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Uganda Country Report on Human Rights Practices for 1997

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UGANDA

President Yoweri Museveni, elected to a 5-year term in 1996 under the 1995 Constitution, dominated the Government. He has ruled since 1986 through the National Resistance Movement (NRM), legislatively reorganized and renamed as "The Movement." The 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 after a 1-year campaign period. Movement supporters remained in control in the Parliament, which was elected to a 5-year term in July 1996. Both the presidential and parliamentary elections were peaceful, orderly, and technically transparent; but election conditions, including restrictions on political party activities, led to a flawed election process. The judiciary is generally independent, but understaffed and weak; the President has extensive legal and extralegal powers.

The Uganda People's Defense Force (UPDF) is the key security force. The 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 in 1996 to combat the rebels. 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 the ISO is primarily an intelligence-gathering body, its operatives occasionally detained civilians. The UPDF, police, and LDU's committed human rights abuses.

The economy grew at a rate of 5 percent during the fiscal year ending June 30. While the agriculturally based economy continued to rely on coffee as its chief export, cotton and other agricultural exports continued to expand. Economic reforms encouraged investment, and the Government divested 13 parastatals. The Government introduced structural reforms in the banking industry and continued commercial law reform. In addition, the capital markets authority licensed a stock exchange. The Government also made major investments in power, communications, and transport. However, foreign economic assistance accounted for approximately 29 percent of government spending. Annual gross domestic product is about $250 per capita.

The Government's human rights record remained the same, and there continued to be numerous, serious problems. Movement domination of the political process limits the rights of citizens. 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.

There were numerous cases in which the Government detained and charged UPDF and LDU members for human rights abuses. However, despite measures to improve the discipline and training of security forces, and despite the punishment of some security force officials guilty of abuses, security force abuses remained a problem throughout the countryVUUUUUUUUUUUUUUUUUUUution 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 wacklog, and lengthy trial delays circumscribed due process and the right to a fair trial. The Government continued to cooperate with nongovernmental organizations (NGO's) on legal and prison reforms. The UPDF at times infringed on citizens' privacy rights. Although independent newspapers generally published freely, the Government at times restricted freedom of speech and the press in practice. The Government dominated the media and occasionally resorted to outdated laws on sedition and criminal libel or employed other means of press harassment, including imprisonment. This led some journalists to practice self-censorship. The UPDF continued to censor press reports about the northern insurgencies. In September the Government resumed administration of Movement political education courses, which had been suspended in 1995 to avoid interference with the elections. The Government restricts freedom of assembly and association, and the 1995 Constitution extended previously existing restrictions on political activity for an additional 5 years, effectively limiting these rights further. However, the Government continued efforts to improve representation in the political process of "marginalized" groups, including women and people with disabilities. Discrimination against women, people with disabilities, and ethnic minorities persists. Domestic violence, rape, and abuse of children remained serious problems. The Government worked with NGO's to combat the practice of female genital mutilation (FGM). Child labor, especially in the informal sector, 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, virtually enslaving numerous children. Although its activities diminished sharply late in the year, the West Nile Bank Front (WNBF) also committed killings, as did the Allied Democratic Forces (ADF), a rebel group active in western Uganda.

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 confirmed reports of politically motivated killings by government forces. In a widely publicized incident in June, however, a leading organizer for the Democratic Party (DP), Modesta Kabaranga Akiiki, was shot, then burned to death in her home with her mother. After an investigation assisted by the President's security staff, a suspect in the murder was arrested; the motive for the murders was unclear at year's end, but many DP leaders believed that it was political.

In the course of official operations, police, UPDF, and LDU personnel sometimes used excessive force, resulting in deaths. In particular, UPDF units in the north reportedly engaged in isolated executions of suspected rebels. In February a civilian was reportedly beaten to death by two LDU members at their headquarters in Masaka; the perpetrators were reportedly arrested. In March a group of UPDF soldiers allegedly used a sledgehammer to batter to death four suspected highway robbers. In May a robbery suspect was tortured to death by UPDF officers (see Section 1.c.). In June an elderly man was reportedly beaten to death by two UPDF soldiers who had arrested him on suspicion that his son was an LRA rebel. In July police in Ntungamo reportedly

beat a suspect to death (see Section 1.c.).

Harsh conditions, some intentional mistreatment, and lack of adequate medical treatment caused many deaths in prisons (see Section 1.c.). In February prison guards beat an inmate to death in Apac district.

Muslim groups also complained of extensive mistreatment by security officials in the west. On August 28, unidentified persons shot and killed Abdullah Buwuula, a Muslim barber in Kasese district who had publicly protested harassment by government security operatives. Two other Muslims, Mubarak Mawejje (previously arrested by UPDF personnel suspicious of a meeting in his home) and Amir Sinai, were also reportedly killed in Kasese district in August under suspicious circumstances. There no were no reports of investigations by government agencies of the three killings.

A Gulu-based human rights group, Human Rights Focus, released a report in February that alleged 35 extrajudicial killings by the military forces, most of which occurred in previous years.

The policeman arrested in June 1995 for killing a striker at the Lugazi Sugar Corporation died while released on bail.

Vigilante justice was a problem (also see Sections 1.c. and 5).

Authorities rarely prosecuted persons engaged in mob violence, which on occasion resulted in death. In June irate mourners at the burial of an LDU guard in Soroti overpowered police and lynched the suspected killers. In separate incidents in September, two suspected burglars caught by a mob in a Kampala suburb were "necklaced" with motor vehicle tires and burned to death. Villagers in Kyarumba beat to death a suspected child abuser in August (see Section 5).

The rebel LRA was responsible for the killing of numerous civilians, including children (see Section 1.g.). LRA forces particularly targeted local government officials and employees, especially teachers; over 100 teachers were killed during the insurgency in Kitgum district alone. The WNBF and the ADF also committed extrajudicial killings (see Section 1.g.).

b. Disappearance

There were no reports of politically motivated disappearances due to action by government forces.

Numerous local officials and local government employees were abducted by the LRA during the year; the whereabouts of some of the abductees remains unknown. (see Section 1.g.).

In addition, the LRA abducted hundreds of school-age children, reportedly for indoctrination in Sudan as LRA guerrillas, for sale as slaves in Sudan, 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. The ADF rebel group in the west also abducted numerous civilians, including some students; the whereabouts of a number of these abductees remain unknown.

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

The Constitution prohibits "any form of torture, cruel, inhuman, or degrading treatment or punishment." However, security forces commonly beat and sometimes tortured suspected criminals, often to force confessions. In December participants at a workshop sponsored by the African Center for Rehabilitation and Treatment of Torture Victims (ACTV) ranked the police as the most common users of torture, followed by prisons, the army, and local councils. In January operatives of the ISO reportedly beat people in Nakawa estate near Kampala, while ostensibly

searching for criminals. Also in January, police in Kibale beat 20 Muslims suspected of being ADF supporters (see Section 2.c.). In May Paul Kollo, a suspected armed robber, died in a police cell in Gulu apparently due to torture, just after being handed over to police by UPDF officers. In July the Uganda Human Rights Commission (UHRC) began an investigation in a case in which a UPDF soldier, Corporal Twaha Kabushera, was paralyzed after torture during military detention. In August, 18 UPDF soldiers in Gulu district, including their unit commander, were arrested for allegedly beating 21 civilians after failing to apprehend a reported deserter. In July Stephen Baryakaijuka died after allegedly being severely beaten by police in Ntungamo, reportedly on orders of the district police commander. In August Kasese police tortured a Muslim detainee, then released him without charge the next day (see Section 5). A report by the International Committee of the Red Cross (ICRC) in September accused officers in the Kampala central police station of beating and mistreating suspects. In October attorneys for several suspects charged that their clients had been tortured (see Section 1.e.).

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. Bosco Opira, a 15-year-old boy residing in Paicho in Kitgum county, was reportedly tortured in May by having plastic utensils melted on his body by LDU members who arrested him for illegal possession of a gun. In another case, a contract security guard in Kampala was arrested at his home without warrant by an LDU unit on suspicion of involvement in a burglary, beaten, and delivered to a police station--where a quick investigation easily determined that he had been on duty at a diplomatic residence when the crime occurred.

The Government investigated some cases of abuse, trying and punishing some offenders. In January, three police officers in Jinja were reportedly arrested after allegedly torturing a local businessman, Charles Kasajja. In February, two LDU members were arrested after allegedly beating a civilian to death at the LDU district headquarters in Masaka. In April, six police officers were arrested in Busia near the Kenya border for allegedly shooting a suspected robber on April 20; at year's end, the officers were detained on remand pending investigations.

WPDF mobile forces reportedly beat civilians brutally and raped women (see Section 1.g.). The Human Rights Focus report issued in February alleged 11 instances of rape by LDU's, most of which occurred in previous years.

There were numerous instances in which mobs attacked suspected thieves and other offenders caught in the commission of crimes (also see Section 1.a.). Often motivated by widespread distrust of the justice system, these mobs engaged in stoning, beatings, and other forms of mistreatment, such as tying suspects' wrists and ankles together behind their backs, stripping suspects of their clothes and parading them through the streets, or forcing suspects to hop painfully on the sides of their ankles. In February angry residents of Nyabwina village in Kabarole district reportedly beat a local official caught with the wife of a suspect whom he had arrested.

The LRA continued to maim and rape civilians. The ADF also committed rapes (see Section 1.g.).

Prison conditions remained harsh and life threatening. Conditions for the estimated 5,000 inmates in local police cells, generally worse than those in the prisons themselves, were characterized in a report by the government-sponsored Uganda Human Rights Commission (UHRC) as "degrading and inhuman." There are two civilian prison systems: One is state-funded and operated by the Ministry of Internal Affairs; a second is 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. Although the law states that

civilians are never to be held in military barracks, civilians continued to be detained in barracks, often without trial. Both civilian and military prisons have high mortality rates from overcrowding, diseases spread by unsanitary conditions, malnutrition, and HIV/AIDS.

No accurate estimates are available on the number of deaths due to harsh conditions and lack of medical care, although the UHRC reported severely inadequate medical services, seriously unhygienic conditions, and a "situation of semi-starvation" of prisoners in many prisons. In August, 10 inmates reportedly died of hunger and mistreatment at Morukatipe prison near Tororo. A total of 57 prisoners reportedly died in Arua prison during the year, in many cases allegedly from food shortages and poor medical care. In December the officer in charge of Arua prison was placed on forced leave pending investigation of the deaths. In February, nine prison guards were reportedly arrested by authorities for beating a prisoner to death in a prison in Apac district. The predominant cause of death among prisoners was HIV/AIDS, which reportedly affected 18 percent of the inmates at Luzira central prison near Kampala. The uniforms and bedding stipulated by law are rarely provided, although there is evidence that some wardens do attempt to obtain these items for inmates.

Harsh conditions largely result from the Government's seriously inadequate funding of prison facilities. The centrally funded prisons are sufficiently organized to grow maize, millet, cassava, beans, eggplant, carrots, and other crops, although the UHRC accused prison farms of overworking inmates, who often received only $.001 (1 Ugandan shilling) per day for their labor. 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. By one estimate, the country's centrally funded prisons--all of which predate independence in 1962--currently hold about three times their maximum planned capacity. Despite an order by the chief magistrate in June 1996 that all judges visit a prison, few complied with the order. Human rights groups, especially the Uganda Law Reform Commission, continued to lobby for expanded noncustodial sentencing--an effort generally blocked by strongly punitive attitudes among judges, in part motivated by fear of accusations of corruption if prisoners appear leniently treated. Although the law provides for access to prisoners by families, ignorance of this right, and fear of prison authorities, often limit family visits. The UHRC noted allegations it had received that officers in charge of police cells sometimes demanded bribes to allow visits.

Women have segregated wings in the prisons, with female staff. According to human rights advocates, rape is not generally a problem, although female prisoners also suffer from severely substandard conditions. Due to lack of space in juvenile facilities, 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, and administrators reported in October that one institution with a capacity of 45 children actually held 173; no records were available for most of these children.

The central prison system in 1996 launched a 3-year program to improve prison buildings, water and sanitation systems, food, and uniforms. Most of the items used in this program, which benefited 12 of the 46 centrally administered prisons in 1997, are made within the prison system itself.

Government agencies have sponsored or participated in numerous conferences on the justice system and prison conditions, including a 2 day conference in Kampala in September. Government agencies also worked closely with international and indigenous human rights organizations on prison reform efforts. Revision of the prisons act, which provides the legal basis for prison management, began in 1996 and was still pending at year's end, as were proposals 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 ICRC and local NGO's, principally the Foundation for Human Rights Initiative (FHRI) and the Uganda Prisoners' Aid Foundation (UPAF). In August military authorities granted the Uganda Human Rights Commission (UHRC) access to military places of detention. As far as known, the UHRC did not avail itself of this access before the end of the year; it has issued no reports on such visits. Prison authorities require advance notification of visits, a process that is often subject to administrative delays.

d. Arbitrary Arrest, Detention, or Exile

Members of the security forces at times arbitrarily arrested and detained citizens. According to the 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)--unless the case has been committed to the court before the expiration of this period, when pretrial detention is not constitutionally limited. The Constitution also provides that detainees should immediately be informed of the reasons for their detention. In practice, however, the authorities enforced none of these requirements. 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 Government. Legal and human rights groups, including the UHRC, sharply criticized the excessive length of detention without trial--in many cases amounting to several years--for alleged offenses under other laws, which both violated the constitutional rights of the detainees and contributed substantially to prison overcrowding.

Arbitrary arrest, while not common, does occur. In particular, some Muslim organizations complained of arrests targeted at young Muslims on suspicion that they supported rebel groups. Group arrests in "dragnet" operations were also reported, such as detention of over 80 people in Kampala in March in a crackdown on burglary. Police arrested 50 persons, including street children, in an effort directed against vagabonds in Fort Portal in January. In general those detained in such operations who had identification papers and did not have criminal records were released. ISO operatives occasionally detained civilians.

Although they have no legal authority to make arrests, LDU's continued to arrest citizens.

Some incidents of apparently politically motivated arrests were reported. In August a member of the Uganda Young Democrats, the youth wing of the DP, reportedly was arrested and detained for 3 weeks, then released, for what police called politicizing and inciting youths against the Government. In addition, some members of the DP and the Uganda People's Congress (UPC), were detained for short periods of time, apparently without legal authority, for selling party cards. During the year, the Government charged over 1,000 persons with treason and related crimes, and the cases of many others charged for political offenses remain pending (see Section 1.e.). The February report of Human Rights Focus alleged 47 cases of unlawful arrest by the UPDF and 9 by the police, most of which occurred in previous years. While the number of political detainees is unknown, it is believed to be small.

Pretrial detainees comprise nearly three-fourths of the prison population. At year's end, there were 13,500 prisoners in the central prison system, of whom 5,500 had been convicted, and 8,000 were in pretrial detention (remand). Congestion and delay in the legal system have produced similar figures for several years, although both categories increased substantially over the previous year. 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 number of such detainees are unknown, but

there are believed to be fewer than in local prisons. Efforts to verify these conditions were reportedly hampered by intentional concealment of detained civilians. Verification of the situation in military facilities is difficult; however, in August the UHRC was granted access to military places of detention (see Section 1.c.). Across all types of prisons, the average time in pretrial detention is from 2 to 3 years.

The Government did not use exile as a means of political control. A presidential amnesty for former LRA and WNBF rebels remains in effect, although those who return risk capture and violence by mobs or the UPDF.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the President has extensive legal and extralegal powers that may influence the exercise of this independence. However, in its first decision, the Constitutional Court in April ruled unanimously against the Government in a case involving the military status of a prominent officer, Major General David Tinyefuza; at year's end, the case was on appeal to the Supreme Court. The President nominates, for the approval of Parliament, members of the Judicial Service Commission, which makes recommendations on appointments to the High Court, the Court of Appeal, and the Supreme Court. The judiciary also is understaffed and weak; at year's end, only 16 of the 30 positions in the three senior federal courts were filled.

The highest court is the Supreme Court, followed by (in descending order) the Court of Appeal (which also functions as the "Constitutional Court" for cases of first instance involving constitutional issues), 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 Industrial Court (IC), which arbitrates labor disputes, is structurally parallel to the chief magistrate's court.

At the lower end of the judicial system, the local village councils 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 lack of resources, resulting in a serious backlog of cases. The courts, like other branches of government, were impaired by a 4-year-long civil service hiring freeze, now somewhat relaxed, which was exacerbated during the year by budget cuts of up to 30 percent in many ministries. As a result, criminal cases may take 2 years or more to reach the courts. The case backlog remains huge; in particular, the backlog of criminal cases in the high court has increased every year since 1993. Some courts, however, began in 1966 to adhere to the constitutionally prescribed limits on pretrial detention. For example, Kampala businessman Joseph Lusse, who had been arrested in April 1995 and charged with treason, was released on bail by High Court justice J.M. P.Tabaro, who ruled that Lusse's lengthy stay in prison on remand violated his constitutional right to bail.

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. In 1995 the ULS petitioned the Government to address the lack of an appeals process in the military courts; in October a court-martial of appeal was established.

The Government continued to arrest and charge persons for treason, especially captured rebel fighters in numbers greater than the judicial system could manage. In the past, numerous human rights abuses were committed in connection with treason cases, including political detentions, detentions without charge, and mistreatment of prisoners. In a notable case, the High Court in April released two treason suspects on bail due to the judicial system's failure to prosecute in a case that had begun in 1992 and had received six adjournments. In another case, attorneys for four Sudanese citizens and four Ugandans charged in October with levying war against the Government and treason, respectively, claimed that their clients had been tortured and denied medical treatment. During the year, the Government charged over 1,000 persons with treason and related crimes, in addition to at least 196 pending cases in various stages of the legal process. Most were cases in which persons were accused of attempting to overthrow the Government. Some 111 persons arrested in 1995 on treason charges for attempting to establish a rebel training camp in Buseruka remain in custody, and their cases have been pending with the High Court since July 1996; two persons in this group died in prison during the year. The case of the six Sudanese rebels charged with treason remained in the High Court, as did the cases of two UPDF soldiers, Lt. David Kibirige and Capt. Muses Lubega, arrested for treason in 1995. Francis Kilama, charged with treason in 1995, remains in pretrial detention pending police investigation. Several persons previously charged with treason, in addition to businessman Joseph Lusse, were released after dismissal of the charges, in some instances for procedural reasons.

The number of political prisoners is unknown but believed to be small. Bright Gabula Africa, whose death sentence for treason was upheld by the Supreme Court in 1995, remains imprisoned pending the outcome of his appeal to the Advisory Committee on the Prerogative of Mercy, a largely anonymous constitutional body that recommends whether presidential clemency powers should be exercised in a given case. According to the authorities, no executions for treason or for any other crime 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 often invaded private homes without warrants. LDU's arrest citizens without authority; an LDU unit in Kampala arrested a suspect in his home and beat him (see Section 1.c.) 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.

During the conflict with the LRA, government forces used threats to compel citizens to leave

their homes and move to areas under government protection (see Section 1.g.).

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

Reports of violations of humanitarian law increased. In the north, government forces implemented a policy of concentrating inhabitants in so-called "protected villages" with UPDF detachments nearby as a means of protecting them and denying support to the LRA. Most inhabitants moved to the protected villages voluntarily, but many were coerced by military authorities who told them that they would be treated as rebel supporters if they did not move. The villages, which were established hastily and without coordination with civil authorities, lacked appropriate water and electrical supplies as well as health and educational services; they were rapidly beset by hunger and disease, which killed numerous residents. This policy was strongly attacked by parliamentarians from the area. A parliamentary committee report in January noted that while the policy "may appear necessary and successful" from "a security point of view," from "a humanitarian angle it has so far proved a disaster." Toward year's end, some residents began returning to their farms, while international assistance improved somewhat the condition of remaining village inhabitants. In other incidents, UPDF mobile forces reportedly routinely beat civilians brutally during questioning about rebel activities in the vicinity; some reports suggested that they raped villagers.

In the north, forces of the LRA led by Joseph Kony, and supported by the Government of Sudan, regularly attacked civilian and military targets, as well as Sudanese refugee camps. These attacks caused widespread death and destruction of homes and property and disrupted both economic and social life over much of Gulu and Kitgum districts. The LRA continued to kill, maim, rape, and abduct large numbers of civilians. In particular, the LRA abducted numerous children and, at clandestine bases, terrorized them into virtually slavery as guards, concubines, and soldiers. An Amnesty International report on the practice in September concluded that without abductions of children the LRA would have few combatants. A Human Rights Watch report in September estimated that 3,000 to 5,000 children had escaped from LRA captivity over the last 2 years and an equal number remained in LRA hands. A similar report by the U.N. Children's Fund (UNICEF) in May provided a somewhat lower estimate of abductions. In the largest massacre of the northern war, between January 7 and January 12, LRA units assaulted numerous villages in northwest Kitgum district, hacking and clubbing to death some 412 men, women, and children. In other incidents, LRA units killed or maimed persons traveling on roads, using bicycles, or keeping pigs--all of which violated LRA "rules." Such extrajudicial killings occurred frequently. LRA rebels also planted land mines on roads in Gulu and Kitgum district throughout the year. An LRA mine killed the wife of the Anglican bishop of Kitgum in May. Land mines on the few roads to the Sudan border hinder the transport of food to internally displaced persons (IDP's) and to the 150,000 to 200,000 Sudanese refugees in camps there.

In the northwestern region bordering Sudan and the Democratic Republic of the Congo, the WNBF similarly laid land mines on major roads used for relief shipments to refugee camps as well as for local commerce. WNBF forces, however, were depleted by combat in southern Sudan against the Sudan People's Liberation Army (SPLA), and WNBF activities largely ceased by year's end.

Another rebel group, the ADF, was active in the west and southwest during the year. The ADF engaged in wide-scale abuse of civilians, including killing, rape, and abduction. After an ADF attack in Bundibugyo district in June was turned back, residents found the bodies of some 58 civilians murdered by the ADF. In addition more than 50 civilians were killed in ADF attacks in Kasese district in September and October. ADF elements also planted land mines extensively and engaged in numerous attacks on civilian locations, causing scores of deaths and injuries. Like the LRA, the ADF targeted local officials for abduction and murder.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of 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 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 1996 election campaigns, the New Vision exhibited a clear pro-NRM editorial bias and gave more prominent attention to NRM supporters running for office.

The media are generally free and outspoken, with widespread availability of rival nongovernment publications. The independent Monitor newspaper equaled the New Vision's circulation while another major independent, The Crusader, which began publication in 1995, continued to publish and improve its credibility. The East African, a Nairobi-based weekly publication that provides extensive reporting on Uganda, continued to circulate without government hindrance.

Editor Teddy Seezi Cheeye of the outspoken biweekly, Uganda Confidential, was acquitted in January of charges of having kidnaped a woman for sexual purposes. In dismissing the case, Kampala chief magistrate Mrs. Flavia Munaaba declared that the charges were "a frameup engineered by powerful and corrupt people" whom Cheeye, known for his efforts against government corruption, had long been criticizing. Although the New Vision called for an investigation of the prosecution, the Government in February appealed the dismissal. At year's end, no hearing date had been set.

Haruna Kanaabi, editor of the weekly newsletter Shariat, appealed to the High Court his 1995 conviction for sedition and publishing false news, which was based on an article in Shariat that claimed that Rwanda was actually the 40th district of Uganda. At that time, Kanaabi was sentenced to 5 months' imprisonment.

In January journalist Muasazi-Namiti was arrested on charges arising from articles that he had published about the activities of Hassan Kato. Muasazi-Namiti reported that Kato had had sexual relations with over 1,000 women--one of whom, named in the articles, was the wife of a local government leader. Both Muasazi-Namiti and Kato were arrested and charged with disseminating false information. Hearings in the case began in September. In another case, Amos Kajoba, the editor of the UPC publication The People was detained for 7 hours in Kampala in April in connection with a criminal libel case for allegedly "exposing a Member of Parliament to hatred."

Other instances of press harassment also occurred. In October editor Charles Onyango-Obbo and senior reporter Andrew M. Mwanda of the Monitor newspaper were arrested and charged with dissemination of false information based on a report that they published stating that Uganda had received gold in payment for assistance in overthrowing former Zairian leader Mobutu Sese Seko. In response to their appeal, a High Court judge sharply reduced the amount of their bail, from about $4,000 (4 million shillings) to $400 (400,000 shillings). At years end, the journalists remained released on bail, and trial was pending. In February editors of the Monitor were questioned by the police for more than 2 hours concerning articles that had allegedly angered President Museveni. In April the editor of the Lira-based Rupiny newspaper, a sister publication of the New Vision, was held for 1 hour for allegedly publishing negative reports about Lira

municipality.

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

The Government sometimes abridged freedom of speech of those who questioned government policies. In March a walk supported by a spectrum of Christian leaders, including the Roman Catholic Metropolitan Emmanuel Cardinal Wamala, intended to call for a peaceful solution to the conflict in the north, was postponed under pressure from the President. The march took place in November without further government interference. In May the inspector general of police forbade a demonstration against a number of government policies supported by some opposition-minded Members of Parliament (M.P.'s). While authorities sought to justify this action on the grounds that its sponsors purportedly might be contemplating violence, comments by government leaders after these events suggested that they saw content-based discrimination in treatment of demonstrations as appropriate. Members of opposition political parties complained that ISO authorities kept their meetings under constant surveillance, intimidating their supporters. A member of the youth wing of the DP reportedly was arrested and detained for what police called politicizing and inciting youths against the Government (see Section 1.d.).

The press and media law, which took effect in 1995, requires journalists to be licensed and to 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 in 1996, government officials do not vigorously enforce the law, both for practical and political reasons.

The Uganda Journalists Safety Committee, a media watchdog group, filed suit in the Constitutional Court in June against the sedition laws and the press and media law. The High Court began hearings in late November on the suit, which claimed that the laws violated a number of constitutional provisions; final action was still pending at year's end.

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 and faculty have sponsored wide-ranging political debates in open forums on campus, including an interdisciplinary conference on human rights in the Great Lakes region at Makerere University in December. At the same time, some limits were evident. Makerere University, the most important institution of higher education, cautioned staff member Mohammed Mayanja, a former presidential candidate, about remarks which he made that were critical of President Museveni, who is also the university chancellor.

In the past, the Government required many students and government officials to take NRM political education and military science courses known as "Chaka Mchaka." These courses were 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. The Chaka Mchaka courses, suspended in 1995 to avoid interference with the electoral process, were revived in the latter part of the year.

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 from holding national conventions, issuing platforms, endorsing candidates, or opening branch offices outside the capital for 5 years. The Constitution also forbids other activities that would interfere with "the Movement system," an elastic provision that the Government often interpreted adversely to political parties' interests.

There were no known cases of denial of assembly permits to other groups during the year.

In March the President exerted pressure to prevent a march in favor of a peaceful solution to the conflict in the north, and in May a senior police official forbade a demonstration by some opposition-minded M.P.'s. (see Section 2.a.). Members of opposition parties reported constant ISO surveillance of their meetings (see Section 2.a.).

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.

A number of incidents, however, demonstrated hostility against Muslims by some government officials, in part because of support by some Muslims of rebel groups, especially of the ADF, (see Section 1.a.). In January during the month of Ramadan, three police officers pursued a suspect into Nakasero mosque during night prayers. Also in January, a security officer in Kibale district entered the mosque in Muhooro town during night prayers, ejected the worshipers at gunpoint while accusing them of being ADF supporters, and detained 20 Muslims for 2 days in a local police post, where they were beaten by police. A local government official reportedly expressed regret for the incident. In the same month, security officers in Bushenyi town blocked a vehicle carrying relief supplies for Muslims in Kasese district; circumstances suggested that the action, although purportedly based on lack of proper documentation, was motivated by anti-Muslim hostility. In February the Resident District Commissioner (RDC) of Bushenyi ordered the arrest of a Muslim who left a district meeting before the singing of the national anthem; reported remarks by the RDC suggested that the arrest was motivated by hostility to Muslims. In August Siraje Kifamunyanja, a Muslim businessman in Kasese, was reportedly arrested by district security officers at his attorney's office, tortured at district offices, and released the following day without charge.

In August members of the security forces were suspected of killing three Muslims in Kasese district (see Section 1.a.). Muslim groups complained of numerous instances of harassment by security officers during the year, but there were no reports that government agencies investigated such incidents.

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

The Constitution provides for these rights, and the Government generally respected them in practice, although some local officials reportedly demanded payment of fees for permission to change a place of residence. A married woman needs to obtain her husband's written permission

on her passport application if children are traveling on her passport.

The Government cooperates with the Office of the U.N. High Commissioner for Refugees (UNHCR) and with other humanitarian organizations in assisting refugees. As it has repeatedly done in past years, Uganda continued to provide first asylum to citizens from neighboring countries, extending this practice to approximately 204,000 refugees during the year; most were from Sudan, but a smaller number were from other neighboring countries. The Government provided asylum, but not refugee status, to 2,000 to 3,000 Rwandans who had refugee status in Tanzania but entered Uganda to avoid repatriation to Rwanda. Most of the latter group returned to Rwanda by midyear. There were no reports of forced return of persons to a country where they feared persecution.

The Government provided increased security in refugee camps, and there were no reports of large scale attacks by rebel groups on the camps. Nevertheless, there were several instances of attacks, rapes, harassment, and looting directed against refugees, causing several serious injuries and deaths. In one incident in October, LRA rebels abducted 24 refugees, subsequently releasing 22 and killing 2 (see Section 1.g.).

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

Movement domination of the Government and the political process, and some restrictive constitutional provisions, limited citizens' effective exercise of the right to change their government. The President dominates the Government, and Movement supporters control the Parliament. In addition, a constitutional provision prohibiting actions that impair the Movement system was interpreted by some local officials--the vast majority of whom are Movement supporters--to forbid the sale of political party cards. Although no law makes such an action a criminal offense, a number of DP and UPC figures were arrested by police and held briefly while attempting to sell party cards. Local government elections, to be carried out under the "no-party" Movement system, began at village and parish levels in November and December. They were expected to conclude in the first half of 1998. No national elections took place during the year. Universal suffrage is accorded to adults 18 years of age and older. Contrary to the Constitution, the right to vote was denied to prisoners. Special seats in Parliament are designated for members of the UPDF.

Women play a prominent role in national affairs, but are underrepresented in government and politics. However, the Government has used quotas in an aggressive effort to place women in positions of authority. The Vice President and the Deputy Speaker of Parliament are women. In addition, each of the nation's then 39 districts in 1996 elected a 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 in that election.

Provisions of the Local Government Bill, passed in March, reserved seats on local councils for women as well as members of other "marginalized" groups, such as disabled persons. The Constitution proves for five seats in Parliament for representatives of the disabled, and a by-election to fill one of these seats was actively contested.

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

Numerous human rights groups operate. Among them are: The FHRI; the Uganda chapter of FIDA; the UPAF, which monitors prison conditions; the National Organization for Civic Education and Election Monitoring, which deals with problems related to civil society and political rights; Human Rights Focus, based in the northern town of Gulu; the National

Association of Women's Organizations of Uganda (NAWOU), an umbrella group; and the Human Rights and Peace Center, based at Makerere University. These groups operate without government restriction, investigating and publishing their findings on human rights cases. HURINET, a human rights network and an umbrella organization for nine human rights organizations active in the country, continued to be active, and Amnesty International opened a branch office in Kampala while also forming a Uganda chapter.

The Constitution established the Uganda Human Rights Commission (UHRC) as a permanent independent body with quasi-judicial powers. Under the Constitution, the Commission may subpoena information and order the release of detainees and the payment of compensation for abuses, but it may not intervene in cases pending before a court. The Commission began investigations of numerous alleged human rights abuses but by year's end had issued no rulings. The UHRC also inspected numerous detention facilities and publicly reported its findings. Government officials were generally cooperative and responsive to NGO views. They frequently attended conferences and seminars hosted by NGO's on social problems. The Government allowed access by international human rights NGO's, the UNHCR, and the ICRC.

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. Race was not a factor in national politics. The escalating tension in the north led to violations of the rights of many Acholi, the ethnic group that comprises a significant part of the northern population.

Women

Violence against women, including rape, remained common. There were no laws passed to protect women against battery, although there is a general law concerning assault. In August, however, the Ministry of Gender and Community Development began to implement the Children Statute, passed in 1966, which provides extensive protections for families and children. Public opinion and law enforcement officials continued to view wife beating as a man's prerogative and rarely intervened in cases of domestic violence. Women remained more likely to sue for divorce than to file assault charges against their husbands while still married. These problems received growing public attention, with numerous NGO's that advocate women's rights sponsoring conferences, empowerment sessions, and training programs throughout the country. These NGO's were particularly active in connection with a case in which an Asian woman, Renu Joshi, was allegedly murdered by relatives, including her husband, Kooky Sharma, in December. At year's end, legal action in this case was pending.

Traditional and widespread societal 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, women may not own or inherit property, nor retain 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 agricultural land. Since the implementation of the Constitution, foreign-born husbands of Ugandan women can 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 the FIDA, Action for Development, the

National Association of Women Judges of Uganda (NAWJ) and the NAWOU, which promote greater awareness of the rights of women and children. The FIDA is conducting a 3-year project to reform outdated and discriminatory laws, and the NAWJ completed and began disseminating a guidebook on women's rights and options concerning domestic violence.

Children

Although it has devoted only limited funds to children's welfare, the Government demonstrated a commitment to improving children's welfare. Beginning in August, it implemented the Children Statute, passed in 1996. The law stipulates parents' responsibilities and provides extensive protections for children in a wide variety of areas, including financial support, foster care placement, adoption, determination of parentage, and treatment of children charged with offenses. It also includes concise provisions on the rights of the child, including a provision that a child shall not be "made to work or take part in any activity whether for pay or not which is likely to injure the child's 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.). One-half the population is under the age of 18. Current estimates, based on 1991 figures (the most recent available), suggest that there are 1.3 million orphaned children (children missing either parent are considered orphans). This large number of orphans results from previous civil wars, internal displacement of persons, and AIDS.

Parliament passed legislation to put into effect a campaign promise by President Museveni in 1996 to provide free education through seventh grade for a maximum of four children per family. This program, called "Universal Primary Education" (UPE), received preferential treatment in the central government budget, although strained finances, instability in some areas, and inability to rapidly expand educational personnel and infrastructure left the program incompletely implemented at year's end. Although the UPE began to make education more accessible financially, parents must still pay for books, uniforms, and some school costs. Implementation of the UPE caused financial problems for the country's large, often polygynous families. Girls and boys theoretically have equal access to education, and lower grades are about evenly divided by sex; at year's end, the effect of the UPE on education for girls--who have traditionally been less favored when families have made financially-related educational decisions--remained unclear. Parents' inability to afford schooling has in the past correlated 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 incidents is 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. Despite these obstacles, an increasing number of cases are being prosecuted, such as that of a 20-year-old baggage porter sentenced in February to 4 years in prison and 12 strokes of a cane for defiling three children after confining them in a forest in Masaka district. In another case, a 56-year-old man was convicted in Kampala in April of attempted defilement of a 9-year-old girl and was imprisoned for 2 years. On occasion, local inhabitants meted out informal justice to alleged defilers. For example, in August residents of Kyarumba village in Kabarole district beat a suspect to death.

Many schools use corporal punishment, although Minister of Education Amanya Mushega in May banned the beating of secondary school students and called for the arrest of teachers who did not comply. In one case, a teacher was detained for allegedly beating to death a 15-year-old pupil at Bugenge primary school in Masaka district; prosecution was pending at year's end. In August a teacher in Kampala was suspended and placed under investigation based on allegations that he had caned a pupil.

The 1996 cases of the Mpigi teacher charged with beating an 8-year-old child to death and the Bulegna headmaster charged with beating a 17-year-old girl to death remained unresolved at year's end.

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, located in highly rural Kapchorwa district in eastern Uganda, whose members number fewer than 10,000. Among the Sabyni, initiation ceremonies involving FGM have been carried out every 2 years for girls between the ages of 14 and 16 years. There is no law against the practice, but government and women's groups working with the U.N. Fund for Population Activities are carrying out a program to combat the practice through education. With strong government support, including the support of local Kapchorwa leaders, a pilot phase of this program, which emphasizes close cooperation with local traditional authority figures and peer counseling, achieved more than a one-third reduction in numbers of mutilations performed. The program is being expanded.

The Children Statute provides that children with disabilities be treated and given necessary special facilities--a provision hampered in execution by inadequate funding.

The LRA abducted many children, using them as guards, soldiers, and concubines (see Section 1.g.)

People with Disabilities

The Constitution specifies that persons with disabilities have "a right to respect and human dignity" and requires that authorities take appropriate measures "to ensure that they realize their full mental and physical potential." Regardless of this provision, there is no statutory requirement for government services or facilities such as accessibility of buildings for the disabled. Most buildings are one-story, but in 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. Disabled M.P.'s have emphasized the problems of people with disabilities.

Religious Minorities

A number of incidents demonstrated hostility against Muslims by residents of some localities. In February a mob in Igayaza village in Kibale strict destroyed a mosque belonging to the Tabliq Muslim sect and an Islamic primary school.

National/Racial/Ethnic Minorities

Civil strife in the north led to violation of the rights of many members of the Acholi tribe, which is largely resident in the northern districts of Gulu and Kitgum. Both the LRA rebels-who themselves are largely Acholi-and government forces committed violations of humanitarian law, and LRA fighters were particularly implicated in instances of murder and maiming (see Section 1.g.).

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of every person to join associations or trade unions, and the law allows unionization if a majority of the work force supports it. In practice, the Government respects the right to form unions, and since 1993 this right has 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. Among its members are medical workers, including doctors, and the civil service union. The 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. In addition, the NOTU's membership has reportedly declined from some 500,000 in the 1970's to about 150,000. 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). In February the IC upheld a 1993 pay increase award to employees of three foreign-owned banks--the first prolabor ruling since President Museveni in 1995 expressed his displeasure with the IC's hostility toward the business community. 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.

There were 13 major strikes by both union and nonunion labor, including university staff, railway and medical workers, and sugar cane harvesters. There were also a number of shorter informal strikes by employees in particular localities or institutions, such as health workers or teachers, largely over unpaid salary; these actions usually were resolved quickly by payment of back wages. The Government respected the rights of striking workers once strikes began, but government officials threatened strikers at critical institutions, such as hospitals, with loss of their jobs. The police officer arrested in 1995 for killing a striker at the Lugazi Sugar Corporation died while the case was pending. The case of three union leaders of the Ugandan Medical Workers Association arrested in 1995 was dismissed by a Kampala court in January for failure to prosecute.

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, specifying that a workplace may be unionized if a majority of the employees supports doing so. True collective bargaining, however, 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, and 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 law prohibits forced or bonded labor, including forced or bonded labor by children, but a lack of resources prevented the Government from enforcing this prohibition effectively. However, there is strong evidence that prison officials hired out prisoners to work on private farms and construction sites, where they were reportedly often overworked. 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. Compensation, when paid, was generally very low, although the law demands that pretrial detainees must receive back pay for all work that they have performed, once they are released. The Government in January provided its 1995 report on the International Labor Organization (ILO) Convention on Forced Labor; ILO had cited the Government for its failure to report in 1995 and 1996.

The LRA abducted numerous children and terrorized them into virtual slavery as guards, soldiers and concubines (see Sections 1.b. and 1.g.).

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits forced and bonded labor by children, but a lack of resources prevented the Government from enforcing this prohibition effectively (see Section 6.c.). 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 have made it impossible for many parents--particularly poor farmers, the majority of the population--to provide their children with 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, are involved in commercial sex, or beg for money. Some of the largest sectors also employ child labor. 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 borders with Kenya and Tanzania. 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, although a Minimum Wages Board appointed in 1995 submitted recommendations on this issue to the Cabinet. 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 worked. 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 costs. 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. Sanitation and water facilities are often lacking.

Building codes are often unenforced. 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.

Vestiges of occupational health and safety legislation are contained in the Outdated Factories Act of 1954, the Workmen's Compensation Act of 1964, and the Employment Decree of 1975. 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 inspectors' lack of vehicles and funding for inspection trips. Under the law, the maximum award payable in workers' compensation to a disabled employee, or to the estate of employees killed on the job, is $38. Ministry of Labor officials recognized the inadequacy of this amount and at year's end were working on remedial efforts, including new legislation.

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