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U.S. Department of State

Uganda Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

UGANDA

During the first 6 months of the year, President Yoweri Museveni continued to rule through the National Resistance Movement (NRM), as he had since 1986. The President dominated the Government, the NRM, and the transition process to constitutional government. The October 1995 Constitution provided for a 276-member unicameral Parliament and an autonomous, independently elected President. The Constitution formally extended Uganda's one-party "movement" form of government for 5 years and severely restricted political party activities, with a national referendum on the role of multiple political parties scheduled for the year 2000. In June and July, separate generally peaceful and orderly presidential and parliamentary elections were held; Museveni was elected President by a wide margin, and NRM supporters won an overwhelming majority of seats in the new Parliament. However, provisions of the election laws heavily favored the NRM, and restrictions on political party activities, NRM use of state institutions, inaccuracy in the voters register, and a proliferation of fraudulent voter cards led to a flawed election process. Technical aspects of the election were generally carried out in a transparent manner. The judiciary is generally independent, but weak; the President has extensive legal and extralegal powers.

The Uganda People's Defense Force (UPDF) is the key security force. The new Constitution maintains civilian control of the UPDF, with the President designated as commander-in-chief. The UPDF's demobilization program, which concluded in 1995, was partially reversed due to increasing instability in the north, and some soldiers were reactivated to combat the rebels. Efforts against northern insurgents were placed under the command of President Museveni's brother, Major General Salim Saleh. UPDF soldiers and members of local defense units (LDU's) assist the police in rural areas, although the LDU's

continued to operate without a legal mandate. The Internal Security Organization (ISO) remained under the direct authority of the President. Although primarily an intelligence gathering body, ISO operatives occasionally detained civilians. The ISO's record showed improvement over previous years, although the UPDF, police, and LDU'S committed human rights abuses.

Primarily based on agriculture, the economy grew 8.5 percent during the fiscal year that ended June 30. Coffee remained the chief export crop and foreign exchange earner. In addition, the value of cotton exports jumped by 50 percent, while production of sugar, milk, poultry, and fisheries saw more modest increase. As the privatization of state-owned companies continued, companies ranging from soft drinks to cement received large infusions of private-sector capital. To fight rural poverty (annual gross domestic product was estimated at \$220 per capita), the Government continued its infrastructure modernization programs and relied heavily on foreign aid to support its development program. Foreign assistance accounted for approximately 51 percent of government spending.

The Government's human rights record improved somewhat, but numerous, serious problems remain. Citizens have the right to change their government, but NRM domination of the flawed election process limited this right. Security forces used excessive force, at times resulting in death. Government forces committed or failed to prevent some extrajudicial killings of suspected rebels and civilians. Police, UPDF, and LDU forces regularly beat and sometimes tortured suspects, often to force confessions. Despite measures to improve the discipline and training of security forces, and despite the punishment some security force officials guilty of abuses, security force abuses remained a problem throughout the country.

Prison conditions remained harsh. Prolonged pretrial detention remained a problem. Poor judicial administration, lack of resources, a large case backlog, and lengthy trial delays circumscribed due process and the right to a fair trial. The UPDF at times infringed on citizens' privacy rights. The Government at times restricted freedom of the press. Although independent newspapers generally published freely, the Government dominated the media, limited freedom of speech during the election campaigns, occasionally used outdated sedition laws, and imprisoned some members of the media. This led some journalists to practice self-censorship. In July the UPDF began censoring press reports about the northern insurgencies. The Government has required many students to take NRM political education courses; however, this program was suspended for much of the year. The new Constitution extended previously existing restrictions on political activity for an additional 5 years, effectively limiting freedom of assembly and association. Discrimination against women, domestic violence, and the rape of women and children remained serious problems. Child labor is widespread.

Insurgent forces committed numerous serious abuses. The Lord's Resistance Army (LRA), led by Joseph Kony, continued to kill, torture, maim, rape, and abduct large numbers of civilians. The West Nile Bank Front (WNBF) also committed killings.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of politically motivated killings by government forces. However, in the course of official operations, police, UPDF, and LDU personnel sometimes used excessive force, resulting in deaths. In one incident, an LDU guard killed an unarmed civilian to protect an accused thief from a mob. In another incident, an LDU guard killed 11 persons by rolling a grenade into a dance hall after he saw

another man with his girlfriend. The guard and a dozen of his LDU companions were arrested following the incident. In Mbale district, the army began disarming the LDU's to counter such offenses. In the northern town of Gulu in August, UPDF personnel stood aside while a mob beat to death four prisoners believed to be members of the LRA. In another incident in April, UPDF soldiers reportedly killed an unarmed LDU guard in the Gulu area while he was in the process of surrendering to arrest. In June two persons residing in the Gulu town barracks were shot to death under suspicious circumstances. In November a police officer in Kampala opened fire on a crowd that was restraining police from stripping naked a suspected thief (a common mode of informal justice); one person was killed and four seriously wounded. No government action in response to these incidents was reported. Poor conditions and lack of adequate medical treatment caused many deaths in prisons (see Section 1.c.).

At year's end, the case of the policeman arrested in June 1995 for killing a striker at the Lugazi Sugar Corporation was still pending. Vigilante justice was a problem (see Section 1.c.).

The LRA was responsible for the killing of numerous civilians (see Section 1.g.).

b. Disappearance

There were no reports of politically motivated disappearances at the hands of government forces.

On August 4, the LRA abducted Alfred Ocen Lalur, the chief administrative officer of Lira. His whereabouts remain unknown (see also Section 1.g.).

In addition, the LRA abducted dozens of school-age children, reportedly for indoctrination in Sudan as LRA guerrillas, for sale as slaves, or for sexual purposes. While some of those abducted later escaped or were recaptured, the whereabouts of many children remained unresolved at year's end.

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

The Constitution prohibits "any form of torture, cruel, inhuman, or degrading punishment." Police and UPDF commonly beat and sometimes tortured suspected criminals, often to force confessions. In one instance, three police officers were disarmed and beaten by a group of disgruntled citizens. Reinforcements returned shortly thereafter to arrest 70 perpetrators, who were in turn beaten by the police.

LDU's, which frequently lack training, are guilty more often than police of mistreatment of prisoners and detainees. Although they have no authority to make arrests, LDU's

continued to do so in rural areas. The Government investigated some cases of abuse, trying and punishing some offenders. One LDU guard was arrested in January after he allegedly shot a person in his custody.

There were scattered instances in which mobs attacked suspected thieves and other offenders caught in the commission of crimes. These mobs engaged in stoning, beatings, and other forms of mistreatment, such as tying the suspect's wrists and ankles together behind his back, or forcing accused criminals to hop painfully on the sides of their ankles. The authorities rarely prosecuted persons engaged in mob justice. On occasion mob violence resulted in death.

Prison conditions remained harsh. There are two civilian prison systems: One State-funded and run by the Ministry of Internal Affairs, and a second run at the local administration level, under the auspices of

the Ministry of Local Government. Conditions are particularly harsh in the 133 local prisons, which received no central government funding. Additionally, although the law states that civilians are never to be held in military barracks, civilians continued to be detained in barracks for years, often without trial. Both civilian and military prisons have high mortality rates from overcrowding, diseases spread by unsanitary conditions, malnutrition, and AIDS, a disease that is widespread among the general population. No accurate estimates are available on the number of deaths due to poor conditions and lack of medical care. According to reports by nongovernmental organizations (NGO's), however, at least three persons died in early 1996 at Kangulumira prison in eastern Uganda from a combination of poor food, hard labor, and beatings. The predominant cause of death among prisoners, however, was AIDS. In the local prisons, the uniforms and bedding stipulated by law are rarely provided, although there is evidence that wardens do attempt to obtain these items. In large part, harsh conditions result from inadequate funding. The centrally funded prisons are sufficiently organized to grow maize, millet, cassava, beans, eggplant, carrots, and other crops. Prison conditions come closest to international norms in Kampala, where prisons provide medical care, running water, and sanitation. On the other hand, these centrally funded prisons are the most overcrowded. Luzira upper (maximum security) prison regularly holds twice its maximum planned capacity. In June the chief magistrate ordered all judges to visit a prison, so that they would understand the reality of prison life before passing sentences. Human rights groups, especially the Uganda Law Reform Commission, continued to lobby for expanded noncustodial sentencing. Although the law provides for access to prisoners by families, ignorance of this right, and fear of prison authorities, often limit family visits.

At the local level, due to a lack of space, juveniles are often kept in prison with adults. The central prison system maintains one juvenile prison and two lower security reformatory halls. School facilities and health clinics in all three institutions are defunct; prisoners as young as age 12 perform manual labor from dawn until dusk. Women have segregated wings in the prisons, with female staff. According to human rights advocates, rape is not generally a problem. The central prison system has launched a 3-year program to improve prison buildings, water and sanitation systems, food, and uniforms. Most of these items are made within the prison system itself.

In September the Government co-hosted an international conference on prison conditions throughout Africa. The conference produced a declaration on amelioration of prison conditions that is being used by the Government as a guide for its program of prison improvement. As part of this effort, the Government is revising the Prisons Act, which provides the legal basis for prison management. In addition, the Government initiated a plan to integrate local prisons with the central prison system.

Media access to prisons remained limited, but the Government permitted full access to prisons by the International Committee of the Red Cross (ICRC) and local NGO's, principally the Foundation for Human Rights Initiative (FHRI) and the Uganda Prisoners' Aid Foundation (UPAF). Prison authorities require advance notification of visits, a process that is often subject to administrative delays.

d. Arbitrary Arrest, Detention, or Exile

According to the 1995 Constitution, a suspect must be charged within 48 hours of arrest and be brought to trial or released on bail within 120 days (360 days for a capital offense). In practice, however, the authorities enforced neither requirement. Other laws, such as the Public Order and Security Act of 1967 (the Detention Order), provide for unlimited detention without charge, but these laws have never been formally invoked by the NRM Government. Legal and human rights groups sharply criticized the excessive length of detention without trial--in many cases amounting to several years--for alleged offenses under other laws.

Pretrial detainees comprise nearly three-fourths of the prison population. At year's end, there were

11,527 prisoners in the central prison system, of whom 4,126 had been convicted and 7,401 were in pretrial detention (remand). Congestion and delay in the legal system have produced similar figures for several years. At the local level, the situation is far worse. Most of the approximately 4,000 local prisoners have not yet had a fair trial. Civilians detained in military barracks are almost invariably deprived of a fair, civilian trial. The actual numbers of such detainees are unknown, but there are believed to be fewer than in local prisons. Across all types of prisons, the average time in pretrial detention is from 2 to 3 years.

Some incidents of apparently politically motivated arrests were reported, although the number of political detainees is believed to be small. In one case, some 18 Muslim men were reportedly detained in the Kampala area in February by military intelligence officers and confined in a military barracks without charge.

Arbitrary arrest is rare. However, in May a prominent member of the political opposition and a journalist were arrested during the presidential campaign and charged with sedition (see Section 2.a.).

The Government did not use exile as a means of political control. A presidential amnesty for former LRA/WNBF rebels remains in effect, although those who return risk capture by mobs or the UPDF, either of which may subject them to violent retribution.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary. However, while the judiciary is generally independent, the President has extensive legal and extralegal powers that may influence the exercise of this independence. He nominates, for the approval of Parliament, members of the Judicial Service Commission, which makes recommendations on High Court and Supreme Court appointments. The President's influence has also been felt in the Industrial Court (IC) (see Section 6.a.). The highest court is the Supreme Court, followed by (in descending order) the Court of Appeal/Constitutional Court, the High Court, the chief magistrate's court, local council (LC) 3 (subcounty), LC 2 (parish), and LC 1 (village). A minimum of six justices may sit on the Supreme Court and the Court of Appeal/Constitutional Court. Although once considered a useful innovation, the LC courts are now often thought to be sources of injustice due to such factors as bribery and male dominance in rural areas. In addition, there are a few specialized courts to deal with industrial or other matters. The IC for arbitration of labor disputes is structurally parallel to the chief magistrate's court.

At the lower end of the judicial system, the local village councils 1) have the authority to settle civil disputes, including land ownership and payment of debts. These courts, often the only ones available to villagers, frequently exceed their authority by hearing criminal cases, including murder and rape. LC decisions may be appealed to magistrate's courts, but often there are no records made of the case at the village level, and many defendants are not aware of their right to appeal. The civilian judicial system contains procedural safeguards, including the granting of bail and appeals to higher courts.

The right to a fair trial has been circumscribed for many years by an inadequate system of judicial administration and resources, resulting in a serious backlog of cases. Criminal cases may take 2 years or more to reach the courts. Although the case backlog remains huge, some courts began to adhere to the constitutionally prescribed limits on pretrial detention. The Buganda Road Court continued to dismiss cases after 6 months if prosecutors could not produce sufficient evidence to commence a trial. The Mbale court dismissed four persons accused of plotting to assassinate the Speaker of Parliament because their pretrial detention exceeded the legal limit by a day. Chief magistrate Lawrence Gidudu ordered all chief magistrates and magistrates grade 1 to cease granting adjournments if the prosecution does not

present convincing reasons for the delay. In August a Kampala court ordered the release of a Kenyan, arrested for illegally entering the country, who had been detained in Lubiri barracks for 4 months.

Many defendants cannot afford legal representation. The Constitution requires that the Government provide an attorney for indigent defendants accused of capital offenses, but there is rarely enough money to retain adequate counsel. The Uganda Law Society (ULS) operates legal aid clinics in four regional offices. It assists military defendants as well as civilians. The Uganda Association of Women Lawyers (FIDA) and the FHRI also practice public-interest law from offices in Kampala.

The military court system does not assure the right to a fair trial. Although the accused has the right to legal counsel, military defense attorneys are often untrained and may be assigned by the military command, which also appoints the prosecutor and the adjudicating officer. The sentence passed by a military court, which may invoke the death penalty, may be appealed to the high command, but not to the High or Supreme Courts. The ULS in 1995 petitioned the Government to address the lack of an appeals process in the military courts but as of the year's end it had received no response, and the issue appeared to be in abeyance. The Government continued to arrest and charge persons for treason. In the past, numerous human rights abuses were committed in connection with treason cases, including political detentions, detentions without charge, and mistreatment of prisoners. Such abuses reportedly occurred at times in 1996, such as the confinement for 2 weeks in a military barracks of some 25 persons detained on suspicion of treason in southwestern Uganda in September. During the year, the Government charged at least 84 people with treason and related crimes, in addition to at least 100 pending cases in various stages of the legal process. Most were cases in which persons were accused of attempting to overthrow the Government. At least 63 people arrested in 1995 on treason charges for attempting to establish a rebel training camp in Buseruka remain in custody, and their case has moved to the high court. Six suspected LRA rebels remain in custody, and their case has gone to the high court as well, as have the cases of businessman Joseph Lusse and two UPDF soldiers arrested for treason in July 1995. Francis Kilama, charged with treason in July 1995, remains in pretrial detention pending police investigation. In November retired UPDF soldier Eddy Waswa, who had been charged with treason in October, died in Luzira prison, reportedly of natural causes. Several persons previously charged with treason, including businessman Salim Okulla, were released after dismissal of the charges, in some instances for procedural reasons.

The number of political prisoners is unknown. The case of Bright Gabula Africa, whose death sentence for treason was upheld by the Supreme Court in May 1995, remains pending. According to the authorities, no executions for treason occurred during the year.

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

The Constitution provides for the protection of privacy, which the Government generally observes. The law requires that police have search warrants before entering private homes or offices, and the police generally observed this law in practice, although in its effort to combat the rebel movement in the north, the UPDF on occasion invaded private homes without warrants. UPDF forces in the north also allegedly beat civilians and confiscated civilian property, such as cattle. The police sometimes searched vehicles without prior warrants. Prison officials routinely censor the mail of prisoners.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Reports of violations of humanitarian law increased over previous years. In August the UPDF herded 10,000 unarmed residents of the Gulu area into a stadium and interrogated them to identify rebel collaborators. They dubbed the exercise "Operation Panda Gari" (Kiswahili for "get in the truck"). All

but 18 were released within days.

In the north, forces of the LRA led by Joseph Kony regularly attacked civilian and military targets including Sudanese refugee camps, causing widespread death and destruction of homes and property. The LRA continued to kill, maim, rape, and abduct large numbers of civilians. Newspapers reported that Kony offered bounties for the killing of prominent Ugandan military personnel, including the Minister of State for Defense. In one incident, approximately 20 civilians were killed near Gulu at the end of July. Their mutilated bodies were displayed along the main road. LRA soldiers reportedly committed this atrocity to intimidate local citizens. Such extrajudicial killings occurred frequently. The LRA massacred 108 unarmed civilian Sudanese refugees in an attack on the Achol-Pii refugee camp in July. Rebel forces terrorized civilians with tactics that included cutting off noses and ears and breaking legs with hammers. The LRA regularly abducted children of both sexes for impressment into its own ranks. The young abductees were taken to clandestine bases, where they were virtually enslaved as concubines, guards, and soldiers. LRA forces also engaged in the destruction of property, often setting ambushes for military and civilian vehicles. In the north, civilians were routinely abducted by the LRA. The New Vision newspaper reported that the LRA had abducted more than 1,200 people by the end of August, roughly half of whom were later freed. LRA rebels also planted land mines on roads in Gulu and Kitgum district throughout the year. Land mines on the few roads to the border hinder the transport of food to more than 200,000 Sudanese refugees in camps near the border.

In the northwestern region bordering Sudan and Zaire, the WNBF similarly laid land mines on major roads used for relief shipments to refugee camps as well as for local commerce. In September WNBF forces also reportedly attacked trucks transporting refugees, killing 14 persons.

Another rebel group, the Allied Democratic Forces (ADF) invaded the Kasese region from Zaire in November. Before being driven out by the UPDF, the ADF abducted hundreds of civilians from the locality. A number of abductees, including at least seven government officials, were subsequently murdered.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, but the Government at times restricted these rights in practice. The media were dominated by the New Vision, a Government-funded daily newspaper with a circulation of 40,000 (with up to 10 readers sharing each copy) and a Government-controlled radio station, Radio Uganda. These news sources were of a fairly high quality and often included reporting critical of the Government. The Government's occasional use of outdated sedition laws and imprisonment of some members of the media led some journalists to practice self-censorship. During the election campaigns, the New Vision exhibited a clear pro-NRM editorial bias, and gave more prominent coverage to NRM supporters running for office.

However, the availability of rival nongovernment publications increased. The independent Monitor newspaper equaled the New Vision by increasing its circulation to 40,000; another independent, The Crusader, which began publication in December 1995, quickly expanded its circulation and credibility. The East African, a Nairobi-based weekly publication that covers Uganda extensively, expanded its circulation without government hindrance.

The editor of the most outspoken biweekly, Teddy Seezi Cheeye of the Uganda Confidential, was convicted for defamation of Chief Justice Wambuzi and "the publication of false news." He continued to

face various civil suits for defamation as a result of his emphasis on highly personalized and derogatory news and comments; the loss of these suits could result in imprisonment.

The Government controls one television station and the radio station with the largest audience. There are three local television stations, three local radio stations, and five stations available by satellite. Uncensored Internet access became widely available through three commercial service providers in major cities, although its price was prohibitive for all but the most affluent noninstitutional users.

Freedom of speech did not fare well in the context of the transition to constitutional government, including the presidential and parliamentary elections. Guidelines imposed by the Ministry of Internal Affairs prevented members of the former constituent assembly from addressing groups outside their constituencies. Electoral rules prohibited "campaigning" by presidential challengers until the official start of the campaign 39 days before the election. However, in their official capacity, President Museveni and senior members of the Government were free to travel throughout the country for months prior to the election. Rallies in support of all three presidential candidates suffered varying levels of harassment from thugs, in some cases resulting in physical injuries. It appeared, however, that such incidents were particularly directed at President Museveni's opponents.

Yusef Nsubuga Nsambu, a leader of the Conservative party and a supporter of presidential challenger Dr. Paul Ssemogerere, was arrested in May and charged with sedition for his unflattering descriptions of President Museveni. He was released unharmed 2 days later.

The press and media law, passed in June, requires that journalists be licensed and meet certain standards, including holding a university degree. The law provides for a Media Council to monitor and discipline journalists. The law also gives the Government power to suspend newspapers and to deny access to state information. Although the Media Council was established, government officials were not vigorously enforcing the law, both for practical and political reasons. In October a producer at an independent radio station was briefly detained for broadcasting a program in which guests criticized the government's new value-added tax (VAT). About 11 others, including a Member of Parliament, were also briefly detained on suspicion of inciting a week-long protest by business owners against the VAT.

A considerable degree of academic freedom exists at the two public and five private universities, with no government interference in teaching, research, or publication. Students have sponsored wide-ranging political debates in open forums on campus, including an interdisciplinary conference on human rights at Makerere University.

In the past, the Government has required many students and government officials to take NRM political education and military science courses known as "Chaka Mchaka." These courses have been criticized as indoctrination in NRM political philosophy, including the view that political parties were responsible for the country's civil conflicts before 1986. There were reports that the techniques used in some of the courses included intimidation, physical and mental abuse, and sexual harassment. Although this program was largely in abeyance in 1996, legislation providing funding for the Government's "mass mobilization" program was criticized as indirectly supporting the NRM and could result in the program's revival.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, but the Government restricts this right in practice. The Constitution bans political parties both from holding national conventions and opening branch offices outside the capital for 5 years.

During the parliamentary election, the Government denied permits for public gatherings and rallies by opposition politicians. In Mbale, LDU's fired into the air during a campaign meeting held by the main presidential challenger, Paul Ssemogerere. The police issued administrative permits for public gatherings, but retained the right to deny permits in the interest of public safety. The police prevented or dispersed at least 13 rallies, seminars, and other public events organized by opposition leaders, including Ssemogerere, Uganda People's Congress Acting Secretary General Cecilia Ogwal, the National Freedom Party, and profederalist activists.

The Constitution provides for freedom of association, but the Government restricts this right in practice. NGO's are required to register with the Nongovernmental Organizations Board, which includes representation from the Ministry of Internal Affairs as well as other ministries. The Government generally approves NGO registration, although there have been instances in which NGO's considered to be opposed to the Government politically have encountered serious difficulties in obtaining registration.

c. Freedom of Religion

The Constitution protects freedom of religion, and the Government respects this right in practice. There is no state religion. Prisoners are given the opportunity to pray on the day appropriate to their faith. Muslim prisoners are usually released from work duties during the month of Ramadan.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government respected them in practice. A married woman needs to obtain her husband's signature on her passport application if children are travelling on the same passport.

The Government has a policy of providing first asylum for refugees and has repeatedly provided such asylum in recent years to citizens of each of its neighboring countries. In 1996 first asylum was granted to nearly 16,000 Zairian asylum seekers. Approximately 2,000 Rwandan refugees, who have had refugee status in Tanzania since 1994, entered Uganda in December to avoid repatriation to Rwanda and were allowed to remain, although at the year's end they had not been granted refugee status.

The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. There were no reports of forced expulsion of those having a valid claim to refugee status. The Government provides first asylum, and in 1996 provided first asylum to more than 240,000 refugees, the majority from Sudan, the remainder from Rwanda and Zaire. The Government pursues an active program for permanent resettlement of those refugees who believe that they can return to their country of origin.

There were several incidents late in the year in which the Government was unable to provide protection to the Sudanese refugee camps in the north of the country when these camps were attacked by rebel forces (see Section 1.g.).

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

Citizens have the right to change their government, but NRM domination of the flawed election process limited the effective exercise of this right. In May President Museveni was elected with approximately 76 percent of the vote. In June parliamentary elections were held in which supporters of the NRM won an overwhelming majority of parliamentary seats. Both elections were conducted in a peaceful and orderly manner throughout most of the country. The interim electoral commission generally succeeded in

carrying out technical aspects of the election in a transparent manner. However, constitutional restrictions on political parties and provisions of the parliamentary and presidential election laws heavily favored the NRM. Voter registers were often inaccurate and not always available for public scrutiny, which facilitated a proliferation of fraudulent voters' cards. In some cases, local government officials acted in support of particular candidates for office. The interim electoral commission undertook nationwide voter education and civic education programs. Although in some rural villages, NRM loyalists altered the instruction programs to direct voters toward candidates supporting the NRM, the majority of these education efforts were well-conceived and productive. Universal suffrage is accorded to adults 18 years of age and older. Contrary to the Constitution, this right was denied to prisoners.

Although women are underrepresented in government and politics, women play a prominent role in national politics. The vice president and the deputy speaker of Parliament are women. In addition, each of the nation's 39 districts elected 1 woman to Parliament to fill a seat reserved for women by provisions of the Constitution. Six other women won openly contested seats in the 276-member Parliament.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Numerous human rights groups operate in Uganda. Among them are: The FHRI; the Uganda chapter of FIDA; the UPAF, which monitors prison conditions; the National Organization for Civic Education and Elections Monitoring, which deals with concerns related to civil society and political rights; and the National Women's Organization of Uganda. These groups operate without government restriction, investigating and publishing their findings on human rights cases. HURINET, the human rights network, an umbrella organization for nine human rights organizations active in the country, began publishing a quarterly human rights newsletter in January. Amnesty International began talks with the Government about opening a branch office in Kampala in 1997.

The Constitution established a Human Rights Commission as a permanent independent body with judicial powers. Members of the Commission were named in 1996, but by year's end had issued no rulings. Government officials were generally cooperative and responsive to NGO views. They frequently attended conferences and seminars hosted by NGO's on social issues. The Government allowed access by international human rights NGO's, the U.N. High Commissioner for Refugees, and the ICRC. Scattered reports were received during the presidential election campaign that there was harassment of workers associated with some NGO's thought to be opposed to President Museveni.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on these factors, but the Government does not effectively enforce the law in matters of local or culturally accepted discrimination against women, children, people with disabilities, or certain ethnic groups. In Parliament there are special seats designated for women, the disabled, and members of the UPDF. Nothing precludes members of these groups from running for ordinary seats. Race was not a significant factor in national politics. The escalating tension in the north, and particularly the unconstitutional "Operation Panda Gari," led to violations of the rights of many Acholi, the ethnic group which comprises a significant part of the northern population.

Women

Violence against women, including rape, remained common. There were no laws passed to protect battered women apart from a general law on assault. However, legislation was passed to establish a

Family and Children's Court; a task force was established to implement it. Public opinion and law enforcement officials continued to view wife beating as a man's prerogative and rarely intervened in cases of domestic violence. Cases were reported in which husbands beat their wives for failure to vote according to her husband's wishes. Women remained more likely to sue for divorce than to raise assault charges against their husbands while still married. These issues received growing public attention, and female judges, NGO's, and other interested parties hosted an international conference on domestic violence, marriage, and property rights in August.

Traditional and widespread discrimination against women continued, especially in rural areas, despite constitutional provisions to the contrary. Many customary laws discriminate against women in the areas of adoption, marriage, divorce, and devolution of property on death. In most areas in the country, women may not own or inherit property, nor may they have custody of their children under local customary law. Divorce law sets stricter evidentiary standards for women to prove adultery. Women do most of the agricultural work but own only 7 percent of the land. Since the implementation of the new Constitution, foreign-born husbands of Ugandan women could become citizens. The previous law had allowed only men to sponsor their foreign spouses for citizenship. There are limits on a married woman's ability to travel abroad with her children (see Section 2.d.).

There are active women's rights groups, including FIDA, Action for Development, the National Association of Women Judges of Uganda, and the National Women's Organization of Uganda, which promote greater awareness of the rights of women and children. FIDA is conducting a 3-year project to reform outdated and discriminatory laws.

Children

Although it has devoted only limited funds to children's welfare, the Government demonstrated a commitment to improving children's welfare with the passage of a children's bill to consolidate laws relating to children and provide for their care and protection. The bill stipulated various children's rights and parents' responsibilities, including the requirement that "no child shall be employed or engaged in any activity that may be harmful to his or her health, education, mental, physical or moral development." Nevertheless, the large size of the youth population makes it difficult for the Government to enforce prohibitions on child labor (see Section 6.d.). Half the population is under age 18. Current estimates based on 1991 figures (the most recent ones available) suggest that the number of orphaned children was approximately 1.3 million in 1996 (children missing either parent are considered orphans). The high number of orphans can be attributed to previous civil wars, internal displacement of persons, and AIDS.

There was no system of compulsory education as the Government does not have the resources to provide universal schooling. Parents are required to pay for school fees, books, and uniforms. During the elections, the President announced a policy of providing free education through seventh grade for a maximum of four children per family. In December legislation to implement this program was introduced; it was still pending at year's end. This proposed policy caused some consternation for the large, often polygynous Ugandan families. Girls and boys theoretically have equal access to education, and lower grades are about evenly divided by sex, but some observers believe that this new government provision may further support the trend of parents to favor education for boys. Parents' inability to afford schooling correlates highly with child labor (see Section 6.d.).

Child abuse remained a serious problem, particularly the rape of young girls (known locally as "defilement"). Only a small fraction of these cases are reported, especially when the perpetrator is a family member, neighbor, or teacher, as is often the case. Few accusations reach the courts. Neither conviction nor punishment was common. Cases were reported frequently in newspapers, but a payment to the girl's parents often ended the matter. There are increasing numbers of cases being prosecuted,

such as that of a headmaster in Bushenyi who had raped one of his 12-year-old students and received a 13-year jail term.

Corporal punishment persisted in many schools. In March a teacher in Mpigi reportedly beat an 8-year-old child to death; he was arrested, and at year's end he was free on bail. In August a headmaster in Bulegna reportedly beat a 17-year-old girl to death. He was arrested and charged in October with committing an act intended to cause grievous harm. He denied the charge, and at year's end he was free on bail of about \$500.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced only by the Sabyni tribe in the Sebei locality in eastern Uganda whose members number fewer than 10,000. There is no law against the practice, but government and women's groups working with the U.N. Fund for Population Activities have a program to combat the practice through education. In October officials of eastern Uganda's Kapchorwa district (Sebei) discontinued collecting fees from parents of young girls who undergo FGM; circumcision fees for boys remained. The step was taken in part in response to protests by female health workers, who claimed that use of FGM as a source of revenue discouraged officials from helping to end the practice.

People with Disabilities

The law does not mandate government services or facilities such as accessibility of buildings for the disabled. Most buildings are one-story, but in the larger towns with multistory buildings, there are often no elevators and, even where they do exist, they are rarely reliable. Widespread discrimination by society and employers limits job and educational opportunities for those with physical disabilities. A small office for the disabled within the Ministry of Local Government lacks sufficient funding. Special elections to fill five parliamentary seats allotted to disabled persons were hotly contested, and the media gave extensive coverage to the issues raised by the candidates. Since being elected, the disabled members have been active in emphasizing issues of concern to people with disabilities.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of every person to join associations or trade unions. In practice, the Government respects the right to form unions, and since 1993 this right has been extended to civil servants. However, many "essential" government employees are not permitted to form unions; these include the police, army, permanent secretaries in the ministries, heads of departments and state-owned enterprises, school principals, and other management level officials.

The National Organization of Trade Unions (NOTU), the largest labor federation, includes 17 unions and is independent of the Government and political parties. Its membership was expanded by the recent addition of medical workers, including doctors, and the civil service union. Nevertheless, NOTU's influence on the overall economy remains marginal, since about 90 percent of the work force consists of peasant farmers. Even in areas where cash crops are significant, unionization remained virtually nonexistent. According to the 1988-89 census, about 20 percent of an estimated 400,000 workers in the industrial or modern wage sector of the economy were unionized.

The Constitution confirms the right to strike, but government policy requires that labor and management make "every effort" to reconcile labor disputes before resorting to strike action. This directive presents

unions with a complicated set of restrictions. If reconciliation does not seem possible, labor must submit its grievances and notice to strike to the Minister of Labor, who usually delegates the dispute to the Industrial Court (IC). The IC, however, has issued no prolabor rulings since President Museveni expressed his displeasure with its hostility toward the business community in 1995. In the absence of verdicts from the IC, the Minister of Labor generally did not permit strikes, on the basis that "every effort" had not been exhausted. Frustrated laborers often went on strike anyway, protesting credibly that they were not paid a living wage. Housing conditions and pay complaints led to a violent strike in October at the Kakira sugar plantation, resulting in 74 arrests.

There were 12 major strikes by both union and nonunion labor, including bankers, teachers, doctors, health care workers, and sugar cane and tea factory workers. Unionized bank employees settled their longstanding dispute with bank owners, but their success prompted the nonunion Uganda Commercial Bank (UCB) workers to follow suit. UCB workers complained that the settlement created anomalies in the pay scales. The Government respected the rights of striking workers once they walked out. One exception occurred during the Kasaku tea estates strike, where workers in a confrontation with management allegedly set fire to the tea fields, permanently destroying 2,500 tea bushes. In spite of a complete lack of evidence, police arrested those persons identified by management as troublemakers. The arrested workers remained in jail for weeks without bail. The case of the police officer arrested in 1995 for killing a striker at the Lugazi Sugar Corporation was still pending at year's end. In the case of three union leaders of the Ugandan Medical Workers Association arrested in 1995, the case was delayed several times at the prosecution's request and was still pending at year's end. The magistrate threatened to dismiss the charges unless the prosecution produced its witnesses.

Labor unions freely exercised the right to affiliate with and participate in regional and international labor organizations.

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively, but true collective bargaining takes place only in the small private sector of the modern economy. In the modern sector, the Government is by far the largest employer (civil service and state-owned enterprises) and it dominates the bargaining process. The Government has, however, adopted a tripartite (government-employers-labor) cooperative approach to setting wages and resolving labor issues. Both the Government and employers may refer disputes to the Industrial Court. The law does not prohibit antiunion discrimination by employers, but apart from a tea plantation arson case (see Section 6.a.), there were no reported incidents of government harassment of union officials.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits compulsory labor. However, there is strong evidence that prison officials hired out prisoners to work on private farms and construction sites. Throughout the country, prison officials routinely augmented their meager pay with crops grown by prisoners on the prison grounds. Male prisoners performed arduous physical labor while female prisoners produced marketable handicrafts such as woven basketry. None received compensation, although the law demands that pretrial detainees must receive back pay for all work that they have performed, once they are released. The Government has not reported on the International Labor Organization (ILO) Convention on Forced Labor, for which it was cited by the ILO in 1995. The Government was again cited in 1996 by the ILO for failure to report. According to the Government, the 1995 report has been completed and is awaiting

submission to the ILO.

d. Minimum Age for Employment of Children

Employers are prohibited by law from hiring workers below the age of 18, but child labor is widespread. The Ministry of Social Services is charged with enforcing the law on child labor, but it has few resources to do so. Part of the problem is demographic, as half the population is under 18 years of age. School fees make it impossible for many parents--particularly poor farmers, the majority of the population--to give their children an education. As a result, there is an incentive to leave school and go into agricultural or domestic work in order to help meet expenses or perform the work of absent or infirm parents, a common situation throughout the country. About 55 percent of school-age children are in school.

Most working children are employed in the informal sector, often on the subsistence farms of extended family members or as domestic servants. In urban areas, children peddle small items on the streets, become involved in the sex trade, or beg for money. Some of the largest sectors also employ child labor. The vast tea plantations pay by the weight of tea leaves harvested; although most tea harvesting is done by adults, some children are also employed.

Smuggling, one of the nation's larger informal industries, illegally employs large numbers of child laborers at the Kenyan and Tanzanian borders. Children walk back and forth across the unguarded borders transporting small amounts of coffee, fuel, sugar, or other commodities.

e. Acceptable Conditions of Work

The Government does not set a minimum wage. Wages continued to be determined through negotiation between individuals and their employers, unions and proprietors, or through negotiation within the boards of directors at state-owned industries. Salaries are usually augmented by other incentives such as housing and transport allowances, which often equal base wages. The Ministry of Labor's salary scale for civil servants starts with unskilled labor at \$50 (51,133 shillings) per month, up to supervisors at \$400 (414,738 shillings) per month, plus modest increases for years served. All include provisions for paid overtime. The higher end of this scale would provide minimal support for a worker and family, but most civil servants have great difficulty earning enough money to pay their children's school fees. Many civil servants and their dependents work in second jobs, grow their own food, or seek other ways to feed themselves.

In industries that employ workers on an hourly basis, the normal workweek was 40 hours. Although there was no legal maximum workweek, a time-and-a-half rate was paid for each additional hour worked. Many industries pay workers by piecework, which avoids overtime and circumvents the prohibition on child labor.

The condition of employee housing on the tea and sugar plantations, at the major state-owned corporations, and within military and police barracks was substandard. Such conditions contributed to one strike in October (see Section 6.a.). Sanitation and water facilities are often lacking.

In downtown Kampala, buildings are routinely expanded upward by the addition of several cement floors. Some structures have tripled in height above the original foundations, leading local engineers to express reservations about the structural integrity of these workplaces. Factories are generally sound, but machinery almost always lacks safeguards. The Federation of Uganda Employers held a training convention in May to address the enhancement of the currently inadequate occupational health and

safety practices and training.

Vestiges of occupational health and safety legislation are contained in the outdated Factories Act of 1954, the Employment Decree of 1975, and the Workmen's Compensation Act of 1964. None of these acts addresses present-day working hazards. The acts do not protect workers who refuse to perform dangerous work from being fired, although strong unions in certain dangerous industries do protect such workers. The Ministry of Labor's Department of Occupational Health is responsible for enforcement of the limited occupational safety regulations, but in practice inspections are rare, due primarily to the lack of inspectors' vehicles. Under the outdated legislation, the maximum award payable in workers' compensation to a disabled employee, or to the estate of employees killed on the job, is \$38.

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