

# UGANDA 2012 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Uganda is a constitutional republic led since 1986 by President Yoweri Museveni of the ruling National Resistance Movement (NRM) party. Voters reelected Museveni to a fourth five-year term in February 2011. While the election marked an improvement over previous elections, it was marred by irregularities. State security forces (SSF) generally reported to civilian authorities.

The three most serious human rights problems in the country were a lack of respect for the integrity of the person (including unlawful killings, torture, and other abuse of suspects and detainees); unwarranted restrictions on civil liberties (including freedom of assembly, the media, and association); and violence and discrimination against marginalized groups such as women (including female genital mutilation/cutting (FGM/C), children (including victims of sexual abuse and ritual killing), persons with disabilities, and the lesbian, gay, bisexual, and transgender (LGBT) community.

Other human rights problems included harsh prison conditions; arbitrary and politically motivated arrest and detention; incommunicado and lengthy pretrial detention; restrictions on the right to a fair trial; restrictions on freedom of press; electoral irregularities; official corruption; mob violence; trafficking in persons; and forced labor, including child labor.

The Lord's Resistance Army (LRA), driven out of the country in 2006, continued to hold children forcibly abducted from the country. The governments of Uganda, South Sudan, the Central African Republic (CAR), and the Democratic Republic of the Congo (DRC) continued military actions against the LRA.

The SSF and other government agents committed human rights abuses, generally with impunity. The government took minimal steps to hold perpetrators accountable.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were several reports the government committed arbitrary or unlawful killings. In contrast to the previous year, the SSF did not kill opposition party demonstrators.

The SSF's use of excessive force and live ammunition during joint security operations in various districts, including Kampala, Bugiri, Amolatar, and Jinja, resulted in at least 13 deaths, according to media reports.

On January 22, police in Kampala arrested George Agaba, Kampala City Council Authority director for physical planning, and his bodyguard, Police Constable Santos Makmot Komakech, for killing John Onyango during an eviction in the city suburb of Luzira. Komakech allegedly fired his gun to disperse an angry crowd, resulting in Onyango's death. Authorities charged Agaba and Komakech with murder but later released them on bail, and their trial was pending at year's end.

On March 2, police in Masaka District dismissed from duty and arrested Assistant Inspector of Police Apollo Bamwesige, officer in charge of Criminal Investigations Division (CID) Enock Bategyerize, Sergeant Joseph Migadde, Corporal Anatoli Andudia, and Police Constable Peter Bagonza over the alleged killing of a suspect. On February 12, the officers reportedly arrested motorcycle driver Swaibu Ssemaganda on robbery charges and beat him into a coma. Ssemaganda died in a hospital on February 14. The murder case against the police officers was pending court hearing at year's end.

On May 14, authorities in Bugiri District arrested police officers Raymond Mallinga and Walter Wandera for killing Fred Jingo along the Bugiri-Tororo Road the previous day. The two officers reportedly fired at a passenger vehicle after the driver failed to stop. Authorities charged Mallinga and Wandera with murder, and they were in custody pending a court hearing at year's end.

Excessive force and the indiscriminate use of live ammunition by the SSF, which includes the Uganda People's Defense Forces (UPDF), resulted in deaths during disarmament operations and cattle recovery in the Karamoja region in the east. For example, on May 15, security operatives trying to recover stolen cattle in Katakwi District killed a suspected Karamojong cattle rustler. Authorities took no action against the security operatives.

There were no further developments in the following 2011 arbitrary killings: the April killing of a two-year-old girl by reserve police officer Paul Mugenyi and the April killing of a 16-year-old girl in Kabale by James Babaranda. The trial hearing

of Mugenyi was pending at the military court in Kampala at year's end. Babaranda remained in custody pending hearing of his case.

### **b. Disappearance**

There were unconfirmed reports of politically motivated disappearances. For example, on October 15, the opposition Democratic Party (DP) publicity secretary reported that he had received complaints from family members that party activist Rogers Segujja had disappeared. Family members suspected security operatives might have kidnapped Segujja, whose whereabouts were unknown at year's end.

Unidentified individuals kidnapped DP activist Annette Namwanga in January 2011, and the Chieftaincy of Military Intelligence (CMI) acknowledged arresting her. In February 2011 authorities charged her and nine others with terrorism and remanded them to prison. On October 19, Namwanga and the nine terrorist suspects appeared in court. At year's end they remained free on bail and the case was pending trial.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices. On April 26, parliament passed the Anti-Torture Bill to criminalize torture, which the president approved in June. Any person who commits an act of torture faces up to 15 years imprisonment, a fine of 7.2 million shillings (\$2,680), or both. The penalty for aggravated torture is life imprisonment. There were credible reports the SSF tortured and beat suspects.

The Uganda Human Rights Commission (UHRC) and international and local human rights organizations reported incidents of torture by the SSF, including caning, severe beating, and kicking. From January to September, the African Center for Treatment and Rehabilitation of Torture Victims registered 170 allegations of torture against police, 214 against the UPDF, one against military police, 23 against the Special Investigations Unit (SIU), 361 against unspecified security personnel, and 24 against prison officials.

There were numerous reports of torture and abuse in detention facilities operated by the CMI's Joint Antiterrorism Taskforce (JATT), and the SIU. For example, on October 4, security officers in Kampala arrested Moses Tumukunde, driver of opposition leader Kizza Besigye, for participating in an unlawful assembly.

Tumukunde claimed the police tortured him with beatings before they released him without charge on October 10.

The SSF's use of excessive force resulted in injuries during arrests and other law enforcement operations. On February 2, a police officer shot and injured Cissy Mukasa, a student at Rainbow College, during a scuffle with residents of Budaka District. Authorities took no action against the officer.

On April 20, the SSF assaulted the leader of the opposition Forum for Democratic Change (FDC), Ingrid Turinawe, as the For God and My Country (4GC) activist group attempted to organize a public rally in Nansana, a Kampala suburb. Turinawe was injured and bedridden for two weeks. Authorities suspended Police Constable Irene Arinda, whom her colleagues identified as responsible for the assault. On November 6, the government officially apologized to Turinawe for police misconduct. A statement released by the prime minister stated Arinda would appear before a police disciplinary court on charges of discreditable conduct and behaving in a cruel, disgraceful, and indecent manner under the Police Act. Hearing of the case was pending at year's end.

There were no further developments in any of the 2011 cases involving excessive use of force by the SSF and the allegations of abduction and torture leveled against the CMI and JATT by a British national. The British national left the country for the United Kingdom, and there were no further reports as to whether he filed a petition against the CMI.

In 2011 the UHRC reported awarding 700 million shillings (\$261,000) to victims of torture and other abuses. The UHRC reported registering 272 human rights complaints against private individuals, 151 UPDF members, 457 police officers, 45 personnel of other security agencies, 40 prison wardens, and 128 government departments and 19 private companies. Of the complaints, 34 percent involved allegations of torture or cruel, inhuman, or degrading treatment and punishment.

As was the case in previous years, mobs attacked persons suspected of stealing, ritual sacrifice, witchcraft, and other crimes, resulting in deaths. Motivated in part by lack of confidence in law enforcement and the judicial system, mobs beat, lynched, burned, and otherwise brutalized their victims (see section 6).

## **Prison and Detention Center Conditions**

Prison conditions remained poor and, in some cases, life threatening. Serious problems included long periods of pretrial custody, overcrowding, and inadequate staff. There were reports the SSF tortured inmates, particularly in military facilities and unregistered detention centers. There were isolated reports of forced labor (see section 7.b.).

Physical Conditions: Prisons in Kampala included provisions for medical care, running water, and adequate sanitation, ventilation, and lighting; however, according to a Bureau of Statistics' *2012 Abstract*, Kampala prisons were among the most overcrowded. Prison authorities blamed this on the criminal justice system, which did not process cases in a timely manner. Prisons outside Kampala lacked food, water, medical care, means to transport inmates to court, and bedding, while also suffering from inadequate and poorly designed physical infrastructure and poor sanitation conditions. In April the media reported an increase in communicable diseases among inmates due to congestion and lack of proper isolation facilities.

In a system with an approved capacity of 15,000, at the end of November the Uganda Prisons Service (UPS) reported 34,940 prisoners, of whom 33,552 were males and 1,388 were females. Severe overcrowding was also a problem at juvenile detention facilities and in female wings of prisons. The Kampala Remand Home, designed for 45 children, held 148. The Naguru Reception Center, designed for 30 children, held 174.

Although there were separate facilities for female prisoners in central prisons, services and facilities for female prisoners in local prisons, including separate cells, were lacking in some areas. The UPS had no budget for accommodating pregnant women or mothers with infants, and the number of infants in women's prisons increased during the year. Due to lack of space in juvenile facilities, the UPS held minors in prisons with adults. The UPS separated pretrial detainees in Kampala prisons from convicted prisoners. Elsewhere they were held together due to lack of space.

The UPS held 67 political prisoners on treason charges; of these, eight were committed for trial in the High Court after they appeared in court, while 59 others remained in custody pending case hearings. The political prisoners faced conditions similar to those of the general prison population.

Prison authorities reported the average pretrial custody period for prisoners decreased from 15 months in 2011 to 11 months for capital offenses and three months for minor offenders in 2012.

The UPS recorded 84 prisoner deaths from January to September from overcrowding, malnutrition, poor sanitation, disease, overwork, or lack of medical care.

Administration: Prison authorities reported improvements in recordkeeping by the introduction of computers up to the regional level, but inadequacies in record keeping persisted. Local nongovernmental organizations (NGOs) reported that prisoners and detainees had reasonable access to visitors, and authorities allowed them to submit complaints. Prison authorities acknowledged a backlog in the investigation of complaints.

Community service was statutorily available as a sentencing option. Prison authorities reported more than 6,200 persons were sentenced to community service.

Authorities gave prisoners the opportunity to pray on days appropriate to their faith. The prisons service has an officer of the rank of commissioner who handles, investigates, and mediates between management and prisoners. The prison ombudsman is responsible for ensuring that when complaints, disputes, or deaths occur, they are resolved and verified. Prisoners have five channels through which to submit complaints including through their leaders, regular staff meetings, prisoner's application book, meetings with top management to raise complaints, and via human rights agencies that visit the prisons.

Monitoring: Information was limited on conditions in unregistered and illegal detention facilities, although the SSF allowed the UHRC and some international NGOs access to selected unregistered facilities. Observers reported poor conditions and numerous cases of abuse in illegal detention facilities or unregistered detention facilities, known also as safe houses.

Authorities allowed international NGOs, including the International Committee of the Red Cross (ICRC), foreign diplomats, and local NGOs, to conduct prison visits but required advance notification.

Improvements: The UPS started a pilot project to provide food to prisoners while they attend court in Kampala. Authorities expanded several prisons in the districts of Mbarara, Gulu, and Bushenyi to provide adequate accommodation for inmates.

#### **d. Arbitrary Arrest or Detention**

Although the constitution and law prohibit such practices, the SSF sometimes arrested and detained persons arbitrarily, including journalists, demonstrators, and opposition leaders (see sections 2.a., 2.b., and 3).

#### **Role of the Police and Security Apparatus**

The Uganda Police Force (UPF), under the Ministry of Internal Affairs, has primary responsibility for law enforcement. The UPDF is charged with external security but also had significant responsibility for implementing the disarmament campaign in Karamoja, providing election-related security for by-elections that were held during the year, and responding to walk-to-freedom protests that occurred during September and October. The Internal Security Organization (ISO) and External Security Organization (ESO), security agencies and intelligence-gathering entities under the Minister of Security, occasionally detained civilians. The CMI is legally under the UPDF authority, although it often acted as a semiautonomous unit in detaining civilians suspected of rebel and terrorist activity, as did the ISO and the ESO.

The UPF was constrained by limited resources, including low pay and lack of vehicles, equipment, and training. The UPF's Professional Standards Unit investigated complaints of police abuse, including torture, assault, unlawful arrest and detention, mismanagement of case papers, and corrupt practices. The UPF was the sole government agency charged with the responsibility of investigating charges of impunity.

According to the September *Justice Law and Order Sector Annual Performance Report 2011/2012*, the UPF received and investigated 4,304 complaints of human rights violations by police officers. Of these, 143 involved criminal conduct and were referred to the Directorate of Public Prosecutions (DPP), 852 were referred for disciplinary action, and 1,003 were dismissed for lack of evidence; there was no information on the remaining complaints. The cases referred for disciplinary action resulted, among various actions, in the forced retirement of 22 police officers, 55 dismissals, 13 demotions in rank, 219 fines, 100 confinements to barracks, and 57 severe reprimands.

The UPDF continued efforts to transfer responsibility for law enforcement in the North and in the Karamoja Region to the UPF. In August authorities reported that 150 specialized police officers were deployed to the Karamoja subregion to assist in effective restoration of law and order. However, the UPDF maintained personnel in the subregion for security reasons.

In conjunction with the UHRC and international organizations, including the ICRC and the Office of the High Commissioner for Human Rights (OHCHR), the UPDF and the UPF continued to train officers on internationally recognized human rights standards. During the year 743 police officers attended human rights and constitutional workshops. The UPF, the UPDF, and the UPS also used human rights manuals in their training programs.

### **Arrest Procedures and Treatment While in Detention**

The law requires that judges or prosecutors issue arrest warrants before arrests are made. This requirement does not apply to an arrest made during commission of a crime or in hot pursuit of a perpetrator. However, authorities often arrested suspects without warrants. The law requires authorities charge suspects within 48 hours of arrest, but they frequently held suspects for longer. Authorities must bring to trial or release on bail suspects arrested under the Antiterrorism Law within 120 days (360 days if charged with a capital offense); if the case is presented to the court before the expiration of this period, there is no limit on further pretrial detention. Authorities must inform detainees immediately of the reasons for their detention; however, they did not always do so. The law provides for bail at the discretion of the judge, and judges generally granted bail, albeit with stringent conditions. The law requires detainees to have access to a lawyer, but authorities denied many of them their legal right to representation. According to the law, the government provides attorneys for indigent defendants charged with capital offenses, but funds were rarely available to retain counsel.

Incommunicado detention remained a problem, particularly with regard to the CMI, JATT, and the SIU. Local and international human rights groups reported the government detained civilians in military facilities and safe houses, where they often held detainees incommunicado and abused them.

Local and international human rights groups noted authorities neglected the Karamoja subregion and that there was a large backlog of human rights cases there due to the absence of a tribunal. The OHCHR received several complaints of

torture, arbitrary arrest, and detention in military facilities in conjunction with the UPDF's response to cattle raids and the government's disarmament campaign there (see section 1.a.).

Arbitrary Arrest: Arbitrary arrests during police sweeps remained a problem, as did arbitrary arrests based supposedly on sedition, treason, promoting sectarianism, incitement of violence, or terrorism charges. During the year authorities also arbitrarily arrested several hundred persons for participating in, or being in proximity to, protests organized by opposition parties and civil society (see section 2.b.). In contrast to previous years, there were no reports the government paid compensation to victims of arbitrary arrest.

On February 22, the SSF arrested 53 persons and detained them for a month at the SIU. On March 23, authorities charged the suspects with treason. On September 27, a court in Kampala freed 18 suspects and committed the remaining 35 for trial in the High Court.

On September 3, authorities arrested the FDC deputy electoral commissioner, Michael Kabaziguruka, along with FDC chairman for Ntungamo District John Karebe, former UPDF soldier Frederick Namara, and primary school teacher John Rutagorwa, and detained them incommunicado for two weeks. Authorities accused the suspects of forming a rebel group known as the Revolution Forces for the Liberation of Uganda, charged them with treason, and remanded them to prison on September 11. Hearing of the case was pending at year's end. On September 23, officials from the SIU arrested two relatives of Kabaziguruka at his home in Luzira. Security personnel reportedly recovered a submachine gun and other military equipment from the residence.

Pretrial Detention: Case backlogs in the judicial system routinely contributed to pretrial detentions of two to three years but sometimes as long as seven years. The UPS reported more than half of its approximately 34,940 inmates were pretrial detainees. The UHRC heard 11 cases brought by prisoners challenging the length of their detention.

Suspects complained of long periods of pretrial custody. The Foundation for Human Rights Initiatives, a local NGO, received several complaints. In June 2011 military police in Kabowa, a Kampala suburb, arrested Boniface Mumbere and detained him at the CMI in Mbuya for 12 days, charging him with the murder of Lieutenant Amon Muzoora. However, authorities amended the indictment, charged Mumbere and six others with treason, and remanded them to Luzira

Prison. One suspect was granted bail; the other detainees were denied bail and remained in pretrial custody at the prison.

Amnesty: Since 2000 the government has offered blanket amnesty to former LRA and Allied Democratic Forces rebel combatants to encourage defections. The Amnesty Act expired on May 23, effectively ending amnesty. On May 28, the government extended part of the act dealing with settling and integrating at least 26,300 persons who have received amnesty. Officials of the Uganda Amnesty Commission reported that of these, the government only integrated approximately 6,000 and more than half of these were former LRA combatants. During the year the government approved 60 amnesty cases.

In September 2011 the Constitutional Court ordered the release of LRA Colonel Thomas Kwoyelo from prison. Authorities accused Kwoyelo of dozens of murders, mutilations, and abductions, and the government claimed his alleged crimes made him ineligible for amnesty and refused to release him from prison. Kwoyelo remained in custody pending a Supreme Court ruling on his right to amnesty. On October 18, Kwoyelo's lawyer petitioned the African Commission on Human and Peoples' Rights seeking a declaration that his continued detention was illegal and authorities should release him. A response from the commission was pending at year's end.

#### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, and the government generally respected this provision. The president appoints Supreme Court, High Court, and Court of Appeal judges with the approval of parliament. The president also nominates, for the approval of parliament, members of the Judicial Service Commission, which makes recommendations on appointments to the judiciary. The judiciary ruled against the government in several high-profile cases during the year. For example, on January 30, a court in Kampala dismissed the forgery case filed by the government against *Daily Monitor* Managing Editor Dan Kalinaki and political analyst reporter Henry Ochieng.

Lower courts remained understaffed, weak, and inefficient. Judicial corruption was a problem (see section 4).

The military court system often did not assure the right to a fair trial. The law establishes a court-martial appeals process. Only senior UPDF leadership can grant appeals of sentences, including the death penalty. Under circumstances they

deem exigent, military authorities can convene a field court-martial at the scene of an alleged crime. The law does not permit appeal of a conviction under a field court-martial. Despite a 2006 court ruling prohibiting the military from trying civilians in military tribunals, this practice continued. In September 2011 the UPDF announced it would end the practice of trying civilians in military tribunals; however, several civilians remained in military custody.

### **Trial Procedures**

An inadequate system of judicial administration resulted in a serious backlog of cases and impaired the right to a fair trial. There is a presumption of innocence. All nonmilitary trials are public but juries are not used. Defendants have the right to be present and consult with an attorney in a timely manner. The law requires the government to provide an attorney for indigent defendants accused of capital offenses, but funds were rarely available to provide counsel. By law defendants may confront or question witnesses against them and present witnesses and evidence on their own behalf. Authorities sometimes did not respect this right in practice. Defendants have the right to obtain documentary evidence the state intends to use against them before trial starts. This right of disclosure is not absolute in highly sensitive cases. Defendants have the right of appeal and have adequate time and facilities to prepare a defense. Sometimes authorities compelled suspects to testify or plead guilty. For example, there were unconfirmed reports that authorities forced some former LRA rebels (who were abducted into the group) to confess to rebelling against the NRM regime in order to receive amnesty.

### **Political Prisoners and Detainees**

There were reports of political prisoners during the year, and in addition authorities detained several opposition politicians and more than 20 supporters on politically motivated grounds for short periods. Authorities released many of these individuals without charge, but charged others with crimes such as treason, inciting violence, and holding illegal rallies.

### **Civil Judicial Procedures and Remedies**

There is an independent and impartial judiciary in civil matters. Victims may report cases of human rights violations through the regular court system or the UHRC, which has judicial powers under the constitution. These powers include the authority to order the release of detainees, payment of compensation to victims, and other legal and administrative remedies such as mediation. Victims can appeal

their cases to the Court of Appeal and thereafter to the Supreme Court, but not to an international regional court. Civil courts and the UHRC have no ability to hold perpetrators of human rights abuses criminally liable, and bureaucratic delays hampered enforcement of judgments for financial compensation.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice. However, police did not always obtain search warrants, as required by law, to enter private homes and offices.

The Antiterrorism Act authorizes certain law enforcement officials to intercept communications to detect and prevent terrorist activities. The Regulation of Interception of Communications Bill authorizes government security agencies to tap private conversations as part of efforts to combat terrorism-related offenses. The government utilized both statutes to monitor telephone conversations.

On March 1, the Uganda Communications Commission (UCC), the government regulatory body, began the nationwide registration of mobile phone subscriber-identity module (SIM) cards to identify individuals committing crimes using mobile phones. The UCC reported that 40 percent of mobile owners had registered by September 30. On September 21, human rights activists expressed concern over the use of a person's data and potential violation of privacy rights and asked the government to create a formal structure to register SIM cards. The government response was pending at year's end. The government continued to encourage university students and government officials to attend NRM political education and military science courses known as "chaka mchaka." While the government claimed the courses were not compulsory, human rights activists reported the government pressured civil servants and students to attend.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

The constitution and law provide for freedom of speech and press. However, the government at times restricted these rights.

Freedom of Speech: The SSF and government officials occasionally interrogated and detained radio presenters and political leaders who made public statements critical of the government and used libel laws and national security as grounds to

restrict freedom of speech. The police CID summoned several opposition legislators for questioning over supposedly inflammatory statements made on radio talk shows. For example, on July 13, Mukono Municipality Member of Parliament (MP) Betty Nambooze and Central Broadcasting Station (CBS) host Meddie Nsereko appeared before the CID regarding an allegedly inflammatory statement on CBS against the NRM candidate during the Bukoto South by-election. Nambooze and Nsereko provided statements, and police released them without charge.

On September 24, the UCC stopped radio stations from airing a new song by a local artist pending investigation into claims it criticized Kampala City Council Authority Executive Director Jennifer Musisi.

Freedom of Press: The independent media were active and expressed a wide variety of views. Nevertheless, the government and the SSF imposed some restrictions. The UPF's Media Crimes Unit closely monitored all radio, television, and print media, and the SSF subjected numerous journalists to harassment, intimidation, and arrest. Although there were a number of private rural radio stations, government officials and ruling party members owned many of them and imposed reporting restrictions.

Local authorities and the SSF prevented journalists from covering public events they considered sensitive, and in some cases arrested and interrogated journalists. For example, on February 10, authorities blocked four journalists from covering court proceedings presided over by Justice Faith Mwendha in the High Court of Entebbe. Authorities briefly arrested two of the journalists, Kigongo Ssebalamu of the New Vision Group and Henry Oketch of Radio Simba, when they resisted orders to vacate the court premises. On February 14, the Human Rights Network for Journalists (HRNJ) petitioned the Judicial Service Commission to investigate Justice Mwendha, claiming she was behind the plan to block journalists from her court sessions. On April 12, the JCC began an investigation into the allegations; findings were pending at year's end.

On March 4, the Ministry of Health issued a directive that all journalists intending to visit nodding disease treatment centers in the north should seek ministry permission. On September 18, Kitgum District Chairperson Luka Nyeko expelled two journalists, Steven Komakech of Might Fire FM radio and Jimmy Wokorach Oboi of the New Vision Group, from a nodding disease review meeting. The district chairperson accused the journalists of engaging in partisan politics and promoting opposition interests.

Several cases of journalists arrested in previous years came to trial. For example, on July 3, a court in Kampala granted bail to radio host Augustine Okello, whom authorities charged with treason in August 2011. The trial was pending at year's end.

Authorities interfered with the publication of several books critical of President Museveni. For instance, on April 11, police in Kampala arrested Makerere University student Doreen Nyanjura and four other activists for publishing a book critical of government entitled *Is It the Fundamental Change? Unveiling the Hidden Truth*. The case was pending at year's end.

On February 24, police impounded a consignment of 700,000 calendars with photographs of political figures and phrases demanding change. On February 28, police questioned the publisher of the calendars, Morris Rwakakamba, for four hours and released him without charge. Police claimed they impounded the calendars as part of an ongoing investigation into incitement of violence.

Violence and Harassment: The SSF arrested, assaulted, harassed, and intimidated journalists, and confiscated and maliciously damaged equipment. In July the HRNJ reported 50 journalists were subjected to different forms of violence from January to July. The HRNJ noted police continued to lead the list of violators with 26 cases, followed by the security detail assigned to the president's official residence with seven, and the judiciary with five cases. The HRNJ reported judicial staff manhandled several journalists and blocked them from covering open court proceedings. The UHRC and police continued to investigate the 32 acts of SSF violence against journalists reported by the HRNJ in 2011.

On March 28, police assaulted journalists Siraje Lubwama of the biweekly *Observer*, Joseph Mutebi of *Bukedde*, and Hasifah Wanyana of Kingdom FM radio as the journalists covered the release on bail of opposition leader Kizza Besigye and other opposition politicians, who had been accused of murdering Assistant Inspector of Police John Bosco Ariong. On June 18, Lubwama filed a petition in the High Court to sue the Kampala Metropolitan traffic police commander, Assistant Commissioner Lawrence Niwabiine, and sought compensation for damages and inconveniences during the assault. In his complaint, Lubwama accused Niwabiine of leading the attack. He claimed police seized and did not return a mobile phone handset and 50,000 shillings (\$18). The case was pending at year's end.

On April 29, authorities arrested *Daily Monitor* journalist Perez Rumanzi, charged him with inciting violence, and remanded him to Ntungamo Prison in the western region. Authorities arrested him for allegedly “inconveniencing” the security detail of First Lady Janet Museveni during a ceremony in Ntungamo District. On May 2, a court in Ntungamo released Rumanzi on bail. The case was pending at year’s end.

On July 3, the High Court in Kampala granted bail to radio journalist Augustine Okello. Authorities charged him with treason in July 2011, and the case was pending trial at year’s end.

There were no developments in the investigation into the December 2011 death of Rwandan journalist Charles Ingabire, who was shot in Kampala.

Censorship or Content Restrictions: To avoid government intimidation or harassment, many print and broadcast journalists practiced self-censorship, particularly when reporting on President Museveni, the first family, senior members of the ruling NRM party, the SSF, and the exploration and use of oil resources. Many rural radio stations claimed unnamed government officials ordered them to deny airtime to opposition politicians, and police questioned several radio hosts for having opposition members on their shows. The government prevented some independent and government-owned television and radio stations from hosting opposition political candidates critical of the government.

According to a May report by the HRNJ, some media houses responded to perceived pressure from the government and stopped reporting on critical issues affecting the country.

On April 20, police in Kampala summoned *Daily Monitor* security reporter Risdell Kasasira regarding an interview with Mathais Nsubuga, the coordinator of the banned 4GC activist group. Police were investigating a case of incitement to violence following publication of the interview in the April 8 edition of the *Sunday Monitor* under the headline, “Our Goal is to Bring Museveni Down.” Kasasira reportedly provided a statement and the police released him without charge.

On July 9, CBS talk show host Meddie Nsereko Ssebuliba appeared before the police media crimes department at the CID for questioning about the content of a radio talk show broadcast on June 28. Police accused Ssebuliba of facilitating

public criticism of the NRM candidate by the program's panelists. Ssebuliba made an official statement and authorities released him without charge.

On January 30, a court in Kampala dismissed forgery charges against *Daily Monitor* Managing Editor Daniel Kalinaki and Political Editor Henry Ochieng. Authorities alleged the journalists had forged sections of a letter from President Museveni on the Banyoro-Bafuruki conflicts. The letter, published in the *Daily Monitor* in 2009, included a controversial proposal to prevent members of a specific ethnic group from running for elected office in some areas of western Uganda.

Libel Laws/National Security: Authorities used libel laws and cited concerns about national security to suppress criticism. According to the HRNJ, seven journalists and opposition politicians continued to face sedition charges despite the Constitutional Court's 2010 ruling declaring the sedition law unconstitutional. On June 6, First Lady Janet Museveni sued the *Daily Monitor* over a May 12 story titled, "Karamoja Leaders Accuse First Family of Land Grabbing," which alleged that she was involved in land seizures in Karamoja. The suit claimed the story was malicious and defamatory. On September 27, the first lady and the *Daily Monitor* publisher agreed to settle their grievances out of court following an apology by the *Daily Monitor*.

On March 21, authorities charged CBS journalist Ronald Ssemuusi with criminal defamation. Ssemuusi aired a story in November 2011 alleging former Kalangala district chairperson Daniel Kikoola was responsible for the disappearance of 40 solar panels meant to help circulate clean and safe water in the Kalangala town council. Authorities released Ssemuusi on bail, and, at year's end hearing of the case was pending a Supreme Court ruling on the law on defamation.

## **Internet Freedom**

Individuals and groups could generally engage in the expression of views via the Internet, including by e-mail. Unlike in the previous year, there were no reports the government attempted to restrict access to the Internet. According to the International Telecommunication Union, 13 percent of persons in the country used the Internet, and 4.5 percent of households had access to the Internet in 2011.

## **Academic Freedom and Cultural Events**

There were government restrictions on academic freedom. For example, research clearance was required in certain academic areas, such as history and political science, and was difficult to obtain.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

While the constitution provides for freedoms of assembly and association, the government did not respect these rights in practice. The UPF continued to require advance notification and approval for public gatherings despite a 2008 Constitutional Court decision nullifying section 32(2) of the Police Act, which requires written police approval for any assembly of 25 persons or more.

During the year the UPF routinely restricted the right to assemble freely. The UPF either gave no official response to critical opposition parties and civil society organizations critical of the government that sought UPF authorization for public gatherings or instructed them not to assemble. On April 3, relying on section 56 of the Penal Code Act, the government outlawed the opposition-linked Activists for Change (A4C) group.

Police often met attempts to assemble by opposition activists, students, and workers with excessive and brutal force. For example, on September 18, the SSF injured 20 persons while dispersing Muslim youth protesters over a disputed plot of land in Iganga municipality.

Police arrested hundreds of persons for allegedly participating in unlawful assembly. For example, on March 21, police arrested 11 FDC supporters following a violent riot along Kampala Road that led to the death of police officer John Bosco Ariong. On March 23, authorities charged 11 suspects with Ariong's murder and with participating in an illegal assembly; authorities remanded them to Luzira Prison. On May 31, authorities dropped murder charges against 10 of the suspects due to lack of evidence, and released them on bail, pending trial on the charge of participating in unlawful assembly. Authorities referred the remaining suspect, Edison Waako, to High Court for trial for Ariong's murder. On March 28, a court charged FDC leader Kizza Besigye and Kampala Mayor Erias Lukwago with organizing an illegal assembly. Authorities released Besigye and Lukwago on bail, pending hearing of their cases.

During the year none of the hundreds of protesters arrested during 2011 walk-to-work events, protests that began against the country's soaring fuel and food prices, had been convicted of any offense.

### **Freedom of Association**

While the constitution and law provide for freedom of association, the government did not always respect this right in practice. The law limits some NGO activity and requires NGOs seeking registration to obtain letters of approval from local government and community officials. Official registration affords some legal protections and enables NGOs to open local bank accounts. The NGO Board, which approves NGO registrations, reports to the Ministry of Internal Affairs and is composed of representatives from various government ministries, including the security services. Discriminatory aspects of the law prevented LGBT organizations from registering as NGOs.

Police blocked meetings of LGBT persons and members of labor unions (see sections 6 and 7).

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/drl/irf/rpt](http://www.state.gov/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation. The government at times limited these rights in practice.

Between May 1 and October 31, police deployed in Kampala to block movement of opposition members and activists from participating in the walk-to-work protests relaunched during the year by the 4GC activist group. On several occasions police confined FDC leader Kizza Besigye at his residence to stop him from participating in the protests.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection

and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Foreign Travel: A married woman must obtain her husband's written permission on her passport application in order to list children on her passport.

### **Internally Displaced Persons (IDPs)**

There were no reported IDPs following the closure of camps in the northern part of the country. The government has a policy to avoid establishing IDP camps in the landslide-stricken eastern district of Bududa. Instead, in response to landslides or other natural disasters, the government encouraged affected populations to move in with family or other community members.

### **Protection of Refugees**

Access to Asylum: The laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. As of September the UNHCR registered 189,633 refugees and asylum seekers, including almost 50,000 new refugees received during the year, most of whom came from the DRC. The government provided adequate protection to refugees, including temporary protection, resettlement, and other long-term solutions. The government made progress in clearing a backlog of asylum requests.

The UNHCR reported the government was reluctant to grant refugee status to Rwandans pending the UNHCR cessation clause scheduled to be implemented in June 2013. The cessation clause would require Rwandan refugees who cannot prove continuing claims of individual persecution either to return home or apply for permanent residency in their country of residence.

Refugee Abuse: On September 25, a Kampala-based NGO for Congolese refugees reported an attack on its office by SSF. Police arrested and later released the director of the NGO and an office attendant without charge, pending investigations.

Access to Basic Services: The government granted to refugees, without charge, the same access to public health, education, and other services available to citizens. There were anecdotal reports of discrimination toward some refugees seeking services due to language barriers or xenophobia, but the Office of the Prime

Minister's Refugee Commission, the UNHCR, its implementing partners, and other NGOs worked to reduce barriers to access.

Durable Solutions: The government did not accept refugees for resettlement from third countries, but it facilitated UNHCR efforts to resettle refugees in third countries. The government assisted the safe and voluntary return of refugees to their homes. Between January and September, the government assisted the UNHCR in the voluntary repatriation of 170 refugees to Rwanda.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution and law provide citizens with the right to change their government peacefully. The February 2011 presidential and parliamentary elections marked an improvement over previous elections but were nonetheless marred by serious irregularities.

#### **Elections and Political Participation**

Recent Elections: In February 2011 the country held its fourth (second multiparty) presidential and parliamentary election since President Museveni came to power in 1986. President Museveni won reelection with 68 percent of the vote. Besigye, the FDC president, finished second with 26 percent. The ruling NRM party captured approximately 75 percent of the seats in the 375-member parliament. While the elections and campaign period were generally peaceful, domestic and international election observers noted several serious irregularities. These included the diversion of government resources for partisan gain, unfair access to the media for NRM candidates and lack of access for opposition candidates, the heavy deployment of the SSF on election day, government intimidation, disorganized polling stations, and the absence of many voters' names from voter rolls.

Political Parties: There were approximately 38 registered parties. The ruling NRM party operated without restriction, regularly holding rallies and conducting political activities. Authorities occasionally restricted the activities of the main opposition parties by refusing them permission to hold public demonstrations and preventing opposition leaders from appearing on local radio stations. Police fired tear gas to disperse rallies of opposition leaders. For example, on May 21, police fired tear gas to disperse a crowd that had gathered to hear opposition leader Besigye and Kampala Mayor Lukwago at Nakasero Market in Kampala. There were no reports of injuries.

Police arbitrarily arrested several FDC opposition leaders during the year. For instance, on April 16, police arrested six supporters of the FDC and charged them with disobeying lawful orders. Authorities released the suspects on police bond, and the case was pending at year's end. On October 15, police in Nakasongola arrested six FDC supporters; they were granted bail on October 22 after being charged with holding an unlawful assembly. On November 20, police arrested another FDC official, Simon Rutarondwa, over allegations of links to a new rebel group fighting to overthrow the ruling NRM government. He was in detention at the SIU in Kireka, Kampala at year's end.

On September 25, police arrested and later released opposition MP for Kyadondo East, Ibrahim Nganda Ssemujju, and charged him with illegal assembly. Ssemujju reportedly held a rally at Kireka Park, a suburb of Kampala, in defiance of police orders. The case was pending at year's end.

Participation of Women and Minorities: There were 23 female ministers in the president's 75-member cabinet. The speaker of parliament, the deputy chief justice of the Supreme Court, and the inspector of government (IGG), who heads the leading government anticorruption investigative body, were women. There were 135 women in the 386-member parliament. The law requires elections for parliamentary seats reserved for special-interest groups: 112 for women, five for organized labor, five for persons with disabilities, five for youth, and 10 for the UPDF. An opaque "electoral college" process organized by a single government-supported NGO selected the five persons with disabilities. There was no minority representation in the parliament.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption. However, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The World Bank's most recent Worldwide Governance Indicators reflected corruption was a severe problem. According to the World Bank, the country annually loses 768.9 billion shillings (\$286 million) to corruption.

The government selectively enforced financial disclosure laws, under which an estimated 27,000 public officials were subject to biannual reporting requirements. The requirements apply to spouses and dependent children as well. Public officers are required to disclose their income and assets upon assuming and leaving office.

The IGG is responsible for monitoring compliance. Penalties for noncompliance include a warning or caution; demotion; dismissal, and/or administrative leave from office. For example, authorities dismissed MP Ken Lukyamuzi for noncompliance. According to the IGG, 7,051 officials reported in the 2011-12 cycle. Although Section 7 of the Leadership Code Act 2002 requires public disclosure, authorities did not make these reports public.

Government agencies responsible for combating corruption include the IGG, DPP, Anticorruption Division (ACD) of the High Court, parliamentary Public Accounts Committee, police Criminal Investigation Division, Office of the Auditor General, and Directorate for Ethics and Integrity. There was weak political will to combat corruption at the highest levels of government, and many corruption cases remained pending for years. The ACD has two judges and three magistrates. Since its 2009 inception, the ACD has heard more than 800 corruption cases, several of which involved senior level officials.

On July 25, police arrested officials from the Office of the Prime Minister, including Commissioner for Relief, Disaster Preparedness and Management John Martin Owor and former principal accounting officer Geoffrey Kazinda, along with three junior officers. Authorities charged them with embezzling 316.8 million shillings (\$118,020). Authorities released Kazinda and the other accused on bail with a hearing pending at year's end.

On September 19, authorities indicted several senior-level officials pending police investigations into corruption. Those charged included Jimmy Lwamafa, permanent secretary for the Ministry of Public Service; Kiwanuka Kunsu, commissioner of pensions; principal accountant Christopher Obeyi; head of information technology Francis Lubega; and Peter Ssajabi, national secretary, East African Community Beneficiary Association. The case involved a fraudulent distribution of funds in which 63 billion shillings (\$24 million) was paid to more than 1,000 nonexistent pensioners in 2011.

On September 25, the Magistrates Court passed on to the High Court for trial the case of Foreign Minister Sam Kutesa, Minister for General Duties John Nasasira, and State Minister for Labor Rukutana Mwesigwa. Authorities charged the ministers with abuse of office and causing financial loss of 14 billion shillings (\$5.2 million) in October 2011. The trial began on October 22, and on November 9, the court acquitted and discharged the ministers for lack of evidence.

According to Transparency International, the police and judiciary were the institutions most prone to corruption. Police arrested several officers implicated in bribery and corruption. Authorities arrested several magistrates and judicial officials for forgery, soliciting, and receiving bribes.

The law provides for public access to government information, but the government rarely provided such access. In June 2011 the government passed the Access to Information Act, which allows individuals to petition any government department to access information. However, the Secrecy Act bars public servants from revealing information. The law provides that a person shall disclose information within three months of becoming an elected official or assuming public office and thereafter in December every two years.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Local LGBT-related NGOs were denied official status due to the discriminatory law preventing their registration.

An August 21 Human Rights Watch report asserted the government restricted NGOs. The report concluded many NGOs deliberately avoid engaging in political issues to avoid negative government scrutiny.

On April 14, the minister of internal affairs summoned the Uganda Land Alliance (ULA) for questioning. The investigation of the ULA followed a September 2011 global report, written in collaboration with Oxfam International, that alleged foreigners and multinational corporations had displaced 20,000 persons in various districts.

On June 14, the NGO Board, the government body responsible for overseeing the operations of NGOs, ordered the local NGO, Advocates Coalition for Development, to cease involvement in political activities.

On July 27, the government announced an NGO policy to guide and regulate the operations of civil society organizations. Among other elements, the policy officially defines an NGO and provides an implementation framework with clearly articulated roles and responsibilities for both state and nonstate actors.

The government was generally responsive to some of the concerns of local and international human rights organizations.

UN and Other International Bodies: The government cooperated with international governmental organizations and permitted visits by the UN, the OHCHR, the ICRC, and other international organizations.

Government Human Rights Bodies: The UHRC is a constitutionally mandated institution with quasi-judicial powers to investigate allegations of human rights abuses and award compensation to abuse victims. Although the UHRC operates independently, the president appoints its seven-member board. Under the law the UHRC may subpoena information, direct the release of detainees, and order the payment of compensation for abuses. The UHRC pursued suspected human rights abusers, including in the military and police forces, and had branches countrywide. Its resources, however, were inadequate to investigate all complaints received.

In its June 2011 annual report, the UHRC reported registering 1,231 human rights complaints against 1,182 individuals, including 151 UPDF members, 457 police officers, 46 members of other security agencies, 40 prison wardens, 272 private citizens. Of the 1,231 complaints, 34.8 percent involved allegations of torture or cruel, inhumane, or degrading treatment and punishment. The report urged the government to pass pending antitorture legislation (which was subsequently passed in April 2012); improve prison conditions, particularly for women and children; eliminate illegal detention and prolonged pretrial detention practices; and provide SSF with increased human rights training.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law prohibits discrimination based on race, gender, disability, language, or social status but is silent on sexual orientation and gender identity. The penal code, however, prohibits “unnatural offenses.” The government did not enforce the law in matters of locally or culturally prevalent discrimination against women, children, persons with disabilities, or certain ethnic groups.

### **Women**

Rape and Domestic Violence: The law criminalizes rape, including spousal rape. Rape remained a serious problem throughout the country, and the government did not consistently enforce the law. Although the government arrested, prosecuted, and convicted persons for rape, the crime was seriously underreported, and

authorities did not investigate most cases. Police lacked the criminal forensic capacity to collect evidence, which hampered prosecution and conviction. The 2011 police crime report registered 520 rape cases throughout the country, of which 269 were tried.

The law criminalizes domestic violence and provides penalties for abusers ranging from fines to two year's imprisonment. However, women's activists were concerned the law was not enforced. Although the 2011 UPF annual crime report listed 181 reported cases of domestic violence, up 14 percent from 2010's 159 cases, these statistics substantially underestimated the extent of the problem. Domestic violence against women remained widespread. A July 19 Center for Basic Research report indicated 70 percent of women interviewed from eastern and northern regions had been beaten by their husbands. In addition the findings indicated 17 percent of the same women had been raped, 23 percent forced into marriage, 1 percent denied inheritance rights, and 10 percent denied political rights.

Many law enforcement officials viewed wife beating as a husband's prerogative, as did the majority of the population, and police rarely intervened in cases of domestic violence. Between January and September, the government arrested six persons for domestic violence offenses. For example, on May 4, the Iganga High Court convicted Ahmed Gangira for the murder of his wife, Hawa Nakiranda, and sentenced him to 20 years in prison.

On March 11, a court in Jinja dismissed murder charges against Captain Charles Ogwal for lack of evidence. Authorities accused Captain Ogwal of killing his wife, Jane Asimo, following a family argument.

Female Genital Mutilation/Cutting (FGM/C): The law and constitution prohibit FGM/C and establish a maximum penalty of life imprisonment. Neither culture, religion, nor the consent of the victim is an allowable defense. The government, women's groups, and international organizations continued to combat the practice through education. These programs, which received some support from local leaders, emphasized close cooperation with traditional authority figures and peer counseling. Nevertheless, the Sabinu ethnic group in rural Kapchorwa District and the Pokot ethnic group along the northeastern border with Kenya continued to practice FGM/C. (See also section 6, Children.)

In December the Reproductive Education and Community Health program, a local NGO that monitors the prevalence of FGM/C, received reports of 118 women who were victims of the practice.

On December 24, police in Bukwo District arrested Danis Kokop, Kissa Kokop, and Rholah Kokop, who were found conducting FGM/C on 20 women in Bukwo District. The case was pending hearing at year's end.

Sexual Harassment: The law criminalizes sexual harassment with penalties of up to 14 years of imprisonment, but authorities did not effectively enforce it. Sexual harassment was a serious and widespread problem in schools, universities, and workplaces.

Authorities from Makerere and Kyambogo universities continued to investigate reports of the sexual harassment of students by some lecturers from November 2011 and investigations were pending at year's end.

Reproductive Rights: There are no laws restricting couples or individuals from deciding the number, spacing, and timing of their children. There are no laws restricting access to reproductive information or otherwise limiting such access via discrimination, coercion, and violence. However, family planning information and assistance were difficult to obtain, particularly in rural areas, where there were few health clinics. According to the UN Population Fund, 18 percent of women ages 15-49 used a modern method of contraception. By the end of September Ministry of Health officials recorded 435 maternal mortality deaths per 100,000 live births. Skilled health personnel attended 42 percent of births. Health officials attribute the high maternal mortality rate to medical complications based on excessive bleeding after birth, obstructed labor, high blood pressure, malaria, a shortage of staff to attend to mothers, and delivery outside of health facilities.

Discrimination: The law invests women with the same legal status and rights as men. However, discrimination against women continued to be widespread, especially in rural areas. Many customary laws discriminate against women in adoption, marriage, divorce, and inheritance. Under local customary law in many areas, women cannot own or inherit property or retain custody of their children. Traditional divorce law in many areas requires women to meet stricter evidentiary standards than men to prove adultery. Polygyny is legal under both customary and Islamic law, and in some ethnic groups men can "inherit" the widows of their deceased brothers. Women also experienced economic discrimination. For example, a June 2010 study conducted by local NGO Actionaid found that women,

who did most of the agricultural work, owned only 7 percent of the agricultural land. Women also experienced economic discrimination in access to employment, credit, income, business ownership, and senior or managerial positions.

Eliminating gender inequality remained a high priority for the government, which, in conjunction with NGOs and women's rights groups, sponsored workshops and training sessions throughout the country to increase awareness of women's rights.

During the year Actionaid sponsored several workshops on women's rights in various districts including Amuru, Lira, Nebbi, Pallisa, Mubende, Kumi, Katakwi, Kween, and Kampala.

## **Children**

Birth Registration: The law accords citizenship to children born in or outside the country if at least one parent or one grandparent held Ugandan citizenship at the time of the child's birth. Children under the age of 18 who are abandoned in the country with no known parents are considered Ugandan citizens, as are children under the age of 18 adopted by Ugandan parents.

The law requires citizens to register a birth within three months. According to the 2011 Uganda Demographic and Health Survey only 29 percent of rural and 38 percent of urban births were registered. Citizens who cannot afford the birth registration fees do not participate in the registration process, but are not denied citizenship.

In general, lack of registration did not result in denial of public services. However, many primary schools, especially in urban centers, required birth certificates for enrollment. Enrollment in university and other tertiary institutions also required birth certificates. In September 2011 the Uganda Registration Services Bureau (URSB), the government agency responsible for recording births and deaths, launched a computerized system that uses mobile telephones to deliver timely and accurate records. The system enables officials to send details of births and deaths as a text message to the central server at URSB headquarters in Kampala.

Education: The law provides for tuition-free and compulsory education for the first seven years of primary school or through high school for especially underprivileged students. Students, except for the most underprivileged, must pay for school supplies and some school operating costs. Many parents could not afford these expenses.

Child Abuse: Child abuse remained a serious problem, particularly rape and sexual abuse of girls, and recorded cases greatly understated the pervasiveness of abuse.

According to the 2011 annual police crime report, defilement (akin to statutory rape) remained the most common crime committed against children, with 7,690 cases recorded. The report also registered 520 cases of rape, 69 of child trafficking, eight of child sacrifice, 8,075 of child neglect, 1,973 of child desertion, 1,775 of child abuse and torture, 125 of kidnapping, 66 of infanticide, and 423 of other sexual-related offenses, including assault and incest. The government worked with UNICEF and NGOs, including Save the Children and African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN), to combat child abuse.

On August 31, the government newspaper *Saturday Vision* reported corporal punishment was pervasive in primary schools in the greater Kampala area, despite a government directive prohibiting the practice. According to the report, in approximately 98 percent of the 30 schools surveyed in greater Kampala, pupils were caned for offences ranging from giving wrong answers to speaking in their vernacular language instead of English.

There were numerous reports of ritual sacrifice of children during the year. The government took some steps to address this problem. For example, on July 13, the High Court in Kampala convicted Joyce Jane Kiggundu and sentenced her to 14 years' imprisonment for kidnapping a 10-year-old boy to perform a ritual sacrifice in January 2011.

There were developments in previous ritual murder cases. For example, on July 26, the High Court in Masaka sentenced Godfrey Kajubi to life imprisonment for the ritual murder of a 12-year-old boy in 2008. However, Kajubi appealed the verdict, which was pending a hearing at year's end.

Perpetrators of sexual abuse often were family members, neighbors, or teachers. In 2009 the UPF began providing free rape and defilement medical examinations throughout the country to assist investigations. An estimated 10,050 victims of rape and defilement have since received free medical examinations at Mulago Hospital in Kampala.

Child Marriage: The legal minimum age for marriage is 18, but authorities did not actively enforce the law. Marriage of underage girls by parental arrangement was common, particularly in rural areas. Local NGOs and the Police Family and Children Unit reported that acute poverty forced some parents to give away their children, including girls as young as age 12, for early marriage and sexual arrangements.

On December 8, police in Mbarara District arrested 16 family members who allegedly forced a 13-year-old girl to get married. Investigations and a hearing of the case were pending at year's end.

According to UNICEF, 12 percent of women 20 to 24 years old were married or in a union before they were 15 years old, and 46 percent were married or in a union before reaching age 18.

According to a November 2011 survey conducted by an international women's organization in Kasese District, girls entered marriage as early as age 12. The report stated that in Bukonzo East, 22 percent of marriages involved girls between the ages of 12 and 14, and 78 percent of marriages involved girls between 15 and 17 years of age. In Busongora North, 19 percent of marriages involved girls between 12 and 14, and 81 percent of marriages involved girls between 15 and 17 years of age. Reportedly, Kasese was the district with the highest number of early marriages.

The law considers sexual contact outside marriage with girls less than 18 years of age, regardless of consent or age of the perpetrator, as "defilement" and carries a maximum penalty of death. Such cases often were settled by a payment to the girl's parents.

Harmful Traditional Practices: The law and constitution prohibit FGM/C and other related activities and establish a maximum penalty of life imprisonment. A local NGO that monitors the prevalence of FGM/C reported that 30 girls were subjected to FGM/C in September in Nakapiripirit District. There were no reports of FGM/C on girls in the districts of Kapchorwa, Bukwo, Kween, or Amudat.

The June 2011 case against Kam-Kosike Lonete for her involvement in FGM/C practices was pending hearing at year's end.

Sexual Exploitation of Children: Commercial sexual exploitation of children was a problem. According to a February study conducted by the local NGO African

Network for the Prevention and Protection against Child Abuse and Neglect, extensive commercial sex exploitation of girls between ages 15 and 19 occurred in Kampala District.

While the law prohibits sexual exploitation of children, the government did not enforce the law effectively. The minimum age of consensual sex is 18 years. The law prohibits child pornography. On March 12, police arrested Emin Baro, a Turkish citizen, on charges of molesting underage girls and possessing child pornography. On March 27, a court convicted Baro of sexually molesting underage girls and fined him 7.2 million shillings (\$2,680). Activists and government agencies condemned the ruling as too lenient, which prompted police to rearrest Baro on March 29. On October 16, Baro appeared in court on charges of aggravated defilement and authorities remanded him to prison; the case was pending at year's end.

Child Soldiers: Although LRA members who were abducted as children continued to leave the LRA and return home, an estimated 250 to 400 LRA fighters remained. Despite a significant reduction in LRA size since 2008, the LRA continued to hold women and children against their will, although increasingly the group abducted children from neighboring countries. The government led regional efforts to counter the influence of the LRA in coordination with South Sudan, the CAR, and the DRC.

Infanticide or Infanticide of Children with Disabilities: According to the 2011 annual police crime report, there were 66 reported infanticides that year.

Displaced Children: Families from the farming regions of Karamoja sent many children to Kampala during the dry season to find food and work, and most of them ended up begging on the streets. Police routinely rounded up street children and relocated them to a custodial home for juvenile delinquents where staff attempted to locate the children's families and return them to their homes. During the year authorities rounded up 52 street children and took them to Kampiringisa National Rehabilitation Centre in Mpigi. The center, understaffed and underfunded, was often unable to accommodate the influx of children from these roundups, and many of them eventually returned to the Kampala streets.

Institutionalized Children: There were reports of abuses in several orphanage centers. Of the 412 orphanages operating in the country, only 34 were formally registered. The government lacked the ability to manage registration and monitoring of orphanages.

On April 13, authorities in Rukungiri District closed Rubirizi Child Development Center following a petition by residents alleging one of the administrators had been sexually abusing some of the children. Police arrested the administrator and an investigation was pending at year's end.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

The Jewish community was small, and there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other state services. However, the government did not enforce the law effectively, and persons with disabilities faced societal discrimination and limited job and educational opportunities.

On April 1, the government launched a new program on special needs and inclusive education to enhance education of children with disabilities. With the exception of nine Kampala-based television stations, stations did not comply with the June 30 UCC deadline to carry sign language interpretation for all programming. The government took no action against these stations. The UHRC also received complaints of discrimination in employment and access to transport and other public services. Most schools in the country did not accommodate persons with disabilities.

A July report released by the National Council on Disability (NCD) indicated 55 percent of persons with disabilities lacked functional literacy skills, and only 33 percent studied to primary grade seven. The report found some children with mental disabilities were sometimes denied food and were tied to trees and beds

with ropes in order to control their movements. The report further stated the needs of children with autism and learning difficulties were ignored due to an insufficient number of special needs schools.

While the law requires access to special facilities for children with disabilities, a September 2011 survey conducted by the NCD indicated 80 percent of hospitals and health centers lacked access ramps.

The law reserves five seats in parliament for representatives of persons with disabilities. However, the NCD reported participation by persons with disabilities in elections was minimal as they could not access polling centers because of physical barriers; election materials did not accommodate persons with visual impairments; and polling stations lacked support services such as guides, helpers, and sign language interpreters. The NCD also noted the civic education offered by the government to citizens was inaccessible to many persons with disabilities since it was done through electronic and print media.

Government agencies responsible for protecting the rights of persons with disabilities included the Ministry of State for Disabled Persons, the NCD, and the Ministry of Gender, Labor, and Social Development, but these entities lacked sufficient funding to undertake any significant initiatives.

### **National/Racial/Ethnic Minorities**

There were isolated reports of violence between ethnic minorities in some parts of the country. For example, on January 12, tribal clashes between the Bagisu and Sabinu over disputed land left two persons dead, approximately 14 houses burned, and at least 200 persons displaced.

### **Indigenous People**

The government displaced the Batwa ethnic tribe, with an estimated 6,700 members, in 1992 when it created Mgahinga National Park, Bwindi Impenetrable National Park, and Echuya Central Forest Reserve. This displacement compounded challenges faced by the Batwa, including limited access to education, health care, land, and economic opportunities.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

LGBT persons faced discrimination and legal restrictions. Consensual same-sex sexual conduct is illegal according to a law from the colonial era that criminalizes “carnal knowledge of any person against the order of nature” and provides a penalty up to life imprisonment. While authorities did not convict any persons under the law, the government arrested persons for related offenses.

On April 3, a court in Iganga District remanded Richard Nyeusi Mulwo, deputy head teacher of Bulumwaki Primary School, for trial in the High Court for engaging in homosexual activities. At year’s end the trial was pending.

On September 13, police in Kampala arrested British theatre producer David Edwards Cecil for staging a play police alleged promoted homosexual activity. The play was reportedly performed in several venues around Kampala in August, despite an injunction by the Media Council, the government media regulatory body. On September 17, a court charged Cecil with violating lawful orders issued under section 117 of the penal code and for staging a play while it was under review by the Media Council. Cecil was released on bail, and his case was pending at year’s end.

LGBT persons were subject to societal harassment, discrimination, intimidation, and threats to their well-being, and were denied access to health services. Discriminatory practices also prevented local LBGT NGOs from registering with the NGO Board and obtaining official status (see section 2.b.).

On March 15, four LGBT activists filed a petition in the High Court accusing the minister of ethics and integrity and the attorney general of illegally closing a workshop organized by Freedom and Roam Uganda in Entebbe on February 14. Hearing of the case was pending at year’s end.

The government blocked meetings organized by LGBT groups. For example, on June 18, police closed a skills-building workshop for LGBT human rights defenders organized by the East and Horn of African Human Rights Defenders Project (EHAHRDP) in Kampala. Police detained workshop participants, guests, and hotel staff for more than three hours. Two EHAHRDP staff and two workshop participants also were briefly detained but later released.

On October 1, a local news station broadcast a video of a transgender individual being harassed and humiliated at a local police station in Kisenye District. The video showed police officers aggressively touching, taunting, and forcibly undressing the individual, whom the police subsequently paraded before a crowd

of onlookers. Authorities did not file charges against the police officers; they released the transgender individual without charge.

There were no developments regarding the Constitutional Court's deliberations on a petition filed in 2009 challenging the constitutionality of a law that prevents the Equal Opportunities Commission from investigating "any matter involving behavior which is considered to be (i) immoral and socially harmful or (ii) unacceptable by the majority of the cultural and social communities in Uganda."

### **Other Societal Violence or Discrimination**

Discrimination against persons with HIV/AIDS was common and prevented such persons from obtaining treatment and support. International and local NGOs, in cooperation with the government, sponsored public awareness campaigns to eliminate the stigma of HIV/AIDS. Counselors encouraged patients to be tested with their partners and family so that they all received information about HIV/AIDS. Persons with HIV/AIDS formed support groups to promote awareness in their communities. During the year, in line with the National HIV/AIDS policy launched in 2011, several government departments launched HIV/AIDS workplace policies to protect and maintain employee health and well-being at work. For example, on May 15, the Ministry of East African Affairs announced an HIV/AIDS workplace policy to promote freedom from stigma and nondiscrimination for all employees. With resources from the ministry budget and support from the Uganda AIDS Commission, the policy provides drugs, promotes gender equity and equality, and disease management for HIV-positive employees. In October the ministry inaugurated a committee to implement the policy and train staff counselors.

NGOs reported many HIV-positive inmates in prison did not have adequate access to antiretroviral medication, especially in rural areas, and prison officials sometimes subjected HIV-positive inmates to hard labor (see section 7).

Mob violence was a problem. Mobs attacked persons suspected of stealing, ritual sacrifice, witchcraft, and other crimes, resulting in deaths.

For example, on April 30, a mob in Buvuma District stoned to death a Buvuma police station crime preventer, a person recruited and given basic training to assist the police in community policing, over allegations of practicing witchcraft. Authorities arrested several mob members.

On July 13, police in Luwero District arrested 10 persons in connection with the alleged vigilante killing of a suspected thief. The incident occurred on July 12, and investigations in the case were pending at year's end.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law allows workers, except for “essential” government employees, which includes police, army, and management-level officials, to form and join independent unions. All unions must be registered either under the National Organization of Trade Unions (NOTU), or the Confederation of Trade Unions. The law allows unions to conduct activities without interference, prohibits antiunion discrimination by an employer, and provides for reinstatement of workers dismissed for union activity, the right to strike, freedom of association, and the right to bargain collectively. The government did not always protect these rights. NOTU officials reported some employers used a “recognition agreement” to allow union operations at the work place. Labor activists reported government oversight of labor practices was poor and that the Ministry of Gender, Labor, and Social Development was underfunded and understaffed. Labor inspectors were present in only 44 of the 112 districts. Most employers did not give employees written contracts of employment, resulting in lack of job security and union representation.

Worker organizations were independent of the government and political parties. However, four members of the ruling NRM party and one independent held the five seats set aside in parliament for workers. There were instances of government interference in union activity. For example, on January 30, police in Kampala blocked a meeting organized to discuss teachers' demands for salary increases and improved working conditions.

As of September 30, local media reported 11 strikes over low salaries, wages, and poor working conditions. Police occasionally arrested persons engaged in demonstrations and strikes or used excessive force to disrupt striking workers. For instance, on May 1, police in Kampala arrested and later released without charge 21 workers' activists who were demonstrating against the government's failure to address workers' rights.

Antiunion discrimination occurred in practice, and labor activists accused several companies of preventing employees from joining unions by denying promotions,

not renewing work contracts, and sometimes refusing to recognize unions. For example, NOTU officials cited numerous companies that resisted trade unions, including telecommunications company MTN Uganda, Posta Uganda, and all Chinese and Asian-managed firms. Labor activists reported workers continued to lose their jobs because of joining unions in other sectors. NOTU officials in particular cited MTN Uganda, which threatened to exclude workers who joined unions from the company's pension fund.

Public service unions, including medical staff and teachers, were able to negotiate their salaries and employment terms through their unions. However, the government fixed salaries for "essential government employees," including police, military, and management-level officials. On August 14, the government inaugurated the National Negotiation and Consultation Council, a key step in the push for negotiating space on the salary and welfare of government workers. Labor activists reported some employers ignored the legal requirement to enter into Collective Bargaining Agreements (CBA) with registered unions. Labor activists also reported some employers resorted to subcontracting and outsourcing services or hired workers temporarily in order to avoid CBAs. According to NOTU, seven CBAs were signed during the year.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor, including by children, but does not expressly prohibit prison labor. The law states such labor becomes forced only if the worker is "hired out to or placed at the disposal of a private individual, company, or association." The government did not always enforce the law, and there were reports forced labor practices occurred, particularly in prisons (see section 1.c.). Prison officials allegedly hired out prisoners to work on private farms and construction sites, where prisoners were often overworked. Male prisoners performed arduous physical labor, while female prisoners produced marketable handicrafts such as woven basketry. Compensation, when paid, generally was very low. Prisoners did not have savings accounts, but prison accounting staff recorded wages owed in a book, and prisoners had access to these funds.

Forced child labor also occurred (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits employers from hiring workers below the age of 18. The law prohibits children under the age of 12 from being employed in any business or workplace, and all children are prohibited from being employed during school hours. However, by contrast, regulations of the Ministry of Gender, Labor, and Social Development permit the employment of children between the ages of 14 and 18. Furthermore, the law allows 13-year-olds to engage in “light work,” provided it does not interfere with their education. The law prohibits children from working from 7 p.m. to 7 a.m. and does not allow children to be employed in work that is “injurious to their health, dangerous or hazardous or otherwise unsuitable.” In addition, the law provides for inspection of workplaces, identification of hazards at the workplace, and other related matters for all workers, including children. According to ANPPCAN, children between the ages of five and 18 were employed.

Institutions responsible for enforcing child labor laws and policies include the National Council of Children; the police force’s Child and Family Protection Unit; the Industrial Court; and the Ministry of Gender, Labor, and Social Development. Financial constraints limited efforts. For instance, the Industrial Court lacked judges, so the High Court or the Magistrates’ Court handled labor disputes. The Ministry of Gender, Labor, and Social Development provided social services to children working in the worst forms of child labor and other vulnerable groups and conducted training for staff, local leaders, and district labor inspectors. Sixty of its district labor officers were responsible for reporting on child labor issues. However, due to lack of funds and logistical support, district labor officials conducted no child labor inspections since 2004. During the year officials from the Ministry of Gender, Labor, and Social Development’s Occupational, Safety and Health Department conducted 10 labor inspections with a child labor component in various districts. The government coordinated its efforts to stop child labor through the National Steering Committee on Child Labor, which included representatives of the Ministry of Gender, Labor, and Social Development, Ministry of Education and Sports, Ministry of Local Government, Federation of Uganda Employers, NOTU, NGOs, journalists, and academics. The steering committee last met in June.

The government cooperated with the International Labor Organization (ILO), foreign governments, and NGOs on several initiatives to combat child labor, including the education and reintegration of child laborers into their communities. On June 26, the government initiated the National Action Plan for the elimination

of the worst forms of child labor. The plan was the first stage to mobilize policy makers and the public to act and intensify awareness of the risks and consequences of child labor. Several human rights NGOs continued programs to remove children from hazardous work situations.

Nevertheless, child labor was common, especially in the informal sector. Exploitive and forced child labor predominantly occurred in rural areas in cattle herding; transport, mining; street vending, or begging; scrap collecting; stone quarrying; brick making; road construction and repair; car washing; fishing; domestic nanny and housekeeper services; bar or club service work; border smuggling; and in commercial farming including the production of tea, coffee, sugarcane, vanilla, tobacco, rice, cotton, charcoal, and palm oil. In urban areas children sold small items on the street, worked in shops, begged for money, and were exploited in the commercial sex industry. Many children left school and engaged in agricultural or domestic work to help meet expenses or perform the work of absent or sick parents, a situation common throughout the country. The problem was particularly acute among the large orphan population. According to UNICEF's State of the World's Children 2012 report, 41 percent of child laborers five to 14 years old were forced to work under poor conditions and poor health and safety standards.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The minimum legal wage was set in 1984 at 6,000 shillings (\$2.23) per month. In 2003 the government and the private sector negotiated a new rate of 54,000 shillings (\$20.10) per month, which the government had not implemented by year's end.

In industries that employed workers on an hourly basis, the normal workweek was 40 hours. The legal maximum workweek is 48 hours, and the maximum workday is 10 hours per day. The law may extend the workweek to 56 hours per week, including overtime, with employee agreement. An employee may work in excess of 10 hours a day if the average number of hours over a period of three weeks does not exceed 10 hours per day or 56 hours per week. The law provides for an employee who works in excess of 48 hours per week to be remunerated at the minimum rate of 1.5 times the normal hourly rate for the overtime hours and two times the hourly rate on public holidays. The law grants employees a 30-minute

break for every eight-hour work shift. For every four months of continuous employment, an employee is entitled to seven days of paid annual leave. Many industries paid workers annual bonuses in lieu of overtime. Section 53 (8) of the Employment Act 2006 allows compulsory overtime for all workers. In July 2011 the Uganda Local Government Workers Union petitioned the Constitutional Court, protesting discrimination in remuneration of employees doing the same work. Hearing of the petition was pending at year's end.

The law establishes occupational safety and health standards, and the Ministry of Gender, Labor, and Social Development's Department of Occupational Health is responsible for enforcement of those regulations. The law covers all workers, including foreign and migrant workers. The law includes provisions for district labor inspectors to "secure the enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work."

Authorities did not effectively enforce the law due to the lack of vehicles and financial constraints. As a result the Ministry of Labor, Gender, and Social Development's Occupational, Safety and Health Department carried out few inspections during the year. Workers in the informal sector were subject to hazardous working conditions. There was no credible data available on the number of workers in the informal sector.

NOTU officials recorded two deaths and five injuries during the year due to poor safety practices at several construction projects.