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Freedom Status: Not Free

Aggregate Score: 35/100 (0 = Least Free, 100 = Most Free)

Freedom Rating: 5.5/7 (1 = Most Free, 7 = Least Free)

Political Rights: 6/7 (1 = Most Free, 7 = Least Free)

Civil Liberties: 5/7 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 36,600,000

Capital: Kampala

GDP/capita: \$705

Press Freedom Status: Partly Free

Net Freedom Status: Partly Free

OVERVIEW

While Uganda holds regular elections, their credibility has deteriorated over time, and the country has been ruled by the same party and president since 1986. The ruling party, the National Resistance Movement (NRM), retains power through the manipulation of state resources, intimidation by security forces, and politicized prosecutions of opposition leaders. Uganda's civil society and media sectors remain vibrant, despite suffering sporadic legal and extralegal harassment and state violence. The LGBT (lesbian, gay, bisexual, and transgender) community remains under threat.

Key Developments in 2016:

- In February, Uganda held deeply flawed general elections that featured harassment and violence against the opposition, among other abuses. President Yoweri Museveni of the ruling NRM was officially awarded another five-year term in office.
- In May, Kizza Besigye, the leading opposition presidential candidate, was charged with treason following months of arrests, detentions, and periods of house arrest.
- Legislation enacted in January contained ill-defined regulatory provisions for nongovernmental organizations (NGOs) that could allow government interference, and extralegal intimidation remained a serious challenge to civil society advocacy.

Executive Summary:

In 2016, Uganda held its third general elections since the transition to a multiparty system in 2005. While incumbent president Museveni was reelected, the polls were marred by severe intimidation of voters and the opposition, the repeated arrest of presidential challenger Kizza Besigye, the use of state resources for the ruling party's campaign, and significant delays in voting.

The president signed the Non-Governmental Organisations (NGO) Act in January, despite criticism that its ambiguous language could be used to ban groups that challenge the government. The authorities also interfered with the free flow of information, shutting down access to social media in the periods around the February elections and the presidential inauguration in May. Police brutality and harassment intensified during the year, targeting opposition candidates, their supporters, and civil society activists. Separately, although the controversial Anti-Homosexuality Act (AHA) was struck down on a technicality in 2014, a 2016 report showed that the LGBT community continued to experience human rights abuses.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights 11 / 40

A. Electoral Process 3 / 12

A1. Is the head of government or other chief national authority elected through free and fair elections?

A2. Are the national legislative representatives elected through free and fair elections?

A3. Are the electoral laws and framework fair?

Uganda's single-chamber Parliament and president are elected for five-year terms. In the February 2016 presidential contest, Museveni extended his 30-year rule with another five-year term by securing 60.6 percent of the vote, according to official results. Besigye of the opposition Forum for Democratic Change (FDC) placed second with 35.6 percent. Due to the introduction of new constituencies, a total of 426 members of Parliament (MPs) were chosen in the 2016 legislative elections, including 289 elected in single-member districts, 112 elected to reserved seats for women, and 25 chosen to represent special interest groups (the military, youth, people with disabilities, and trade unions). The ruling party, the NRM, won an absolute majority with 293 seats, while independents won 66 seats, the FDC won 36, and smaller parties took the remainder. Additional ex-officio seats are held by cabinet ministers, who are appointed by the president and do not have voting rights.

According to international and regional observers, the 2016 elections were undermined by problems including the misuse of state resources and flawed administration by the Electoral Commission (EC). On election day, the EC experienced significant technical and logistical challenges, causing some citizens to wait for hours to cast their votes. The EC extended the voting time for polling stations that opened late, with voting in some areas continuing for an extra day even as counting was well under way. This fueled existing mistrust of the EC and raised suspicions of malfeasance. Besigye and the FDC leadership contended that fraud and intimidation of the opposition had marred the entire electoral process.

Former prime minister Amama Mbabazi, who placed a distant third in the presidential race, petitioned the Supreme Court in March to nullify the elections. Although the court acknowledged a number of irregularities – including violations by the EC, interference by public officials, the arrest of opposition candidates, the delayed delivery of voting materials to polling places, and unfair public media coverage – it ultimately ruled that these problems did not affect the results to an extent that would justify an annulment.

The president appoints the members of the EC with the approval of Parliament. The incumbent commission's term was due to end in 2016. In August, an NRM MP proposed a constitutional amendment that would provide EC commissioners with open-ended terms, but the measure was met with resistance by activists and opposition MPs who saw it as a way for the ruling party to permanently secure its position. In November, the president nominated a new chair, vice chair, and commissioners for the EC, and Parliament approved them in December.

B. Political Pluralism and Participation 5 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?

B2. Is there a significant opposition vote and a realistic opportunity for the opposition to increase its support or gain power through elections?

B3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?

B4. Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

While opposition groups have suffered from infighting and funding shortages, their ability to compete in elections is largely hindered by restrictive party registration requirements and candidate eligibility rules, the use of government resources to support NRM candidates, a lack of access to state media coverage, state violence and harassment, and paramilitary groups that intimidate voters and government opponents.

Throughout the 2016 electoral period, violence, intimidation, and harassment toward opposition parties – especially the FDC and its supporters – were particularly acute. Days before the elections, Besigye was arrested on his way to a campaign rally on the grounds that he was disrupting traffic and business in Kampala. He was arrested again on election day after trying to inform police of electoral violations. The following day, police stormed FDC headquarters and arrested Besigye yet again along with other FDC leaders. For weeks afterward, Besigye was held under house arrest or moved between police stations and his home without formal charges ever being filed. Police argued that they were using their powers of "preventative arrest" to disrupt activities or statements that could incite violence or defiance of the law. The day after the elections, police also surrounded the home of Mbabazi, who was barred from leaving but not arrested.

In May, Besigye was charged with treason for a video in which he held a mock presidential inauguration for himself, and due to allegations that he had incited people to overthrow the government. After two months in detention, Besigye was released on bail in July. The case remained pending at year's end.

The military is closely aligned with Museveni and holds 10 seats in Parliament. During the 2016 election period, the military and police services worked to dissuade any protests against the results, mounting a visible armed security presence with heavy deployments in and around the capital. They repeatedly used excessive force to disperse opposition gatherings.

The dominant position and coercive tactics of the NRM impede free political participation and advocacy of interests by Uganda's various ethnic groups, including those affiliated with traditional kingdoms as well as smaller indigenous groups.

C. Functioning of Government 3 / 12

- C1. Do the freely elected head of government and national legislative representatives determine the policies of the government?
- C2. Is the government free from pervasive corruption?
- C3. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

Power is concentrated in the hands of the NRM leadership, the security forces, and especially the president, who retains office through a deeply flawed electoral process. Ordinary MPs and civic groups have little practical ability to influence legislation or government policies.

Despite high-profile scandals, investigations, increased media attention, and laws and institutions designed to combat corruption, malfeasance continues and top government officials are rarely prosecuted for such offenses. The World Bank has estimated that corruption costs Uganda 500 billion shillings (\$145 million) a year, and in August 2016 the bank decided to withhold new lending to the country due to reports of persistent corruption and political kickbacks.

Civil Liberties 24 / 60 (-1)

D. Freedom of Expression and Belief 9 / 16

- D1. Are there free and independent media and other forms of cultural expression?
- D2. Are religious institutions and communities free to practice their faith and express themselves in public and private?
- D3. Is there academic freedom, and is the educational system free of extensive political indoctrination?
- D4. Is there open and free private discussion?

Constitutional protections for freedoms of expression and the press are often undermined by provisions in the penal code, including laws on criminal libel and treason, as well as by extralegal government actions.

Uganda has nearly 200 private radio stations and dozens of television stations and print outlets. Independent journalists and media outlets are often critical of the government, but in recent years they have faced escalating government restrictions and intimidation. More than a dozen journalists were arrested and beaten by state officials in 2016, in some cases during live broadcasts. In May, the government banned journalists from reporting on opposition activities, threatening arrest or cancelation of their licenses if they failed to comply.

Ahead of the February elections, the Uganda Communications Commission (UCC) temporarily blocked access to the social media platforms Twitter, WhatsApp, and Facebook, citing security concerns. Many Ugandans were able to circumvent the restriction by using virtual private networks (VPNs). The UCC shut down access to social media platforms again on the day of Museveni's inauguration in May.

There is no state religion, and freedom of worship is both constitutionally protected and generally respected in practice. However, the government has barred religious leaders from engaging in political debates and restricted religious groups whose members allegedly pose security risks. A series of Muslim clerics have been murdered in recent years, and in December 2016 police raided mosques and carried out arrests in search of those responsible for the killings and other criminal activity, drawing complaints that the officers acted arbitrarily and unlawfully.

Academic freedom has been undermined by alleged surveillance of university lectures by security officials, and by the need for professors to obtain permission to hold public meetings at universities. In November 2016, after weeks of student protests and a strike by faculty who said

the government had defaulted on payment of their allowances, Museveni shut down Makerere University, Uganda's largest. Lecturers agreed to suspend the strike in December, and students were to resume classes at the beginning of 2017.

In addition to the threat of state surveillance, free and open private discussion is limited by a climate of intimidation pertaining to sexual orientation and gender identity. For example, LGBT individuals and others face the fear of being "outed" by tabloid newspapers that publicly identify real or perceived gay men and lesbians, along with personal details and photos.

E. Associational and Organizational Rights 4 / 12

E1. Is there freedom of assembly, demonstration, and open public discussion?

E2. Is there freedom for nongovernmental organizations?

E3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

Freedom of assembly is restricted by law and in practice. Among other repressive provisions, the 2013 Public Order Management Act (POMA) requires groups to register with local police in writing three days before any gathering, public or private, to discuss political issues. The police have broad authority to deny approval for such meetings if they are not deemed to be in the "public interest," and to use force to disperse assemblies judged unlawful. The POMA was used numerous times as the justification for arresting opposition candidates and supporters during the 2016 campaign period.

Freedom of association is guaranteed in the constitution but often restricted. Civil society in Uganda is active, and several NGOs address politically sensitive issues. However, their existence and activities are vulnerable to legal restrictions and the manipulation of burdensome registration requirements. More than two dozen NGO offices have suffered suspicious break-ins since 2012, with intruders sometimes focusing on documents rather than valuable equipment. A security guard was reportedly drugged in one April 2016 incident, and another guard was killed in May. Police have failed to actively investigate the crimes.

Museveni signed the new NGO Act into law in January. Opponents of the measure noted that it contained a number of provisions that could allow the government to shutter organizations and jail their members for vaguely worded offenses, such as engagement in acts that are "prejudicial to the security and laws of Uganda" or to "the interests of Uganda and the dignity of the people of Uganda."

Workers' rights to organize, bargain collectively, and strike are recognized by law, except for workers providing essential government services. However, legal protections often go unenforced. Many private firms refuse to recognize unions, and strikers are sometimes arrested.

F. Rule of Law 4 / 16 (-1)

F1. Is there an independent judiciary?

F2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?

F3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population?

Executive and military influence undermines judicial independence, as does systemic corruption. Prolonged pretrial detention, inadequate resources, and poor judicial administration also impede access to justice. The prison system is operating at more than twice its intended capacity, with pretrial detainees constituting more than half of the prison population. Rape, extrajudicial violence, and torture and abuse of suspects and detainees by security forces are persistent problems.

The justice system's handling of politically charged cases surrounding the 2016 elections underscored its lack of impartiality. In response to Besigye's arrest on treason charges, the president of the Uganda Law Society questioned the independence of the judiciary in dealing with political cases and cautioned that the courts should not be used to settle political disputes.

Security forces violently dispersed opposition supporters who gathered to welcome Besigye after his release on bail in July. Opposition MPs called for an investigation into the police beatings, which were captured on video. Victims sued police commanders for alleged torture and violations of their constitutional rights, but in August a court halted the proceedings.

Separately in June, FDC MP Michael Kabaziguruka and more than two dozen others, including military personnel, were charged with treason for allegedly plotting to overthrow the government. A trial before a military court was pending at year's end.

In November, Ugandan security forces stormed the royal enclosures and palaces of the traditional Rwenzururu Kingdom in the Rwenzori region, after palace guards allegedly attacked police stations. The fighting left more than 100 people dead, and human rights groups cited evidence of indiscriminate violence and summary executions on the part of security forces. The Rwenzururu king and many of his guards were arrested and charged with offenses including murder, treason, and terrorism. Analysts noted possible political motives behind the violence, as voters in the Rwenzori region heavily favored the opposition in the recent elections.

The AHA, which criminalized homosexuality, was struck down in 2014, but the LGBT community continues to face overt hostility from the government and much of society. According to an April 2016 report by Sexual Minorities Uganda, LGBT people suffered 264 verified cases of human rights abuses between May 2014 and the end of 2015; 84 involved loss of property or employment and other forms of intimidation, while 48 involved violence, including "torture by the state." In August, police raided an event during Ugandan LGBT Pride celebrations and beat participants, arresting 16 people and holding them temporarily under abusive conditions.

G. Personal Autonomy and Individual Rights 7 / 16

G1. Do individuals enjoy freedom of travel or choice of residence, employment, or institution of higher education?

G2. Do individuals have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political parties/organizations, or organized crime?

G3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?

G4. Is there equality of opportunity and the absence of economic exploitation?

Freedom of movement in Uganda is largely unrestricted. Bribery is common in many facets of life, such as interacting with traffic police, gaining admittance to some institutions of higher education, and obtaining government jobs. Licenses are required to start a business, obtain construction permits, and register property, and the multistage processes involve numerous opportunities for officials to seek bribes. Customary land tenure is widespread in the north, and


land disputes – some of them violent – are common, particularly when private development projects are at stake.

Although the constitution prohibits discrimination on the basis of gender and acknowledges the equal rights of women, gender discrimination remains pronounced, particularly in rural areas. Women hold about a third of the seats in Parliament, and a third of local council seats are reserved for women. The law gives women the right to inherit land, but discriminatory customs often trump legal provisions in practice. Rape and domestic violence are widespread and underreported, and offenders are rarely prosecuted. Cultural practices such as female genital mutilation persist, despite the 2010 Prohibition of Female Genital Mutilation Act.

Poor enforcement of labor laws contributes to unsafe or exploitative conditions for many workers. Child labor in agriculture, domestic service, and a variety of other industries is a significant problem, as is sexual exploitation of minors. Ritual sacrifice of abducted children has reportedly increased in recent years, with six killings reported ahead of the 2016 elections.

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