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2014 Scores

Status: Partly Free

Freedom Rating (1 = best, 7 = worst): 5.0

Civil Liberties (1 = best, 7 = worst): 4

Political Rights (1 = best, 7 = worst): 6

Ratings Change:

Uganda's political rights rating declined from 5 to 6 due to the continued, repeated harassment and arrest of prominent opposition leaders, the passage of the Public Order Management Bill to further restrict opposition and civil society activity, and new evidence of the limited space for alternative voices within the ruling National Resistance Movement.

OVERVIEW

In 2013, President Yoweri Museveni governed in an increasingly repressive manner, attempting to muzzle the political opposition, civil society, independent media, and dissidents within his long-ruling National Resistance Movement (NRM). Nevertheless, these groups generally remained resilient, continuing to challenge Museveni's government on sensitive issues including corruption, transparency in the oil sector, and the condition of the economy.

In May, a major controversy erupted when the widely read, independent *Daily Monitor* newspaper published a letter written by highly influential Gen. David Sejusa warning of an alleged plot to assassinate senior officials who opposed a plan for Museveni's son, Brig. Muhoozi Kainerugaba, to succeed him as president. The police questioned *Daily Monitor* editors and reporters in an effort to obtain the source of the letter, and eventually raided the *Daily Monitor* and the tabloid *Red Pepper*, which had also reported on the letter. The raid led to the temporary closure of the papers and of two radio stations that shared a building with the *Daily Monitor*, prompting street protests by local press freedom groups and condemnation from local and international advocacy groups.

Throughout the year, there were numerous confrontations between authorities and opposition figures, including former Forum for Democratic Change (FDC) presidential candidate Kizza Besigye and embattled Kampala mayor Erias Lukwago. Both were arrested numerous times and police used force to disperse organized opposition rallies as well as spontaneous gatherings that erupted when Besigye managed to elude his near-constant police minders.

In August, the National Assembly passed the Public Order Management Bill, which significantly expanded the government's power to restrict freedom of assembly and expression by imposing broad new limitations on "public meetings." In December, the assembly passed the Anti-Homosexuality Bill, which imposed harsher penalties for same-sex sexual relations as well as the "promotion" of homosexuality. Both bills were condemned international human rights groups as a violation of international standards.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 11 / 40 (-1)

A. Electoral Process: 3 / 12

Uganda's single-chamber National Assembly and the powerful president are elected for five-year terms. Of the legislature's 386 members, 238 are directly elected and 137 are indirectly elected from special interest groups including women, the military, youth, the disabled, and trade unions. Eleven ex-officio seats are held by cabinet ministers, who are not elected and do not have voting rights. In 2005, voters approved a package of constitutional amendments in which a ban on political parties was lifted in exchange for an end to presidential term limits.

Museveni, a former rebel leader who took power in 1986, won the February 2011 presidential election with 68 percent of the vote. Besigye, who had been cleared of treason, terrorism, murder, and firearms charges in 2010, placed second with 26 percent. In concurrent parliamentary elections, the NRM took 263 of 375 elected seats, followed by the FDC with 34. According to observers from the European Union (EU) and the Commonwealth, the elections were undermined by flawed administration, extensive state media bias, and government spending on behalf of the ruling party. Museveni and his party exploited the advantages of incumbency; observers criticized the passage of a \$256 million supplementary budget shortly before the election, with much of the funds going to the president's office.

Despite questions over the independence of the electoral commission, Museveni renewed the panel and its chairman for a second seven-year term in 2009.

B. Political Pluralism and Participation: 5 / 16 (-1)

The NRM is the dominant party, and the FDC is the main opposition party. There are significant concerns about the ability of the opposition to compete with the ruling NRM. The opposition is hindered by harassment of its leaders; restrictive party registration requirements, voter, and candidate eligibility rules; the use of government resources to support NRM candidates; a lack of access to state media coverage; and paramilitary groups – such as the Kiboko Squad and the Black Mambas – that intimidate voters and government opponents. The passage of the Public Order Management Bill further infringed on the opposition's ability to freely hold rallies and meet with constituents.

As in previous years, Besigye, the former FDC leader who was now led the banned For God and My Country (4GC) political pressure group – as well as Lukwago and other top opposition figures were subject to frequent arrest and harassment in 2013. Besigye's home was under near-constant surveillance and his movements closely tracked by the police, making it extremely difficult for him to lead rallies or even move freely among the public. In July, police carried out a "preventive arrest" of Besigye as he was leaving his home, on the grounds that he was planning illegal rallies, after 4GC announced upcoming economic demonstrations. The group launched another round of such protests in November; those protests were dispersed and Besigye was again arrested and charged with belonging to an unlawful society.

In late November, Lukwago, after months of conflict with the Kampala Capital City Authority (KCCA) – which had already taken over many of city mayor's powers under 2010 legislation –

was impeached on the grounds of incompetence and abuse of office, in the wake of a report by a government-appointed tribunal into his conduct as mayor. On the day of the impeachment, nearly 20 journalists were prevented from covering the proceedings, in Kampala's City Hall. Lukwago's lawyer was roughed up by the police; and protests against the impeachment were reportedly dispersed violently. Three days after the impeachment, a High Court judge issued a ruling staying the implementation of the report that had led to Lukwago's impeachment. As of the end of 2013, a court was still considering whether the KCCA's impeachment of Lukwago was legal.

NRM legislators have recently attempted to assert some independence from Museveni by censuring high-level executive officials, seeking greater transparency in Uganda's growing oil sector, and exercising oversight to influence a number of government actions and policies. However, in April 2013 the NRM expelled four legislators for "indiscipline"; according to NRM leaders, the four had committed offenses including participating in a group that challenged the party's oil policy and voicing criticism of Museveni. The legislators challenged their expulsion in the Supreme Court, which began hearing the case in September and had not reached a decision by year's end.

The military, controlled by Museveni, exerts a powerful role behind the scenes. The May controversy over the letter by Sejusa – the coordinator of intelligence services – made public the extent of military involvement in the government. The publication of the letter, to the director general of the Internal Security Organisation, prompted Sejusa to flee to the United Kingdom; he continued to denounce Museveni's regime from exile. In June, Kainerugaba denied that there was a plan for him to succeed his father, but indicated that he might have his own political ambitions. Sejusa, who was one of the 10 military members of parliament, was dismissed from that role in November after being absent without permission for a lengthy period of time.

In July, Museveni swore in Gen. Aronda Nyakairima as internal affairs minister despite ambiguity surrounding the constitutionality of appointing active military personnel to the cabinet. The constitution bars armed forces members from seeking political office. The inspector general of police, Gen. Kale Kayihura, is also a member of the military.

C. Functioning of Government: 3 / 12

Although Uganda has a variety of laws and institutions tasked with combating corruption, enforcement is weak in practice. In July 2013, the Constitutional Court suspended one of these institutions – the Anti-Corruption Court – a specialized branch within the High Court, after a lawyer filed a petition challenging its composition. The Constitutional Court ruled in late December that its members were indeed legally appointed, and it was set to reopen in early 2014. In late 2012, the EU and several European nations had frozen aid to Uganda in response to a report by the auditor general's office revealing that \$13 million in donor money had been embezzled by Prime Minister Amama Mbabazi's office. In January 2013, Uganda paid back \$5.4 million to Ireland; it has reportedly repaid other European donors as well. However, instead of taking concrete action on promises of reform in the wake of this scandal, the government in 2013 stepped up its harassment of anticorruption activists. An October 2013 report by Human Rights Watch and Yale Law School's Allard K. Lowenstein International Human Rights Clinic found that despite the recent high-profile scandals and investigations, as well as the laws and institutions that exist to combat corruption, no top government official had ever been imprisoned for corruption in Uganda.

Uganda was ranked 140 out of 177 countries and territories surveyed in Transparency International's 2013 Corruption Perceptions Index. Uganda was also rated last in the agency's 2013 East African Bribery Index.

In December 2012, the National Assembly passed the Petroleum Bill, which gave wide-ranging powers over the sector to the energy minister and was criticized by the opposition and

international monitoring groups such as Global Witness for the lack of parliamentary or independent oversight of the energy minister's decisions.

Civil Liberties: 26 / 40 (-2)

D. Freedom of Expression and Belief: 10 / 16 (-1)

The constitution provides for freedom of expression and of the press; however, these rights are often undermined by provisions in the penal code, including laws on criminal libel and treason, as well as by extralegal actions by the government. The media sector has flourished in the last decade, with nearly 200 private radio stations and dozens of television stations and print outlets. Independent journalists are often critical of the government, but in recent years they have faced substantial, escalating government restrictions and intimidation, which encourage self-censorship. Continuing a pattern from previous years, throughout 2013 journalists were regularly prevented from covering opposition-related events or were attacked while doing so, summoned for questioning about content they had produced, or verbally threatened by officials. In covering these events, police often assumed journalists to be opposition supporters rather than neutral observers.

Numerous press freedom violations were recorded during the confrontation between the authorities and the *Daily Monitor* in May. The authorities initially sought to obtain the source of Sejusa's letter by summoning the authors of the story and a *Daily Monitor* editor to police headquarters. After the *Monitor* employees refused to turn over the information, the police on May 20 carried out a court order to search the *Daily Monitor*'s offices as well as the offices of *Red Pepper*, leading to the closure of both papers. Police also shut down two of the *Daily Monitor*'s sister radio stations, KFM and Dembe FM. The court order was revoked two days later; however, the police continued their search for the letter and the outlets remained closed. The search continued despite reports that the police had obtained a copy of the letter from another source, leading to allegations that the shutdown was being used as a tactic to intimidate the *Daily Monitor*. When journalists and media freedom groups staged a march and sit-in outside the *Daily Monitor* offices to protest the shutdown, police responded with force, injuring several protesters and arresting three. The impasse was eventually resolved at the end of May after a meeting between the heads of the Nation Media Group (NMG), which owned the *Daily Monitor*, and Museveni and other top government officials; however, the NMG apparently agreed to certain conditions that could compromise the editorial integrity of the *Daily Monitor*.

In December, parliament passed the Anti-Pornography Bill – also known as the "Miniskirt Bill" for its provisions to ban short skirts and other clothing deemed sexually explicit. The legislation defines pornography in broad terms and sets up a nine-member Pornography Control Committee with wide-ranging powers to determine what amounts to pornographic material. The committee is also mandated to develop software that would allow internet service providers to monitor websites for pornography. Critics and free expression advocates expressed concern that media outlets and websites could easily violate the law due to its sweeping and opaque provisions.

There is no state religion, and freedom of worship is constitutionally protected and respected in practice. Academic freedom is also generally respected.

E. Associational and Organizational Rights: 4 / 12

Freedom of assembly is officially recognized but is restricted in practice. Since leading a "walk to work" campaign of marches against corruption and the rising cost of living in 2011, Besigye has been arrested numerous times, as have other opposition leaders, and their freedom of movement and expression has been severely curtailed. In August 2013, the National Assembly passed the Public Order Management Bill, which severely restricts freedom of assembly. Among the most repressive provisions of the bill, groups are required to register with the local police in writing three days before any gathering to discuss political issues, either in public or in private. The police

have broad authority to deny approval for such meetings if they are not deemed to be in the "public interest," or if another event is planned at the same time. Certain sites, such as the areas around the parliament and court buildings, are off-limits. The bill also authorizes the use of force to disperse assemblies deemed unlawful; makes no provision for the protection of media members covering the assemblies; and allows for organizers to be held liable for any criminal conduct by third parties.

Freedom of association is guaranteed in the constitution and the law but is often restricted; nevertheless, civil society in Uganda remains vibrant. Several nongovernmental organizations (NGOs) address politically sensitive issues, but their existence and activities are vulnerable to legal restrictions, including the manipulation of burdensome registration requirements under the 2006 NGO Registration Amendment Act. In 2013, the National NGO Board, which regulates NGOs under the act, announced that the more than 10,000 NGOs in Uganda would be required to "update their files" via a form on the Ministry of Internal Affairs website (which was reportedly difficult to access), starting September 1 and ending November 29. The board stated that any group failing to do so within the required period was subject to deregistration. However, amid strong objections for the NGO community, the board dropped this requirement in October.

In 2013, the government continued to harass civil society groups that advocate for sensitive issues, such as combating corruption, transparency in the oil sector, and LGBT (lesbian, gay, bisexual, and transgender) rights. On at least three occasions during 2013, police arrested activists who were part of the Black Monday coalition of anticorruption civil society groups. Meanwhile, other NGOs that focus on issues such as service delivery are largely allowed to operate freely.

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

F. Rule of Law: 5 / 16 (-1)

Executive influence undermines judicial independence. In July, Museveni reappointed 70-year-old Benjamin Odoki as chief justice of the Supreme Court, despite the fact that Odoki was past the age of mandatory retirement; the reappointment was being challenged in Constitutional Court.

Prolonged pretrial detention, inadequate resources, and poor judicial administration impede the fair exercise of justice. The country has also faced criticism over the military's repeated interference with court processes. The prison system is reportedly operating at nearly three times its intended capacity, with pretrial detainees constituting more than half of the prison population. Rape, vigilante justice, and torture and abuse of suspects and detainees by security forces remain problems. The Joint Anti-Terrorism Task Force, established under the 2002 Anti-Terrorism Act, has committed many of the worst rights abuses. It reportedly has stepped up its efforts in the wake of bombings in Kampala in 2010 by the Somali Islamist group Al-Shabaab, illegally detaining and abusing terrorism suspects as well as expanding the scope of the law to crack down on the political opposition. The Kampala attack was in retaliation for Uganda's leading role in the African Union (AU) peacekeeping mission in Somalia. Security was stepped up after Al-Shabaab's deadly September 2013 terrorist attack on the Westgate shopping mall in neighboring Kenya.

Northern Uganda continues to struggle to recover economically from 20 years of attacks by the cult-like rebel group the Lord's Resistance Army (LRA), with residents of the region voicing allegations of neglect by the central government and corruption related to donor funds earmarked for the north. The LRA has not staged attacks in Uganda itself since 2005, but Uganda had a leading role in an international effort to eliminate the group from neighboring countries.

Uganda's society and government is overtly prejudiced against gays and lesbians, creating a climate of fear and insecurity for members of the LGBT community. In December 2013, the National Assembly passed the Anti-Homosexuality Bill, which had been surrounded by international controversy since it was first introduced in 2009. If signed by Museveni in 2014, the bill would toughen penalties for same-sex relations in a number of areas, including mandating a 14-year prison sentence for a first conviction of same-sex sexual behavior, with a lifetime sentence for repeat offenders or those convicted of "aggravated homosexuality." It would punish individuals for the "promotion" of homosexuality and for not reporting violations within 24 hours, potentially threatening health workers and advocates for LGBT rights. It would also endanger freedom of expression by imposing penalties on speech seen as sympathetic to the LGBT community. Even before the bill's passage, societal and legal harassment of the LGBT community continued unabated. In mid-November 2013, prominent activist Samuel Ganafa was arrested on charges of infecting another man, Disan Twesiga, with HIV. Ganafa alleged that police searched his home without a warrant and that he was involuntarily tested for HIV. Also in November, Briton Bernard Randall went on trial for trafficking obscene publications after a newspaper published photos of him having sex with his partner, Albert Cheptoyek; the photos had been obtained from a video on a laptop that was stolen from Randall's home. Randall, 65, faced a two-year sentence. Cheptoyek was charged with the more serious offense of engaging in "acts of gross indecency," which carried up to a seven-year prison term. Their cases had yet to be decided as of the end of 2013.

G. Personal Autonomy and Individual Rights: 7 / 16

Travel is largely unrestricted; however, the government has occasionally enforced travel restrictions for security purposes, particularly in the north. Bribery is common practice in many facets of life, such as interacting with traffic police and in gaining admittance to some institutions of higher education. Licenses are required for starting a business, construction permits, and to register property, and the multistage processes involve numerous public officials who are in a position to extract bribes.

Although Articles 2(2) and 21(2) of the constitution prohibit discrimination on the basis of gender and acknowledge the equal rights of women, gender discrimination remains pronounced, particularly in rural areas. Women hold nearly 35 percent of the National Assembly seats, and one-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. A proposed Marriage and Divorce Bill, which would have required asset-sharing in cases of divorce and explicitly made marital rape illegal, was debated at length in parliament but did not pass by year's end. Rape and domestic violence are widespread and underreported, and offenders are often not prosecuted. Cultural practices such as female genital mutilation persist. Sexual abuse of minors is a significant problem. Ritual sacrifice of abducted children has reportedly increased in recent years, with wealthier individuals paying for the killings to secure good fortune. Uganda continues to be a source and destination country for men, women, and children trafficked for the purposes of forced labor and prostitution.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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