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Between Power and Vulnerability:

*National Human Rights Institutions in Post-Conflict
Environments and the Uganda Human Rights Commission*

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Abstract

In light of declining multilateralism within the field of human rights since the 1990s, National Human Rights Institutions have been presented by the UN as translators capable of vernacularizing and institutionalizing global human rights ideals within the local. Yet, the global proliferation of National Human Rights Institutions sparked by the adoption of the UN Principles Relating to the Status of National Institutions implies a top-down spread of these institutions from the global to the local level and makes legitimacy issues intrinsically connected to their creation. This legitimacy concern can be a particularly pressing challenge for the increasing number of National Human Rights Institutions that navigate post-conflict environments. While the academic debate on the effectiveness of these institutions led by scholars such as Linos and Pegram (2017) and Smith (2006) is nascent, it remains largely normative and lacks empirical grounding. Thus, key questions on what allows National Human Rights Institutions to make effective contributions within transitioning contexts remain unaddressed. Therefore, this thesis aims to further this evolving research agenda. This is done by means of the case study of the Uganda Human Rights Commission's post-conflict work after the end of the Lord's Resistance Army's insurgency. Conceptualized as a translator between the global and the local, the Uganda Human Rights Commission's effectiveness is assessed based on structured expert interviews, reports, and academic literature. Thereby, this thesis identifies key themes and challenges related to the work of National Human Rights Institutions in post-conflict contexts.

Keywords: National Human Rights Institutions, post-conflict environments, effectiveness, vernacularization, global and local, Uganda, Uganda Human Rights Commission, expert interviews.

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Table of Contents

Abstract	2
Acknowledgements	3
List of Abbreviations	6
1. Introduction	7
2. Conceptual Context and Case Study Background	11
2.1. <i>Multilateralism in Decline and the Global Proliferation of NHRIs</i>	11
2.2. <i>NHRI Mandates and the UHRC</i>	13
2.2.1. The Paris Principles as the Blueprint for NHRI Mandates	13
2.2.2. The UHRC.....	14
2.3. <i>Post-Conflict Contexts and the Case of Uganda</i>	15
2.3.1. Defining Conflict and Post-Conflict Realities.....	15
2.3.2. Conflict and Post-Conflict Northern Uganda: Causes and Consequences of LRA Violence. 16	
2.4. <i>NHRIs in Post-Conflict Contexts</i>	19
3. Literature Review	21
3.1. <i>Scholarship on NHRI Effectiveness</i>	21
3.1.1. Independence.....	21
3.1.2. Public Legitimacy.....	23
3.1.3. Promotion Powers	25
3.1.4. Investigation Powers	27
3.1.5. External Factors.....	28
3.2. <i>Situating this Contribution Within the Discussions on NHRI Effectiveness and the UHRC</i>	29
4. Theory	31
4.1. <i>Theorizing the Proliferation of NHRIs: Socialization Mechanisms</i>	31
4.2. <i>Theorizing the Spaces that NHRIs Navigate: The Global and the Local</i>	32
4.3. <i>Theorizing the Impact of NHRIs: The Notion of Movement and the Idea of Ongoing Dialogue</i> ...	34
5. Research Method	36
5.1. <i>Qualitative Interviewing</i>	36
5.2. <i>Defining Expert Knowledge</i>	37
5.3. <i>Assessing Expert Knowledge</i>	38
5.4. <i>Challenges and Ethical Considerations</i>	39

5.5. <i>Qualitative Content Analysis</i>	40
6. Analysis	42
6.1. <i>Independence</i>	42
6.1.1. The UHRC’s Independence in Practice.....	42
6.1.2. Independence: Conclusion	44
6.2. <i>Public Legitimacy</i>	45
6.2.1. The UHRC’s Legitimacy for Civil Society	45
6.2.2. The UHRC’s Legitimacy for the Ugandan Public	46
6.2.3. Public Legitimacy: Conclusion	47
6.3. <i>Promotion Powers</i>	49
6.3.1. The UHRC’s Promotion Powers in Practice: Ugandan Public	49
6.3.2. The UHRC’s Promotion Powers in Practice: Ugandan Government.....	50
6.3.3. Promotion Powers: Conclusion	51
6.4. <i>Investigation Powers</i>	52
6.4.1. The UHRC’s Complaint-Handling Powers in Practice.....	52
6.4.2. The UHRC’s Investigative Powers in Practice	53
6.4.3. Investigation Powers: Conclusion	54
6.5. <i>External Factors</i>	55
7. Discussion of the Findings	59
8. Concluding Remarks	65
9. Bibliography	68
10. Annex	81
<i>Annex 1: List of Expert Interviewees</i>	81
<i>Annex 2: Criteria Framework and Interview Guide</i>	82

List of Abbreviations

CSGs: Civil society groups

GANHRI: Global Alliance of National Human Rights Institutions

LRA: Lord's Resistance Army

NANHRI: Network of African National Human Rights Institutions

NGO: Non-governmental organization

NHRI: National Human Rights Institution

OHCHR: UN Office of the High Commissioner for Human Rights

UHRC: Uganda Human Rights Commission

UN Principles Relating to the Status of National Institutions: Paris Principles

1. Introduction

Soon after their endorsement through the UN Principles Relating to the Status of National Institutions¹ (hereinafter Paris Principles), National Human Rights Institutions (hereinafter NHRIs) have rapidly spread as embodiments of the domestic institutionalization of international human rights standards² and began to move into complex contexts of post-conflict and transitioning environments³. While NHRIs such as the Northern Ireland Human Rights Commission are frequently commended for their post-conflict work⁴, the emergence of these institutions as a global project makes them more influenced by predominantly Western human rights interpretations than tolerable by local populations and therefore affects their legitimacy on the ground.

Scholars such as Jensen (2018) further note that the role of NHRIs in human rights compliance processes within the local sphere defies easy conceptualization. Hence, these scholars have gone to great lengths to theorize what makes NHRIs effective. Reif's (2000) pioneering thoughts on NHRI effectiveness inspired the contributions of for instance Smith (2006) and Murray (2007). Linos and Pegram's (2017) work, in return, can be read as a documentation of how far the academic debate on NHRI effectiveness has come. Yet, these theoretical considerations are still in their infancy and discuss mostly the potential of NHRIs to thrive in both established democracies and transitioning contexts on a normative basis. So far, there has been a scarcity of empirical studies on NHRI effectiveness that build on concrete case studies. This is puzzling and somewhat concerning since many NHRIs are increasingly tasked to navigate the aftermaths of recent conflicts in countries such as Sierra Leone or Afghanistan.

¹ United Nations 'Principles Relating to the Status of National Institutions (The Paris Principles)', adopted 20 December 1993, <https://www.ohchr.org/en/professionalinterest/pages/statusofnationalinstitutions.aspx> (accessed 14 May 2022).

² European Union Agency for Fundamental Rights, 'Strong and Effective National Human Rights Institutions – Challenges, Promising Practices and Opportunities', 2020, <https://fra.europa.eu/en/publication/2020/strong-effective-nhris>, (accessed 14 May 2022).

³ M. Erlandsson, *National Human Rights Institutions - An Efficient Tool to Implement Human Rights and thereby Preventing Conflicts?*, MA.diss., Lund University, 2005, <https://lup.lub.lu.se/luur/download?func=downloadFile&recordOID=1557337&fileOID=1564288> (accessed 14 May 2022).

⁴ M. Parlevliet, 'National Human Rights Institutions and Peace Agreements: Establishing National Institutions in Divided Societies', *International Council on Human Rights Policy, Review Meeting, Belfast, March 7-8, 2005*, p.21.

To address the gaps in the nascent literature on NHRI effectiveness and NHRIs in transitioning contexts, this thesis explores the role of NHRIs in post-conflict processes. This is done by studying the case of the Uganda Human Rights Commission's (hereinafter UHRC) work in Northern Uganda after the end of the conflict with the rebel group 'Lord's Resistance Army' (hereinafter LRA). The research is guided by the following research questions:

- a) To what extent did the Uganda Human Rights Commission effectively navigate the post-conflict environment in Northern Uganda after the end of the conflict with the Lord's Resistance Army?
- b) Based on this study, what kind of criteria contribute to the effectiveness and legitimacy of NHRIs?

For this thesis, a singular qualitative case study design was chosen to undertake an "in-depth exploration from multiple perspectives of the (...) uniqueness of a particular (...) institution or system in a 'real-life' context"⁵. Once applauded for its vibrant civil society and independent judiciary, during the last three decades Uganda has been turned into an increasingly repressive authoritarian regime⁶. Between 1986 and the early 2000s, the country saw one of the longest and most devastating, yet perhaps "most under-reported"⁷ conflicts between the rebel group LRA and the central government in Northern Uganda. Considering the UHRC's strong and constitutionally anchored mandate, during the first decade of its existence, the NHRI was celebrated for "its willingness to confront serious violations of rights by the state, including torture and disappearance"⁸. This makes the UHRC particularly promising for the post-conflict protection of human rights in Uganda. Its precise contribution to this process, however, has bewilderingly not yet been sufficiently studied. While 'sample of one' case study designs are vulnerable to criticism on whether they allow for generalization, it is nevertheless possible to recognize transferable processes in one case that might be "of universal significance"⁹. Since NHRIs

⁵ H. Simons, 'Case Study Research: In-Depth Understanding in Context', in Leavy, P. (ed.), *The Oxford Handbook of Qualitative Research*, Oxford University Press, 2014, p.457.

⁶ R. Tapscott, *Arbitrary States: Social Control and Modern Authoritarianism in Museveni's Uganda*, Oxford University Press, 2021, p.3.

⁷ A. Borzello, 'The Challenge of DDR in Northern Uganda: The Lord's Resistance Army', *Conflict, Security & Development*, vol.7, no.3, 2007, p.392.

⁸ P. Rosenblum, 'Tainted Origins and Uncertain Outcomes: Evaluating NHRIs', in R. Goodman and T. Pogram, (eds.), *Human Rights, State Compliance and Social Change: Assessing National Human Rights Institutions*, Cambridge University Press, 2012, p.311.

⁹ Simons, 2014, p.466.

are not commonly formally equipped with specific post-conflict mandates, this thesis, instead of focusing on a concrete UHRC project, discusses NHRIs as innate peacebuilders by virtue of fulfilling their traditional mandate to promote and protect human rights¹⁰.

Theorizing NHRIs as translators that vernacularize global human rights discussions within the local sphere, the UHRC's effectiveness is assessed based on primary data gathered from expert interviews, reports, and academic literature. This is done through a qualitative content analysis that draws on a criteria framework based on the contributions of Okafor (2012), Linos and Pegram (2017) and others to the debate on NHRI effectiveness. As the analysis shows, the UHRC faces significant impediments to its independence from the executive and its public legitimacy. This has affected its ability to make a meaningful contribution to the post-conflict situation, where many human rights concerns remain unaddressed.

Apart from being an empirically understudied topic, this thesis also has substantial societal relevance for the Ugandan case and the broader human rights context. While the UHRC's post-conflict activities in Northern Uganda may have been extensively documented¹¹, there is a concerning gap in the literature on the institution's precise contribution. Moreover, the contributions of Molloy (2020) and Lacatus and Nash (2019) praise the expanding involvement of NHRIs in transitioning environments, since their "protecting and promoting human rights (...) function means they can be salient in peacebuilding efforts"¹². While this potential may make them legitimate actors in these processes on paper, the legitimacy of NHRIs among populations that have learned to distrust public institutions after prolonged periods of absent government accountability is not guaranteed. When public feelings of animosity outweigh those of support, the contributions of NHRIs to post-conflict contexts, no matter how conducive, might be rendered void. Thus, it is of utmost importance that this thesis explores themes such as

¹⁰ M. Parlevliet, G. Lamb and V. Maloka, 'Introduction: Understanding Conflict and its Relationship with Human Rights', in M., Parlevliet, G. Lamb and V. Maloka (eds.), *Defenders of Human Rights, Managers of Conflict, Builders of Peace? National Human Rights Institutions in Africa*, University of Cape Town, 2005.

¹¹ See for instance S. Mottiar, 'The Uganda Human Rights Commission: Beyond Protection and Promotion of Human Rights', in M. Parlevliet, G. Lamb, and V. Maloka (eds.), *Defenders of Human Rights, Managers of Conflict, Builders of Peace?: National Human Rights Institutions in Africa*, University of Cape Town, 2005; and A. Breslin and A. Würth, 'National Human Rights Institutions in Post-conflict Situations: Mandates, Experiences and Challenges', Berlin, German Institute for Human Rights, 2017, <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-55655-2>.

¹² S. Molloy, 'National Human Rights Institutions in Post-Conflict Settings: An Evolving Research Agenda?', *Journal of Human Rights Practice*, vol.12, 2020, p.595.

effectiveness and legitimacy of NHRIs to act as institutionalized translators for human rights discourses between the global and the local on a practical level.

This thesis begins by presenting an overview of the historical and conceptual context of NHRIs, considerations for defining conflict and post-conflict situations and opportunities for NHRIs while also outlining background information on the conflict in Uganda and the UHRC's mandate in Chapter 2. Subsequently, Chapter 3 introduces existing scholarship on NHRI effectiveness and situates this thesis within academic discussions on effectiveness and the context of the UHRC. The fourth chapter outlines the theoretical lens chosen for this thesis. Chapter 5 then presents methodological considerations. Chapter 6 and Chapter 7 are dedicated respectively to empirically analyzing and critically discussing the findings. This thesis concludes with a reflection on the broader implications of the findings and opportunities for future research in Chapter 8.

2. Conceptual Context and Case Study Background

This chapter provides a brief overview of historical developments and conceptual contexts that are relevant to understanding the local and global spaces that NHRIs navigate. Secondly, the Paris Principles as the primary reference point for NHRIs and the mandate of the UHRC are described. Afterwards, conceptual considerations of conflict and post-conflict realities are outlined before the socio-political background to the conflict in Northern Uganda is discussed. Lastly, opportunities for NHRIs to navigate post-conflict environments are examined.

2.1. Multilateralism in Decline and the Global Proliferation of NHRIs

Since the 1990s, growing anti-globalization feelings and doubts about the legitimacy and effectiveness of the UN¹³ have increasingly changed the climate around human rights developments on a multilateral level. Additionally, the opaque bureaucracy of the international human rights regime¹⁴ created a normative disconnect between local understandings of liberal democracy and global elitist and diplomatically infused discussions¹⁵.

In light of these shifting attitudes, it is perhaps not surprising that the increasing domestic institutionalization of international human rights norms raised hopes for local adaptations of human rights discussions¹⁶. In the vacuum left by widespread “contestation over the legitimacy of human rights and its international regime”¹⁷, the domestic institutionalization brings renewed attention to the need for national-level

¹³ R.O. Keohane, ‘The Contingent Legitimacy of Multilateralism’, *GARNET Working Paper: No: 09/06*, 2006; E. Newman, R. Thakur and J. Tirman, ‘Multilateralism under Challenge?’, *Research Brief*, Number 1, 2006. United Nations University, Toyko: United Nations University Press.

¹⁴ Newman et al., 2006, p.1.

¹⁵ Newman et al. 2006, p.5.

¹⁶ S.L.B Jensen, S. Lagoutte, and S. Lorion, ‘The Domestic Institutionalisation of Human Rights: An Introduction’, *Nordic Journal of Human Rights*, vol.37, no.3, 2019, p.167.

¹⁷ Jensen et al., 2019, p.165.

implementation through four separate, yet interlinked developments: Firstly, the strengthened “proceduralisation of rights”¹⁸ by courts; secondly, the development of soft law and guidance “aimed at supporting human rights mainstreaming”¹⁹; thirdly, increasingly detailed descriptions on how to implement treaties domestically²⁰; and fourthly, the spread of “dedicated national human rights institutions (...) around the world”²¹.

These dedicated NHRIs were mentioned for the first time at the UN level in 1946 when the Economic and Social Council suggested that member states should “consider establishing information groups or local human rights committees”²² to “help states participate in international fora”²³. Yet, it took five more decades for the topic to gain traction. Only in late 1991, concrete international steps were taken for the realization of NHRIs with the first UN workshop on National Institutions for the Promotion and Protection of Human Rights held in Paris²⁴. This workshop turned out to be a decisive moment for NHRIs, as it resulted in the drafting of the Paris Principles, which were adopted by the UN Human Rights Commission in 1992²⁵. By the mid-1990s, the UN Office of the High Commissioner for Human Rights (hereinafter OHCHR) began to pour resources into providing capacity-building to NHRIs²⁶ and thereby propelled the expansion of these institutions²⁷.

Yet, despite this enthusiasm sparked by the adoption of the Paris Principles, the NHRI project was controversial within the OHCHR during the initial years. As Rosenblum (2012) writes, the provision of technical cooperation to states for NHRIs without having sufficiently assessed these institutions on “their actual contribution to

¹⁸ Jensen et al., 2019, p.166.

¹⁹ Jensen et al., 2019, p.1666.

²⁰ Jensen et al., 2019, p.166.

²¹ Jensen et al., 2019, p.166.

²² Global Alliance of Human Rights Institutions (hereinafter GANHRI), ‘History’, <https://ganhri.org/history-of-ganhri-and-nhris/> (accessed 22 May 2022).

²³ C. Lacatus, *The Design of National Human Rights Institutions: Global Patterns of Institutional Diffusions and Strength*, Ph.D.diss., The London School of Economics and Political Science, 2016, p.16. [http://etheses.lse.ac.uk/3534/1/Lacatus The Design of National.pdf](http://etheses.lse.ac.uk/3534/1/Lacatus%20The%20Design%20of%20National.pdf) (accessed 3 March 2022).

²⁴ OHCHR, ‘Paris Principles: 20 years guiding the work of National Human Rights Institutions’, 2013, <https://www.ohchr.org/en/stories/2013/05/paris-principles-20-years-guiding-work-national-human-rights-institutions> (accessed 22 May 2022).

²⁵ OHCHR, 2013.

²⁶ OHCHR, ‘Evaluation of OHCHR Support to National Human Rights Institutions: Final Report’ October 2015, <https://www.ohchr.org/sites/default/files/Documents/AboutUs/Evaluation/NHRI.pdf> (accessed 22 May 2022).

²⁷ Rosenblum, 2012, p.304.

human rights”²⁸ was seen as problematic. Considering this reluctance, it is important to bear in mind that the global proliferation of NHRIs relied on “individuals and international backers who came to play a preponderant role in moving the system in a particular direction”²⁹. Most notable among these backers was Brian Burdekin, a commissioner from the Australian NHRI and former special adviser on NHRIs to the OHCHR who was zealously dedicated to the idea of these institutions³⁰. According to Rosenblum (2012), “Burdekin (...) is credited with playing a significant role in the formulation of the Paris Principles and the UN strategy for promoting NHRIs”³¹. Moreover, the growing realization after the end of the Cold War that states needed more assistance to fulfill their human rights obligations played an important role in encouraging the creation of NHRIs³². Today, more than one hundred of these institutions exist worldwide³³.

2.2. NHRI Mandates and the UHRC

2.2.1. The Paris Principles as the Blueprint for NHRI Mandates

The Paris Principles are the primary reference point for guidance on NHRI mandates. They advise that NHRIs are granted “as broad a mandate as possible”³⁴ and that their responsibilities include: providing guidance and advice on legislation; promoting the harmonization of national legislation with international human rights instruments and encouraging the ratification of instruments a state is not party to yet; contributing to state reporting processes to the UN and regional bodies; formulating programmes for human rights education and training in schools, universities and professional circles and publicizing information on human rights³⁵³⁶. According to the Principles, NHRIs can be vested with ‘quasi-judicial competence’ to “hear and consider complaints and petitions

²⁸ Rosenblum, 2012, p.303.

²⁹ Rosenblum, 2012, p.302.

³⁰ Rosenblum, 2012, p.302.

³¹ Rosenblum, 2012, pp.302-303.

³² Rosenblum, 2012, p.305.

³³ OHCHR, ‘UN Human Rights and NHRIs’, <https://www.ohchr.org/en/countries/nhri> (accessed 22 May 2022).

³⁴ Paris Principles, Art.2.

³⁵ Paris Principles, Art.3.

³⁶ For descriptions of models of NHRIs, see for instance L. Reif, ‘Building Democratic Institutions: The Role of National Human Rights Institutions in Good Governance and Human Rights Protection’, *Harvard Human Rights Journal*, vol.13, 2000, pp.1-70.

concerning individual cases”³⁷, to seek settlement and facilitate access to remedy. While this function is not mandatory, it is strongly encouraged by the General Observations of the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions, which assist with the interpretation of the Paris Principles³⁸. In terms of composition, NHRIs are expected to “ensure the pluralist representation of the social forces”³⁹ and to have access to adequate funding, staff, and premises “in order to be independent of the Government”⁴⁰.

2.2.2. The UHRC

With its broad functions and constitutional mandate, the UHRC is a rather unique NHRI⁴¹. It was established in Uganda’s 1995 Constitution under Articles 51 to 58⁴² and the 1997 Uganda Human Rights Commission Act⁴³.

Article 52 lays out the investigative functions of the UHRC, which include, inter alia, investigating “at its own initiative or on a complaint made by any person or group of persons against the violation of any human right”⁴⁴. There are no restrictions on “who can be investigated”⁴⁵. If an infringement is found, the UHRC may order “payment of compensation”⁴⁶. When wishing to lodge a complaint, the UHRC can be contacted directly without having to go through other channels first both physically at its offices or via phone call, email, or social media networks⁴⁷. Complaints can be lodged by “any person or group of persons”⁴⁸, thus also “on behalf of others”⁴⁹ by third parties and are

³⁷ Paris Principles.

³⁸ GANHRI, ‘General Observations’, <https://ganhri.org/accreditation/general-observations/> (accessed 22 May 2022).

³⁹ Paris Principles, Art.1.

⁴⁰ Paris Principles, Art.2.

⁴¹ Breslin and Würth, 2017, p.16.

⁴² Constitution of Uganda, 1995, <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/44038/90491/F206329993/UGA44038.pdf>, (accessed 6 February 2022).

⁴³ Uganda Human Rights Commission Act, 1997, <https://www.uhrc.ug/download/uganda-human-rights-commission-act/>, (accessed 16 May 2022).

⁴⁴ Constitution of Uganda, Art.52(1)(a).

⁴⁵ J. Hatchard, ‘A New Breed of Institution: The Development of Human Rights Commissions in Commonwealth Africa with Particular Reference to the Uganda Human Rights Commission’, *Comparative and International Law Journal of Southern Africa*, vol.32, no.1, 1999, p.38.

⁴⁶ Constitution of Uganda, Art.53(2)(b).

⁴⁷ Uganda Human Rights Commission, ‘Complaints Handling Procedures Manual’, 2008, <https://www.uhrc.ug/download/complaints-procedures-manual/?wpdmdl=1063&refresh=628262707aeba1652712048>, (accessed 16 May 2022).

⁴⁸ Constitution of Uganda, Art.52(1).

⁴⁹ Hatchard, 1999, p.39.

free of charge⁵⁰. Therefore, the UHRC is “likely to attract many complainants eager to enforce their rights”⁵¹. Moreover, Article 52 mandates the UHRC the power to teach Ugandan citizens about their rights⁵², to “recommend to Parliament effective measures to promote human rights”⁵³, and “to monitor the Government’s compliance with international treaty and convention obligations on human rights”⁵⁴.

Article 53 spells out the UHRC’s ‘court-like’ powers which allow it to question “any person in respect of any subject matter under investigation before the commission”⁵⁵ and to order “the release of a detained or restricted person”⁵⁶ and the “payment of compensation”⁵⁷. According to Article 54, the UHRC “shall be independent and shall not (...) be subject to the direction or control of any person or control authority”⁵⁸. The funds of the UHRC are regulated in Article 55 of the Constitution and Article 12 of the Human Rights Commission Act, which state that its expenses “shall be charged on the Consolidated Fund”⁵⁹. The UHRC’s chairperson and commissioners shall be “of high moral character and proven integrity”⁶⁰ and appointed by the president.

2.3. Post-Conflict Contexts and the Case of Uganda

To be able to expand on the roles of NHRIs in post-conflict environments, it is relevant to first briefly touch upon conceptual considerations of conflict and post-conflict environments and the Ugandan case of conflict.

2.3.1. Defining Conflict and Post-Conflict Realities

Conflict must be acknowledged to be a relative concept with complex implications that might be promoted by one party of the conflict while entirely rejected by the other. Instead

⁵⁰ Uganda Human Rights Commission, 2008.

⁵¹ Hatchard, 1999, p.43.

⁵² Constitution of Uganda, Art.52(1)(g).

⁵³ Constitution of Uganda, Art.52(1)(d).

⁵⁴ Constitution of Uganda, Art.52(1)(h).

⁵⁵ Constitution of Uganda, Art.53(1)(b).

⁵⁶ Constitution of Uganda, Art.53(2)(a).

⁵⁷ Constitution of Uganda, Art.53(2)(b).

⁵⁸ Constitution of Uganda, Art.54.

⁵⁹ Constitution of Uganda, Art.54(1).

⁶⁰ Constitution of Uganda, Art.51(4).

of relying on practical, UN-like understandings of conflict⁶¹ that allow for little reflection on its socio-political causes, the concept is understood here as “a multi-dimensional social phenomenon”⁶² that does not exclusively relate to the “division of power and resources, but includes subjective dynamics between parties as well”⁶³. Since it often stems from structural causes related to governance such as authoritarian rule⁶⁴, quests for self-determination, exclusion and inequitable access to resources or sustained denial of political rights, post-conflict conditions in a country tend to show signs of economic devastation, scarred credibility of public institutions⁶⁵, low respect for the rule of law and grave human rights violations⁶⁶. Thus, an important part of ending conflicts and navigating their aftermaths⁶⁷ is to halt violence by establishing a degree of stability and order, to “prevent further abuses”⁶⁸ through peacekeeping, humanitarian relief, and transitional justice mechanisms, and to address the root causes of conflict by rebuilding peace and confidence among the population⁶⁹. Having clarified these conceptual considerations, the following section describes the causes, circumstances, and aftermaths of the regional conflict with the LRA in Northern Uganda.

2.3.2. Conflict and Post-Conflict Northern Uganda: Causes and Consequences of LRA Violence

After gaining political independence from Great Britain in 1962, Uganda was “one of Africa’s leading post-independence autocratic regimes”⁷⁰ and a showplace for several *coup d’états*⁷¹. Particularly important for the country’s history was the 1985 coup staged by General Tito Okello, a member of the ethnic group Acholi native to South Sudan and

⁶¹ United Nations, ‘Chapter XV: Armed Conflict’, <https://www.un.org/esa/socdev/rwss/docs/2001/15%20Armed%20Conflict.pdf> (accessed 22 May 2022).

⁶² Parlevliet et al., 2005, p.17.

⁶³ Parlevliet et al., 2005, p.17.

⁶⁴ Parlevliet et al., 2005, p.19.

⁶⁵ R. Iroanya, P. Dzimir and E. Phaswana, ‘Human-rights Based Service Delivery: Assessing the Role of Human Rights Institutions in Democracy and Development in Ghana and Uganda’, *Regions & Cohesion*, vol.8, no.2, 2018, p.9.

⁶⁶ Molloy, 2020, p.596.

⁶⁷ Molloy, 2020, p.597.

⁶⁸ Molloy, 2020, p.596.

⁶⁹ United Nations Peacekeeping, ‘Terminology’, <https://peacekeeping.un.org/en/terminology> (accessed 22 May 2022).

⁷⁰ Mottiar, 2005, p.109.

⁷¹ P.N. Pham, P. Vinck and M. Wierda, M, ‘Forgotten Voices: A Population-Based Survey About Peace and Justice in Northern Uganda’, University of California, 01 July 2005. See also United Nations Uganda, ‘Peace actors call for inclusion of women and youth in peacebuilding efforts’, 21 September 2020, <https://uganda.un.org/en/95212-peace-actors-call-inclusion-women-and-youth-peacebuilding-efforts> (accessed 22 May 2022).

Northern Uganda⁷², and the subsequent overthrow of Okello's government by the rebel group 'National Resistance Movement' in 1986, led by the current President Yoweri Museveni⁷³.

While Museveni's government brought relative political and economic stability to Uganda between 1986 and 1996⁷⁴, it came at the cost of sincere democratic development, since reforms such as the removal of presidential term limits and the incorporation of state institutions into the president's party "further (...) consolidated Museveni's control"⁷⁵. Not only did this shatter hope for a more democratic future in Uganda, but the fact that President Museveni took over the government by force from an ethnic Acholi after "several decades of northern rule"⁷⁶ also catalyzed a strong resistance among Acholi Ugandans. In addition, Museveni's government incited extreme violence in the form of looting and torture of "those suspected of supporting Okello"⁷⁷. As an almost immediate answer to President Museveni unleashing terror on the Acholi people, the rebel group LRA was formed by the ethnic Acholi Joseph Kony in 1987, aiming to challenge Museveni's regime with low-level insurgency⁷⁸.

Yet, this rebellion based on "raiding villages for resources and recruits"⁷⁹ quickly turned into "one of the longest (...) humanitarian crises in the world"⁸⁰. The LRA initially had some support from Acholis due to the deeply entrenched hostilities towards President Museveni's government in the region⁸¹. As soon as Acholi leaders began to reject Kony's vision, the group, however, increasingly turned "against the local population"⁸² with brutal retaliation. When the 1994 peace talks failed⁸³ and the LRA became a self-sustaining community living in bush camps, the rebel group shifted its mode of attracting

⁷² Tapscott, 2021, p.52.

⁷³ Tapscott, 2021, p.52.

⁷⁴ Tapscott, 2021, p.72.

⁷⁵ Tapscott, 2021, p.52.

⁷⁶ Tapscott, 2021, p.8.

⁷⁷ Tapscott, 2021, p.62.

⁷⁸ C.R. Day, "'Survival Mode': Rebel Resilience and the Lord's Resistance Army", *Terrorism and Political Violence*, vol.31, no.5, 2017, p.972.

⁷⁹ Day, 2017, p.972.

⁸⁰ United Nations News, 'Uganda: UN to step up support for 2 million displaced by conflict with rebels', 21 November 2005, <https://news.un.org/en/story/2005/11/160642-uganda-un-step-support-2-million-displaced-conflict-rebels> (accessed 22 May 2022).

⁸¹ Borzello, 2007, p.391.

⁸² Pham et al., 2005, p.13.

⁸³ United Nations Africa Renewal, 'Seeking peace with justice in Uganda', January 2006, <https://www.un.org/africarenewal/magazine/january-2006/seeking-peace-justice-uganda> (accessed 22 May 2022).

fighters from recruiting volunteers to abducting Acholi children and teenagers⁸⁴. While ceasefires signed in late 2004 and 2005 raised hopes that the high-profile Juba Peace Talks, led between 2006 and 2008⁸⁵, could be a success, the talks collapsed after repeated “ceasefire violations [and] walkouts”⁸⁶. For this reason, there is no agreement on a precise end date to the conflict. Yet, relative, albeit arguably merely negative⁸⁷, peace is said to have returned to Northern Uganda⁸⁸.

The LRA’s “method of warfare has had a profound psychological impact on the local population”⁸⁹. Mutilations, killing sprees, rape, and the fact that thousands of children were abducted, forced to commit atrocities, and used as child soldiers⁹⁰ – these are just some expressions of the severe violence endured by the Northern Ugandan population during two decades of LRA attacks⁹¹. In 2005, the conflict had nearly two million Ugandans forcibly displaced and settled in camps⁹², and an entire generation of young Ugandans “had been brought up in camps”⁹³. There, instead of being kept safe, internally displaced people camps were exposed to frequent LRA attacks⁹⁴ while the government itself also committed atrocities such as rape against the Acholi populations⁹⁵ and even made use of child soldiers⁹⁶. Considering this unprecedented level of violence, mass displacement and the mortality rate reaching at times up to a thousand deaths per

⁸⁴ Day, 2017, p.974.

⁸⁵ United Nations News, ‘UN envoy to begin talks on northern Uganda peace process’, 12 December 2007, <https://news.un.org/en/story/2007/12/243292-un-envoy-begin-talks-northern-uganda-peace-process> (accessed 22 May 2022).

⁸⁶ Day, 2017, p.977.

⁸⁷ For considerations on positive versus negative peace, see Parlevliet et al., 2005, pp.20-21.

⁸⁸ A. Bainomugisha, *Child Soldiers in Northern Uganda: An Analysis of the Challenges and Opportunities for Reintegration and Rehabilitation*, Ph.D.diss., University of Bradford, 2010, p.3, <https://bradscholars.brad.ac.uk/bitstream/handle/10454/5284/Final%20PhD%20Thesis-%20March%202011.pdf%3Bsequence> (accessed 14 May 2022).

⁸⁹ Pham et al., 2005, p.13.

⁹⁰ United Nations News, ‘New UN report highlights Lord’s Resistance Army atrocities against children’, 6 June 2021, <https://news.un.org/en/story/2012/06/412532-new-un-report-highlights-lords-resistance-army-atrocities-against-children> (accessed 22 May 2022).

⁹¹ United Nations Security Council, ‘Lord’s Resistance Army’, 7 March 2016, <https://www.un.org/securitycouncil/sanctions/2127/materials/summaries/entity/lord's-resistance-army> (accessed 22 May 2022).

⁹² Pham et al., 2005, p.3.

⁹³ Tapscott, 2021, p.64.

⁹⁴ United Nations Meetings Coverage and Press Releases, ‘Uganda: Attacks on internally displaced persons camps kill more than 125 in past month’, 11 June 2004, <https://www.un.org/press/en/2004/afr968.doc.htm> (accessed 22 May 2022).

⁹⁵ K.C. Dunn, ‘The Lord’s Resistance Army’, *Review of African Political Economy*, vol.31, no.99, 2004.

⁹⁶ Dunn, 2004; Bainomugisha, 2010, p.17.

week⁹⁷, the conflict in Northern Uganda was one of the most devastating humanitarian crises⁹⁸, yet “perhaps the most under-reported story in the world”⁹⁹.

2.4. NHRIs in Post-Conflict Contexts

Despite there never having been any formally deliberated mandate for NHRIs in post-conflict and peace processes, in recent years the UN has begun to increasingly support the capacity-building of NHRIs in transitioning contexts. In 2008, the OHCHR issued a guidance note on NHRIs and transitional justice, stating that these institutions are well placed to “contribute to transitional justice processes through information gathering, documenting and archiving human rights abuses”¹⁰⁰. Furthermore, several normative guidelines on NHRIs operating in conflict-affected settings have been developed, such as the 2008 Nairobi Declaration on the role of NHRIs in the administration of justice¹⁰¹, the 2015 Kyiv Declaration, which states that “NHRIs should take measures to contribute to the fight against impunity, promote transitional justice processes (and) facilitate access to justice for those affected by conflict”¹⁰², and the 2012 Amman Declaration and Programme of Action on the impact of conflict on the rights of women and girls and the measures that NHRIs can take to protect them from gender-based violence¹⁰³.

The potential of NHRIs to positively contribute to post-conflict and transitioning contexts stems from “their human rights protection and promotion work”¹⁰⁴. Three considerations are relevant to consider here. For one, the mandate of NHRIs to protect human rights inherently relates to the fact that “[h]uman rights violations often underpin

⁹⁷ Tapscott, 2021.

⁹⁸ Network of African National Human Rights Institutions (NANHRI), ‘The Role of National Human Rights Institutions in Conflict Management, Resolution and Peacebuilding: A Baseline Survey of the East African Situation’, 2014, p.8.

⁹⁹ United Nations News, ‘Security Council condemns rebel group’s atrocities against children in Uganda’, 14 April 2004, <https://news.un.org/en/story/2004/04/100232-security-council-condemns-rebel-groups-atrocities-against-children-uganda> (accessed 22 May 2022).

¹⁰⁰ Cited in Molloy, 2020, p.606.

¹⁰¹ United Nations General Assembly, A/HRC/10/NI/6, 18 February 2009, <https://digitallibrary.un.org/record/649289?ln=ru> (accessed 22 May 2022).

¹⁰² GANHRI, ‘The Kyiv Declaration’, <https://ganhri.org/resources/the-kyiv-declaration-on-the-role-of-national-human-rights-institutions-in-conflict-and-post-conflict-situations/> (accessed 22 May 2022).

¹⁰³ Asia Pacific Forum, ‘Amman Declaration and Programme of Action’, 13 August 2015, <https://www.asiapacificforum.net/resources/amman-declaration/> (accessed 22 May 2022).

¹⁰⁴ Parlevliet et al., 2005, p.26.

the onset of violent conflict”¹⁰⁵ and are “always consequences of conflict”¹⁰⁶. Since “there can be no peace where there are violations of human rights”¹⁰⁷, a human rights institution is naturally “well positioned to support rights-related aspects of transitioning efforts”¹⁰⁸. Secondly, NHRIs can contribute to the reconstruction of democratic structures by participating in the drafting process of legislative frameworks or even constitutions¹⁰⁹ and by training the judiciary and the state’s security apparatus on human rights compliance¹¹⁰. Thirdly, NHRIs can restore the public’s trust in the government, thereby generating the legitimacy of the peace-building process¹¹¹. Moreover, they can empower citizens vis-à-vis the public administration by encouraging them to complain about rights violations¹¹² and by shedding light on the systemic discrimination and marginalization of vulnerable groups of society¹¹³. Lastly, NHRIs can oversee concrete transitional justice work by, amongst others, investigating allegations of abuse, documenting and exposing rights violations, examining witnesses, holding public inquiries, and awarding compensations to victims of human rights abuses¹¹⁴.

¹⁰⁵ Molloy, 2020, p.596.

¹⁰⁶ Molloy, 2020, p.596.

¹⁰⁷ Mottiar, 2005, p.118.

¹⁰⁸ Molloy, 2020, p.596.

¹⁰⁹ Molloy, 2020, p.597.

¹¹⁰ Molloy, 2020, p.597.

¹¹¹ Iroanya et al., 2018, pp.9-10.

¹¹² Molloy, 2020, p.597.

¹¹³ Parlevliet et al., 2005, p.17.

¹¹⁴ United Nations, ‘Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice’, March 2010, https://www.un.org/ruleoflaw/files/TJ_Guidance_Note_March_2010FINAL.pdf (accessed 22 May 2022).

3. Literature Review

This chapter introduces existing scholarship on NHRI effectiveness. Afterwards, this contribution is situated within broader discussions on NHRI effectiveness and the UHRC to account for its relevance.

3.1. Scholarship on NHRI Effectiveness

3.1.1. Independence

As Jensen (2018) writes, “the nature of independence, function(s) and accountability in the set-up of the NHRI has rather direct influence on both its legitimacy and effectiveness”¹¹⁵. Lacatus and Nash (2019) argue that when fully “independent from political interference, NHRIs can (...) assist with the process of national integration in the global community of liberal democratic states”¹¹⁶. With a broad normative inclination, Reif (2000), Molloy (2020), Mertus (2012), Murray (2007), Kumar (2003), Hatchard (1999), Mubangizi (2020) and Smith (2006) all identify the independence of NHRIs as crucial. Sajjad’s work (2009) seconds these opinions, but also makes the important point that “[i]ndependence and accountability are simultaneously key objectives and key challenges for NHRIs”¹¹⁷.

Defined as the autonomy of an actor to “carry out duties without interference or obstruction from any branch of government or any public or private body/person”¹¹⁸, the independence of NHRIs from governmental structures tends to be a double-edged sword. On the one hand, it is key for the ability of these institutions to catalyze change¹¹⁹. On the other hand, the financing of these institutions, as Smith (2006) writes, is a responsibility

¹¹⁵ S.L.B Jensen, ‘Lessons from Research on National Human Rights Institutions: A Desk Review on Findings Related to NHRI Effectiveness’, Copenhagen, Danish Institute for Human Rights, 2018, p.14.

¹¹⁶ C. Lacatus and K. Nash, ‘Peace agreements and the institutionalization of human rights: a multilevel analysis’, *The International Journal of Human Rights*, vol.24, no.6, 2019, p.907.

¹¹⁷ T. Sajjad, ‘These Spaces in Between: The Afghanistan Independent Human Rights Commission And Its Role in Transitional Justice’, *The International Journal of Transitional Justice*, vol.3, 2009, p.434.

¹¹⁸ A. Smith, ‘The Unique Position of National Human Rights Institutions: A Mixed Blessing?’, *Human Rights Quarterly*, vol.28, 2006, p.912.

¹¹⁹ Jensen, 2018, p.14.

that governments need to be involved in¹²⁰. If an NHRI is too affiliated with the executive's agenda, according to Smith (2006), it might be considered a mere "puppet of the government"¹²¹. This dilemma considerably affects the actual and perceived level of independence of an NHRI. Analytical case studies brought forward by scholars such as Durbach (2011) further recount how NHRIs such as Nepal's identify lack of adequate funds as a major operational challenge¹²². These financial constraints may be intentionally engineered by the state: For governments of developing democracies or inherently repressive regimes, the mere creation of NHRIs is almost paradoxical, and they may end up existing solely as 'window dressing'. Governments can interfere with the independence of NHRIs by for instance being involved with the appointment process or by limiting financial support, and this lack of opportunity can significantly stifle the capacities of NHRIs. Molloy (2020), for instance, recounts concrete allegations directed at the Sri Lankan and South African NHRIs for "responding to government pressure to withdraw from certain court cases"¹²³.

Reif (2000) further suggests that institutional autonomy "can be achieved through various means"¹²⁴, such as "giving the institution independence in matters such as the investigation and reporting process, the budget, and the hiring of personnel"¹²⁵. Furthermore, she points out that "[i]f the work and recommendations of the institution are ignored or unreasonably criticized by government, the effectiveness of the institution will suffer"¹²⁶. Basing her contribution on Reif's (2000) descriptive work, Smith (2006) identifies that "[p]erhaps one of the most important indicators of operational independence is the ability of an NHRI to undertake investigations autonomously"¹²⁷, which is particularly important for "NHRIs operating in a hostile political and legal environment"¹²⁸. Moreover, financial autonomy prevents NHRIs from being "subject to

¹²⁰ Smith, 2006, p.912.

¹²¹ Smith, 2006, p.910.

¹²² A. Durbach, 'Human Rights Commissions in Times of Trouble and Transition; The Case of the National Human Rights Commission of Nepal' in H. Nasu and B. Saul (eds), *Human Rights in the Asia-Pacific Region. Towards Institution Building*, London, Routledge, 2011, p.3.

¹²³ Molloy, 2020, p.599.

¹²⁴ Reif, 2000, p.25.

¹²⁵ Reif, 2000, p.25.

¹²⁶ Reif, 2000, p.27.

¹²⁷ Smith, 2006, p.914.

¹²⁸ Smith, 2006, p.945.

interference, by the executive or any other government branch”¹²⁹. The composition of an NHRI’s staff in dialogue with the diverse heterogeneity of society and appointment procedures that are transparent and politically neutral are decisive for the public legitimacy of the institution, as Smith (2006) writes.

In their analytical study, Linos and Pegram (2017) developed a set of criteria based on Smith’s (2006) aspects with which the formal independence safeguards of NHRIs “both in stable democracies, and in less democratic regimes”¹³⁰ can be assessed and tested these on a large quantitative basis. “By showing that formal design features are in fact connected to greater effectiveness”¹³¹, Linos and Pegram (2017) hold that if an NHRI is entrenched in the legislature or even in the constitution and equipped with independence safeguards such as autonomy with regards to hiring processes and the absence of government representation within the institution, its activities can help to effectively hold the government accountable for unchecked abusive practices.

3.1.2. Public Legitimacy

Inherently related to the issue of independence is the public legitimacy of the institution, which is something that the pluralistic composition aspect of Smith’s (2006) work already touched upon: Reflecting diverse societal forces in their work can confer NHRIs a level of public interest and legitimacy through accountability¹³². This aspect is identified as key to NHRI effectiveness by scholars such as Linos and Pegram (2017), Smith (2006), Okafor (2012), Reif (2000), Kumar (2003), Sajjad (2009) and Hatchard (1999).

As such, the legitimacy of NHRIs for the public space is twofold and encompasses both civil society groups (hereinafter CSGs) and the public. This distinction requires to be made since non-governmental organizations (hereinafter NGOs) “are not [necessarily] representative of the public, they are not appointed by the people”¹³³. NHRI legitimacy among civil society can be fostered by establishing and maintaining partnerships with

¹²⁹ Smith, 2006, p.918.

¹³⁰ K. Linos and T. Pegram, ‘What Works in Human Rights Institutions’, *American Journal of International Law*, vol.111, no.3, 2017, p.634.

¹³¹ Linos and Pegram, 2017, p.686.

¹³² J. Matshekga, ‘Toothless Bulldogs – The Human Rights Commissions of Uganda and South Africa: A Comparative Study of Their Independence’, *African Human Rights Law Journal*, vol.2, no.1, 2002, p.89.

¹³³ Smith, 2006, p.941.

CSGs that allow the latter to scrutinize the institution's performance¹³⁴, as Kedar's (2003) work indicates. While Kumar (2003) normatively stipulates that "[o]nly when NHRIs are able to work with civil society actors in ensuring the protection and promotion of human rights can we truly achieve this democratization of the human rights discourse"¹³⁵, Smith (2006) findings prove that "commissions that cooperated with NGO communities were inevitably those with the strongest record"¹³⁶. Reif (2000), in return, suggests that relationships with CSGs provide "the institution with information on human rights issues"¹³⁷. Sajjad (2009) further describes accountability and popularity among local actors as "mainstay"¹³⁸ of the support for NHRIs, since CSGs act "as 'receptors' and 'transmitters' in the cycle of human rights activity"¹³⁹. While the issue of public legitimacy is known to be the Achilles' heel of NHRIs, so Sajjad (2009) writes, NHRIs in transitional societies are even more exposed to forces such as turf wars kindled by the competition for resources, the volatility of the political climate and the flawed legitimacy of leadership¹⁴⁰.

Okafor (2012) follows the footsteps of these broadly normative views when he writes that the cooperation between an NHRI and CSGs is an "important determinant of the adequacy of an NHRI's attentiveness to popular agency"¹⁴¹. Yet, to Okafor (2012), both sufficient attention to popular agency to "how [other agents] are able to utilize NHRIs as resources"¹⁴² and a certain depth in the NHRI's connection to the "voices of the suffering"¹⁴³ matter. In Okafor's (2012) work, the latter term describes a focus on the rights-related situation of the most vulnerable and marginalized groups in society, which

¹³⁴ P. Kedar, 'Conflict and Human Rights Culture: Challenges Before the National Human Rights Commission', in B. Adhikari, (ed.), *Conflict, Human Rights and Peace: Challenges before Nepal*, Rishikesh Shah Memorial Lectures, National Human Rights Commission (NHRC), Kathmandu, 2003, p.216.

¹³⁵ R.C. Kumar, *National Human Rights Institutions: Good Governance Perspectives on Institutionalization of Human Rights*, 26 December 2003.

¹³⁶ Smith, 2006, p.931.

¹³⁷ Reif, 2000, p.26.

¹³⁸ Sajjad, 2009, p.436.

¹³⁹ Sajjad, 2009, p.436.

¹⁴⁰ Sajjad, 2009, p.437.

¹⁴¹ C.O. Okafor, 'National Human Rights Institutions in Anglophone Africa: Legalism, Popular Agency, and the "Voices of Suffering"', in R. Goodman and T. Pegram (eds.), *Human Rights, State Compliance and Social Change: Assessing National Human Rights Institutions*, Cambridge University Press, 2012, p.133.

¹⁴² Okafor, 2012, p.126.

¹⁴³ Okafor, 2012, p.124.

Murray (2007) also touches upon. Thus, the more popular legitimization an NHRI enjoys, the more credibility and bargaining power vis-à-vis the government it is granted¹⁴⁴.

In a similar vein, scholars such as Smith (2006) and Reif (2000) describe that NHRI legitimacy among the broader public can be enhanced by being accountable to the “public at large, including ‘victims’ of human rights abuses”¹⁴⁵ through for instance the publication of reports that are accessible in different formats and “dis-tributed widely in the public sphere”¹⁴⁶. Reif (2000) further emphasizes that NHRIs need to be “accessible to the population”¹⁴⁷ both physically through the availability of offices throughout the country and symbolically in the political discourse, which NHRIs can influence by being active on media platforms such as radio and television¹⁴⁸.

3.1.3. Promotion Powers

Recalling the provisions of the Paris Principles, NHRIs should be vested with the power to advise government agencies “on any matters concerning the promotion and protection of human rights”¹⁴⁹ and to promote compliance of national legislation and regulations “with the international human rights instruments to which the State is party”¹⁵⁰. They shall also engage with the central function to formulate “programmes for the teaching of, and research into, human rights”¹⁵¹ in schools, universities, and professional circles and to publicize human rights issues through the dissemination of information to increase public awareness.

The academic debate on the promotion powers of NHRIs led by Linos and Pegram (2017), Kumar (2003), Cardenas (2012), Parlevliet (2005) and Murray (2007) highlights that this function is highly relevant for the effect of the work of these institutions: Linos and Pegram (2017) note that conferring NHRIs the power to “criticize proposals with a view to securing their amendment, expansion or withdrawal”¹⁵² and to conduct training on human rights is one of “the most powerful weapons policy makers can give

¹⁴⁴ Okafor, 2012, p.125.

¹⁴⁵ Smith, 2006, p.938.

¹⁴⁶ Reif, 2000, p.27.

¹⁴⁷ Reif, 2000, p.26.

¹⁴⁸ Reif, 2000, p.26.

¹⁴⁹ Paris Principles, Art.3(a).

¹⁵⁰ Paris Principles, Art.3(b).

¹⁵¹ Paris Principles, Art.3(f).

¹⁵² Linos and Pegram, 2017, p.638.

agencies”¹⁵³. The promotion powers of NHRIs also channel the socialization effects of these institutions: As Cardenas (2012) normatively argues, socializing the state apparatus “to the understanding that human rights compliance is appropriate”¹⁵⁴ delegitimizes norm violations. Kumar (2003) prescribes that through these activities, NHRIs ensure “that issues of human rights remain the central focus of political discourse”¹⁵⁵ and enhance social expectations on what kind of human rights culture a government ought to build for its society¹⁵⁶. This can also catalyze the socialization effects on society: According to Cardenas (2012), teaching about rights “can lead to rising demands and claims for human rights protection”¹⁵⁷ and make reform possible, even if this remains a mere utopia under the prevailing political circumstances.

Moreover, as Parlevliet (2005) argues, human rights education activities can be “highly relevant in transitional contexts”¹⁵⁸ as they facilitate buy-in “about the new dispensation or a new constitution”¹⁵⁹. In a similar vein, Linos and Pogram (2017) describe that especially for NHRIs operating in hostile settings, “non-coercive managerial strategies of influence”¹⁶⁰ “might slowly yield important results over time”¹⁶¹. Moreover, NHRIs can become “standard bearers”¹⁶² in transitional and post-conflict settings, as Murray (2007) claims. The potential long-term success of these activities, however, should not be seen as a zero-sum game: As Cardenas (2012) remarks, authoritarian structures might not necessarily “respond to domestic pressures for social change instantly or fully”¹⁶³. Yet, concessions made to appease international criticism “often constitute partial compliance (...) on the way to fuller compliance”¹⁶⁴.

¹⁵³ Linos and Pogram, 2017, p.638.

¹⁵⁴ S. Cardenas, ‘National Human Rights Institutions and State Compliance’, in R. Goodman and T. Pogram (eds.), *Human Rights, State Compliance and Social Change: Assessing National Human Rights Institutions*, Cambridge University Press, 2012, p.46.

¹⁵⁵ Kumar, 2003, p.278.

¹⁵⁶ Kumar, 2003, p.278.

¹⁵⁷ Cardenas, 2012, p.46.

¹⁵⁸ Parlevliet, 2005, p.31.

¹⁵⁹ Parlevliet, 2005, p.31.

¹⁶⁰ Linos and Pogram, 2017, p.685.

¹⁶¹ Linos and Pogram, 2017, p.685.

¹⁶² R. Murray, ‘National Human Rights Institutions – Criteria and Factors for Assessing Their Effectiveness’, *Netherlands Quarterly of Human Rights*, vol.25, no.2, 2007, p.191.

¹⁶³ Cardenas, 2012, p.46.

¹⁶⁴ Cardenas, 2012, p.46.

This scholarship, while overwhelmingly optimistic about the importance of an NHRI's promotion powers for broader societal developments as well as the institution's legitimacy, remains mainly normatively inclined and provides little analytical discussion points on how engaging with these powers can make NHRIs institutionally more effective. Only the contributions of Cardenas (2012) and Linos and Pegram (2017) make some reference to how promotion powers matter for NHRI effectiveness: Cardenas (2012) considers it vital to include promotion activities "in any assessment of an NHRI's effectiveness"¹⁶⁵, and Linos and Pegram's (2017) criteria for assessing NHRI effectiveness encompass promotion safeguards. Whether promotion activities lead to improvement might vary depending on the context, yet Cardenas (2012) writes that the "social effects that occur alongside ongoing violations can be significant in their own right"¹⁶⁶.

3.1.4. Investigation Powers

While according to the Paris Principles, NHRIs do not have to be vested with investigative powers to for instance hear complaints and facilitate access to remedy¹⁶⁷, the academic debate led by scholars such as Linos and Pegram (2017), Reif (2000) and Breslin and Würth (2017) on the matter identify the power to handle-complaints as vital for NHRI effectiveness. Linos and Pegram's (2017) quantitative analysis shows that "NHRIs with strong investigatory capabilities, starting with the ability to receive and process individual complaints, are more effective than NHRIs without these features"¹⁶⁸. This is because investigatory powers build the necessary "community support based on their public profile as accessible and accountable institutions"¹⁶⁹. Furthermore, they empower citizens against the public administration when "state structures are widely viewed as ineffective, dysfunctional and inaccessible"¹⁷⁰ and thereby frame experiences of abuse as concrete rights violations. This normative relevance of complaint-handling powers for non-ideal political settings is further supported by scholars such as Cardenas (2003) and

¹⁶⁵ Cardenas, 2012, p.40.

¹⁶⁶ Cardenas, 2012, p.41.

¹⁶⁷ See Paris Principles.

¹⁶⁸ Linos and Pegram, 2017, p.633.

¹⁶⁹ Linos and Pegram, 2017, p.633.

¹⁷⁰ Linos and Pegram, 2017, p.636.

Breslin and Würth (2017), who note complaints-handling powers as “one of the key avenues through which NHRIs can address the ongoing consequences of past abuses, and the continuing nature of such abuses”¹⁷¹.

Linked to the complaint-handling role of NHRIs is the competence to investigate human rights issues, which is discussed in the contributions of scholars such as Jensen (2018), Carver (2012), Reif (2000), Iroanya et al. (2018) and Linos and Pegram (2017). As Jensen (2018) and Carver (2012) explain, handling complaints “provides an opportunity for an NHRI to identify trends (...) that deserve the instigation of more systematic examination”¹⁷². Reif (2000) normatively supports the importance of this power for rights violations that may not be “justiciable in that state”¹⁷³. In post-conflict reconstruction processes, so Iroanya et al. (2018) write, the investigations of an NHRI can have a far-reaching meaning when they “help in restoring public confidence in governance and strengthening of public institutions”¹⁷⁴ and in developing “a stronger human rights culture in the state in transition”¹⁷⁵. Moreover, scholars find that the broader an NHRI’s mandate, the better: Reif (2000) argues that an NHRI should be given “adequate powers in its legal frame-work in the investigatory process”¹⁷⁶. Furthermore, Linos and Pegram’s work (2017) finds strong support for the hypothesis that NHRIs “with a broader formal man-date – including investigatory and promotional powers – (...) are more effective”¹⁷⁷.

3.1.5. External Factors

Regardless of their institutional design and operational strength, NHRIs never act in a vacuum. Instead, their contributions are always contingent on, facilitated or restricted by and influenced by external forces and actors. This is particularly relevant to consider when analyzing NHRIs operating in post-conflict environments, transitioning societies and peace-building contexts: These institutions tend to face far bigger challenges than NHRIs in democratic settings, such as rebuilding public trust in state institutions after

¹⁷¹ Breslin and Würth, 2017, p.23.

¹⁷² Jensen, 2018, p.25.

¹⁷³ Reif, 2000, p.2.

¹⁷⁴ Iroanya et al., 2018, p.10.

¹⁷⁵ Reif, 2000, p.2.

¹⁷⁶ Reif, 2000, p.26.

¹⁷⁷ Linos and Pegram, 2017, p.631.

prolonged periods of absent government accountability while simultaneously attempting to provide a contact point for victims of human rights abuses¹⁷⁸. Thus, it follows that assessing the effectiveness of an NHRI necessitates a discussion of external factors that affect its broader environment.

These factors have not yet received widespread attention by academic discussions but find a somewhat tentative level of support by some scholars: While Molloy (2020) acknowledges that the “effectiveness of NHRIs depends largely on the domestic political, legal and social conditions”¹⁷⁹, Parlevliet et al. (2005) conclude that the operating environment appears to be decisive for NHRIs in conflict management and peacebuilding environments. Durbach (2011), Linos and Pegram (2017) and Reif (2000) consider that NHRIs effectiveness hinges on a “mini-mum level of democratic governance”¹⁸⁰. Goodman and Pegram (2012) describe that an NHRI that performs well might find itself surrounded by actors that fail to build on this work by not supporting or even curtailing its efforts. Thus, “a lack of compliance with NHRI recommendations may reflect the failure of complementary actors (...) rather than the failure of an NHRI”¹⁸¹.

3.2. Situating this Contribution Within the Discussions on NHRI Effectiveness and the UHRC

As the preceding discussion shows, there is a critical need to redefine scholarly criteria on NHRI effectiveness. By looking at the potential of NHRI as a solution for the disconnect between abstract human rights developments on the global level and lagging compliance on the local level, much of the scholarship introduced above has an idealistic and normative tenor to it and discusses mostly the mere potential of these institutions¹⁸². So far, few empirical studies on NHRI effectiveness have been brought forward that build on concrete case studies¹⁸³. Thus, this study on the effectiveness of the UHRC after the

¹⁷⁸ Molloy, 2020.

¹⁷⁹ Molloy, 2020, p.600.

¹⁸⁰ Reif, 2000, p.24.

¹⁸¹ R. Goodman and T. Pegram, ‘Introduction: National Human Rights Institutions, State Conformity, and Social Change’, in R. Goodman and T. Pegram (eds.), *Human Rights, State Compliance and Social Change: Assessing National Human Rights Institutions*, Cambridge University Press, 2012, p.15.

¹⁸² See for instance the contributions of Molloy, 2020 and Reif, 2000.

¹⁸³ Molloy, 2020, p.601.

end of the conflict in Northern Uganda generates these empirical considerations. Thereby, this case study mirrors primary data gathered on the UHRC against the main strands of literature on NHRI effectiveness and explores the potential of holistic frameworks for studying the effectiveness of these institutions. What this “research founded on directly gathered data”¹⁸⁴ facilitates is the refinement of established theoretical insights or even the development of new ones, as explanations or insights are provided that “perhaps previously were unrecognized or implicit”¹⁸⁵. This, in return, can contribute to the formulation of “substantive grounded theory”¹⁸⁶ on NHRI effectiveness, which Bryant (2014) describes as “one that is of use in the context from which it has been drawn and within which it has been grounded”¹⁸⁷.

With regard to the context of the work of the UHRC in post-conflict Northern Uganda, this contribution draws on new, previously not utilized data from expert interviews and analyzes them within a criteria framework while also considering – as far as it is known – for the first time the UHRC in its translator role. While Mottiar’s (2005) analysis of the role of the UHRC in conflict mediation and Matshegka’s (2002) and Hatchard’s (1999) research on the UHRC’s institutional design was conducted before the end of the conflict, Mubangizi’s (2020) and Iroanya et al.’s (2018) studies employ a narrow focus on issues of independence and mandate and do not consider the role of the UHRC in action. This contribution is therefore also dedicated to addressing this prevailing gap in the literature on the case study.

¹⁸⁴ A. Bryant, ‘The Grounded Theory Method’, in P. Leavy (ed.), *The Oxford Handbook of Qualitative Research*, Oxford University Press, 2014, p.119.

¹⁸⁵ Bryant, 2014, p.121.

¹⁸⁶ Bryant, 2014, p.121.

¹⁸⁷ Bryant, 2014, p.121.

4. Theory

This chapter presents conceptual considerations that constitute the theoretical lens chosen for this thesis. Understood here as “an account of social reality that is grounded in empirical data but extends beyond that data”¹⁸⁸, theory in this thesis encompasses “assumptions about the social context of”¹⁸⁹ of NHRIs and “the political and economic structures that shape”¹⁹⁰ their existence within the broader human rights ecology.

4.1. Theorizing the Proliferation of NHRIs: Socialization Mechanisms

As the preceding literature review shows, the work of NHRIs can have far-reaching implications for human rights in a broader political environment, provided that these institutions are effective. Thus, according to Cardenas (2012), “[i]t is not self-evident (...) why so many states have created these institutions”¹⁹¹ and how these institutions can influence governments and societies alike. To develop a better understanding of the forces at play here, it is worth drawing on constructivist socialization theories to grasp why states subject themselves to the international human rights regime¹⁹². Scholars such as Goodman and Jinks (2004) retrace the forces at play to the social mechanisms of either persuasion or acculturation. While persuasion encompasses a process of social learning to a level of being “convinced of the truth, validity, or appropriateness of a new norm”¹⁹³, acculturation implies a process of adopting the norm structure of the surrounding culture without necessarily internalizing it. Rather, it “requires only that an actor perceives that an important reference group harbors the belief, engages in the practice, or subscribes to the norm”¹⁹⁴. Departing from these theorizations, socialization mechanisms can be understood to play an important role in explaining the proliferation and operation of

¹⁸⁸ P. Leavy, ‘Introduction’, in P. Leavy (ed.), *The Oxford Handbook of Qualitative Research*, Oxford University Press, 2014, p.4.

¹⁸⁹ J.A. Maxwell and K. Mittapalli, ‘Theory’, in L.M. Given (ed.), *The SAGE Encyclopedia of Qualitative Research Methods*, Thousand Oaks, CA, SAGE Publications, 2008, p.1.

¹⁹⁰ Maxwell and Mittapalli, 2008, p.1.

¹⁹¹ Cardenas, 2012, p.30.

¹⁹² R. Goodman and D. Jinks, ‘How to Influence States: Socialization and International Human Rights Law’, *Duke Law Journal*, vol.54., no.3, December 2004.

¹⁹³ Goodman and Jinks, 2004, p.635

¹⁹⁴ Goodman and Jinks, 2004, p.642.

NHRIs: Governments may be persuaded into creating an NHRI when these institutions are the ‘norm’ on the international level or ‘acculturated’ to assimilate to the international community¹⁹⁵. When states create NHRIs to “conform to the expectations of good governance practice”¹⁹⁶ or powerful critics, norms associated with these institutions themselves might not be fully internalized¹⁹⁷, “even in cases where institutions have a strong design”¹⁹⁸. Thus, the lack of norm internalization explains why countries with NHRIs in place have persistently bad human rights records and why NHRIs might underperform in their socialization efforts despite having solid mandates.

4.2. Theorizing the Spaces that NHRIs Navigate: The Global and the Local

As Goodman and Jinks (2004) describe, the forces of acculturation correlate less with local demands and more with global processes¹⁹⁹. Lacatus (2016) further recounts that “local conditions and national politics alone do not explain”²⁰⁰ global patterns of NHRIs. These socializing forces are therefore more global than they are local.

On a conceptual level, the global and the local of NHRI can be viewed from different angles: Within Moore’s (2004) conceptualization, the local of NHRIs exists “in so far as it is defined in contra-distinction to something that is not local”²⁰¹, and the global “only makes sense in the context of its local appropriation”²⁰². Yet, Feldman (2011) notes that “the global is not just local writ large. It is more than a web of direct connections”²⁰³, which seemingly sympathizes with Appadurai’s (1990) five flows model on how cultures influence each other in a “complex, overlapping, disjunctive order”²⁰⁴. To connect these

¹⁹⁵ Lacatus, 2016, p.154.

¹⁹⁶ Lacatus, 2016, p.155.

¹⁹⁷ Lacatus, 2016, p.156.

¹⁹⁸ Lacatus, 2016, p.155.

¹⁹⁹ Goodman and Jinks, 2004, p.649.

²⁰⁰ Lacatus, 2016, p.153.

²⁰¹ H.L. Moore, ‘Global Anxieties: Concept-metaphors and pre-theoretical commitments in anthropology’, *Anthropological Theory*, vol.4, no.1, 2004, p.75.

²⁰² Moore, 2004, p.76.

²⁰³ G. Feldman, ‘If ethnography is more than participant-observation, then relations are more than connections: The case for nonlocal ethnography in a world of apparatuses’, *Anthropological Theory*, vol.11, no.4, 2011, p.379.

²⁰⁴ A. Appadurai, ‘Disjuncture and Difference in the Global Cultural Economy’, *Theory Culture Society*, vol. 7, 1990, p.296.

abstract concepts, the connection between the local and the global of NHRIs can be grasped on a theoretical level through Merry's (2006) concept of vernacularization. The latter term relates to the idea of extracting human rights language from the universal and adapting it to local communities²⁰⁵. Essential for this process are translators, which in this case are NHRIs. According to Merry (2006), translators "translate the discourses and practices from the arena of international law and legal institutions"²⁰⁶ to reframe local grievances with rights language. Therefore, they play a crucial role in the process of presenting global human rights concepts locally "within familiar symbolic frameworks"²⁰⁷.

Yet, scholars such as Rosenblum (2012) argue that "we do not actually know (...) under what circumstances (...) NHRIs 'bring independent expertise' and 'transfer international standards' to the local level"²⁰⁸. There are doubts about the actual contribution of local knowledge by NHRIs to the UN fora²⁰⁹ and whether NHRIs in the Global South are even capable of properly responding to specific local human rights needs when their officials represent a "shared *community of practice*"²¹⁰. Merry (2006) further elaborates that NHRIs as translators work within a field of intrinsic contradiction: They can be powerful manipulators capable of brokering knowledge and steering the dialogue on human rights on the ground as well as vulnerable to exploitation from more powerful actors. Thus, this practice of translating "up and down"²¹¹ does not always succeed: Not only can the reframing of local experiences alienate victims from their stories, but the overall idea of new practices may also be "ignored (or) rejected"²¹², since, as Wilson (2007) notes, the "translation between international law and local cultural norms is often an "unpredictable, and haphazard process"²¹³.

²⁰⁵ S.M. Merry, 'Transnational Human Rights and Local Activism: Mapping the Middle', *World Bank Legal Review*, vol. 2, 2006, p.188.

²⁰⁶ Merry, 2006, p.188.

²⁰⁷ Merry, 2006, p.194.

²⁰⁸ Rosenblum, 2012, p.300.

²⁰⁹ Lacatus, 2016, p.36.

²¹⁰ M. Halme-Tuomisaari, 'Toward Rejuvenated Inspiration with the Unbearable Lightness of Anthropology', *Cambridge University Press Online*, 2021 (b), <https://www.cambridge.org/core/services/aop-cambridge-core/content/view/F62B04387CE58FCA9CA98871CFEC17F9/S2398772321000374a.pdf/div-class-title-toward-rejuvenated-inspiration-with-the-unbearable-lightness-of-anthropology-div.pdf>, p.286.

²¹¹ Merry, 2006, p.195.

²¹² Merry, 2006, p.190.

²¹³ R.A Wilson, 'Tyrannosaurus Lex: The Anthropology of Human Rights and Transnational Law', in: M. Goodale and S.M. Merry (eds.), *Practice of Human Rights: Tracking Law between the Global and the Local*, Cambridge University Press, 2007, p.357.

While it therefore might be tempting to skeptically discard the global and local of NHRIs, Appadurai's (1996) stance that "forces from various metropolises (...) become indigenized in one way or another"²¹⁴ and Moore's (2004) argument that the global is not just an "inexorable force, but it is also about how people (...) engage with the global and make themselves both global and local"²¹⁵ can be smoothly layered onto to the discussion on the global and local of NHRIs: Instead of seeing the global of the human rights movement as just about obscure UN developments and NHRIs as mere pawns in this chess game, one could also consider how NHRIs as translators engage with global human rights aspirations and thereby vernacularize these concepts in a non-homogenized way²¹⁶. Furthermore, contradictions and normative incompleteness do not have to be seen as a failure of the translation of human rights, but rather as "essential to the development of what are different (...) ideas of human rights"²¹⁷.

4.3. Theorizing the Impact of NHRIs: The Notion of Movement and the Idea of Ongoing Dialogue

When conceptualized as translators for the vernacularization of global human rights discussions, NHRIs, the indigenization of human rights language, and its meaning for the global and the local²¹⁸ are not necessarily "entirely oppositional to Western notions"²¹⁹. This allows us to think of developments in rights cultures in a nonlinear way²²⁰ and links to the "theme of move-ment"²²¹ as discussed by Halme-Tuomisaari (2021 (a)) on UN treaty body proceedings. As she argues, in light of the ever so disconcerting struggles of these monitoring mechanisms to "provide evidence that their work has actual

²¹⁴ Appadurai, 1996, p. 32.

²¹⁵ Moore, 2004, p.81.

²¹⁶ S. Madhok, 'On Vernacular Rights Cultures and the Political Imaginaries of *Haq*', *Humanity: An International Journal of Human Rights, Humanitarianism, and Development*, vol.8, no.3, 2017, p.493.

²¹⁷ M. Goodale, 'Introduction: Locating Rights, Envisioning Law Between the Global and the Local', in M. Goodale and S.M. Merry (eds.), *Practice of Human Rights: Tracking Law between the Global and the Local*, Cambridge University Press, 2007, p.26

²¹⁸ Merry, 2006.

²¹⁹ Madhok, 2017, p.486.

²²⁰ Madhok, 2017, p.502.

²²¹ M. Halme-Tuomisaari, 'New Paradoxes in Human Rights', in L. Pedersen and L. Cliggett (eds.), *The SAGE Handbook of Cultural Anthropology*, Thousand Oaks, CA, SAGE Publishing, 2021 (a), p.606.

consequences”²²², the idea to define their success within the field of human rights in terms of outputs might be inadequate. Rather, it is suggested that this work is entrenched within a continuous process based on the collective and continuous belief that human rights are not just a utopia. This “elevates the dynamic embedded in movement from a means towards ‘external’ goals – policy, new legislation – into an end in and of itself”²²³, since moving in the right direction conveys more certainty than anything else.

In a similar vein, Cardenas (2012) writes that monitoring mechanisms such as NHRIs must be seen as “having a range of effects”²²⁴, such as creating social space for public deliberation over wrongdoing and raising “the costs of noncompliance”²²⁵. This “potentially transformative role of national institutions in the wider societal context”²²⁶ should not be underestimated²²⁷. What NHRIs thereby also facilitate is the opportunity for the movement of thoughts, exchange of ideas and the “ongoing *dialogue*”²²⁸ between the spheres. As translators present in the sphere between the global and the local, NHRIs continuously engage with this dialogue both through their mere institutional existence as well as through their human rights responsibilities. Thus, local populations are unavoidably informed by global human rights norms, even if global ideas are not – and may never be – fully accepted in the local setting. As a result, the local “is always already global”²²⁹.

²²² Halme-Tuomisaari, 2021 (a), p.608.

²²³ Halme-Tuomisaari, 2021 (a), p.608.

²²⁴ Cardenas, 2012, p.39.

²²⁵ Cardenas, 2012, p.43.

²²⁶ Parlevliet, 2005, p.6.

²²⁷ Parlevliet, 2005, p.6.

²²⁸ Halme-Tuomisaari, 2021 (a), p.607.

²²⁹ Moore, 2004, p.83.

5. Research Method

Understanding research method as the “[tool] for data collection”²³⁰, this chapter discusses the choice of method to obtain data and how the latter will be extracted and evaluated.

The role of the UHRC in the post-LRA conflict context is analyzed based on primary data gathered from expert interviews, official reports published by the UHRC, and the scholarly contributions of for instance Okafor (2012) and Linos and Pegram (2017). These interviews were held with UN officials, academics, Executive Directors of NGOs, peace practitioners, human rights lawyers, activists, journalists, and representatives of the UHRC and conducted between February and March 2022 through video calls on online communication platforms for 30-60 minutes long conversations. All interviews were transcribed in full by using the software ‘Descript’²³¹, and errors were manually corrected afterward.

For these interviews, an interview guide was developed based on criteria identified in the scholarly debate as key for assessing NHRI effectiveness²³². To ensure comparability between expert opinions, a structured interview design was chosen. As Brinkmann (2014) defines structured interviews as “based on (...) standardized ways of asking ques-tions”²³³, the interview guide was followed in a rather structured way. Yet, space was provided for unexpected and unforeseen topics of conversation to arise. In the following, the methodological approach chosen for this thesis will be elaborated on.

5.1. Qualitative Interviewing

Qualitative interviewing is understood here as a “face-to-face verbal exchange”²³⁴ used to “elicit information of expres-sions of opinion or belief from another person”²³⁵. Thus,

²³⁰ Leavy, 2014, p.3.

²³¹ <https://www.descript.com>.

²³² See full guide in Annex 2.

²³³ S. Brinkmann, ‘Unstructured and Semi-Structured Interviewing’, in P. Leavy (ed.), *The Oxford Handbook of Qualitative Research*, Oxford University Press, 2014, p.286.

²³⁴ Brinkmann, 2014, p.277.

²³⁵ Brinkmann, 2014, p.277.

rather than seeking to obtain reliable reflections or theorizations, the phenomenological goal of interviewing is to try to get as close as possible to “the interviewee’s descriptions”²³⁶ of episodes, experiences, and events. This allows the researcher to “arrive at an understanding of the essential structures of con-scious experience”²³⁷. Interviewing is particularly useful for this contribution, since perceptions of how an NHRI operates in strained political economies can be invaluable sources of information to facilitate a better understanding of the effectiveness of these institutions. By conducting interviews, the complexity of these processes can be grasped holistically.

5.2. Defining Expert Knowledge

Since much scholarship tends to forego methodological reflections on the nature of the expert status of an interviewee and therefore risks impairing the integrity of the research process²³⁸, it is found vital to discuss who can be an expert and how a researcher can determine this ‘expert status’.

To refrain from evoking the image of a highly educated and high-ranking expert when using the term ‘expert interviewee’ and thereby excluding certain experts, an expert interviewee is understood here as a special respondent “who (is) active in community affairs regardless of their position in the social status system”²³⁹. The “special knowledge”²⁴⁰ of these experts was acquired not because of training but “because they have privileged access to information”²⁴¹. This special knowledge of expert interviewees allows the researcher to undertake “investigations that reconstruct social (...) processes and use interviewees as a source of information”²⁴². This is particularly useful when the nature of the social process makes it difficult to access information or if it is too niche of

²³⁶ Brinkmann, 2014, p.287.

²³⁷ Brinkmann, 2014, p.295.

²³⁸ M. Meuser and U. Nagel, ‘The Expert Interview and Changes in Knowledge Production’, in A. Bogner, B. Littig and W. Menz (eds.), *Interviewing Experts*, Hampshire, UK, Palgrave Macmillan, 2009, p.18.

²³⁹ Meuser and Nagel, 2009, p.24.

²⁴⁰ Meuser and Nagel, 2009, p.19.

²⁴¹ Meuser and Nagel, 2009, p.24.

²⁴² J. Gläser and G. Laudel, ‘On Interviewing “Good” and “Bad” Experts’, in A. Bogner, B. Littig and W. Menz (eds.), *Interviewing Experts*, Hampshire, UK, Palgrave Macmillan, 2009, p.117.

a subject. Expert interviews thus “offer researchers an effective means of (...) quickly obtaining good results”²⁴³.

These advantages render expert interviews particularly interesting for this study: Both the operational management of NHRIs as well as the work of the UHRC in post-conflict Northern Uganda tend to be understudied, which makes it difficult to rely on existing data. Moreover, these topics are specific enough to warrant the need to consult experts. The epistemological function of interviewing experts for this study is therefore a systematizing one that aims “to obtain systematic and complete information”²⁴⁴ on the UHRC’s post-conflict work from exclusive knowledge.

5.3. Assessing Expert Knowledge

Since the expert status of an interviewee is not a formally accepted rank, Bogner and Menz’s (2009) classification of expert knowledge was used to categorize the knowledge of experts: Expert knowledge can be technical and based on “information about operations and events governed by rules (...) that are specific to a field”²⁴⁵. It can also be process-related to organizational constellations, which differs from technical knowledge by being “more a matter of knowledge based on practical experience acquired”²⁴⁶. Lastly, expert knowledge can be interpretative of “sub-jective orientations, (...) points of view and interpretations”²⁴⁷.

To ensure comparability of findings, expert interviewees from a variety of professional backgrounds were identified based on Bogner and Menz’s (2009) categorization, located through desktop searches and snowball sampling²⁴⁸, and contacted via email. These experts dispose of knowledge that classifies either as technical, process-

²⁴³ A. Bogner, B. Littig and W. Menz, ‘Introduction: Expert Interviews – An Introduction to a New Methodological Debate’, in A. Bogner, B. Littig and W. Menz (eds.), *Interviewing Experts*, Hampshire, UK, Palgrave Macmillan, 2009, p.2.

²⁴⁴ A. Bogner and W. Menz, ‘The Theory-Generating Expert Interview: Epistemological Interest, Forms of Knowledge, Interaction’, in A. Bogner, B. Littig and W. Menz (eds.), *Interviewing Experts*, Hampshire, UK, Palgrave Macmillan, 2009, p.47.

²⁴⁵ Bogner and Menz, 2009, p.52.

²⁴⁶ Bogner and Menz, 2009, p.52.

²⁴⁷ Bogner and Menz, 2009, p.52.

²⁴⁸ C. Noy, ‘Sampling Knowledge: The Hermeneutics of Snowball Sampling in Qualitative Research’, *International Journal of Social Research Methodology*, vol.11 (2008), p.330.

related, or interpretative. To mention a few examples, one interviewee has technical and process-related knowledge on the topic due to having acted as an independent consultant for the OHCHR and the UHRC. Others, in return, act as Executive Directors of Ugandan-based NGOs that cooperate with the UHRC, which proves their process-related knowledge. By interviewing different actors from the human rights field, this study also ensures that diverse categories of expertise are sufficiently considered. Moreover, since many of the experts identify as scholars, this study concretizes the continuity across the field of human rights from academic publications to policy work. A detailed overview of the expert interviewees and an introduction to their respective professional backgrounds can be found in Annex 1.

5.4. Challenges and Ethical Considerations

The method of qualitative expert interviewing used for this thesis is subject to several shortcomings, which are addressed in the following paragraphs.

Above all, a common critique of qualitative research is that “it is too subjective”²⁴⁹. While certainly a valid point of criticism, one could counter that subjectivity can be seen as not only unavoidable but also something that, to a certain extent, can be ironed out by interviewing several experts and assessing “the validity of individual’s representations of ‘their truth’”²⁵⁰. This allows for the triangulation of findings.

While gathering data from expert interviews was considered necessary since the operational management of NHRIs tends to be unknown outside this specific field of knowledge, one could argue that the lack of attention paid to the experiences of ordinary Ugandan citizens does not ensure broad representativeness of opinions. Moreover, even though an almost equal number of female and male experts were contacted, most experts interviewed for this thesis are males. Female perspectives on the research topic were thus neglected. Whether this imbalanced representation of the genders had an impact on the

²⁴⁹ Brinkmann, 2014, p.381.

²⁵⁰ Simons, 2014, p.459.

conclusions or not could not be determined. Nevertheless, it would have been appreciated to include more female perspectives on the topic.

Another potentially weak spot is that all interviews were conducted through video calls. Brinkmann (2014) and Christmann (2009) argue that one of the disadvantages of telephone interviewing is that “quite an important part of human communication (...) is lost”²⁵¹ when the interviewee’s voice is the only source of information. This entirely valid critique, however, can be argued to be only partially applicable here since the interviews were conducted through video calls. This was not only necessary because of the COVID-19 pandemic but also served to remedy several of the problems connected to telephone interviews: They allowed researcher and interviewee alike to detect expressions of human communication through gestures and facial expressions. Furthermore, all interviewees gave their oral consent for the session to be recorded and taped. This allows for the analysis to draw on both transcripts and recordings of embodied interaction, non-verbal signs, and gestures that took place.

Lastly, the potential for “harm involved”²⁵² for the expert interviewees, such as psychological, reputational, or legal damage²⁵³, was assessed to be minimal for this study. The topic is neither a politically very sensitive one nor does it necessitate anonymity, as all interviewees introduced themselves with their full names and titles after they gave their permission to be recorded.

5.5. Qualitative Content Analysis

A qualitative content analysis was conducted to analyze primary data gathered from expert interviews, reports, and scholarly literature. Qualitative content analysis is understood here as an analytical text-based method of analysis that studies the “inscription contained in (...) (any) form of documentation”²⁵⁴ based on pre-determined

²⁵¹ G.B. Christmann, ‘Expert Interviews on the Telephone: A Difficult Undertaking’, in A. Bogner, B. Littig and W. Menz (eds.), *Interviewing Experts*, Hampshire, UK, Palgrave Macmillan, 2009, p.164.

²⁵² A. Traianou, ‘The Centrality of Ethics in Qualitative Research’, in P. Leavy (ed.), *The Oxford Handbook of Qualitative Research*, Oxford University Press, 2014, p.62.

²⁵³ Traianou, 2014, p.63.

²⁵⁴ L. Prior, ‘Content Analysis’, in P. Leavy (ed.), *The Oxford Handbook of Qualitative Research*, Oxford University Press, 2014, p.360.

categories. Considering that the research area of NHRI effectiveness in post-conflict environments is still substantially understudied, it is vital to refrain from applying a pre-determined criteria framework too rigidly. Instead, space requires to be left for unanticipated yet highly relevant information to appear during the process of extracting categorical information and to be accommodated in the analysis. This also allows for more generalizing inferences to be made on the overall topic of NHRI effectiveness. Therefore, a qualitative content analysis was conducted by applying Gläser and Laudel's (2009) inductive approach to qualitative content analyses²⁵⁵ based on an open criteria framework. This framework was developed on the basis of the scholarship on NHRI effectiveness as discussed in Chapter 3. Considerations on effectiveness identified as most relevant were extracted and converted into criteria. The criteria framework can be found in Annex 2.

²⁵⁵ J. Gläser and G. Laudel, *Experteninterviews und Qualitative Inhaltsanalyse*. Wiesbaden, Verlag für Sozialwissenschaften, 2009, p.201.

6. Analysis

This chapter presents the findings of the assessment of the UHRC’s effectiveness based on data gathered from expert interviews, reports, and academic literature. The data was scanned for the pre-determined criteria within the framework of a qualitative content analysis and accommodated in the analysis. Section 6.5, however, does not draw on pre-determined criteria but is rather based on an inductive open criteria approach. This was warranted by the content-related nature of the section. Each aspect relevant to NHRI effectiveness in relation to the case study is discussed in detail.

6.1. Independence

6.1.1. The UHRC’s Independence in Practice

Most experts interviewed for this study remarked a broad disconnect between the Commission’s extensive mandate on paper as presented in Chapter 2 and practice: According to the peacebuilding and conflict practitioner and staff member at Uganda’s UN Resident Coordinator Office Lino Owor Ogora (9 February 2022), “the Commission becomes a dog that barks but cannot bite. It is empowered by the constitution, but it is not effective in doing its work because of political interference and a lack of independence”²⁵⁶, and the Executive Director of the NGO ‘Human Rights Awareness and Promotion Forum’ Dr. Adrian Jjuuko (17 March 2022) tellingly mentioned that “basically, on paper, it is a very strong institution”²⁵⁷. Analyzing the expert interview data indicated three significant shortcomings to the independence of the UHRC in relation to the criteria, which are lack of political support for the UHRC’s work, resource constraints, and the UHRC’s composition.

In relation to the criterium on political support for the UHRC, Owor Ogora (2022) stated that the government tends to “simply pay a deaf ear to the resolutions”²⁵⁸ brought forward by the UHRC and “at times explicitly orders the UHRC not to get involved in

²⁵⁶ Interview Owor Ogora, 2022.

²⁵⁷ Interview Dr. Jjuuko, 2022.

²⁵⁸ Interview Owor Ogora, 2022.

certain situations”²⁵⁹. The Director of the Human Rights and Peace Centre at Makerere University, Dr. Zahara Nampewo (30 March 2022), also explained that

“every year, the Commission issues a really detailed annual report on the state of human rights in the country. They present it to the Human Rights Committee of the Parliament and more or less, that is where it stops”²⁶⁰.

Secondly, regarding the criterium on the allocation of financial resources, experts interviewed described the UHRC as severely restricted in its funding and thus prevented from executing its mandate: As Dr. Jjuuko (2022) explained, “[The UHRC is] really understaffed and under-resourced and they cannot do their work effectively”²⁶¹. Similarly, the Director of Research and Operations at the Centre for African Research, Arthur Owor (9 February 2022), pointed out that “if you went to the offices here in Gulu, you are going to find less than ten staff. And they are serving a region with about 12 districts, so how do you respond to phone calls?”²⁶². The Executive Director of the Ugandan NGO ‘Human Rights and Democracy Link Africa’ Sam Rukidi (7 February 2022) further remarked that “[the UHRC is] poorly facilitated. You may find that their offices are located in a region of maybe more than ten districts”²⁶³. Moreover, in our interview, the Ugandan lawyer, scholar, and activist Andrew Karamagi (16 February 2022), remarked quite tellingly that the UHRC’s headquarters “is a home that was converted into offices. (...) Many NGOs have better offices than the human rights commission”²⁶⁴.

A third shortcoming identified relates to the criterium on the appointment process for chairpersons and commissioners and government representation within the UHRC. Nampewo (2022) recounted that “some people have called [the UHRC] a retirement office”²⁶⁵, as many former politicians and ministers tend to be appointed as commissioners. Even if an appointee was, according to the journalist and human rights defender Joseph Lukyamuzi (8 March 2022), “credible in society”²⁶⁶, the fact that the

²⁵⁹ Interview Owor Ogora, 2022.

²⁶⁰ Interview Nampewo, 2022.

²⁶¹ Interview Dr. Jjuuko, 2022.

²⁶² Interview Owor, 2022.

²⁶³ Interview Rukidi, 2022.

²⁶⁴ Interview Karamagi, 2022.

²⁶⁵ Interview Nampewo, 2022.

²⁶⁶ Interview Lukyamuzi, 2022.

president appoints the commissioners diminishes their credibility as there is a “general perception that anyone appointed by the government has been (...) working with the regime in the darkness”²⁶⁷. Thus, the UHRC is seen by experts such as Dr. Jjuuko (2022) as “a government mouthpiece, rather than a human rights mouthpiece”²⁶⁸ and appears to not criticize the government out of fear to be subjected to reprisal, as this statement exemplifies: “If you do not do your job, the government loves you. If you do your job, then the government will come in and fight you”²⁶⁹.

6.1.2. Independence: Conclusion

When looking at previous scholarship on NHRI effectiveness, these findings appear puzzling: While it is assumed that NHRIs with independence guarantees such as a constitutional status are more resistant to government influence²⁷⁰, experts interviewed for this study did not identify the UHRC, as one of the few constitutionally entrenched NHRIs, as an independent institution. Instead, experts such as Owor Ogora (2022) assessed it as “not effective (...) because of political interference and a lack of independence”²⁷¹. This points to a broad disconnect between assumptions on NHRI effectiveness and practice in the Ugandan case. With the government paying a ‘deaf ear’ to the recommendations issued by the UHRC, as Owor Ogora (2022) phrased it in our interview, the assumption that “if the work and recommendations of the institution are ignored (...) by government, the effectiveness of the institution will suffer”²⁷² became reality in the Ugandan case. Moreover, the insufficient funding received by the UHRC exposes it to exploitation by the government to an extent that affects the UHRC’s translator role. Thus, NHRIs such as the UHRC “with close ties to the executive might (...) serve as a proxy for – rather than a check on – the government”²⁷³, or, as Dr. Jjuuko (2022) put it, as “a government mouthpiece, rather than a human rights mouthpiece”²⁷⁴.

²⁶⁷ Interview Lukyamuzi, 2022.

²⁶⁸ Interview Dr. Jjuuko, 2022.

²⁶⁹ Interview Dr. Jjuuko, 2022.

²⁷⁰ See Linos and Pegram, 2017.

²⁷¹ Interview Owor Ogora, 2022.

²⁷² Reif, 2000, p.27.

²⁷³ Linos and Pegram, 2017, p.635.

²⁷⁴ Interview Dr. Jjuuko, 2022.

These findings on the UHRC are certainly not the exception to the rule, not even among NHRIs. The independence of human rights mechanisms is generally a fickle matter: NHRIs such as the UHRC and UN treaty bodies constantly need to “negotiate [their] mandate with state par-ties”²⁷⁵ and face resource constraints. Semi-governmental institutions such as NHRIs are particularly unavoidably dependent on governments yet need to position themselves in a way that they appear not to be. For NHRIs operating in transitioning contexts or repressive regimes, such as the UHRC, keeping a grip on their institutional autonomy is an even harder thing to do.

6.2. Public Legitimacy

6.2.1. The UHRC’s Legitimacy for Civil Society

According to the UHRC’s Director of Monitoring and Inspections Ruth Ssekindi (11 March 2022), the UHRC had always had “engagements with a number of civil society organizations”²⁷⁶, which it uses as its “eyes and ears”²⁷⁷. Statements made by experts interviewed concerning the criteria on the relationship between an NHRI and CSGs and both entities using each other as a resource confirmed the overall existence of these partnerships: “When I was with the [Ugandan Human Rights NGO ‘Foundation for Human Rights Initiative’], (...) [it] would inform the Human Rights Commission of places of detention, (...) and the Commission would sort of act as a point of information”²⁷⁸, so Nampewo (2022) recounted. In a similar vein, Rukidi (2022) asserted that NGOs “carry meetings, we discuss issues. We share all those reports”²⁷⁹. However, attitudes among CSGs towards the UHRC also seem to feed on hesitancy: While Rukidi (2022) called the relationship “very okay”²⁸⁰, Dr. Jjuuko (022) described it as “neither here nor there”²⁸¹. Karamagi (2022) even painted it as “one of “You are the cousin I cannot avoid, but I just have to relate with you””²⁸². The motivation for the UHRC and

²⁷⁵ M. Halme-Tuomisaari, ‘Guarding Utopia: Law, vulnerability and frustration at the UN Human Rights Committee’, *Social Anthropology*, vol.28, no.1, 2020, p.45.

²⁷⁶ Interview Ssekindi, 2022.

²⁷⁷ Interview Ssekindi, 2022.

²⁷⁸ Interview Nampewo, 2022.

²⁷⁹ Interview Rukidi, 2022.

²⁸⁰ Interview Rukidi, 2022.

²⁸¹ Interview Dr. Jjuuko, 2022.

²⁸² Interview Karamagi, 2022.

CSGs to cooperate thus appears to be less grounded in a desire to be a resource for each other. Rather, CSGs seem to interact with the UHRC to validate their work by obtaining the stamp of approval in the form of ‘being seen’ with it. This is a merely strategic move, as Karamagi (2022) explained:

“If you are an NGO, and (...) you want to validate a report (...), you will invite the Human Rights Commission to come and validate that study (...). Is that helpful? No. But do you need to be seen to be working with the Human Rights Commission because it exists? Yes.”²⁸³.

Moreover, the UHRC and CSGs seemingly only work together to fulfill donor demands: “It is a friendly relationship between us (...) because [donors] (...) want to see connections happening”²⁸⁴, which, for Dr. Jjuuko (2022), makes it a “donor kind of planned”²⁸⁵ relationship. Yet, Rukidi (2022) also explained in our interview that CSGs

“do not criticize the commission, we sympathize with them. (...). When they have done their work, (...) but they do not have money, we cannot come back at them and say “Human Rights Commission, you are not doing well”. We support them.”²⁸⁶.

6.2.2. The UHRC’s Legitimacy for the Ugandan Public

When analyzing interview data, two themes emerge as particularly adversely affecting the institution’s public legitimacy. For one, when asked about the visibility and accessibility of the UHRC based on the respective criteria, experts interviewed considered Ugandans largely unaware of the existence of the UHRC: According to Owor (2022), the UHRC “really has a constitutional mandate (...) to keep the public aware (...), but this is not something that is actually happening”²⁸⁷ and Lukyamuzi (2022) remarked in our interview that “very few people know that [the UHRC] is there. So, that shows you that they rarely do such trainings”²⁸⁸. Furthermore, the UHRC seems to be largely inaccessible for Ugandans living in non-urban areas, as Dr. Jjuuko (2022) stated that “people in the

²⁸³ Interview Karamagi, 2022.

²⁸⁴ Interview Dr. Jjuuko, 2022.

²⁸⁵ Interview Dr. Jjuuko, 2022.

²⁸⁶ Interview Rukidi, 2022.

²⁸⁷ Interview Owor, 2022.

²⁸⁸ Interview Lukyamuzi, 2022.

villages deep down struggle to access these services. So, [the UHRC] also needs to be able (...) to go to the people rather than the poor coming to them”²⁸⁹. These challenges critically affect the UHRC’s public legitimacy, so Dr. Jjuuko’s (2022) statement shows: “People are learning over the years that if you go there, there is nothing much you get out of there”²⁹⁰.

Lastly, regarding the criterium on the thematic coverage of human rights issues, experts interviewed recounted that the UHRC’s ability to engage with human rights issues that are prevalent in society remains questionable²⁹¹: “The people who need the Commission the most, that is the marginalized, the vulnerable (...) do not (...) receive the attention that they need”²⁹², so Owor Ogora (2022) stated. Lukyamuzi further remarked that the UHRC even dismisses serious human rights violations such as torture: “The Executive Director made a very blunt statement. She said: “There is not so much torture as presented in Uganda” (...). And she was saying this at a time when there were two cases standing out that had society traumatized”²⁹³. Karamagi (2022) also considered the existence of this high number of NGOs in Uganda “an indictment on the Human Rights Commission. Maybe these NGOs have actually realized an existing gap and are exploiting [it]”²⁹⁴.

6.2.3. Public Legitimacy: Conclusion

While CSGs and the UHRC seem to engage with each other through partnerships²⁹⁵, and Nampewo’s (2022), Dr. Jjuuko’s (2022) and Rukidi’s (2022) experiences imply processes of information-sharing, the overall level of enthusiasm and trust present in these relationships seems to be concerningly low if experts interviewed describe them as “donor kind of planned”²⁹⁶.

²⁸⁹ Interview Dr. Jjuuko, 2022.

²⁹⁰ Interview Dr. Jjuuko, 2022.

²⁹¹ Okafor, 2012.

²⁹² Interview Owor Ogora, 2022.

²⁹³ Interview Lukyamuzi, 2022.

²⁹⁴ Interview Karamagi, 2022.

²⁹⁵ Okafor, 2012.

²⁹⁶ Interview Dr. Jjuuko, 2022.

Moreover, if “very few people know that [the UHRC] is there”²⁹⁷, the NHRI’s legitimacy among the broader public seems to be impeded as well. Experts interviewed ascribed this mostly to the UHRC’s merely sporadic engagement with the media and the fact that it does not sufficiently engage with human rights issues experienced by the most vulnerable in society. This matters for the UHRC’s effectiveness in two ways: By not making use of media outlets and publishing reports that are “dis-tributed widely in the public sphere”²⁹⁸, the UHRC does not appear to attempt to tackle issues of visibility and accountability. Moreover, disappointment towards the institution’s inability to engage with local struggles appears to be working against the UHRC’s efforts to translate “up and down”²⁹⁹, since “[p]eople are learning over the years that if you go there, there is nothing much you get out of there”³⁰⁰.

At this point again it is worth remarking that these struggles are not an isolated incident, but rather a shared experience among NHRIs and human rights monitoring mechanisms: UN bodies tend to “keep parts of their influence hidden in the ‘fuzzy logic’ of the UN”³⁰¹ to shield themselves from “direct attempts to restrict the scope of its operations”³⁰². This, however, only reinforces the lack of visibility on their workings. The same holds for NHRIs: The effective operation of the UHRC may only be possible if there is little interference. Yet, this lack of visibility may likely cause Ugandans to lose trust in the institution. Under circumstances such as those prevalent in Uganda, where resources for funding remain scarce and the political climate is volatile, the public legitimacy of NHRIs is largely dictated by external forces³⁰³.

²⁹⁷ Interview Lukyamuzi, 2022.

²⁹⁸ Reif, 2000, p.27.

²⁹⁹ Merry, 2006, p.195.

³⁰⁰ Interview Dr. Jjuuko, 2022.

³⁰¹ Halme-Tuomisaari, 2020, p.37.

³⁰² Halme-Tuomisaari, 2020, p.43.

³⁰³ See Sajjad, 2009.

6.3. Promotion Powers

6.3.1. The UHRC's Promotion Powers in Practice: Ugandan Public

Ssekindi (2022) explained in our interview that in relation to the criterium on education programmes and promotion activities in practice, the UHRC engages extensively in programmes to educate the public:

“We have gone to schools, where we have opened up school clubs (...). We have written to the Ministry of Education to request that human rights is part of the school curriculum for all children in the country (...). We have produced [Information, Education, and Communication] materials, posters, and then we are using social media, radio and TV as well”³⁰⁴.

Nampewo (2022) further mentioned that she “know[s] that (...) the UHRC does a lot of that kind of sensitization”³⁰⁵ by for instance “engaging primary and secondary school children to do essays (...) about human rights”³⁰⁶, as Owor (2022) recounted.

Despite these efforts, the human rights lawyer and Executive Director of the Ugandan NGO ‘Humanist Association for Leadership, Equity and Accountability’ Kato Mukasa (9 February 2022) stated that promotion programmes conducted by the UHRC would be “not as frequent as they should be. Basically, the trainings are done by other NGOs”³⁰⁷. Rukidi (2022) and Lukyamuzi (2022) further argued that the UHRC would not use radio air space as much as it could:

“I work with the radio station. With radio stations, you will reach out to a bigger number of people (...). So, you can utilize it, but are they utilizing it? They are not, unless we, as the radio, are taking the initiative.”³⁰⁸.

Rukidi (2022) further denounced this lack of initiative by adding that the fact that UHRC “only publishes their activities in these reports”³⁰⁹ shows that the Commission is not in

³⁰⁴ Interview Ssekindi, 2022.

³⁰⁵ Interview Nampewo, 2022.

³⁰⁶ Interview Owor, 2022.

³⁰⁷ Interview Mukasa, 2022.

³⁰⁸ Interview Lukyamuzi, 2022.

³⁰⁹ Interview Rukidi, 2022.

touch with the realities on the ground, since “only a few (...) can access their reports (...). Our literacy rate is very low, we do not read those books”³¹⁰.

6.3.2. The UHRC’s Promotion Powers in Practice: Ugandan Government

Experts interviewed for this study pointed out similar circumstances for the Ugandan state apparatus when asked in relation to the criterium on the UHRC’s education programmes and promotion activities in practice. Ssekindi (2022) described extensive human rights training conducted with the Ugandan police and defense forces³¹¹, and the UHRC’s annual reports list training activities such as how to treat former rebels seeking rehabilitation into civil society³¹². While the UHRC may have put considerable effort into sensitizing state authorities, the impact of these programmes remains doubtful. Dr. Jjuuko (2022) tellingly and comprehensively summed up this impression in the following statement: “If you take it from the outcome level, we have more beatings by the police, more violence by the army. (...) The more the UHRC trains them, the more the police beat people up”³¹³. The UHRC’s annual reports substantiate this claim by documenting that the number of alleged violations related to torture rose steadily every year from 300 cases in 2005³¹⁴ to 848 cases in 2016³¹⁵.

Regarding the criterium on the UHRC’s role in advising the parliament on measures to promote human rights, Ssekindi (2022) recounted extensive engagement: “Our role was to advise (...). We said “This region should be given priority in building of infrastructure, roads, schools, health, et cetera””³¹⁶. Other experts interviewed, such as Rukidi (2022), however, noted little awareness of the UHRC’s role in advising on legislation: “I have not seen that happening at all. (...) Not really”³¹⁷.

³¹⁰ Interview Rukidi, 2022.

³¹¹ Interview Ssekindi, 2022.

³¹² Mottiar, 2005, p.121.

³¹³ Interview Dr. Jjuuko, 2022.

³¹⁴ UHRC, 7th Annual Report, 2005, pp.47-48, <https://www.uhrc.ug/download/uhrc-7th-annual-report-2005/> (accessed 20 April 2022).

³¹⁵ UHRC, 15th Annual Report, 2012, p.6, <https://www.uhrc.ug/download/uhrc-15th-annual-report-2012/> (accessed 20 April 2022); UHRC, 17th Annual Report, 2014, p.20, <https://www.uhrc.ug/download/uhrc-17th-annual-report-2014/> (accessed 20 April 2022); UHRC, 19th Annual Report, 2016, p.4, <https://www.uhrc.ug/download/uhrc-19th-annual-report-2016/> (accessed 20 April 2022).

³¹⁶ Interview Ssekindi, 2022.

³¹⁷ Interview Rukidi, 2022.

6.3.3. Promotion Powers: Conclusion

The UHRC indeed seems to have undertaken efforts to conduct human rights promotion and education programmes for the broader public and the state apparatus. These promotion activities are important not only for the effectiveness of NHRIs but can also be an essential tool for the UHRC as a translator to frame locally understood grievances in Uganda within international human rights standards³¹⁸. Moreover, they also facilitate the socialization with the delegitimization of abuse and violations³¹⁹ and the overall idea of good governance based on human rights³²⁰.

Despite the UHRC's efforts, experts interviewed described the long-term impacts of these programmes as doubtful and marginal at best, as these programmes would be conducted "not as frequent as [they] should be"³²¹, "very few people know that [the UHRC] is there"³²² and "the more the UHRC trains them, the more the police beat people up"³²³. Yet, the overall effectiveness of the UHRC as a "standard bearer"³²⁴ for human rights should not be discarded entirely: Even if enhanced human rights compliance at the state level remains somewhat utopian in Uganda, the fact that the UHRC translates between international human rights standards and local expressions of grievances³²⁵ as a part of its teaching even a few Ugandans about their human rights can have a snowball effect and "lead to rising demands and claims for human rights protection"³²⁶. Thus, while the possibility for social change leaves much to be desired for Uganda, in the long run, the UHRC's training and education activities might lead to partial compliance on the way to full compliance.

³¹⁸ Merry, 2006.

³¹⁹ Cardenas, 2012, p.46.

³²⁰ Kumar, 2003, p. 264.

³²¹ Interview Mukasa, 2022.

³²² Interview Lukyamuzi, 2022.

³²³ Interview Dr. Jjuuko, 2022.

³²⁴ Murray, 2007, p.191.

³²⁵ Merry, 2006.

³²⁶ Cardenas, 2012, p.46.

6.4. Investigation Powers

6.4.1. The UHRC's Complaint-Handling Powers in Practice

Regarding the criterium on complaint-handling in practice, Rukidi (2022) and Owor (2022) confirmed in our interviews that the UHRC at times has been successful in facilitating justice through its complaint-handling mechanism: “They receive whoever comes in, (...) they look at what the problem is, and they are quick to intervene”³²⁷ and “some people have been able to win cases related to the conflict. And compensation has actually been met”³²⁸. Yet, statements made by experts interviewed cast doubts on the existence of tangible outcomes to these complaints: There seem to be “rampant payment delays”³²⁹, as the “government was frequently refusing to pay damages”³³⁰, and a backlog of cases up to a decade that is “still pending”³³¹. Furthermore, the UHRC seems to be largely inefficiently allocating its resources: As the former consultant to the OHCHR and the UHRC Professor Lyal S. Sunga (4 February 2022) explained, the UHRC was “wasting time trying to play family court”³³² by focusing largely on issues such as child neglect or domestic violence. While he made it clear that he did not consider these human rights issues irrelevant, it nevertheless would have been important that the UHRC prioritizes cases concerning “torture, extrajudicial executions, massacres”³³³, especially when related to conflict, as Sunga (2022) stated. While Ssekindi (2022) affirmed that “[The UHRC receives] thousands of cases per year. That should say something”³³⁴, the statement of Dr. Jjuuko (2022) suggests an increasing level of distrust among the population:

“If the Commission only seems to have received 691 violations of human rights, what does that mean when we have lots of violations arising in the country every single day? (...). It is about legitimacy; how much people trust it as an institution”³³⁵.

³²⁷ Interview Rukidi, 2022.

³²⁸ Interview Owor, 2022.

³²⁹ Interview Mukasa, 2022.

³³⁰ Rosenblum, 2012; J.C. Mubangizi, ‘The Role and Effectiveness of National Human Rights Institutions: Lessons from Selected African Countries’, *Commonwealth Law Bulletin*, vol.46, no.3, 2020, p.535.

³³¹ Interview Dr. Jjuuko, 2022.

³³² Interview Sunga, 2022.

³³³ Interview Sunga, 2022.

³³⁴ Interview Ssekindi, 2022.

³³⁵ Interview Dr. Jjuuko, 2022.

The challenges of the UHRC regarding its complaints-handling are, however, in no way exceptional to this institution and even less to NHRIs. Ordinary courts and the UN struggle to reform current human rights standards due to limited resources. The dilemma experienced by the UN Human Rights Committee between “realising the utopia of a world order governed by human rights”³³⁶ when “not given the staff required for the purpose”³³⁷ is certainly also something that courts such as the European Court of Human Rights and court-like NHRIs, which tend to be similarly underfunded while still expected to excel in their job, struggle with.

6.4.2. The UHRC’s Investigative Powers in Practice

Concerning the criterium on the readiness to launch investigations, there seemed to be a broad dissatisfaction with the UHRC among experts: Nampewo (2022) remarked that “there is a loud silence from the Human Rights Commission on issues that it should actually be taking up”³³⁸. Regarding for instance the issue of child soldiers in Uganda, experts interviewed explained that child soldiers could also be found within the government’s defense forces: In our interview, Karamagi (2022) stated that “[President Museveni’s] so-called liberation war was prosecuted with a heavy reliance on child soldiers”³³⁹. Due to this implication of the government, the UHRC’s ability to investigate these human rights concerns remains near impossible. Thus, concerning the criterium on thematic human rights areas covered by the work of an NHRI, this points to a severe constraint on the UHRC’s ability to independently investigate: In our interview, Dr. Jjuuko (2022) stated that he does not “think [that] the commission carries out independent studies (...). I have not seen anything specific coming from them on any topic basically, except their annual reports”³⁴⁰. Moreover, due to its overall dependence on the government, so Owor Ogora (2022) emphasized, the UHRC “will only go for cases they feel are not politically sensitive”³⁴¹. He elaborated this point with an example of a documentation project initiated by the UHRC during the early 2010s, which “will never

³³⁶ Halme-Tuomisaari, 2020, p.44.

³³⁷ Halme-Tuomisaari, 2020, p.44.

³³⁸ Interview Nampewo, 2022.

³³⁹ Interview Karamagi, 2022

³⁴⁰ Interview Dr. Jjuuko, 2022.

³⁴¹ Interview Owor Ogora, 2022

see the light of day (...) because the government feels that the issues (...) are too sensitive to be released”³⁴².

6.4.3. Investigation Powers: Conclusion

The UHRC’s investigation powers, while promising on paper, appear to be considerably restricted in practice: While the accessibility of the UHRC to victims of abuse is commendable³⁴³, mounting backlogs from cases up to a decade back that are “still pending”³⁴⁴ and resource constraints largely offset this advantage. This is concerning on several levels.

For one, the idea of human rights monitoring by NHRIs is grounded in the desire to hold states accountable. Thus, for an NHRI to underperform in this regard has far-reaching implications: Considering that the investigatory powers of NHRIs were found to be “particularly important in enabling NHRI effectiveness”³⁴⁵ in particular in post-conflict contexts, the UHRC’s effectiveness to empower Ugandans vis-à-vis an abusive government is severely affected. Secondly, the UHRC’s investigation powers technically allow it to vernacularize human rights ideas within the local setting³⁴⁶: By hearing cases and framing complaints as specific rights violations, local grievances can be more tangibly articulated³⁴⁷. However, by not doing so, the UHRC risks aggravating the Ugandan public’s resentment towards public institutions, and Dr. Jjuuko (2022) compellingly argued that “[i]t is about legitimacy; how much people trust it as an institution”³⁴⁸. Thirdly, regarding the criterium on the connection between complaints received and investigations initiated, since complaint-handling can be an important “indicator of systemic issues”³⁴⁹, case backlogs before the UHRC’s tribunal are concerning due to the fact that prevalent human rights issues can be easily overlooked.

³⁴² Interview Owor Ogora, 2022.

³⁴³ See Reif, 2000, p.26.

³⁴⁴ Interview Dr. Jjuuko, 2022.

³⁴⁵ Linos and Pegram, 2017, p.680.

³⁴⁶ See Merry, 2006.

³⁴⁷ Merry, 2006.

³⁴⁸ Interview Dr. Jjuuko, 2022.

³⁴⁹ R. Carver, ‘National Human Rights Institutions in Central and Eastern Europe: The Ombudsman As Agent of International Law’, in R. Goodman and T. Pegram (eds.), *Human Rights, State Compliance and Social Change: Assessing National Human Rights Institutions*, Cambridge University Press, 2012, p.209.

Yet, one shall recall that the semi-independent nature of NHRIs is almost oddly paradoxical that circles back to the question of why sovereign states with flawed human rights records create opportunities for actors to criticize their behavior. Considering these limitations, NHRIs might have to be more strategic than their benevolent character would let on: In our interview, Assistant Professor at the University of Tampa, Ryan M. Welch (4 March 2022), recalled Carruba et al.'s (2008) work on the European Court of Justice and the behavior of member states that “has a “substantively important impact on ECJ decisions”³⁵⁰ and that courts are therefore strategic actors. Welch (2022) proceeded to apply this idea to NHRIs and propounded his theory that these actors

“could go out and tell the government that it has to stop torturing and abducting people. And then the government could ignore them and then they could lose all relevance. Or they could strategically rule on the things that it thinks the government wills seed some amount of power on. (...) NHRIs are strategic actors, and they have to be”³⁵¹.

For this reason, it is not surprising that human rights monitoring mechanisms such as NHRIs struggle to live up to their expectations when doing their work means both predicting the compliance rate of governments as well as juggling public expectations.

6.5. External Factors

In our interview, Karamagi (2022) elaborated that President Museveni taking over the government by force in 1986 was seen as inherently problematic by many Ugandans. He recounted that regime-critical groups

“were saying “You, Museveni, have not been elected. You have captured power through the force of arms. So, the only difference between you and us is that you

³⁵⁰ C.J. Carruba, M. Gabel, and C. Hankla, ‘Judicial Behavior Under Political Constraints: Evidence from the European Court of Justice’, *Cambridge University Press Online*, 1 November 2008, <https://www.cambridge.org/core/journals/american-political-science-review/article/judicial-behavior-under-political-constraints-evidence-from-the-european-court-of-justice/B204BCFDFB61BC737D2ADCB13A191168>.

³⁵¹ Interview Welch, 2022.

have captured the capital, but we also have a legitimate right to contest this power through the force of arms, which you have used”³⁵².

The vital point he made with this statement is that the illegitimacy of the government that drafted the 1995 Constitution and created institutions such as the UHRC meant “building a Human Rights Commission on a foundation that in many ways has been imposed on this population”³⁵³.

Several experts interviewed pointed out that the current authoritarian structures have, however, not always been the political reality for the Ugandan society: Mukasa (2022) recalled that “the first ten years [of President Museveni’s rule] (...) were some of the best years we had in the country. (...). Institutions we are respected. We had peace, we had progress”³⁵⁴. Nampewo (2022) also explained that up until the early 2000s, “the government (...) was more accommodative and more tolerant of dissent”³⁵⁵. During these days, according to Dr. Jjuuko (2022), the UHRC was largely independent: “At first, there was no big problem with the Human Rights Commission. (...) The government would support it, put money in the Commission, put in commissioners that were kind of independent”³⁵⁶, and “people had trust in the Commission”³⁵⁷, so Mukasa (2022) stated.

This, however, changed during the late 1990s and early 2000s, when President Museveni amended the Constitution in 2005 to “eliminate term limits (...)”³⁵⁸ for holding the office of the president. This was a decisive event, as some of the experts interviewed pointed out: Karamagi (2022) stated that “there was a turning point in Uganda’s political history. Before [2005], presidential time limits could be tested”³⁵⁹. Dr. Jjuuko (2022) further explained that “everything in Uganda seems to come down to around 2005 when the Constitution was removed of its presidential time limits”³⁶⁰. This amendment seemingly opened the floodgates for the demise of democracy in Uganda: Mukasa (2022) recounted a government riddled with impunity: “The corruption in public

³⁵² Interview Karamagi, 2022.

³⁵³ Interview Karamagi, 2022.

³⁵⁴ Interview Mukasa, 2022.

³⁵⁵ Interview Nampewo, 2022.

³⁵⁶ Interview Dr. Jjuuko, 2022.

³⁵⁷ Interview Mukasa, 2022.

³⁵⁸ Rosenblum, 2012, p.312.

³⁵⁹ Interview Karamagi, 2022.

³⁶⁰ Interview Dr. Jjuuko, 2022

institutions is too high”³⁶¹. Civic space is systematically eroded³⁶², and the justice system appears flawed and affected by a “growing, more powerful, more evasive government trying to fill up institutional spaces”³⁶³, as Nampewo (2022) explained in our interview. Public trust in the country’s institutions was described as low at best by Mukasa (2022) when he said that “we no longer trust our institutions because they are doing politics”³⁶⁴.

Within this context of the dismantling of Uganda’s democracy, the UHRC, according to Dr. Jjuuko (2022), seems caught in an interlinked process of “political malaise”³⁶⁵ that puts it in what Nampewo (2022) called a state of “self-preservation”³⁶⁶:

“The Commission has been on a downward trend since 1995. It started on a strong note and should have built on that. But unfortunately, it has been watered down. It exists mostly to satisfy democracy, satisfy donors and other actors, (...), and we are likely to see it get even weaker if the current regime stays in power”³⁶⁷,

as Owor Ogora (2022) added. In a similar vein, Dr. Jjuuko (2022) explained that “under an increasingly repressive government, the Uganda Human Rights Commission would have no choice but kind of follow what the regime wants to do”³⁶⁸. In our interview, Sunga (2022) added to this that considering this political interference faced by the UHRC, it is thus crucial to bear in mind that “[m]aybe there is grounds to be careful with their words (...) [because Uganda] is not a full democracy”³⁶⁹. Hence, the UHRC might feel obliged “to do [its] work mainly quietly and not be too provocative because they fear being shut down. (...) The government does weaken and take action against some of these people”³⁷⁰.

What this section suggests is that the effectiveness of NHRIs such as the UHRC is indeed affected by external factors. In states such as Uganda that do not comply with a “mini-mum level of democratic governance”³⁷¹, these actors will inevitably struggle to

³⁶¹ Interview Mukasa, 2022.

³⁶² Interview Nampewo, 2022.

³⁶³ Interview Nampewo, 2022.

³⁶⁴ Interview Mukasa, 2022.

³⁶⁵ Interview Dr. Jjuuko, 2022.

³⁶⁶ Interview Nampewo, 2022.

³⁶⁷ Interview Owor Ogora, 2022.

³⁶⁸ Interview Dr. Jjuuko, 2022.

³⁶⁹ Interview Sunga, 2022.

³⁷⁰ Interview Sunga, 2022.

³⁷¹ Reif, 2000, p.24.

initiate tangible change for human rights when political circumstances are actively working against them³⁷². Therefore, “a lack of compliance with NHRI recommendations may reflect the failure of complementary actors (...) rather than the failure of an NHRI”³⁷³.

Having presented these findings, it is now relevant to discuss them in connection with theoretical considerations and previous research on the topic in the following chapter.

³⁷² Linos and Pegram, 2017, p.645.

³⁷³ Goodman and Pegram, 2012, p.15.

7. Discussion of the Findings

This chapter is dedicated to a discussion of the findings in relation to previous research and theoretical assumptions on NHRI effectiveness and the role of NHRIs as translators for the vernacularization of global human rights language.

Assessing the UHRC's post-conflict work after the end of the conflict with the LRA based on expert interviews indicates two over-arching problems that have greatly affected the UHRC's ability to make an effective contribution. For one, the government increasingly denied the UHRC the resources needed to effectively fulfill its mandate. Secondly, the government appears to be refusing to encourage the work of the UHRC by turning "a deaf ear"³⁷⁴ to the UHRC's recommendations, not honoring compensations for human rights violations, and actively ordering the UHRC not to get involved in certain situations³⁷⁵. This, in connection with the executive having a significant influence on the UHRC's composition through the appointment process, has led to the NHRI being increasingly hesitant to hold the Ugandan government accountable for its human rights record.

By being unable to position itself as an ally for the Ugandan public that can hold the government accountable, based on this study it can be argued that the UHRC critically lacks this important aspect of legitimacy. It also has a weaker human rights record in terms of bringing justice to vulnerable groups and remedying rights violations that occurred during the conflict. Mounting sentiments of distrust and skepticism towards the institution broadly hampered the UHRC's contribution post-conflict, and its omission to investigate grave human rights concerns connected to the conflict seems to only have fortified these attitudes. The contribution the UHRC was able to make in the post-conflict context was therefore limited.

The concept of the translator engaging in the "up and down"³⁷⁶ vernacularization of the ongoing human rights dialogue and the challenges connected to this role is highly relevant to apply at this point: While trying to broker the human rights knowledge discourse in its role as an NHRI, the UHRC is increasingly exposed to exploitation, in

³⁷⁴ Interview Owor Ogora, 2022.

³⁷⁵ Interview Owor Ogora, 2022.

³⁷⁶ Merry, 2006, p.195.

particular through financing, by the government, which “at times explicitly orders the UHRC not to get involved in certain situations”³⁷⁷. At the same time, statements made by experts interviewed such as “people are learning over the years that if you go there, there is nothing much you get out of there”³⁷⁸ prove that skepticism towards the UHRC’s role and disappointment caused by the institution’s inability to tackle these resource constraints and to engage with local grievances appears to have ended up working against the UHRC’s efforts to vernacularize the global human rights dialogue. Thus, assessing the UHRC shows that enthusiasm for the value of NHRIs such as the UHRC for human rights compliance on a national level can quickly turn into an insurmountable utopia when resource constraints and doubts about its legitimacy come into play. Therefore, “a well-functioning commission does not necessarily meet local expectations”³⁷⁹, so Rosenblum’s (2012) contribution to the academic debate confirms.

Moreover, this study shows that normative academic considerations on NHRI effectiveness as discussed in Chapter 3 hold only partially true for the UHRC. An NHRI can make a potentially positive contribution to the post-conflict context by executing its mandate if it is, as explained by Linos and Pegram (2017), Reif (2000), and Smith (2006), independent both in its mandate and practice from the executive; if it is, as described by Okafor (2012), Kumar (2003) and Smith (2006), perceived as a legitimate actor by both civil society and the broader population; and if it is vested with powers to handle complaints, to investigate and to conduct promotional activities and undertakes efforts to regularly exercise these powers, which is described by Breslin and Würth (2017), Reif (2000), Linos and Pegram (2017), Parlevliet (2005), Cardenas (2012), and Kumar (2003).

Based on this case study, it was found that each of these parameters matters independently as well as in conjunction with each other: The independence of an NHRI from the executive tends to positively impact the public perception of the NHRI, as expert interview statements such as “at first, (...) the government would (...) put in commissioners that were kind of independent”³⁸⁰ and “people had trust in the Commission”³⁸¹ show. Yet, independence and investigatory safeguards as described by

³⁷⁷ Interview Owor Ogora, 2022.

³⁷⁸ Interview Dr. Jjuuko, 2022.

³⁷⁹ Rosenblum, 2012, p.312.

³⁸⁰ Interview Dr. Jjuuko, 2022.

³⁸¹ Interview Mukasa, 2022.

Linos and Pegram (2017) do not necessarily make an NHRI such as the constitutionally anchored UHRC more effective and “influence human rights outcomes, in part because formal institutional design remains relatively stable over time”³⁸². Even with sound safeguards in place, the independence and potential of an NHRI to improve national human rights compliance can be drastically eroded when its funding is restricted in a way that fortifies close ties with the executive, as this statement by Owor Ogora (2022) shows: “The Commission (...) is empowered by the constitution, but it is not effective (...) because of political interference and a lack of independence”³⁸³.

Moreover, the number of complaints received by an NHRI can be a solid indicator of the level of trust that the population has in the institution: Dr. Jjuuko (2022) explicitly doubted that “if the Commission only seems to have received 691 violations of human rights, what does that mean when we have lots of violations arising in the country every single day?”³⁸⁴. Lastly, the more an NHRI manages to educate the public on human rights, the more awareness there might be on what could be remedied by complaining to the NHRI. By the same token, conducting human rights training programmes for the state apparatus has the potential to reduce human rights violations. Yet, NHRIs such as the UHRC that engage with promotion and education activities in a way that Reif (2000), Cardenas (2012) and Kumar (2003) describe are not necessarily most legitimate in the eyes of the public or automatically socialize leadership to ideas of good governance.

Thus, based on this study, these considerations may contribute to the development of grounded theory on NHRI effectiveness, as these newly won practical insights can be of use in the context of improved human rights compliance through NHRIs, “which it has been drawn and within which it has been grounded”³⁸⁵. Yet, these insights should be seen rather as “a basis for consideration of future actions”³⁸⁶, as above all the fact that the conclusions are derived from a single case study design call for the need for further work.

Since much of the earlier scholarship on the UHRC is normative in nature and intends to facilitate the “movement ‘in the right direction’”³⁸⁷ towards the need for human

³⁸² Linos and Pegram, 2017, p.680.

³⁸³ Interview Owor Ogora, 2022.

³⁸⁴ Interview Dr. Jjuuko, 2022.

³⁸⁵ Bryant, 2014, p.121.

³⁸⁶ Bryant, 2014, p.121.

³⁸⁷ Halme-Tuomisaari, 2021 (a), p.609.

rights institutions, the findings of this case study largely differ from those described in literature on the topic that has a positive tenor to it and seems very much persuaded by the UHRC's independence and credibility among society. Mottiar's (2006) contribution, for instance, commends that the Commission "has made significant progress towards building a culture of human rights in Uganda"³⁸⁸ and "identifying possible sources of violent conflict"³⁸⁹. Okafor's (2012) discussion notes the UHRC's "availability as a resource to civil society actors"³⁹⁰ and the activities done "in favour of those Ugandans who are among the most vulnerable"³⁹¹. The works of Hatchard (1999) and Matshekga (2002) find ample evidence that the UHRC, in coming out against the government, "has managed to perform its constitutional functions to a great extent"³⁹².

Interview data indicates that during the early years of operation, the UHRC was indeed an effective and trusted NHRI ready to boldly defend human rights. Dr. Jjuuko (2022), for instance, described that initially, the UHRC was largely independent: "At first, (...) the government would support it [and] put money in the Commission"³⁹³. Decisive for the UHRC's gradual downfall during the last two decades appears to be, however, less an overall failure of the NHRI itself and more one that requires to be seen as inherently interlinked with the overall demise of democratic structures in Uganda since the early 2000s. Karamagi's (2022) point that an illegitimate government drafting the 1995 Constitution meant "building a Human Rights Commission on a foundation that in many ways has been imposed on this population"³⁹⁴ indicates that it is not surprising that the level of trust among Ugandans in their government and the UHRC as a government institution is detrimentally affected.

While Uganda was once known for its solid democratic development³⁹⁵, experts interviewed identified the amendment of the Constitution in 2005 to remove presidential term limits as a decisive moment for democracy in Uganda. Recall that Dr. Jjuuko (2022) stated that "everything in Uganda seems to come down to around 2005 when the

³⁸⁸ Mottiar, 2005, p.123.

³⁸⁹ Mottiar, 2005, p.108.

³⁹⁰ Okafor, 2012, p.135.

³⁹¹ Okafor, 2012, p.145.

³⁹² Matshekga, 2002, p.73.

³⁹³ Interview Dr. Jjuuko, 2022.

³⁹⁴ Interview Karamagi, 2022.

³⁹⁵ Tapscott, 2021; Rosenblum, 2012.

Constitution was removed of its presidential time limits”³⁹⁶. This amendment seemingly opened the floodgates for the demise of democracy in Uganda and pushed it into a state of incapacitated institutions that are increasingly swallowed up by a “more powerful, more evasive government trying to fill up institutional spaces”³⁹⁷, as Nampewo (2022) explained. Thus, the UHRC has “no choice but kind of follow what the regime wants to do”³⁹⁸. In light of these circumstances, experts interviewed and scholars such as Rosenblum (2012) alike describe the UHRC as “increasingly irrelevant to some, complicit to others”³⁹⁹.

Considering this political interference faced by the UHRC, recall also the point made by Sunga (2022) that “[m]aybe there is grounds to be careful with their words”⁴⁰⁰ in an increasingly anti-democratic regime since “the government does weaken and take action against some of these people”⁴⁰¹. It is perhaps for this very reason that Rukidi (2022) so tellingly explained that “we support them. We really sympathize with them”⁴⁰². Political interference with the work of the UHRC might also account for why the NHRI might feel more comfortable “playing family court”⁴⁰³ instead of tackling grave human rights violations. Facing inherent challenges to its operation, the UHRC might have to act strategically with regard to which human rights topics to get involved with, provided one approves of Welch’s (2022)⁴⁰⁴ application of Carruba et al.’s (2008) assumption to NHRIs that the fact that government behavior has “a systematic and substantively important impact on ECJ decisions”⁴⁰⁵ makes courts strategic actors. The point made here is that it is important to acknowledge the difficulties that NHRIs face in navigating the spaces between high public expectations of their ability to initiate change and the practical reality of governments refusing to be confronted on their human rights records. It is therefore only natural that the UHRC is strategic in its operation and engages more in

³⁹⁶ Interview Dr. Jjuuko, 2022.

³⁹⁷ Interview Nampewo, 2022.

³⁹⁸ Interview Dr. Jjuuko, 2022.

³⁹⁹ Rosenblum, 2012, p.312.

⁴⁰⁰ Interview Sunga, 2022.

⁴⁰¹ Interview Sunga, 2022.

⁴⁰² Interview Sam Rukidi, 2022.

⁴⁰³ Interview Sunga, 2022.

⁴⁰⁴ Interview Welch, 2022.

⁴⁰⁵ Carruba et al., 2008.

issues of lower acuity in Uganda, such as domestic violence and child negligence, and less in systemic abuse committed at the government's hands.

8. Concluding Remarks

This chapter presents how the research questions posed for this thesis are answered based on the findings. Subsequently, the implications of the findings and opportunities for future research are discussed.

This thesis explored the role of NHRIs in post-conflict contexts through the work of the UHRC in Northern Uganda after the end of the conflict with the LRA. The following research questions guided the study:

- a) To what extent did the Uganda Human Rights Commission effectively navigate the post-conflict environment in Northern Uganda after the end of the conflict with the Lord's Resistance Army?
- b) Based on this study, what kind of criteria contribute to the effectiveness and legitimacy of NHRIs?

The effectiveness of the UHRC was assessed based on its independence, public legitimacy, and how it worked on promoting and protecting human rights while discussing this in relation to external factors based on data obtained from expert interviews, reports, and scholarly literature. This data was analyzed through a qualitative content analysis by applying the criteria framework.

The analysis showed that the UHRC, having become increasingly dependent on the government's goodwill, seems neither capable to fulfill its mandate nor willing to go against the regime. With a strained reputation among the Ugandan public, the involvement of the UHRC in post-conflict Northern Uganda was limited. This inhibition, however, must be seen as part of overarching political developments in Uganda, which considerably limit the UHRC's ability to defend human rights.

What the case of the UHRC critically demonstrates is that NHRIs are not necessarily as effective in managing complex post-conflict situations as their far-reaching mandates might lead to assume. Based on this study, it can be argued that there is a lack of evidence existent that the UHRC, and thus potentially also NHRIs in general, can make valuable contributions in post-conflict environments. Political volatility, resource competition, and an overall lack of trust among a society in its leadership that almost inevitably rubs off on NHRIs, as the case of the UHRC proved, appear to be simply too

straining on the independence of these institutions to allow them to hold governments accountable. Nonetheless, a careful proposition shall be made that the broader implication of these findings should not be to disregard the value of NHRIs post-conflict entirely. Rather, the mandated powers of NHRIs can allow these institutions to make a difference in post-conflict environments when the meddling of repressive regimes does not render NHRIs ineffective.

This conclusion can be justified through the argument made that what may matter much less for the actual contribution of NHRIs to post-conflict environments is the achievement of concrete milestones. Rather, the idea of continuously moving towards the goal with the belief that human rights are not just a utopia in these contexts is important. Thereby, the abstract concept of human rights in unforgiving realities is kept alive through the continuity of the human rights dialogue, for which NHRIs are instrumental in their role as translators. This links back to the “theme of move-ment”⁴⁰⁶ as discussed by Halme-Tuomisaari (2021 (a)): Struggling to justify their existence in a system that is skeptical towards tangible change for human rights in the world, the value of NHRIs could be seen as a small, albeit important, cog in the big wheel of the ongoing dialogue on human rights⁴⁰⁷. While the political reality for NHRIs such as the UHRC is that they tend to be restricted in their autonomy, the fact that these institutions are created means movement towards broader respect for human rights. How long and stony the road is might not be the crux of the matter. Rather, it matters that “there is movement ‘in the right direction’”⁴⁰⁸, and that NHRIs are continuously working to carve out more productive spaces for themselves through the process of vernacularizing global human rights discussions within the local.

Moreover, based on this case study, it can be argued that previously developed normative considerations on what matters for NHRI effectiveness partially hold true: NHRIs can make positive contributions to post-conflict context by executing their mandates if they are independent, if they are considered legitimate actors by the public and if they claim their investigation and promotion powers. These factors are contingent on each other, since the independence of an NHRI tends to positively impact the public’s

⁴⁰⁶ Halme-Tuomisaari, 2021 (a), p.606.

⁴⁰⁷ Merry, 2006.

⁴⁰⁸ Halme-Tuomisaari, 2021 (a), p.609.

perception of the institution, and the number of complaints received by an NHRI can be a solid indicator of the level of public legitimacy. Yet, independence and investigatory safeguards do not necessarily make NHRIs such as UHRC more effective, as they can be drastically eroded when governments interfere. Moreover, NHRIs such as the UHRC that engage in promotion activities are not necessarily most legitimate in the eyes of the public or automatically socialize leadership to the idea of good governance. While these considerations may be considered as constituting foundational work towards developing grounded theory on NHRI effectiveness, they should be seen rather as “a basis for consideration of future actions”⁴⁰⁹.

Despite being based on a case study, the implications of these findings are nonetheless far-reaching for the overall idea of human rights monitoring and the future of NHRIs: They exemplify that the struggles experienced on the UN level in terms of legitimacy⁴¹⁰ are not exceptional. Rather, NHRIs, despite their local presence, face similar challenges. These issues thus require to be taken more seriously if these institutions are to make more relevant contributions to human rights in the future.

Departing from these findings, unresolved questions remain that future research on this topic could engage with. For one, research could be conducted to further explore grounded theoretical insights into NHRI effectiveness and to possibly mold these into substantive theory. Secondly, should concrete mandates for NHRIs in transitioning contexts become reality, researchers could consider engaging with these mandates on a theoretical level to ensure that the peculiarities of these contexts are paid due attention to. Furthermore, it would be interesting to examine how not only the work of NHRIs in these contexts on the outside changes but also how operational structures *inside* these institutions adapt and how NHRIs change during and after conflict. Preliminary observations on NHRIs working in active conflicts, such as the Ukraine Parliament Commissioner for Human Rights, indicate that these changes could be momentous.

⁴⁰⁹ Bryant, 2014, p.121.

⁴¹⁰ See for instance Halme-Tuomisaari, 2020.

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10. Annex

Annex 1: List of Expert Interviewees

Jjuuko, Adrian, Dr., Founder and Executive Director of the Ugandan NGO ‘Human Rights Awareness and Promotion Forum’, Interview conducted via Zoom, 17 March 2022.

Karamagi, Andrew, Ugandan Lawyer, Activist and Scholar, Interview conducted via Microsoft Teams, 16 February 2022.

Lukyamuji, Joseph, Journalist, Human Rights Defender, and Chairperson of the Ugandan NGO ‘Humanist Association for Leadership, Equity and Accountability’, Interview conducted via WhatsApp Call, 8 March 2022.

Mukasa, Kato, Human Rights Lawyer, Activist, Chairperson of the ‘Uganda Humanist Association’ and Founder of the Ugandan NGO ‘Humanist Association for Leadership, Equity and Accountability’, Interview conducted via Zoom, 9 February 2022.

Nampewo, Zahara, Dr., Professor of Law and Head of Department and Director of the Human Rights and Peace Centre of the School of Law at Makerere University in Kampala, Interview conducted via Zoom, 30 March 2022.

Owor, Arthur, Director of Research and Operations at the Centre for African Research in Gulu, Uganda, Interview conducted via Microsoft Teams, 17 February 2022.

Owor Ogora, Lino, Peacebuilding and Conflict Practitioner, Founder of the Ugandan NGO ‘Foundation for Justice and Development Initiatives’ and staff member at the UN Resident Coordinator Office in Kampala, Uganda, Interview conducted via Zoom, 9 February 2022.

Rukidi, Sam, Executive Director at the Ugandan NGO ‘Human Rights and Democracy Link Africa’, Interview conducted via Skype, 7 February 2022.

Ssekindi, Ruth., Director of Monitoring and Inspections at the Uganda Human Rights Commission, Interview conducted via Microsoft Teams, 11 March 2022.

Sunga, Lyal S., Prof., Professor for International Human Rights Law, International Humanitarian Law and International Criminal Law and Former Consultant to the UN Office of the High Commissioner for Human Rights and the Uganda Human Rights Commission, Interview conducted via Microsoft Teams, 4 February 2022.

Welch, Ryan M., Assistant Professor at the Department of Political Science and International Studies at the University of Tampa, Florida, Interview conducted via Zoom, 4 March 2022.

Annex 2: Criteria Framework and Interview Guide

Criterion	Description	Rationale
Independence		
Government representation	Statements about how affiliated an NHRI’s officials and commissioners are to the executive branch.	Government representation within personnel may compromise an NHRI’s independence from the executive.
Hiring and appointment process	Statements about an NHRI hiring and appointment process and the involvement of the government.	Autonomy over an NHRI’s personnel is required to not only ensure independence and expertise in terms of staff but also to not force an NHRI to hire from existing civil service complement. Furthermore, officials appointed by the executive may have limited independence from the latter.
Allocation of financial resources	Statements about the funding an NHRI receives from the government.	Adequate financial resources allow an NHRI autonomy over its activities and hiring processes, which makes it less dependent on the government.
NHRI independence in practice	Statements about the actual perceived level of independence of an NHRI from the executive and the relationship between the two parties.	While on paper, an NHRI may be equipped with sound independence safeguard, its autonomy can be severely undermined in practice by different forces, such as continuous refusal by the government to react to recommendations made by an NHRI.
Political and government support for NHRI and its work	Statements about how the work of an NHRI is received by the government.	The effectiveness of an NHRI will suffer from unreasonable criticism or ignorance by the government. A responsive government is crucial to the effectiveness of an NHRI.

Criterion	Description	Rationale
Public legitimacy		
Relationship with CSGs	Statements about the level and quality of cooperation between an NRHI and different CSGs.	Exchanging views, information about prevalent human rights issues, and feedback enhances the quality and coverage of the work of NHRIs and presents the latter with opportunities for partnerships.
CSGs and NHRI utilizing each other as a resource	Statements about whether CSGs and an NHRI utilize each other as a resource, and if so, why.	An NHRI's public legitimacy will gravely suffer from a civil society that does not perceive an NHRI as a relevant resource or deliberately chooses to ignore it.
Accessibility of NHRI	Statements about the physical accessibility and location of the premises.	Physically easily accessible premises, potentially also with regional offices, make an NHRI a good point of contact citizens want to make use of.
Visibility of NHRI work	Statements about the public knowledge of an NHRI's work and the way an NHRI publicizes its work with the help of media and technology.	Publishing reports and findings in a transparent, accessible for all citizens and broadly circulated manner in broadly accessible media makes an NHRI's activities and accomplishments most visible and fosters accountability among the members of the public it is mandated to protect.
Thematic attention to human rights issues of vulnerable parts of society	Statements about whether an NHRI's activities and investigations cover the issues of the most vulnerable groups of society.	Since complaint mechanisms tend to be less likely to cover the needs of the most vulnerable groups of society or the most invisible human rights violations and may not always facilitate individual redress, initiating broad and systematic investigations into systemic issues is an effective way to address invisible, underreported, and unaddressed human rights issues.
Promotion Powers		
Power to advise on legislation in practice	Statements about the quality and level of advice given by an NHRI on legislation.	While an NHRI can be well equipped with this power on paper, in practice the government might not consult an NHRI during the drafting process of new legislation. Thus, an NHRI might not be able to exercise this role.
Education and training on human rights and related topics and promotion activities in practice	Statements about the quality, regularity, scope, and thematic attention of human rights education and training programmes and promotion activities.	While an NHRI can be well equipped with this power on paper, in practice factors such as government involvement might undermine this role of an NHRI.
Investigation Powers		
Complaint-handling in practice	Statements about the nature and quality of an NHRI's work regarding complaint-handling.	While on paper, an NHRI may be equipped with sound complaint-handling powers, its autonomy to exercise them might be severely undermined in practice by different forces.
Connection between complaints received and investigations initiated	Statements about whether there is a connection between complaints received by an NHRI and investigations into systematic human rights issues initiated by the institution.	Reported allegations of human rights violations are a good indicator of more systemic issues. Thus, an NHRI that is attentive to a potential connection between complaints received and the need for broader and systemic investigations to be launched shows a willingness to serve its population and to shed light on underreported issues. This also fosters public legitimacy by positioning itself as a proactive actor and mediator.
Investigations in practice	Statements about the nature and quality of an NHRI's work regarding investigations.	While on paper, an NHRI may be equipped with sound investigatory powers, its autonomy to exercise them might be severely undermined in practice by different forces.

Criterion	Description	Rationale
Thematic human rights areas covered by investigations	Statements about which human rights issues an NHRI's investigations cover.	NHRIs are particularly effective when they strive to cover the needs and (often invisible) human rights issues experienced by the most vulnerable parts of society. This fosters credibility and trust for the institution among the public and thus enhances its legitimacy not only among the population but also among the international community.
Readiness to launch investigations	Statements about how much in-depth and as a response to which initiating factor an NHRI investigation is launched.	An NHRI that seldomly to never investigates human rights issues fails to fulfill its mandate. In return, an NHRI that initiates regular investigations into both visible and invisible human rights issues, potentially even as a reaction to complaints received regarding the issue, shows particular strength in its investigation capability.