaning had been mistranslated. Community participants did not have access to the full Declaration but were asked for their comments on the already simplified version. These discussions took place in a mixture of English and the vernacular. The process was repeated for each of the 20 articles and took on average three hours to complete. Changes agreed upon<sup>16</sup> were taken away by the consultant and incorporated into the final published version. This published version also included cartoons, designed in consultation with HRCU staff, which offered an additional visual aid to the concept being expressed.<sup>17</sup>

Community engagement was the *raison d'être* of this exercise. The translation process gave local communities a chance to engage with the international framework that exists to protect their rights, and to think about how they can use these ideas at the community level. The project aimed to develop the Declaration from a piece of paper to a tangible tool for HRDs in Uganda

14 In each of the six towns, Gulu (Acholi), Lira (Lango), Soroti (Ateso), Masaka (Luganda), Mbarara (Runyoro–Rutooro) and Fort Portal (Runyankore–Rukiga), only one community group of between 20 and 30 individuals were involved in the translation process.

15 The selection process was done by local activists in an unstructured way. An effort was made to strike a balance between different sectors of society (youth and elderly, men and women) but the major prerequisite was that they understood both English and the vernacular language. They were not required to be HRDs or even to have knowledge of the role of a HRD.

16 Agreement was generally reached between community members but in cases where that did not occur the majority voice was chosen. This is not an ideal scenario and what to do about conflicting interpretations is an issue that HRCU will look to address.

17 These are available online at [http://hrcug.org/index.php?option=com\\_content&view=category&layout=blog&id=51&Itemid=178](http://hrcug.org/index.php?option=com_content&view=category&layout=blog&id=51&Itemid=178) (referenced 23 May 2013).

which would help them uphold their own rights, and the rights of those they protect. Initial feedback from those who had participated suggested they felt more equipped with the necessary knowledge to act as upholders of human rights values and would in future be more confident in acting as defenders.

### **Expected results and challenges**

The community translation of the simplified Declaration, carried out across Uganda by HRCU, experienced successes and faced challenges. Both of these provide important insights for any replication of the process by other organizations working in linguistically diverse countries or regions. As the project is still in its infancy the successes cannot yet be fully known or measured, but the evidence available provides a basis for some initial observations.

#### *Expected results: increasing relevance and community ownership*

Article 2 of the Declaration places upon the state a prime responsibility and duty to protect, promote and implement measures to uphold human rights and fundamental freedoms. If the state, as the primary duty bearer, is failing to offer necessary protection, it is vital that local community leaders, individuals and groups are aware of their rights. This HRCU-led initiative delivered this by producing translated documents that are more easily accessible to people at all levels of society, which increases their capacity to ensure the values of the Declaration are upheld. Previous engagements between the community and HRCU staff members had seen a desire expressed to have access to the information provided in the Declaration in a clear, concise format. Florence Achiro of Gulu believed that:

For us, having simplified and translated human rights literature helps us know about and report human rights violations. It means we can hold our leaders accountable since we can understand the laws and what our rights are. (Achiro interview, 2012)

Involving those at the community level is crucial in ensuring the project has a sustainable and long-term impact. It creates a greater sense of ownership.

While it is too early to document the precise impact of this translation process,<sup>18</sup> previously translated documents have been utilized by the community in a very practical sense. In Lira, for example, a town in northern Uganda, a local language version of Chapter 4 of the Ugandan Constitution had enabled the community members to hold a protest about the quality of the road in their parish and the lack of government willingness to resolve the problem. They stated that they were aware of their right to protest because of the translated document.<sup>19</sup>

18 Follow-up activities are being developed for 2013/14 to try and assess the impact of the translation process on community awareness and use of the Declaration.

19 Interview with participants of community translation exercise, Lira, 12 October 2012.

HRCU is in the process of facilitating the spread and use of these translations of the Declaration through formal and informal networks. HRCU has a network of over 150 HRD organizations working in Uganda and by printing and sending translated versions of the Declaration to these partners the centre has sought to target as wide a demographic and geographic spread as possible. To generate the greatest impact, it is important for Ugandans to educate each other on how they can use the Declaration to protect and promote human rights in their communities. The published translations assist in this process, but instigating enthusiasm is crucial and can be developed when communities discuss and verify the translated document at the inception phase.

### *Challenges: language conflicts and strengthening female participation*

Challenges surrounding the use of language emerged through the translation process. In Fort Portal, a town in western Uganda, debates became heated and disruptive between representatives of the elderly and youth segments of society over the type of language being used. Younger members of the community argued that elderly participants used ‘archaic language’ which was not reflective of the daily spoken vocabulary. This debate over the form of language and the use of punctuation to denote inflection was also one about cultural understanding, and in Fort Portal dominated the overall discussion, to the extent that the meeting was adjourned until a solution could be negotiated. The decision made, and approved by community consensus, was to allow all participants to vote on which form was the most representative and to give preference to the majority standpoint. It would then be used throughout the document to ensure consistency.

This was not an ideal solution as it validates one group of native speakers over another without any in-depth investigation into why the differences are so pronounced. Although connecting and engaging youth on human rights issues is crucial—particularly in Uganda, where upwards of 50 per cent of the population are under 25 (Ugandan Bureau of Statistics, 2011), this should not be done at the expense of excluding others. Strategies need to be developed about how to address differences of opinion in this kind of translation environment.

Lack of female participation was also an issue. This was less so in Soroti and Lira, but in other areas, the discussions were male dominated. In Masaka, for example, a town in central Uganda, women were reluctant to voice opinions that contradicted their male counterparts, or to volunteer opinions without first being prompted.

The need to ensure gender balance in representation is crucial and special encouragement should be made by the mediator to seek the opinion of women or to have separate women-only discussions. Women’s rights are those violated most often in Uganda. Therefore it is of the utmost importance to engage women in the process so that they too can develop awareness about the rights they have and ways in which they can use the Declaration to uphold them.



## Conclusion

This policy and practice note argues that this initiative to coordinate community engagement in translating a simplified version of the Declaration on HRDs gives communities an understanding and awareness of their rights and provides them with a tool that they can use to advocate for change using a rights-based approach. This initiative led by HRCU is one way in which the ideals set forth in the Declaration can become more relevant at the community level. However there are lessons that can be learned from these experiences in Uganda.

Firstly, a greater understanding of the potential for conflict caused by translation, especially in Uganda's post-conflict setting, needs to be incorporated in the design of community engagement activities. Secondly, a greater number of community dialogues in each linguistic region would allow marginalized social groups (such as women or youth) greater space for participation. Finally, in order to maximize the impact of the translation, it is important to design a complementary dissemination strategy for translated documents that includes community participation and dialogue.

## Funding

This work was supported by the Democratic Governance Facility (DGF) who funded the entire community translation process.

## References

- Achiro, Florence, interview with author, 18 September 2012.
- African Studies Centre, University of Pennsylvania. 2010. Uganda: Ethnic Groups. <http://www.africa.upenn.edu/NEH/u-ethn.html> (referenced 1 August 2013).
- Amnesty International. 2013a. Human Rights Defenders: Background. <http://www.amnesty.org/en/human-rights-defenders/background> (undated; referenced 23 February 2013).
- . 2013b. Annual Report: Uganda.
- Article 19. 2013. Uganda: Public Order Management Bill. 13 August (referenced 16 September 2013).
- Barkan, J. 1994. *Beyond Capitalism vs. Socialism in Kenya and Tanzania*. Boulder, CO: Lynne Rienner.
- BBC News. 2012. Uganda Anti-Homosexuality Bill: MPs Drop Death Penalty. 23 November (referenced 8 March 2013).
- Francis, Suubi S., interview with author, 27 September 2012.
- Global Entrepreneurship Monitor (GEM). 2003. GEM Uganda 2003 Executive Report. Kampala: Makerere University. <http://www.mubs.ac.ug/home/docs/GemUG2003ExecRep.pdf>.

- Human Rights Centre Uganda (HRCU). 2013. Human Rights Defenders in Uganda: The Quest for a Better Working Environment.
- Human Rights Watch. 2013. Uganda Country Report.
- International Bar Association. 2008. Beyond The Hague: Forging Linkages between the International Criminal Court and Key Jurisdictions.
- Kersten, M. 2011. Outreach, Politics and Justice: An ICC TV Show in Kenya. Justice in Conflict Blog. <http://justiceinconflict.org/2011/03/12/outreach-and-justice-an-icc-tv-show-in-kenya> (referenced 1 March 2013).
- Merry, S. 2006. Transnational human rights and local activism: Mapping the middle. *American Anthropologist* 108(1): 38–51.
- Nannyonjo, H. 2007. Education Inputs in Uganda: An Analysis of Factors Influencing Learning Achievement in Grade Six. World Bank Publications.
- O'Neill, O. 2005. The dark side of human rights. *International Affairs* 81: 427–39.
- Orenstein, N. 2010. Slang Constitution Aims to Popularize Kenya's New Law. News Desk. 22 June. <http://newsdesk.org/2010/06/slang-constitution-attempts-to-popularize-kenyan-law> (referenced 30 July 2013).
- Sserunjogi, E. 2011. Uganda's walk-to-work protests to resume next month. *The Independent*. 26 July. <http://www.independent.co.ug/ugandataalks/2011/07/uganda%E2%80%99s-walk-to-work-protests-to-resume-next-month> (referenced 10 March 2013).
- Ugandan Bureau of Statistics (UBOS). 2011. Uganda Demographic and Health Survey.