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Country Report on Human Rights Practices for 2011 - Uganda

EXECUTIVE SUMMARY

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

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

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

The Lord's Resistance Army (LRA), driven out of the country in 2005, continued to hold children forcibly abducted from the country. The governments of Uganda, South Sudan, the Central African Republic (CAR), and the Democratic Republic of the Congo (DRC) continued military actions against the LRA.

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

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

a. Arbitrary or Unlawful Deprivation of Life

There were several reports that the government or its agents committed arbitrary or unlawful killings, as SSF killed opposition party demonstrators and other citizens.

SSF's use of excessive force and live ammunition to disperse antigovernment demonstrations in April and May resulted in at least 10 deaths, including a two-year-old girl in Masaka. Authorities arrested reserve police officer Paul Mugenyi for the April 20 killing of the two-year-old girl but held no one accountable for the nine other killings. Police also arrested police officers Aggrey Arineitwe and James Babaranda for the April 11 killing of a 16-year-old girl in Kabale, who was shot and killed by police using live ammunition to disrupt a strike at a secondary school. Arineitwe was released for lack of evidence, and charges against Mugenyi and Babaranda were pending at year's end.

Excessive force and the indiscriminate use of live ammunition by SSF, including the Uganda People's Defense Forces (UPDF), resulted in deaths during cattle recovery and disarmament operations in the Karamoja Region in the East. For example, on September 5, the UPDF killed six Karamojong cattle rustlers in two operations to recover stolen cattle in Kaabong District.

There were developments in some cases from previous years involving deaths caused by government security forces.

During the year an internal police investigation into the death of Henry Bakasamba, who died in May 2010 in the custody of the Police Rapid Response Unit (RRU) in Kampala, exonerated RRU officers Disinga Abangu and David Mulwanira. In 2010 RRU officers Abangu, Mulwanira, Alex "Eddy" Muhiirwe, David Osaulo, and Famba Suli were arrested for allegedly murdering Bakasamba. Police claimed Suli remained in jail but were unable to provide the date or location of his incarceration. The whereabouts of Muhiirwe and Osaulo were unknown. During the year police also released on bail three RRU officers--Dhikusoka Ramadan, Mohamed Kavuma, and Zikusoka Hussein--who were arrested in 2010 for allegedly killing suspect Frank Ssekanjako in August 2010 while in RRU custody.

No terrorist attacks occurred during the year. On September 12, the government commenced legal proceedings against 14 suspects accused of orchestrating the July 2010 terrorist bombings in Kampala that killed 76 people. That same day the government dropped pending terrorism charges against Kenyan human rights activist Al Amin Kimathi and four others who had been arrested in connection with those same bombings and released them from custody. On September 16, the High Court convicted and sentenced two July bombing suspects who pled guilty, Idris Nsubuga and Mahmood Mugisha, to 25 years for terrorism and five years for conspiracy. The case against the remaining 12 suspects was pending at year's end.

b. Disappearance

There were reports of politically motivated abductions or kidnappings. For instance, on January 18, opposition Democratic Party (DP) mobilizer Annette Namwanga was kidnapped by unidentified individuals from her job at Mulago Hospital. On January 25, the Chieftaincy of Military Intelligence (CMI) acknowledged arresting Namwanga. On February 6, Namwanga and nine others were charged with terrorism and remanded to prison. On April 1, the High Court released Namwanga on bail. Charges against her remained pending.

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

The constitution and law prohibit such practices. Nevertheless, there were credible reports that SSF tortured and beat suspects (see section 1.a.).

The Uganda Human Rights Commission (UHRC) and international and local human rights organizations reported incidents of torture by SSF, including caning, severe beating, squeezing of private parts, stabbing, kicking, tying of limbs in contorted positions, forced marching, rape, water torture, tearing off of fingernails, burning with molten plastic, and cutting off of body parts. From January to June, the African Center for Treatment and Rehabilitation of Torture Victims (ACTV) registered 214 allegations of torture against the police, 24 against the UPDF, three against military police, 46 against the RRU, 14 against unspecified security personnel, and 17 against prison officials.

There were numerous reports of torture and abuse in detention facilities operated by CMI, CMI's Joint Antiterrorism Taskforce (JATT), and the RRU. On March 23, Human Rights Watch (HRW) published a report on

extrajudicial killings, torture, and illegal detention by the RRU. HRW accused the RRU of committing six extrajudicial killings in 2010 and criticized the government for failing to investigate or prosecute abusive officers. The report heightened concerns that the RRU, CMI, and JATT operated under unclear mandates and committed serious abuses with impunity. In December police acknowledged the RRU's record of human rights abuses and disbanded the unit.

SSF's use of excessive force resulted in injuries during arrests and law enforcement operations. In April and May, for instance, SSF beat and injured numerous civilians during antigovernment walk-to-work protests. On April 14, SSF's use of live ammunition to disrupt walk-to-work protests seriously wounded a pregnant woman and one student. On April 29 and May 12, dozens of people, including some journalists, were beaten by SSF during protests in Kampala and Entebbe. On April 28, SSF arrested opposition Forum for Democratic Change (FDC) party leader Kizza Besigye by breaking a window of Besigye's car and spraying him with large amounts of a noxious chemical at point-blank range. Besigye suffered temporary damage to his eyes. Police took no action against officer Gilbert Arinaitwe and other SSF members who used excessive force to arrest Besigye.

In August a British national accused CMI and JATT of abducting him on May 21, holding him incommunicado for 28 days, and torturing him.

During the year the UHRC awarded 1.1 billion Uganda shillings (\$400,000) to victims of torture and other abuses. In its 2010 annual report, the UHRC reported registering 797 human rights complaints against 743 individuals, including 84 UPDF members, 305 police officers, 93 personnel of other security agencies, 30 prison warders, and 231 private citizens. Of the 797 complaints, 28 percent involved allegations of torture or cruel, inhuman, or degrading treatment and punishment. During the year the Police Disciplinary Court issued a written reprimand to RRU officer Nathan Byona and senior police officers Nixon Karuhanga and Julius Kwikirizi for torture, extortion, and mismanagement and reduced their pay.

Mobs attacked persons suspected of stealing, ritual sacrifice, witchcraft, and other crimes, resulting in deaths and injuries. Motivated in part by lack of confidence in law enforcement and the judicial system, mobs beat, lynched, burned, and otherwise brutalized their victims (see sections 1.a. and 6).

Prison and Detention Center Conditions

Prison conditions remained poor and, in some cases, life threatening. There were reports that SSF tortured inmates, particularly in military facilities and unregistered detention centers. Abusive forced labor in prisons countrywide remained a problem.

Serious problems in prisons included long remand periods, overcrowding, and inadequate staff. Prison conditions came closest to meeting international standards in Kampala, where medical care, running water, and sanitation were provided. However, these prisons were among the most overcrowded. Prisons outside Kampala lacked food, water, medical care, and bedding. In March HRW and the NGO Advocates Without Borders (AWB) released detailed reports on prison conditions. HRW described prison conditions as bordering on inhuman, with degrading treatment and torture. HRW cited overcrowding, long remand periods, and reports of prisoners being beaten by prison warders. HRW also reported that prison officials often subjected prisoners to hard labor and routine abuse. The AWB report alleged inmates were held in places that did not meet international human rights standards for food, water, medical care, and basic hygiene. Prison authorities estimated more than half the prison population was on remand or pretrial detention and had not been convicted. In 2010 the Ministry of Justice reported that the average remand period for prisoners was reduced from 27 months in 2009 to 15 months. Data for 2011 was unavailable.

The Uganda Prisons Service reported 31,749 prisoners in the system at the end of August. The approved holding capacity of prisons is 13,670 prisoners. Severe overcrowding was also a problem at juvenile detention facilities and in female wings of prisons. The Kampala Remand Home, designed for 45 children, held 194. The Naguru Reception Center, designed for 30 children, held 180 juveniles. The Prisons Service recorded 84 prisoner deaths nationwide from January to August from torture, overcrowding, malnutrition, poor sanitation, disease, overwork, or lack of medical care.

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

Although female prisoners in central prisons were held in separate facilities, services and facilities for female prisoners in local prisons, including separate cells, were lacking in some areas. The Prisons Service had no budget for accommodating pregnant women or mothers with infants, and the number of infants in women's prisons increased during the year. Due to lack of space in juvenile facilities, minors were held in prisons with adults.

Pretrial detainees in Kampala prisons were separated from convicted prisoners. Elsewhere they were sometimes held together. Local NGOs reported that prisoners and detainees had reasonable access to visitors and were allowed to submit complaints. Prison authorities acknowledged a backlog in the investigation of complaints. Authorities allowed international NGOs, foreign diplomats, and local NGOs to conduct prison visits during the year but required advance notification.

Prison authorities reported improvements in recordkeeping by the introduction of computers up to the regional level, provision of plastic water tanks, and adoption of a new sanitation system at several prison facilities. Community service is statutorily available as a sentencing option. Prison authorities reported that more than 100,000 persons were sentenced to community service during the year.

d. Arbitrary Arrest or Detention

Although the constitution and law prohibit such practices, SSF sometimes arrested and detained persons arbitrarily. For instance, from February 5 to 7, police in Kampala arrested and later released without charge 16 civil society activists for distributing anticorruption leaflets. In March and April, SSF arbitrarily arrested hundreds of civilians, including many main opposition party leaders, for participating in a “walk-to-work” campaign against rising prices (see section 1.e.). On July 13, in Lira, SSF arrested and held radio journalist Augustine Okello incommunicado for two weeks. He was brought to court and charged with treason after the Human Rights Network for Journalists (HRNJ) sued the police, the chief of the defense forces, and CMI. In August a British national accused CMI and JATT of abducting him on May 21, holding him incommunicado for 28 days, torturing him, and extorting money. On June 17, he was released from custody without having been charged (see section 1.b.). On several occasions during the year, police placed opposition FDC party president Kizza Besigye under “preventive arrest” by surrounding his home and prohibiting him from leaving.

Role of the Police and Security Apparatus

The Uganda Police Force (UPF), under the Ministry of Internal Affairs, has primary responsibility for law enforcement. The UPDF is charged with external security but also had significant responsibility for implementing the disarmament campaign in Karamoja, providing election-related security, and responding to walk-to-work protests. The Internal Security Organization (ISO) and External Security Organization (ESO), security agencies and intelligence-gathering entities under the Minister of Security, occasionally detained civilians. CMI is legally under UPDF authority, although it often acted as a semiautonomous unit in detaining civilians suspected of rebel and terrorist activity, as did the ISO and ESO. The JATT, an interagency paramilitary group under CMI, has no codified mandate but illegally detained civilians suspected of rebel and terrorist activity. The JATT is a joint command whose members are drawn from the UPDF, UPF, ISO, and ESO.

The UPF were constrained by limited resources, including low pay and lack of vehicles, equipment, and training. The UPF's Professional Standards Unit (PSU) investigated complaints of police abuses, including torture, harassment, unlawful arrest and detention, abuse of office, irregular or discreditable conduct, mismanagement of case papers, and corrupt practices. From January to November, the PSU received 218 reports of human rights violations and unprofessional conduct. The PSU was unable to provide information on the number of cases acted upon during the year.

The UPDF continued efforts to transfer responsibility for law enforcement in the North and in the Karamoja region to UPF. In 2010 the UPF deployed an estimated 2,000 additional police officers to Karamoja.

In conjunction with the UHRC and international organizations including the International Committee of the Red Cross (ICRC) and the Office of the High Commissioner for Human Rights (OHCHR), the UPDF and UPF continued to train officers on internationally recognized human rights standards. During the year 1,057 police officers attended human rights and constitutional workshops. The UPF, UPDF, and Prisons Service also used human rights manuals in their training programs.

Arrest Procedures and Treatment While in Detention

The law requires that judges or prosecutors issue arrest warrants before arrests are made. However, in practice suspects were often arrested without warrants. The law requires suspects to be charged within 48 hours of arrest, but suspects frequently were held longer. While suspects arrested under the Antiterrorism Law must be brought to trial or released on bail within 120 days (360 days if charged with a capital offense), if the case is presented to the court before the expiration of this period, there is no limit on further pretrial detention. Detainees must be informed immediately of the reasons for their detention, although authorities did not always do so. The law provides for bail at the discretion of the judge, and bail was generally granted, albeit with stringent conditions. Detainees are required by law to have access to a lawyer, but many were denied their legal right to representation. According to

the law, the government provides attorneys for indigent defendants charged with capital offenses, but in practice funds were rarely available to retain counsel.

Incommunicado detention remained a problem, particularly with regard to CMI, JATT, and the RRU. Local and international human rights groups reported that the government detained civilians in military facilities and unregistered detention facilities known as “safe houses,” where detainees often were held incommunicado and abused.

Human rights groups expressed concerns about the treatment of individuals arrested by the UPDF in Karamoja in conjunction with the UPDF’s response to cattle raids and the government’s disarmament campaign (see section 1.a.).

Arbitrary Arrest: Arbitrary arrests during police sweeps remained a problem, as did arbitrary arrests based on alleged sedition, treason, promoting sectarianism, incitement of violence, or terrorism charges. During the year several hundred people were also arbitrarily arrested for participating in, or being in proximity to, protests organized by opposition parties and civil society (see section 1.e.). The government paid compensation to some victims of arbitrary arrest, but compensation was often paid slowly.

Pretrial Detention: Persons suspected of sedition, treason, incitement of violence, or terrorism were subjected to numerous abuses, such as detention without charge, detention in unofficial locations, and mistreatment, including torture (see sections 1.a., 1.b., and 1.c.). Case backlogs in the judicial system routinely contributed to pretrial detentions of two to three years but sometimes as long as seven years. The Prisons Service reported that more than half of its approximately 31,749 inmates were pretrial detainees. The UHRC heard several cases brought by prisoners challenging the length of their detention.

Amnesty: Since 2000 the government has offered blanket amnesty to former LRA and Allied Democratic Forces rebel combatants to encourage defections. More than 26,000 individuals have received amnesty since 2000, and more than half of these are former LRA combatants. During the year the government approved 29 amnesty cases. On September 22, the Constitutional Court upheld the constitutionality of the Amnesty Act, ruled that the Department of Public Prosecutions (DPP) illegally denied LRA Colonel Thomas Kwoyelo’s request for amnesty, awarded Kwoyelo amnesty, and ordered his release from prison. Kwoyelo was captured by the UPDF in the DRC in 2009 and is accused of dozens of murders, mutilations, and abductions. The government claimed Kwoyelo’s alleged crimes make him ineligible for amnesty and refused to release him from prison. Kwoyelo remained in custody at year’s end.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected this provision in practice. The president appoints Supreme Court, High Court, and Court of Appeal judges with the approval of parliament. The president also nominates, for the approval of parliament, members of the Judicial Service Commission, who make recommendations on appointments to the judiciary. The judiciary ruled against the government on several high-profile cases during the year. Lower courts remained understaffed, weak, and inefficient. Judicial corruption was a problem (see section 4).

The military court system often did not assure the right to a fair trial. The law establishes a court martial appeals process. Sentences, including the death penalty, can be appealed only to the senior UPDF leadership. Under circumstances deemed exigent, a field court martial can be convened at the scene of an alleged crime. The law does not permit appeal of a conviction under a field court-martial. Despite a 2006 court ruling prohibiting the military from trying civilians in military tribunals, this practice continued. In July HRW issued a report documenting the prosecution of civilians in military courts and reported that at least 1,000 civilians had been court-martialed since 2000. In September the UPDF announced that it would end the practice of trying civilians in military tribunals.

Trial Procedures

An inadequate system of judicial administration and a lack of resources resulted in a serious backlog of cases and impaired the right to a fair trial. There is a presumption of innocence. All nonmilitary trials are public, but juries are not used. Defendants have the right to be present and consult with an attorney in a timely manner. The law requires that the government provide an attorney for indigent defendants accused of capital offenses, but funds were rarely available to provide counsel. By law defendants may confront or question witnesses against them and present witnesses and evidence on their behalf, but this right was sometimes not respected in practice. In 2008 the Constitutional Court ruled that defendants have the right to obtain documentary evidence the state intends to use against them before trial starts. However, the ruling stated that the right of disclosure is not absolute in highly

sensitive cases. Defendants have the right of appeal.

Suspects complained of long remand periods. For instance, in June the UPDF released three soldiers--Emmy Namanya, Moses Keriri, and Yason Babishanga--who were arrested between 2002 and 2004 on suspicion of murder but never formally charged.

In September authorities reported 60,649 criminal cases disposed of and 60,986 criminal cases filed during the year.

Political Prisoners and Detainees

While there were no reports of political prisoners during the year, hundreds of opposition politicians, supporters, civil society activists, journalists, or others critical of the government were detained on politically motivated grounds for short periods. Many of these individuals were released without charge. Others were released after being charged with crimes such as treason, inciting violence, and promoting sectarianism. None of the hundreds of people arrested for protesting rising prices during the walk-to-work campaign were convicted of an offense, and courts dismissed all walk-to-work related cases brought to trial by the DPP for lack of evidence.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. Victims may report cases of human rights violations through the regular court system or the UHRC, which has judicial powers under the constitution. These powers include the authority to order the release of detainees, payment of compensation to victims, and other legal and administrative remedies such as mediation. Victims can appeal their cases to the Court of Appeal and eventually the Supreme Court, but not to an international regional court. Civil courts and the UHRC have no ability to hold perpetrators of human rights abuses criminally liable, and enforcement of judgments for financial compensation was hampered by bureaucratic delays.

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

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

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

The government continued to encourage university students and government officials to attend NRM political education and military science courses known as "chaka mchaka." While the government claimed the courses were not compulsory, human rights activists reported that civil servants and students were pressured to attend.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

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

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

as grounds to restrict freedom of speech (see section 3). During the February presidential and parliamentary election campaign period, for instance, opposition FDC party president Kizza Besigye was denied access to numerous state-run and privately owned radio stations. On February 17, police in Gulu arrested and later released opposition Member of Parliament Christopher Achire for allegedly defaming President Museveni. Achire was charged with inciting violence and granted bail. Hearing of the case was pending at year's end.

Freedom of the Press: The independent media were active and expressed a wide variety of views. Nevertheless, the government and SSF imposed some restrictions. The UPF's Media Crimes Unit closely monitored all radio, television, and print media, and SSF subjected numerous journalists to harassment, intimidation, and arrest. As a result many print and broadcast media journalists practiced self-censorship, particularly with regard to reporting on President Museveni, the first family, senior members of the ruling NRM party, and the SSF. Although there are a number of private rural radio stations, many of these were owned by government officials and ruling party members who imposed reporting restrictions.

On January 11, for instance, police arrested the director and editor of a monthly magazine for publishing a cartoon of President Museveni. The two were later released without charge. In April and May, SSF prevented journalists from covering walk-to-work protests and in some cases threatened journalists, assaulted them, and confiscated camera equipment. In July CMI and the RRU illegally detained radio presenter Augustine Okello. Okello was charged with treason in August and remained in custody at year's end.

Authorities interfered with the publication of several books critical of President Museveni. For instance, on September 17, the RRU arrested Vincent Nzaramba for publishing a book about Museveni's 25 years in power entitled *People Power--Battle the Mighty General--He is Finished*. Police claimed the book incited violence, detained Nzaramba at RRU's Kireka detention facility, and released him without charge on September 22.

Violence and Harassment: SSF arrested, assaulted, harassed, and intimidated journalists during the year. During the February 18 presidential and parliamentary elections, SSF in Mbale shot and injured freelance journalist Julius Odeke. The police suspended the divisional commander and his deputy over the violence (see section 3). In August the HRNJ reported that 55 journalists were subjected to different forms of violence from November 2010 to April 2011 and urged the UHRC to investigate 32 alleged acts of SSF violence against journalists. On May 12, SSF assaulted local and international journalists covering walk-to-work protests and confiscated camera equipment. On May 17, President Museveni publicly described several media outlets--including the *Daily Monitor*, NTV, the BBC, and al Jazeera--as "enemies of Uganda's recovery." On May 24, SSF raided the offices of the local-language *Ggwanga* newspaper, arrested several newspaper officials, and then released them without charge. On December 17, SSF allegedly assaulted *Daily Monitor* newspaper journalist Emmanuel Opio in Lira.

On December 1, Rwandan journalist Charles Ingabire was shot to death in Kampala. Police made no arrests, and the investigation continued at year's end.

Media-related charges against several journalists from prior years remained pending at year's end. In January police dropped a case against Radio Hoima FM reporter Frederick Makuru Muhamba for allegedly inciting violence. Muhamba was arrested in November 2010 after criticizing the ruling NRM party and was later released on bail.

There were no developments in the investigation of freelance journalist Paul Kiggundu's killing. Kiggundu was beaten to death in September 2010. Police arrested five suspects and remanded them to prison. Their cases were pending at year's end. There were no developments in the investigation of Prime Radio news presenter Dickson Ssentongo's death. Ssentongo was killed in September 2010 on his way to work in Mukono District. No arrests were made.

Censorship or Content Restrictions: Many journalists practiced self-censorship to avoid government intimidation or harassment. Many rural radio stations claimed they were ordered by unnamed government officials to deny airtime to opposition politicians, and several radio presenters who hosted opposition members were questioned by police. The government prevented some independent and government-owned television and radio stations from hosting opposition political candidates critical of the government. On April 14, the Uganda Communications Commission (UCC) pressured local media to ban live broadcasts of walk-to-work protests.

Libel Laws/National Security: Libel laws and purported concerns about national security were used to suppress criticism. According to local NGOs, 14 journalists, civil society activists, and opposition politicians continued to face pending sedition charges despite the Constitutional Court's 2010 ruling declaring the sedition law unconstitutional. On June 1, police charged Timothy Kalyegira, the editor of online publication Uganda Record, with criminal libel for the 2010 online publication of a conspiracy theory blaming the military for the July 2010 terrorist attacks in Kampala. At year's end hearing of the case was pending. In October police accused opposition FDC party women's leader Ingrid Turinawe and two others of trying to overthrow the government through walk-to-work related activities, charged them with the capital offense of treason, and remanded them to jail. Turinawe and the

two coaccused were released on bail on December 12. Charges remained pending at year's end.

Internet Freedom

Individuals and groups could generally engage in the expression of views via the Internet, including by e-mail. However, at times the government attempted to restrict access. For example, during walk-to-work protests on April 13, the UCC directed Internet service providers to block access to Facebook and Twitter for 24 hours. Only one government-owned Internet service provider complied. On May 31, police arrested Timothy Kalyegira, the editor of Uganda Record, for the 2010 online publication of a conspiracy theory blaming the military for the July 2010 terrorist attacks in Kampala. Kalyegira, who had been arrested in August 2010 and charged with sedition for the same article, was this time charged with criminal libel and released on bail. At year's end hearing of the case was pending.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom. However, research clearance was required in certain academic areas, such as history and political science, and was difficult to obtain.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

During the year the UPF routinely restricted the right to assemble freely. Opposition parties and civil society organizations critical of the government that sought UPF authorization for public gatherings either received no official response or were instructed not to assemble. Police often met attempts to assemble by these groups with excessive and brutal force. For example, SSF killed at least 10 people while trying to disrupt protests over rising prices in April and May. Many others were wounded by rubber bullets, live ammunition, and tear gas. Police claimed harsh tactics were warranted because walk-to-work participants refused to obtain police authorization and were inciting violence, obstructing traffic, and adversely impacting local businesses. During the year none of the hundreds of protesters arrested during walk-to-work events was convicted of committing an offense.

Freedom of Association

While the constitution and law provide for freedom of association, the government did not always respect this right in practice. The 2006 NGO Registration Act limits some NGO activity and requires NGOs seeking registration to obtain letters of approval from local government and community officials. The NGO Board, which approves NGO registrations, reports to the Ministry of Internal Affairs and is composed of representatives from various government ministries, including the security services. Discriminatory aspects of the NGO Act prevented lesbian, gay, bisexual, and transgender (LGBT) organizations from registering as NGOs. Official registration affords some legal protections and enables NGOs to open local bank accounts.

Police blocked meetings of members of labor unions (see section 7).

c. Freedom of Religion

See the *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

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

The government cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-Country Movement: Refugees were free to move without restriction. However, for security reasons, refugees living in camps were required to obtain an exit permit from the camp commandant. Refugees can apply for an identification card provided by the government. The government cooperated with the UNHCR to provide travel documents to qualified refugees wishing to travel abroad.

Foreign Travel: A married woman must obtain her husband's written permission on her passport application if children are to be listed on her passport.

Internally Displaced Persons (IDPs)

According to the UNHCR, only 30,000 IDPs, or about 1.6 percent of the 1.8 million persons internally displaced by the 20-year LRA conflict, remained in four camps in the North at year's end as the vast majority of IDPs continued a difficult reintegration into their original communities. Authorities continued the process of closing IDP camps, 247 of which have been closed in recent years. Conditions in IDP camps improved as a result of the lowered IDP population. Many who remained in IDP camps were considered "extremely vulnerable individuals" due to age or disabilities, according to international humanitarian organizations.

IDPs returning to their homes continued to encounter serious challenges, including lack of basic services such as potable water, health care, and schools, as well as disputes over land tenure. According to a December 2010 Internal Displacement Monitoring Center report, recovery programs coordinated by the government, UN, and development partners failed to keep pace with IDP returns because of a lack of coordination. Although the government adopted a national IDP policy in 2004 and became the first African country to ratify the African Union's Convention for the Protection and Assistance of IDPs in 2010, the government continued to struggle to implement those commitments during the year.

Protection of Refugees

Access to Asylum: The laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. As of September the UNHCR registered 156,477 refugees and asylum seekers. The government provides temporary protection to individuals who may not qualify as refugees under the 1951 Refugee Convention and its 1967 Protocol. No individuals received such protection during the year. The UNHCR reported that the government was reluctant to grant refugee status to Rwandans pending the UNHCR cessation clause scheduled to be implemented in 2012. The cessation clause would require Rwandan refugees who cannot prove continuing claims of individual persecution either to return home or apply for permanent residency in their country of residence. There were no reports of refoulement during the year.

In 2010 a local NGO filed a case with the Constitutional Court seeking to clarify whether the constitution provides for the naturalization of refugees. A decision remained pending at year's end. Between January and July, the government assisted the UNHCR in the voluntary repatriation of 586 refugees to South Sudan.

During the year a local NGO reported attacks on Congolese LGBT refugees by other Congolese refugees but indicated that the police reacted in an appropriate manner.

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

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

Elections and Political Participation

Recent Elections: On February 18, the country held its fourth (second multiparty) presidential and parliamentary election since President Museveni came to power in 1986. President Museveni won reelection with 68 percent of the vote. FDC president Besigye finished second with 26 percent. The ruling NRM party captured approximately 75 percent of seats in the 375-member parliament. While the elections and campaign period were generally peaceful, domestic and international election observers noted several serious irregularities. These included the diversion of government resources for partisan gain, unfair access to the media for NRM candidates and lack of access for opposition candidates, the heavy deployment of SSF on election day, government intimidation, disorganized polling stations, and the absence of many voters' names from voter rolls. Observers claimed that many of these irregularities could have been avoided through the appointment of a more representative and independent Electoral Commission.

On February 23, the Electoral Commission postponed Kampala's mayoral election after voting was disrupted by members of the Kiboko Squad, a government-tolerated vigilante group that assaulted civilians and some journalists with nail-studded sticks. On February 28, police arrested the leader of the Kiboko Squad, Juma Ssemakula, but later released him without charge. The mayoral election was rerun without incident on March 14.

Political Parties: Approximately 38 parties were registered. The ruling NRM party operated without restriction, regularly holding rallies and conducting political activities. Authorities occasionally restricted the activities of the main opposition parties by refusing permission for them to hold public demonstrations and preventing opposition leaders from appearing on local radio stations. Police arbitrarily arrested several opposition leaders during the year. For instance, on April 18, police arrested opposition leaders Besigye, Norbert Mao, and Olara Otunnu for their role in walk-to-work protests. Mao spent approximately two weeks in prison. Besigye was arrested again on April 21, charged with unlawful assembly, and imprisoned. Besigye and Mao were released on April 28, and charges against them were later dismissed. In March and April, SSF killed at least 10 people when it used rubber bullets, tear gas, live ammunition, batons, and water cannons to disperse walk-to-work protests led by opposition parties and civil society organizations (see section 2.c.).

Participation of Women and Minorities: There were 127 women in the 375-member parliament. Of these, 112 held seats designated for women. There were 22 female ministers in the president's 75-member cabinet. The speaker of parliament and the deputy chief justice of the Supreme Court were women. The law requires elections through electoral colleges for the seats reserved for special-interest groups in parliament: 112 seats were reserved for women, five for organized labor, five for persons with disabilities, five for youth, and 10 for UPDF. However, the five persons with disabilities were selected via an opaque "electoral college" process organized by a single government-supported NGO.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. However, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The World Bank's most recent Worldwide Governance Indicators reflected that corruption was a severe problem. The government selectively enforced financial disclosure laws. An estimated 22,000 public officials are subject to biannual reporting requirements under financial disclosure laws. According to the inspector general for government (IGG), 17,949 officials reported for the 2010-11 cycle, but these reports were not made public. The law provides for public access to government information, but the government rarely provided such access to citizens or noncitizens. On June 2, the government passed the Access to Information Act regulations, which allow individuals to petition any government department to access information.

Government agencies responsible for combating corruption include the IGG, DPP, Anticorruption Division (ACD) of the High Court, parliamentary Public Accounts Committee, police Criminal Investigation Division, Office of the Auditor General, and Directorate for Ethics and Integrity. Political will to combat corruption at the highest levels of government remained weak, and many corruption cases remained pending for years. The ACD has two judges and three magistrates and has heard more than 200 corruption cases since its inception in 2009. Almost none of these cases, however, involved senior level officials.

During the year the IGG charged former vice president Gilbert Bukenya, current Foreign Minister Sam Kutesa, NRM Chief Whip John Nasasira, and Labor Minister Rukutana Mwesigwa with corruption-related offences. In October Kutesa, Nasasira, and Mwesigwa took administrative leave from their respective ministries pending resolution of these corruption allegations. At year's end the cases against Kutesa, Nasasira, and Mwesigwa were pending a ruling by the Constitutional Court on whether acting IGG Raphael Baku has the authority to indict ministers. In November the IGG "discontinued" prosecution of one count of corruption against Bukenya, and in December the ACD acquitted Bukenya of the remaining corruption charge.

Corruption in the police force and judiciary was a problem. Police arrested several officers implicated in bribery and corruption. Several magistrates were arrested for soliciting and receiving bribes.

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

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases, with the exception of LGBT-related NGOs, which were denied the ability to obtain official status due to the discriminatory NGO Act (see section 2.b.). In March the government denied entry to four Kenyan human rights activists who traveled to Uganda to follow up on the case of Al-Amin Kimathi, a Kenyan citizen who was arrested and charged in September 2010 for the July 2010 bombings and then released from custody in September 2011.

The government was responsive to some of the concerns of local and international human rights organizations. For instance, the government discontinued the practice of trying civilians in military tribunals after a report by an international NGO, and the government disbanded the RRU in response to allegations of human rights abuses. However, the government was not responsive to many allegations of torture, government corruption, and electoral accountability.

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

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

In its 2010 annual report, released in June 2011, the UHRC reported registering 797 human rights complaints against 845 individuals, including 84 UPDF members, 305 police officers, 69 other security agencies, 30 prison wardens, and 231 private citizens. Of the 797 complaints, 28 percent involved allegations of torture or cruel, inhuman, or degrading treatment and punishment. The report urged the government to pass pending anti-torture legislation; improve prison conditions, particularly for women and children; eliminate illegal detention and prolonged pretrial detention practices; and provide SSF with increased human rights training.

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

The law prohibits discrimination based on race, gender, disability, language, or social status. The government did not enforce the law in matters of locally or culturally prevalent discrimination against women, children, persons with disabilities, or certain ethnic groups.

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape. Rape remained a serious problem throughout the country, and the government did not consistently enforce the law. Although the government arrested, prosecuted, and convicted persons for rape, the crime was seriously underreported, and most cases were not investigated. Police lacked the criminal forensic capacity to collect evidence, which hampered prosecution and conviction. The 2010 police crime report registered 709 rape cases, of which 252 were tried.

The law criminalizes domestic violence and provides penalties for abusers ranging from fines to two years' imprisonment. However, women's activists were concerned that regulations enforcing the law were not in place. Although the 2010 UPF annual crime report listed 159 reported cases of domestic violence, compared with 165 reported cases in 2009, a decrease of 3.6 percent, these statistics substantially underestimated the extent of the problem. Domestic violence against women remained widespread. For instance, in November 2010 the United Nations Population Fund reported that 60 percent of women ages 15 and above experienced physical violence, 15 percent of pregnant women experienced physical violence, and the first sexual encounter of 24 percent of women was violent.

Many law enforcement officials viewed wife beating as a husband's prerogative, as did the majority of the population, and rarely intervened in cases of domestic violence. Between January and August, the government arrested five persons for domestic violence offenses. For example, on August 21, police in Jinja arrested Captain Charles Ogwal for killing his wife Jane Asimo following a family argument. A police investigation continued at year's end.

On September 9, a military court martial investigating a December 2010 rape of a woman in Moroto acquitted UPDF Corporal Naleo Oyo Okulo and Lance Corporal Machat Kakuru; convicted Private James Manana of torture, gave him a dishonorable discharge, and sentenced him to five years in jail; and cautioned Major James Kasule, and Lieutenants Walter Olum and Sanyu Kaserebe for neglect of duty and failing to monitor the activities of troops under their command.

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

A local NGO that monitors the prevalence of FGM reported that 92 girls were subjected to FGM from January to June in the districts of Kapchorwa, Bukwo, Kween, and Amudat. On June 25, police arrested Kam-Kosike Lonete for her involvement in FGM practices. Lonete was released on bail in July, and the case was pending at year's end.

Reproductive Rights: There are no laws restricting couples or individuals from deciding freely and responsibly the number, spacing, and timing of their children. However, family planning information and assistance were difficult to obtain, particularly in rural areas, where there were few health clinics. There was no indication of discrimination against women in diagnosis or treatment of sexually transmitted infections, including HIV/AIDS. A January 2010 UN Development Program report cited maternal mortality at 550 deaths per 100,000 live births.

Discrimination: The law invests women with the same legal status and rights as men. However, discrimination against women continued to be widespread, especially in rural areas. Many customary laws discriminate against women in adoption, marriage, divorce, and inheritance. Under local customary law in many areas, women cannot own or inherit property or retain custody of their children. Traditional divorce law in many areas requires women to meet stricter evidentiary standards than men to prove adultery. Polygamy is legal under both customary and Islamic law, and in some ethnic groups men can "inherit" the widows of their deceased brothers. Women also experienced economic discrimination. For example, a June 2010 study conducted by local NGO Actionaid found that although women did most of the agricultural work, they owned only 7 percent of the agricultural land. Women also experienced economic discrimination in access to employment, credit, income, business ownership, and senior or managerial positions.

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

Children

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

According to the most recent information provided by the 2006 Uganda Demographic and Health Survey, only 21 percent of rural and 24 percent of urban births were registered. However, lack of registration generally did not result in denial of public services. On September 13, the Uganda Registration Services Bureau (URSB), the

government agency responsible for recording births and deaths, launched a computerized system that uses mobile telephones to deliver timely and accurate records. The system enables officials to send details of births and deaths as a text message to the central server at URSB headquarters in Kampala.

Education: The law provides for tuition-free and compulsory education for the first seven years of primary school or through high school for especially underprivileged students. Students, except for the most underprivileged, had to pay for school supplies and some school operating costs, and many parents could not afford these fees. According to the Ministry of Education's statistics for 2009-10, 96 percent of primary school aged children were enrolled in school, with 62 percent of children reaching grade five and 32 percent reaching grade seven. Fewer girls complete primary school than boys by a difference of four percent.

Medical Care: Health experts reported that 51 per cent of the population did not have access to state-provided health-care facilities. Where it is available, both girls and boys have equal access.

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

According to the 2010 annual police crime report, defilement (akin to statutory rape) remained the most common crime committed against children, with 7,564 cases recorded. The report also registered 709 cases of rape, 14 of child trafficking, 14 of child sacrifice, 9,293 of child neglect, 1,732 of child desertion, 1,315 of child abuse and torture, 301 of kidnapping, 46 of infanticide, and 274 of other sexual-related offences, including assault and incest. The government worked with UNICEF and NGOs, including Save the Children and African Network for the Prevention and Protection against Child Abuse and Neglect (APCAN), to combat child abuse in the country.

In March APCAN reported that corporal punishment remained a problem, with 81 per cent of students beaten at school despite a directive from the government.

There were numerous reports of ritual sacrifice of children during the year. The government took some steps to address this problem. For example, in April police in Namayingo District arrested three traditional leaders for the ritual murder of 10-year-old Rachael Nafula. Hearing of the case was pending.

Perpetrators of sexual abuse often were family members, neighbors, or teachers. In February 2009 the UPF began providing free rape and defilement medical examinations throughout the country to assist investigations. An estimated 10,000 victims of rape and defilement have since received free medical examinations at Mulago Hospital in Kampala.

Child Marriage: The legal age for marriage is 18. Marriage of underage girls by parental arrangement was common, particularly in rural areas. Local NGOs and the Police Family and Children Unit reported that acute poverty forced some parents to give away their children, including girls as young as 14, for early marriage and sexual arrangements. A March 2009 UN report stated that 32 percent of marriages involved underage girls.

Sexual contact outside marriage with girls less than 18 years of age, regardless of consent or age of the perpetrator is considered "defilement" under the law and carries a maximum sentence of death. Nevertheless, such cases often were settled by a payment to the girl's parents.

Sexual Exploitation of Children: Commercial sexual exploitation of children was a problem. According to a study conducted by the local NGO Uganda Youth Development Link during the year, the number of children affected by commercial sexual exploitation (most 14-17 years old) between 2004 and 2011 increased from 12,000 to an estimated 18,000, the majority of whom were Ugandan girls but also included children from the DRC, Rwanda, Burundi, Kenya, and Tanzania. The NGO identified parental neglect and abandonment as a major factor resulting in exploitation of children. While the law prohibits sexual exploitation of children, the government did not enforce the law effectively. The law does not prohibit child pornography. The minimum age of consensual sex is 18 years.

Child Soldiers: As in the past six years, there were no reports that the LRA abducted or conscripted children within the country. According to UNICEF, an estimated 5,000 of the 40,000 Ugandan children abducted by the LRA in previous years for use as laborers, soldiers, guards, and sex slaves were still missing. There were numerous reports of LRA abductions of children in the DRC, CAR, and South Sudan.

Displaced Children: Many children from the farming regions of Karamoja came to Kampala during the dry season to find food and work, and most of them ended up on the streets begging. Police routinely rounded up street children and relocated them to a remand home for juvenile delinquents where staff attempted to locate the children's families and return them to their homes. For example, on June 28, authorities rounded up 292 street children and took them to Kampirengisa National Rehabilitation Centre in Mpigi. The remand center, understaffed and underfunded, was often unable to accommodate the influx of children from these roundups, and many children

eventually returned to the streets of Kampala.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's *Report on Compliance on the Civil Aspects of International Child Abductions* at http://travel.state.gov/abduction/resources/congressreport_4308.html.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, or mental disabilities in employment, education, access to health care, and the provision of other state services. The government did not enforce the law effectively, and persons with disabilities faced societal discrimination and limited job and educational opportunities. The UHRC also received complaints of discrimination in employment and access to transport and other public services. Most schools in the country did not accommodate persons with disabilities. There was no statutory requirement that buildings be accessible to persons with disabilities. While the law requires that children with disabilities be given necessary special facilities, a September survey conducted by the National Council on Disability showed that 80 percent of hospitals and health centers lacked access ramps.

The law reserves five seats in parliament for representatives of persons with disabilities. However, a government-sponsored NGO managed elections to these five seats in a process that was not transparent. Government agencies responsible for protecting the rights of persons with disabilities included the Ministry of State for Disabled Persons and the Ministry of Gender, Labor, and Social Development, but both agencies lacked sufficient funding to undertake any significant initiatives.

National/Racial/Ethnic Minorities

There were isolated reports of violence between ethnic minorities in some parts of the country. For example, on June 19, interclan clashes between Pabwo and Lapyem over a disputed piece of land injured 15 people. A total of 120 persons from the Pabwo clan were displaced and eight huts burned.

Indigenous People

The Batwa were the original inhabitants of land used by the government in 1992 to establish Mgahinga National Park, Bwindi Impenetrable National Park, and Echuya Central Forest Reserve. Numbering approximately 6,700 persons, the displaced Batwa had limited access to education, health care, land, and economic opportunities. They were also prevented from pursuing hunting, gathering, and other traditional ways of life and often suffered food shortages. In March the United Organization for Batwa Development renewed its demands for special recognition and compensation from the government for the land that had been nationalized.

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

LGBT persons faced discrimination and legal restrictions. It is illegal to engage in homosexual acts, based on a law from the colonial era that criminalizes "carnal knowledge of any person against the order of nature" and provides a penalty up to life imprisonment. While no persons were convicted under the law, the government arrested persons for related offenses. For example, in July police arrested an individual for "attempting" to engage in homosexual activities. On July 15, a court in Entebbe charged him with "indecent practices" and released him on bail. Hearing of the case was pending at year's end.

LGBT persons were subject to societal harassment, discrimination, intimidation, and threats to their well-being and

were denied access to health services. Discriminatory practices also prevented local LGBT NGOs from registering with the NGO Board and obtaining official NGO status (see section 2.b.).

On January 3, the High Court ruled that an obscure local tabloid had violated three LGBT persons' constitutional rights to privacy and human dignity in 2010 by publishing their pictures, identities, and addresses under the headline "Hang Them." This was the second High Court ruling upholding the rights of LGBT individuals. In 2008 the High Court affirmed LGBT individuals' constitutional right to human dignity, protection from inhuman treatment, and privacy in *Victor Juliet Mukasa and Yvonne Oyo v. Attorney General*.

On January 26, LGBT activist David Kato, who had successfully sued the local tabloid discussed above for the 2010 publication of his picture under the headline "Hang Them," was bludgeoned to death at his home outside Kampala. On February 2, police arrested Sidney Enock Nsubuga for Kato's murder. On November 9, Nsubuga pled guilty and was sentenced to 30 years' imprisonment.

On May 6, parliament's Parliamentary and Legal Affairs Committee held hearings on a draft "antihomosexuality" bill submitted to parliament in September 2009 by parliamentarian David Bahati. The draft legislation sought to impose punishments ranging from imprisonment to death for individuals twice convicted of "homosexuality" or "related offenses," including "aiding and abetting homosexuality," "conspiracy to engage in homosexuality," the "promotion of homosexuality," or "failure to disclose the offense" of homosexuality to authorities within 24 hours. The committee heard testimony from local human rights and LGBT activists, the UHRC, the Uganda Prison Service, and "antihomosexuality" proponents. The draft bill expired when parliament adjourned on May 13. On October 25, the new parliament voted to "save and retain" two dozen expired bills from the previous session, including the draft "antihomosexuality" bill but took no further action. During the year several senior government officials stated they did not support the bill, and in 2010 the UHRC determined that the bill violates the constitution and international law.

On October 3, the Constitutional Court heard oral arguments on a 2009 petition filed by a local human rights and LGBT activists challenging the constitutionality of Section 15(6)(d) of the Equal Opportunities Commission Act. Section 15(6)(d) prevents the Equal Opportunities Commission from investigating "any matter involving behavior which is considered to be (i) immoral and socially harmful, or (ii) unacceptable by the majority of the cultural and social communities in Uganda." The petitioner argued that this clause is discriminatory and violates the constitutional rights of minority populations. A decision was pending at year's end.

Other Societal Violence or Discrimination

Discrimination against persons with HIV/AIDS was common and prevented such persons from obtaining treatment and support. International and local NGOs, in cooperation with the government, sponsored public awareness campaigns to eliminate the stigma of HIV/AIDS. Counselors encouraged patients to be tested with their partners and family so that they all received information about HIV/AIDS. Persons with HIV/AIDS formed support groups to promote awareness in their communities.

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows workers, except for "essential" government employees including police, army, and management-level officials, to form and join independent unions. All unions must be registered either under the National Organization of Trade Unions or the Confederation of Trade Unions. The law allows unions to conduct activities without interference, prohibits antiunion discrimination by an employer, and provides for reinstatement of workers dismissed for union activity, the right to strike, freedom of association, and the right to bargain collectively. However, the government did not always protect these rights. Labor activists reported that government oversight of labor practices was poor and that the Ministry of Labor was underfunded and understaffed. Labor inspectors were present in only 44 of 112 districts. Most employees were not given written contracts of employment and had no job security or union representation.

Worker organizations were independent of the government and political parties. However, the five seats set aside in parliament for workers were filled by ruling NRM party members, and there were instances of government interference in union activity. For example, on August 25, police in Koboko District blocked branch elections for the district National Teacher's Union, citing security concerns.

As of October local media reported 24 strikes over low salaries, wages, and poor working conditions. Police occasionally arrested persons engaged in strikes or used tear gas to disrupt striking workers. For instance, on May 13, police arrested 27 workers for participating in a strike over low wages and poor working conditions at Kakira Sugar Factory in Lugazi.

There were some developments in previous cases of police arrested for using excessive force to disrupt striking workers. In August Police Constables Augustine Kasangaki, Luke Mbusa, and Romeo Ojara were tried and convicted for neglect of duty, cowardice, and discreditable conduct for using live ammunition to disrupt a September 2010 strike at British American Tobacco Uganda, resulting in the deaths of Dennis Bazara and Bernard Byabasaija. The defendants were fined shillings 30,000 (\$12) and demoted. Their appeal of the ruling was pending at year's end.

Antiunion discrimination occurred in practice, and labor activists accused several companies of preventing employees from joining unions by denying promotions, not renewing work contracts, and sometimes refusing to recognize unions. In September the Uganda National Teacher's Union reported that it received 26 complaints of government officials harassing union members who took part in a teacher's strike that occurred in early September and in October, and that the government allegedly dismissed teachers for participating in the strike.

Public service unions, including medical staff and teachers, were able to negotiate their salaries and employment terms through their unions; however, salaries for "essential government employees" including the police, military, and management-level officials were fixed by the government. Labor activists reported that some employers ignored the legal requirement to enter into Collective Bargaining Agreements (CBA) with registered unions. Labor activists also reported that some employers resorted to subcontracting and outsourcing services or hired workers temporarily in order to avoid CBAs. A total of 133 CBAs were signed during the reporting period.

b. Prohibition of Forced or Compulsory Labor

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

Exploitive and/or forced child labor predominantly occurred in agriculture, transport, mining, street vending/begging, scrap collecting, stone quarrying, brick making, road construction and repair, car washing, fishing, domestic nanny and housekeeper service, bar/club service work, and border smuggling. International organizations reported that programs in collaboration with the government removed 6,599 children from child labor in Wakiso, Rakai, and Mbale districts during the year. In addition, the government, through its National Steering Committee on Child Labor, worked with international organizations to implement strategies to prevent new cases of forced labor that included support to education, awareness-raising campaigns, and village savings and loan associations.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employers from hiring workers below the age of 18. However, regulations of the Ministry of Gender, Labor, and Social Development (MGLSD) permit the employment of children between the ages of 14 and 18, and 13-year-olds are allowed to engage in "light work," provided it does not interfere with education. Children under the age of 12 are prohibited from being employed in any business or workplace, and all children are prohibited from being employed during school hours. The law prohibits children from working between the hours of 7 p.m. and 7 a.m. and does not allow children to be employed in work that is "injurious to his or her health, dangerous or hazardous or otherwise unsuitable." In addition, the law provides for inspection of workplaces,

identification of hazards at the workplace, and other related matters for all workers, including children. However, the MGLSD, tasked with providing social services to children workers, was inadequately funded and had not conducted child labor inspections since 2004.

Institutions responsible for enforcing child labor laws and policies include the National Council of Children; the police force's Child and Family Protection Unit, the Industrial Court; and the Ministry of Gender, Labor, and Social Development. Financial constraints limited efforts. For instance, because the Industrial Court lacks judges, labor disputes were handled by the High Court or the Magistrates' Court. The Ministry of Gender, Labor, and Social Development provided social services to children working in the worst forms of child labor and other target groups and conducted training for staff, local leaders, and district labor inspectors. Sixty of its district labor officers were responsible for reporting on child labor issues. However, due to lack of funds and logistical support, district labor officials had not conducted child labor inspections since 2004. The government coordinated its efforts to stop child labor through the National Steering Committee on Child Labor, which included representatives of the MGLSD, Ministry of Education and Sports, Ministry of Local Government, Federation of Uganda Employers, National Organization of Trade Unions (NOTU), NGOs, journalists, and academics. The steering committee last met in February.

The government cooperated with the International Labor Organization (ILO), foreign governments, and NGOs on several initiatives to combat child labor, including the education and reintegration of children into their communities. Several human rights NGOs continued programs to remove children from hazardous work situations. The government, with the support of the ILO, was implementing a Support to National Action Plan for the elimination of the worst forms of child labor. The project was jointly implemented by civil society organizations, trade unions, the Federation of Uganda Employers, and the MGLSD.

Nevertheless, child labor was common, especially in the informal sector. Many children left school and engaged in agricultural or domestic work to help meet expenses or perform the work of absent or sick parents, a situation common throughout the country. The problem was particularly acute among the large orphan population. According to UNICEF'S State of the World's Children 2011 report, 36 percent of children 5 to 14 years old were forced to work under poor conditions and health and safety standards. In urban areas children sold small items on the street, worked in shops, begged for money, and were exploited in the commercial sex industry. Children were also employed in stone quarries, cattle herding, brick making, and commercial farming of tea, coffee, sugarcane, vanilla, tobacco, and rice.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.

d. Acceptable Conditions of Work

The minimum legal wage was set in 1984 at 6,000 shillings (\$2.18) per month. In 2003 the government and the private sector negotiated a new rate of 54,000 shillings (\$19.64) per month, which had not been implemented by year's end.

In industries that employed workers on an hourly basis, the normal workweek was 40 hours. The legal maximum workweek is 48 hours, but exceptions can be made with agreement of the employer and employee. The law provides for an employee who works in excess of 48 hours per week to be remunerated at the minimum rate of 1.5 times the normal hourly rate for the overtime hours and two times the hourly rate on public holidays. The law also states that working hours may not exceed 10 hours per day or 56 hours per week, including overtime hours. An employee may work in excess of 10 hours a day if the average number of hours over a period of three weeks does not exceed 10 hours per day or 56 hours per week. Employees are granted a 30-minute break for every eight-hour work shift. For every four months of continuous employment, an employee is entitled to seven days of paid annual leave. Many industries paid workers annual bonuses in lieu of overtime.

The law establishes occupational safety and health standards, and the MGLSD's Department of Occupational Health is responsible for enforcement of those regulations. The law also provides workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment. All workers, including foreign and migrant workers, are covered under the law. The law includes provisions for district labor inspectors to "secure the enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work."

In practice the law was not effectively enforced due to the lack of vehicles and financial constraints, and as a result no inspections were carried out during the year. There were reports that workers were dismissed for their refusal to perform dangerous work. Workers in the agriculture and flower industry carried out strikes during the year because of delays in the payment of wages. Workers in the informal sector were subject to hazardous working conditions.

NOTU officials recorded nine deaths and 11 injuries during the year due to poor safety practices at several construction projects.

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