



**POLICY BRIEF ON THE NATIONAL RELIGIOUS AND FAITH ORGANIZATIONS
(RFO) POLICY DRAFT 2023**

**Prepared by:
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The RFO Policy: A call to promote Freedom of Religion and Belief for all

Background and Introduction

The Government of Uganda is in the process of passing the National Religious and Faith Organizations (RFO) Policy, 2023. The primary goal of the policy is to ensure accountable leadership within RFOs and establish a framework that enhances their capacity for effective service delivery. The policy seeks to put in place a regulatory framework, monitoring and accountability mechanism for RFOs. The policy further seeks to prevent further illegalities that happen in the name of religion as a result of misrepresentations by some religious actors.

Religious actors working with the Joint Initiative for Strategic Religious Actions (JISRA)¹ being key stakeholders in promoting freedom of religion and belief have found it important to express their views in regards to the RFO policy and submit them to the line Ministry for action. In substance, religious actors agree that there is a need for the policy but the policy needs to be revised, so as it does not interfere with free exercise of religion and belief. This policy brief presents the main recommendations from consultations and reflections held within the JISRA program.

The Policy Brief was elaborated by a technical committee within JISRA. Wide consultations were organized to get feedback from religious actors to enrich the policy brief. Focus Group Discussions were organized in Soroti, Gulu, Kyenjojo and Kampala involving religious actors and leaders from the Catholic, Muslims, Anglican, Faith of Unity, Pentecostals and African Traditional Religion. In total, 125 respondents participated in the process.

Objective of the Policy brief

- To amplify the voices of religious actors working with JISRA through giving their input in the Draft Policy.
- To ensure that the policy does not negatively impact on the Freedom of Religion and Belief
- To strengthen the collaboration between the JISRA program and key stakeholders including government agencies.

Key Findings about the Policy based on the consultation

- There is a threat that there is mission behind the proposed policy like taxing of religious actors, banning of religious groups, promotion of errant behaviour, using the new system to fight internal religious wrangles among others.

- Religious actors are committing acts that violate the law and rights like sacrifice of children, early marriages, forced marriages, defilement, hate speech, among others.
- There was an observation that the state should not extend to matters of spirituality but the state should ensure that religious activities do not infringe on the rights of others to worship. Specifically, the UMSC respondents opined that matters of Worship in Islam have been already regulated by Allah in the Holy Quran and Hadith.
- Religious actors expressed the fact that consultation done by government was not enough and that there is need for an in-depth consultation, so that people can prepare accordingly.

Commendations for the policy.

- The Religious actors commend the Government of Uganda for recognizing the positive role of religion and faith in nation building and finding redress to challenges that may impede exercise of Freedom of Religion and Belief.
- The religious actors appreciate the context of the policy and join the Government in condemning the heinous crimes that have been committed and continue to be committed in the name of religion
- The religious actors appreciate the efforts to have a systematic regulatory framework of RFOs that may eventually reduce the Bureaucracy in formalization and enhance exercise of FoRB for those who wish to register their RFOs.
- The religious actors commend government for recognizing the suffering of victims of abuse by religious leaders and welcome practical redress mechanisms for followers.

Gaps in the Policy;

- The policy puts in place the RFO Board but remains too general on appointment and tenure given the religious diversity. The RFO Board composition does not have representation of the ordinary faith actors (sheep) that the policy seems to protect. The wording seems to suggest that only registered organizations will have representation on the Board without mention on unregistered RFOs. The powers to exercise discretion to register RFOs is not regulated by the policy. There is no appeal mechanisms from decisions of the Board. There is a likelihood of suppressing minority religions or faiths in terms of representation.
- The policy does not clearly differentiate criminal acts in places of worship and religious misdeeds. Acts of murder, terrorism, theft committed in the religious space should be handled by our penal laws. There is a gap of converting criminal acts into religious offences within the ambit of the

policy. This creates a duplicate penal regime for offences committed by religious actors.

- The policy remains vague in explaining its rationale. The policy fails to define words like manipulation and extortion. These may be defined by the state and other actors to impede exercise of individual FoRB.
- The policy is silent on transition especially on what will happen to existing RFOs that may lack the training or capabilities to fit within the policy. The problem this presents is that religious persons may be impeded to practice their FoRB for failure to comply with the policy.
- The policy remains silent on dissemination mechanism. It does not mention how it will be popularized to the ordinary worshippers, so as to benefit from the remedies. The consultative process remains unclear and many people do not know about the RFO yet it potentially affects people's right to worship.

Policy Recommendations

The Religious actors working with the JISRA program recommend the following:-

- The ultimate objective of regulating RFOs should be promotion of Freedom of Religion and Belief in compliance with Article 7, 29(1)(c) and 43(1)(c) of the 1995 Constitution of the Republic of Uganda. Any bottlenecks that may prevent persons from exercising their FoRB should be removed from the policy. The policy should be inclusive and respectful to all religions and beliefs.
- The Policy should be exhaustive on the implementation mechanisms. Religious actors should know the impact of the policy on their work. The policy should therefore define words like manipulation, extortion so that religious actors know what to comply with.
- The work of the RFO Board should be streamlined with clear mechanisms of appointment and removal of members, tenure, qualifications, mandate, gender representation, appeal mechanisms/review process from decisions of the board, monitoring and oversight mechanism and other details. The policy should detail how complaints will be made to the Board and handled to conclusion.
- A transition plan should be incorporated in the policy to enable religious actors plan ahead. Plans may include capacity building of religious leaders to be prepared for implementation of the policy.
- The policy should draw clear linkages with existing laws like the penal laws and clearly outline its scope. This will avoid duplication of redress mechanisms for aggrieved parties.

- The draft policy should be disseminated widely and wide consultations should be made before implementing it. There should be clear guidelines on how, where, who and when to make input into the policy.
- The Policy should refer and utilize existing regulatory frameworks in the different faiths, with a view of strengthening them. In the event new institutions are introduced, they should work in collaboration with the existing structure to avoid duplicity and institutional clashes.
- The policy should provide for decentralization in terms of putting in place regional bodies that understand the local context and enhance local collaboration.
- The Directorate of Ethics and Integrity should consider meeting selected religious leaders under the JISRA program to strengthen collaboration, foster a better understanding and clarify on salient aspects of the policy brief.

Conclusion;

The government has the challenge of safeguarding the right of all persons to Freedom of Religion and Belief while protecting a range of other rights. Establishing a sound body of laws and policies for protecting freedom of religion or belief often involves balancing a range of fundamental rights guaranteed by the Constitution. Article 43(1) (c) of the 1995 Constitution allows certain restrictions related to the manifestation of one's religion or beliefs with respect to worship, observance, practice and teaching, any and all limitations must be the exception and not the rule. These limitations must be narrowly construed and must not be discriminatory towards persons belonging to a religion or belief. Moreover, the burden of justification for such restrictions falls on those who wish to impose them. The policy should therefore look towards promoting FoRB rather than restricting it.

References; -

- The 1995 Constitution of the Republic of Uganda
- The Penal Code Act Cap.120
- The Anti-Terrorism Act, 2017 as amended
- The Draft RFO Policy
- Report of the Special Rapporteur on freedom of religion and belief, United Nations General assembly, 37th Session, 2018
- JISRA Project Documents including reports by implementing partners
- Press statement on Shakahola incident by JISRA Kenya
- Focus Group Discussions



- Alexander Paul Isiko, 'State regulation of religion in Uganda: Fears and dilemmas of born-again churches' in *Journal of African Studies and Development*, November 2019
- Newspaper reports.

On behalf of:-

- 1. Muslim Centre for Justice and Law*
- 2. Acholi Religious Leaders Peace Initiative*
- 3. Church of Uganda-TEDDO*
- 4. Western Uganda Faith Based Organizations Network*
- 5. Teso Religious Leaders Peace*

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