



The State Department web site below is a permanent electro information released prior to January 20, 2001. Please see [y](#) material released since President George W. Bush took offic This site is not updated so external links may no longer func [us](#) with any questions about finding information.

NOTE: External links to other Internet sites should not be c endorsement of the views contained therein.



## U.S. Department of State

### Uganda Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

---

#### UGANDA

President Yoweri Museveni, elected to a 5-year term in 1996 under the 1995 Constitution, continued to dominate the Government. He has ruled since 1986 through the National Resistance Movement (NRM), legislatively reorganized and renamed as "The Movement." The 1995 Constitution provides for a 276-member unicameral parliament and an autonomous, independently elected president. The Constitution formally extended the one-party movement form of government for 5 years and severely restricted political activities. A national referendum on the role of multiple political parties is scheduled for 2000, following a 1-year campaign period. The Parliament acted with greater independence during the year, although Movement supporters remained in control of the legislative branch. Parliamentarians were elected to

5-year terms in 1996. Local government elections completed in April were peaceful and technically orderly. The 1996 presidential and parliamentary elections were also peaceful and orderly, but election conditions, including restrictions on political party activities, led to a flawed election process. The judiciary is generally independent, but understaffed and weak; the President has extensive legal and extralegal powers.

The Uganda People's Defense Force (UPDF) is the key security force. The Constitution provides for civilian control of the UPDF, with the President designated as commander-in-chief. The UPDF's largely successful demobilization program, which concluded in 1996, was reversed in part due to the increasing instability in the north and west. The Government continued to reactivate soldiers throughout the year. UPDF soldiers and members of Local Defense Units (LDUs) assist the police in rural areas, although

the LDUâs continue to operate without a legal mandate. The Internal Security Organization (ISO) remained under the direct authority of the President. Although the ISO is primarily an intelligence-gathering body, its operatives occasionally detained civilians. The Directorate of Military Intelligence (DMI), under UPDF control, also detained civilians suspected of rebel activity. The UPDF, police, LDUâs, and the DMI all committed human rights abuses.

The economy again grew at a rate of 5 percent during the fiscal year ending June 30. Annual Gross Domestic Product is \$270 (283500 shillings) per capita; foreign economic assistance provides approximately 55 percent of government revenues. The agriculturally based economy continued to rely on coffee as its chief export. Economic reforms encouraged investment in spite of growing warnings about corrupt practices alleged by parliamentarians, journalists, and the public, and despite the Governmentâs flawed process of divesting parastatals, including telecommunications and transport. The privatization process was damaged by significant levels of corruption, investigated by Parliament, which led to the resignation of the Presidentâs brother from government and the minister in charge of the process. The financial sector improved somewhat, assisted by increased personal savings. The Government continued its reforms in the banking industry and commercial law. However, the stock exchange remained severely underutilized.

There continued to be numerous, serious problems in the Governmentâs human rights record; the Governmentâs record improved slightly in some areas, but deteriorated in others. Movement domination of the political process limits the right of citizens to change their government. Security forces used excessive force, at times resulting in death. Government forces committed or failed to prevent some extrajudicial killings of suspected rebels and civilians. Police, UPDF, LDU, and DMI forces regularly beat and sometimes tortured suspects, often to force confessions. Prison conditions remained harsh and life-threatening. Members of the security forces sometimes arbitrarily arrested and detained civilians. There were numerous cases in which the Government detained and charged UPDF and LDU members for human rights abuses. Authorities used incommunicado detention and detention in unregistered and unofficial places of remand without notification to their family members. However, despite measures to improve the discipline and training of security forces, and despite the punishment of some security force officials guilty of abuses, these abuses by the security forces remained a problem throughout the country. Prolonged pretrial detention remained a problem. Poor judicial administration, lack of resources, a large case backlog, and lengthy trial delays circumscribed due process and the right to a fair trial. The UPDF at times infringed on citizens' privacy rights; it often invaded private citizensâ homes without warrants. The Government demonstrated increased respect for freedom of speech and of the press, although there were some instances in which restrictions continued. It restricted freedom of assembly and association, and the 1995 Constitution extended previously existing restrictions on political activity for an additional 5 years, effectively limiting these rights further. Late in the year, the Government arrested a political opponent for public remarks at a seminar and charged him with sedition. He was released on bail. The Government used police and ISO personnel to disperse politically oriented gatherings on a number of occasions during the year. There were some limits on freedom of movement. The Government created a Movement secretariat, supported with governmental funds, to oversee internal organizational activity, strategy, and mobilization, and the Government continued its Movement political education courses. Discrimination against women, the disabled, and ethnic minorities persists. Domestic violence, rape, and abuse of children remained serious problems. The Government worked with NGO's to combat the practice of female genital mutilation (FGM), which occurred on a limited basis. Forced labor occurs, and child labor was common, mostly in the informal sector. Vigilante justice was a problem.

Insurgent forces committed numerous serious abuses. The Lord's Resistance Army (LRA), led by Joseph Kony, operated in the north from bases in southern Sudan. The LRA continued to kill, torture, maim, rape, and abduct large numbers of civilians, virtually enslaving numerous children. Although its levels

of activity diminished somewhat compared with 1997, the area that the LRA targeted grew. The Allied Democratic Forces (ADF), a rebel group active in the west, increased its activity significantly, killing and abducting many persons. An ADF-affiliated group, the National Army for the Liberation of Uganda (NALU), also claimed responsibility for terrorist attacks that resulted in fatalities.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

There were no confirmed reports of politically motivated killings by government forces. However, members of the security forces and the police committed extrajudicial killings. In the course of official operations, police, UPDF, LDU, and DMI personnel sometimes used excessive force, resulting in deaths. In January police reportedly killed four robbery suspects in Luwero after holding them for 3 days in detention. In July police fired on students at the Kabalega secondary school, killing one student. In January a 25-year-old suspect accused of stealing a bicycle died in police custody in Tororo after being tortured by officers. On August 31, a prison official in Masaka beat a suspect on remand to death for defaulting on tax payments. He was apparently struck several times with a hoe while working in a prison field. Police opened investigations into each of the above cases, but no one had been prosecuted by year's end. Authorities charged three police officers with deaths of two civilians in July in Kikondo.

Muslim groups complained of extensive mistreatment by security officials in Kampala and the west. There were unconfirmed reports that some of the Muslims suspected of being ADF rebel collaborators or involved in terrorist activities died as a result of torture by DMI officials (see Sections 1.c. and 1.d.).

In August two civilians died while in the custody of a LDU in Kyankwanzi. The LDU commander responsible was arrested and remained on remand awaiting trial at year's end.

The UPDF killed and injured innocent civilians while combating rebel forces (see Section 1.g.).

Harsh conditions, some intentional mistreatment, and lack of adequate medical treatment caused many deaths in prison (see Section 1.c.).

Investigations into the 1997 deaths by torture of Paul Kollo and Stephan Baryakajjika were completed, and the cases are scheduled to be heard by the Human Rights Commission in 1999. A suspect arrested for the 1997 killing of Modesta Kabaranga, a leading organizer for the Democratic Party, was still on remand awaiting trial at year's end. There has not yet been a police investigation in the 1997 killings of Addullah Buwuula, Mubarek Mawejje, and Amir Sinai at year's end.

Vigilante justice was a problem (see Sections 1.c. and 5). Authorities rarely prosecuted persons engaged in mob violence, which on occasion resulted in death. Residents of Nyabweya, Kabarole district, stoned to death a convicted rapist on parole after he allegedly raped an 8-year-old girl. An angry mob in Bukhaweka, Mbale district killed an LDU official for stealing a cow. In January a group of Iganga district residents tracked down and killed a murder suspect.

Sudanese armed forces' aircraft bombed a refugee camp on the Sudan-Uganda border in August, killing two persons (see Section 2.d.).

The rebel LRA was responsible for the killing of more than 200 civilians, including children (see

Section 1.g.). LRA forces also continued to target local government officials and employees. During the year, the LRA also targeted international humanitarian convoys and local nongovernmental organization workers. The ADF committed approximately 400 extrajudicial killings (see Section 1.g.).

Urban bombings were a problem during the year. In April three bombings killed nine persons in Kampala. In July two bombings of bars in Kampala killed two persons. In August 28 persons were killed when bombs detonated on three different buses traveling from Kampala. The National Army for the Liberation of Uganda, an ADF-affiliated group, claimed responsibility for several of the bombings.

#### b. Disappearance

There were no confirmed reports of politically-motivated disappearances due to action by government forces. A number of Muslims whom the authorities suspected of supporting the ADF insurgency were detained and are still missing. It was believed that security officials were responsible for their detention (see Section 1.c.).

There were unverified reports that a number of Rwandan and Congolese refugees who entered the country disappeared by mid-year, allegedly due to detention by ISO and security officials.

LRA rebels in the north abducted local officials and other local government employees during the year, although at a decreased level from 1997. There were abductions of local officials in the west as well, at the hands of ADF rebels (see Section 1.g.).

In addition, both the LRA and ADF abducted large numbers of civilians for training as guerrillas; most victims were children and young adults. The LRA abducted young girls as sex and labor slaves. Other children, mainly girls, were reported to have been sold, traded, or given as gifts by the LRA to arms dealers in Sudan (see Section 6.c.). While some later escaped or were rescued, the whereabouts of many children remain unknown.

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

The Constitution prohibits "any form of torture, cruel, inhuman, or degrading treatment or punishment"; however, security forces commonly beat and sometimes tortured criminal suspects, often to force confessions. UPDF forces in the north also allegedly beat civilians.

A former NRM major reportedly was detained on August 5 by Kampala police on suspicion of terrorist activity. Police blindfolded him and took him to an unregistered detention facility. There the police reportedly beat him with metal and electrical cables and handcuffed him to a toilet, where he remained for over 2 weeks. Other persons suspected of rebel activity reportedly were also detained in similar conditions. The Government did not release details of its investigation in the case.

In January a suspect accused of stealing a bicycle died in police custody in Tororo after being tortured by officers (see Section 1.a.).

In June police attacked and dispersed a political seminar, injuring about six attendees (see Sections 2.b. and 4.).

UPDF soldiers in Busia district detained two brothers on suspicion of robbery; they were taken into custody and beaten by the soldiers in an effort to gain a confession. They were released the next day without charge. Human Rights Watch reported that UPDF soldiers tortured treason suspects, beat them

with chains, and burned them. There were also reports that police tortured Muslim detainees (see Section 1.d.).

The police occasionally treat criminal suspects in an inhuman and degrading manner; in one such incident in November, police stripped a man naked while interrogating him, and allowed the interrogation to be filmed and broadcast on local news programs.

LDU's, which frequently lack training, are guilty more often than police of mistreatment of prisoners and detainees. For example, in August two civilians died while in LDU custody (see Section 1.a.). Although they have no authority to do so, LDUs continued to make arrests (see Section 1.d.).

The Government investigated some cases of abuse, trying and punishing some offenders. Early in the year, the police established a human rights desk within the organization. A panel of four attorneys hears public complaints daily and is empowered to take action against officials determined by the panel to be guilty of an offense. Since its establishment, the desk has received approximately 50 cases and complaints detailing abuses. Approximately 20 of those cases resulted in disciplinary actions, including reductions in rank, fines, halted promotions, and dismissals. Several cases have also been referred to the criminal courts.

In conjunction with the Government-sponsored Uganda Human Rights Commission (UHRC), the police force commenced a training program for police officials to foster respect for internationally recognized human rights standards. The UHRC conducted a similar program with UPDF officials throughout the year.

There were no follow-up investigations into the case of 18 UPDF soldiers arrested in the Gulu district for beating 21 civilians. The investigations into the 1997 torture of Corporal Twasha Kaushera and the 1997 deaths by torture of Paul Kollo and Stephan Baryakajika were completed, and the cases are scheduled to be heard by the Human Rights Commission in 1999.

There continued to be unconfirmed reports that UPDF mobile forces beat civilians regularly and raped women (see Section 1.g.).

There were numerous instances in which mobs attacked suspected thieves and other offenders caught in the commission of crimes (see Section 1.a.). Often motivated by widespread distrust of the justice system, these mobs engaged in stoning, beatings, and other forms of mistreatment, such as tying suspects' wrists and ankles together behind their backs, stripping suspects of their clothes and parading them through the streets, or forcing suspects to hop painfully on the sides of their ankles. Prostitutes who dress "indecently" or "provocatively" also have been stripped by vigilantes.

The LRA continues to maim and rape civilians, and loot and burn private homes, as does the ADF. The LRA also abducted children to be guerrillas and tortured them by beating them, raping them, forcing them to march until collapse, and denying them adequate food, water, or shelter (see Section 1.g.).

Prison conditions remained harsh and life threatening. Conditions for the estimated 5,000 inmates in local police cells, generally worse than those in the prisons themselves, were characterized in a report by the UHRC as "degrading and inhuman." The local prison system, formerly operated by the Ministry of Local Government, was absorbed in mid-year by the state-funded and operated prison system, run by the Ministry of Internal Affairs. Conditions are particularly harsh in the 133 former local prisons, although they began to receive central government funding for the first time during the year. Although the law states that civilians cannot be held in military barracks, civilians continued to be detained in barracks,

often without trial (see Section 1.d.). Both civilian and military prisons have high mortality rates from overcrowding, malnutrition, diseases spread by unsanitary conditions, and HIV/AIDS.

No accurate estimates are available on the number of deaths in detention due to the harsh conditions and lack of medical care, although many such deaths have occurred and there are reports that several treason suspects died while in prison. The UHRC reported severely inadequate medical services, seriously unhygienic conditions, and a situation of "semi-starvation" among prisoners in many prisons. In January, 5 inmates died and 42 fell critically ill at Ibuga prison in Kasese as the result of an outbreak of dysentery. A prisoner reportedly starved to death in Arua district in January. Four West Nile Bank Front (WNBF) rebels died in Luzira prison, allegedly due to poor medical conditions. Cholera took the lives of three prisoners in January, also at Luzira prison.

The harsh conditions largely result from the Government's seriously inadequate funding of prison facilities. Most of the prisons grow maize, millet, and vegetables, although the UHRC accused prison farms of overworking inmates, who often received only \$.001 (1 shilling) per day for their labor. Prison conditions come closest to meeting minimum international standards in Kampala, where prisons provide medical care, running water, and sanitation. However, these prisons are also among the most overcrowded. By one estimate, the country's prisons--all of which predate independence in 1962--hold about 3 times their maximum planned capacity. Human rights groups, including the Uganda Law Reform Commission and the Uganda Prisoners Aid Foundation, continued to call for expanded noncustodial sentencing--an effort generally blocked by strongly punitive attitudes among judges, in part motivated by fear of accusations of corruption if prisoners appear to be treated leniently. Although the law provides for access to prisoners by their families, ignorance of this right and fear of prison authorities often limit family visits. The UHRC reported that it had received allegations that officers in charge of police cells sometimes demanded bribes to allow visits.

Women have segregated wings in most, but not all prisons, with female staff. According to human rights advocates, rape generally is not a problem, although female prisoners also suffer from severely substandard conditions. Due to lack of space in juvenile facilities, juveniles often are kept in prison with adults. The central prison system maintains one juvenile prison and two lower security reformatory halls. School facilities and health clinics in all three institutions are defunct; prisoners as young as age 12 perform manual labor from dawn until dusk. Severe overcrowding is also a problem at these juvenile detention facilities and women's wings. Administrators reported in 1997 that one juvenile institution with a capacity of 45 children actually held 173.

The central prison system in 1996 launched a 3-year program to improve prison buildings, water and sanitation systems, food, and uniforms. Most of the items used in this program are made within the prison system itself. The program's progress has been marginal in most prisons, due in large measure to inadequate funding.

Government agencies have sponsored or participated in numerous conferences on the justice system and prison conditions. Government agencies also worked closely with international and domestic human rights organizations on prison reform efforts. Revision of the Prisons Act neared completion, but had not been enacted by year's end. The proposal to integrate the central and local prisons was implemented officially in June; however, real integration has yet to occur. Conditions in the formerly local prisons have changed little since the merger.

Media access to prisons remained limited, but the Government permitted full access to prisons by the International Committee of the Red Cross (ICRC) and local NGO's, principally the Uganda Human Rights Commission, the Foundation for Human Rights Initiative, and the Uganda Prisoners' Aid Foundation. UHRC access to prison facilities initially was granted in mid-1997; since that time, the

organization has carried out numerous prison visits and reported on its findings publicly. Prison authorities require advance notification of visits, a process that is often subject to administrative delays.

#### d. Arbitrary Arrest, Detention, or Exile

Members of the security forces at times arrested and detained citizens arbitrarily. According to the Constitution, a suspect must be charged within 48 hours of arrest and be brought to trial or released on bail within 120 days (360 days for a capital offense). If the case has been committed to the court before the expiration of this period, the Constitution does not limit pretrial detention. The Constitution also provides that detainees should immediately be informed of the reasons for their detention. In practice, however, the authorities enforced none of these requirements. Other laws conflict with the Constitution, such as the Public Order and Security Act of 1967 (the Detention Order), which provides for unlimited detention without charge; however, these laws never have been invoked formally by the Government. Legal and human rights groups, including the UHRC, sharply criticized the excessive length of without trial--in many cases amounting to several years--for alleged offenses under other laws, which both violated the constitutional rights of the detainees and contributed substantially to prison overcrowding.

Arbitrary arrest is a problem. In particular, complaints from Muslim groups regarding arrests targeted at young Muslims on suspicion that they supported rebel groups, increased during the year. Between April and September, approximately 100 Muslim men were arrested by unidentified officials at their places of residence, business, and public places. The men detained were denied due process, and held in unofficial, unregistered places of remand. Some were tortured (see Section 1.c.). The UHRC on June 4 publicly called for the release of the men, claiming that such detention was both illegal and a violation of their constitutional rights. The Ministry of Internal Affairs 1 week later released a partial list of those on remand, transferred them to registered, or gazetted, places of detention and formally charged them with treason. The Ministry's list indicated that those under detention were suspected of collaboration with rebel or terrorist groups known to be operating in the country. The wives of some of the remaining, unconfirmed detainees demonstrated publicly in Kampala, which led to the release of some of those missing; however, a substantial number (perhaps 30-40) still remain unaccounted for. According to unconfirmed reports, DMI officials held those who still were missing, and used physical torture on them to gain confessions and implicate other Muslim suspects (also see Sections 1.a. and 1.c.).

At least one apparently politically motivated arrest was confirmed: in December officials arrested Karuhanga Chapaa, leader of the National Democrats' Forum, an opposition group, for remarks made at a public seminar (see Section 2.a.).

Although they have no legal authority to make arrests, LDU's continued to arrest citizens. On June 25, 30 persons were arrested arbitrarily by LDU and police personnel in Lubaga division while watching a World Cup match on television. They were released without charge after relatives were asked to pay \$15 (15750 shillings) to \$20 (21000 shillings) each to procure their release from detention.

Pretrial detainees comprise nearly three-fourths of the prison population. The average time in pretrial detention is from 2 to 3 years. At year's end, there were approximately 20,000 prisoners in the newly combined prison system, most of whom are on pretrial remand. Over 10,000 of the 15,000 persons being held in the central prisons fall into this category, with a far worse situation in the recently absorbed local prisons, which hold a total of 5,000 detainees. Congestion and delay in the legal system have resulted in an increasing number of detainees each year.

Although the law prohibits the detention of civilians in military barracks, citizens continue to be

detained in barracks, often without trial (see Section 1.c.). Civilians detained in military barracks almost invariably are deprived of a fair, civilian trial. The actual number of such detainees is unknown, but there are believed to be fewer than 4,000. Efforts to verify these conditions reportedly were hampered by intentional concealment of detained civilians. Security forces also held civilian detainees in unofficial, unregistered places of remand, mostly on suspicion of collusion with rebel groups and participation in terrorist attacks. Verification of the situation in military facilities improved somewhat during the year; the UHRC actively utilized its access to military places of detention (see Section 1.c.).

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

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the President has extensive legal and extralegal powers that influence the exercise of this independence. The President nominates, for the approval of Parliament, members of the Judicial Service Commission, which makes recommendations on appointments to the High Court, the Court of Appeal, and the Supreme Court. The end of a 4-year long hiring freeze in midyear saw some improvement in the ability of the courts to function, but they remained understaffed and weak. Senior positions in the highest courts were filled in November after prolonged vacancies.

The highest court is the Supreme Court, followed by (in descending order) the Court of Appeal (which also functions as the Constitutional Court for cases of first instance involving constitutional issues), the High Court, the chief magistrate's court, local council (LC) 3 (subcounty), LC 2 (parish), and LC 1 (village). A minimum of six justices may sit on the Supreme Court and the Court of Appeal or Constitutional Court. Although once considered a useful innovation, the LC courts often are thought to be sources of injustice due to such factors as bribery and male dominance in rural areas. In addition there are a few specialized courts that deal with industrial and other matters. The Industrial Court (IC), which arbitrates labor disputes, is structurally parallel to the chief magistrate's court.

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

The civilian judicial system contains procedural safeguards, including the granting of bail and appeals to higher courts. However, the right to a fair trial has been circumscribed for many years by an inadequate system of judicial administration and lack of resources, resulting in a serious backlog of cases. The courts, like other branches of government, were impaired by 4-year-long civil service hiring freeze, which was only somewhat relaxed. As a result, criminal cases may take 2 years or more to reach the courts. The case backlog remains extremely large; in particular the backlog of criminal cases in the High Court has increased every year since 1993. Attorneys working in the office of the public prosecutor can be assigned several new cases each day. Some courts continued to observe the Constitutionally prescribed limits on pretrial detention, but that practice was not widespread.

Many defendants cannot afford legal representation. The Constitution requires that the Government provide an attorney for indigent defendants accused of capital offenses, but there is rarely enough money to retain adequate counsel. The Uganda Law Society (ULS) operates legal aid clinics in four regional

offices. It assists military defendants as well as civilians. The Uganda chapter of Federacion Internacional de Abogados (FIDA) and the Foundation for Human Rights Initiative also practice public-interest law from offices in Kampala. The Law Development Center is in the process of establishing a legal aid clinic to address cases involving children and those accused of petty crimes.

The military court system does not assure the right to a fair trial. Although the accused has the right to retain legal counsel, military defense attorneys often are untrained and may be assigned by the military command, which also appoints the prosecutor and the adjudicating officer. The sentence passed by a military court, which can include the death penalty, may be appealed to the High Command, but not to the High or Supreme Courts. A court-martial of appeal was established in 1997.

In January the Supreme Court overturned a Constitutional Court decision that had demonstrated marked independence from the Government. In 1997 the Constitutional Court had ruled against the Government and held that Major General David Tinyefuza could resign from the Uganda People's Defense Force (UPDF). Tinyefuza alleged that the Government and military sources had harassed him after he accused the Government of human rights abuses in parliamentary testimony. The President refused to accept his 1996 resignation from the UPDF. The Supreme Court upheld the Government's position and declared Tinyefuza's resignation null and void.

The Government continued to arrest and charge persons for treason, especially captured rebel fighters, in numbers greater than the judicial system could manage. In the past, numerous human rights abuses were committed in connection with treason cases, including political detentions, detentions without charge, detention in unregistered and unofficial places of remand, and mistreatment, including torture. There were reports that at times such abuses continued during the year. Prison officials put the number of those on remand on the charge of treason at 1,163. Those on remand for this charge include suspected WNBF rebels, members of the Islamic Tabliq sect (suspected of supporting ADF rebels), and 35 other suspects detained on charges relating to bombings in Kampala during the year. Authorities detained approximately 28 children on treason charges during the year, although all had been released by year's end.

The number of political prisoners is unknown but believed to be small. Bright Gabula Africa, whose death sentence for treason was upheld by the Supreme Court in 1995, remains imprisoned pending the outcome of his appeal to the Advisory Committee on the Prerogative of Mercy, a largely autonomous constitutional body that recommends whether presidential clemency powers should be exercised in a given case. In February the Advisory Committee rejected an appeal for clemency from the death penalty in the case of Ali Fadul. Fadul, a former army commander under the regime of former dictator Idi Amin, was convicted on murder charges in 1981.

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

The Constitution provides for the protection of privacy, which the Government generally observes; however, there were some exceptions. The law requires that police have search warrants before entering private homes or offices, and the police generally observed this law in practice, although in its effort to combat the rebels in the north, the UPDF often invaded private homes without warrants. LDU's arrest citizens without authority. The police sometimes searched vehicles without prior warrants. Prison officials routinely censor the mail of prisoners.

According to press reports, the Government required that employees in selected ministries and offices register their political affiliation in writing (see Section 3.).

During the conflict with the LRA, government forces used threats to compel citizens to leave their homes and move to areas under government protection (see Section 1.g.) Thousands of persons remain internally displaced as a result of rebel activity (see Section 2.d.).

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

Reports of violations of humanitarian law decreased somewhat in the north, but increased in the west. In the north, government forces continued their policy of concentrating inhabitants in so-called "protected villages" with UPDF detachments nearby as a means of protecting them and denying support to the LRA. This policy continues to be attacked by parliamentarians from the area, although less vehemently than before since almost all relocations appeared to be voluntary. Some residents of villages in close proximity to the protected villages sometimes return by day to plant or tend crops, although there are reports that authorities sometimes do not allow residents to go to work on their farms. The villages originally were established hastily and without coordination with civil authorities, and lacked appropriate water and electrical supplies as well as health and educational services; they rapidly were beset by hunger and disease, which killed numerous residents. Although substantial NGO and donor community assistance has improved the overall conditions in the villages, conditions still remain poor. Despite the villages' controversial beginnings, most residents express a reluctance to return to their villages without UPDF protection.

Use of excessive force by the UPDF in combating the rebels resulted in the injury and death of innocent civilians. On March 1, UPDF forces reportedly killed 30 Acholi children abducted by the LRA in Ogok village, Kitgum district, while combating suspected LRA rebels there.

In the north, forces of the LRA, led by Joseph Kony, and supported by the Government of Sudan, regularly attacked civilian and some military targets, as well as some refugee camps. These attacks caused more than 200 deaths and the destruction of homes and property. The LRA continued to kill, maim, rape, and abduct large numbers of civilians. LRA activity decreased somewhat compared with 1997, but covered a larger area. Incidents involving mutilation continued, but decreased in frequency. In particular, the LRA abducted numerous children and, at clandestine bases, terrorized them into virtual slavery as guards, concubines, and soldiers. In addition to being beaten, raped, and forced to march until exhausted, abducted children were forced to participate in the killing of other children who had attempted to escape.

Amnesty International reported that without child abductions, the LRA would have few combatants. More than 6,000 children were abducted during the year, although many of those abducted later escaped or were released. Most human rights NGOs place the number of abducted children still held captive by the LRA at around 3,000, although estimates vary substantially. Kitgum district officials said in September that 231 primary school children had been abducted by the LRA over the preceding 12 months in that district alone. LRA rebels attacked civilians in Pader subcounty in Kitgum district in February, cutting off the ears of seven of their victims. In June LRA rebels attacked St. Charles Lwanga College in Kitgum district and abducted 39 young girls, most of whom are still unaccounted for.

LRA rebels attacked food convoys from the World Food Program (WFP) and Oxfam in Kitgum. LRA rebels also planted land mines on roads and village paths in Gulu and Kitgum district throughout the year. Land mines on the few roads to the Sudan border hinder the transport of food to internally displaced persons and to the 150,000 to 200,000 Sudanese refugees who remain in camps there. Land mines on village paths reduced agricultural production, local trade, and injured mostly women and children.

In the west and southwest, the rebel Allied Democratic Forces significantly heightened their activities, which included repeated attacks on civilian targets, trading centers, and private homes, resulting in hundreds of deaths and abductions. The ADF continued to plant land mines extensively and increased its attacks on both rural and urban civilian targets, police outposts, and UPDF encampments. In February 30 students were abducted by ADF rebels from Mitandi Seventh Day Adventist College in Kasese. In April rebels attacked a woman in Bundibugyo district and cut off her ears and nose. The ADF forces hacked two civilian women to death in Kasese district in May. The ADF's deadliest attack of the year occurred on June 8, when rebels killed 80 students of the Kichwamba Technical College in Kabarole district by setting locked dormitories on fire. An additional 80 students were abducted in the raid. Also in June, ADF rebels abducted over 100 school children from a school in Hoima district. ADF conducted dozens of small-scale raids that resulted in hundreds of civilian deaths. An ADF-affiliated group, the National Army for the Liberation of Uganda claimed responsibility for three bus bomb attacks in August that killed 30 persons.

WNBF attacks resumed during the year in the northwestern region bordering Sudan and the Democratic Republic of Congo, and more than 100 abductions in Arua district. The majority of those taken in subsequent raids over a week-long period later escaped and returned to their homes. In November WNBF rebels killed and decapitated a Muslim religious leader in Arua, reportedly in retaliation for his son's defection from the WNBF ranks. The Uganda Salvation Front/Army carried out an attack on a police station and prison facility near Tororo in the east in August in which it abducted 110 prisoners. Members of the Uganda National Rescue Front-II (UNRF--II) also carried out a number of abductions and killings in the northwest. The UNRF--II attacked a WFP vehicle in Moyo and killed a WFP driver in September.

## **Section 2 Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The Constitution provides for freedom of speech and of the Press, and the Government demonstrated increased respect for these rights, although there were instances in which the Government infringed on those rights. In November the Government ordered the arrest of Karuhanga Chapaa, leader of the National Democrats Forum, over public remarks that he had made criticizing the President and accusing him of complicity in corrupt practices. He was charged with sedition and remained free on bail at year's end. His case is scheduled to be heard in early 1999.

The New Vision, a Government-funded daily newspaper with a daily circulation of 40,000 (and up to 10 readers sharing each copy), and the government-controlled Radio Uganda continued to play major roles in the media. These news sources were of a fairly high quality and sometimes included reporting critical of the Government. During the elections for local council members that concluded in April, the New Vision exhibited a clear pro-NRM editorial bias and gave more prominent attention to NRM supporters running for office.

The media are generally free and outspoken, with widespread availability of rival nongovernmental publications. The independent Monitor newspaper equaled the New Vision's circulation and often printed articles and editorial opinions critical of the Government. The Crusader, another independent newspaper, continued to improve its credibility. The East African, a Nairobi, Kenya-based weekly publication that provides extensive reporting on Uganda, continued to circulate without government hindrance. In November the Government detained the editor of the Crusader and a reporter for the government-owned New Vision following the publication of reports critical of some government policies in the President's home tribal area of Ankole. The Crusader editor, George Lugalambi, was charged with "promoting sectarianism" in violation of the law. He remained free at year's end, and his

case is scheduled to be heard in early 1999. The New Vision reporter was freed without charge. Authorities also searched the offices of the Crusader and seized documents.

The cases against journalists Muasazi-Namiti, Hassan Kato, Charles Onyango-Obbo, and Andrew Muanda for disseminating false information were still pending at year's end. All four journalists remained free on bail.

The Government controls one television station and Radio Uganda, the radio station having the largest audience. At year's end, there were more than 15 radio stations throughout the country. There are four local television stations and more than a dozen private television stations available via satellite. The number of independent media broadcast sources increased during the year. Several independent broadcast media air daily political talk shows in several languages, very often critical of the Government and individual government officials, including the President. High-ranking government officials often participated in these programs, and debated issues with political opponents. There was no censorship of these programs.

The Press and Media Law, which took effect in 1995, requires journalists to be licensed and to meet certain standards, including holding a university degree. The law provides for a Media Council to suspend newspapers and to deny access to state information. Despite the Media Council, government officials do not vigorously enforce the law.

The Uganda Journalists' Safety Committee (UJSC), a media monitoring group, filed suit in the Constitutional Court in 1997 against the sedition laws and the Press and Media Law. The High Court began hearings on the suit in late 1997. The UJSC claimed that the laws violated constitutional protections. The Constitutional Court dismissed the suit in December 1997, finding that it constituted an improper filing. The Government had argued that the UJSC had not been harmed by the law; 3 years after its enactment, its provisions have not been used against any journalist.

Uncensored Internet access is widely available through three commercial service providers in major cities, although the cost for connectivity is prohibitive for all but the most affluent noninstitutional users.

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

Political education and military science courses known as Chaka Mchaka resumed during the year. These courses are criticized as indoctrination in Movement political philosophy. There were lingering reports that the techniques used in some of the courses included intimidation, physical and mental abuse, and sexual harassment.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, but the Government restricts this right in practice. The Constitution bans political parties from holding national conventions, issuing platforms, endorsing candidates, or opening branch offices outside the capital until 2000. The Constitution also forbids other activities that would interfere with the Movement System, an elastic provision that the Government in the past has interpreted adversely to political groups' interests. The Government denied or failed to respond to requests for assembly permits by opposition political groups, and actively broke up other meetings determined to be of a political nature opposed to the Movement System.

The Government used its riot police and ISO personnel to disperse a June 19 meeting in the eastern city of Tororo, injuring about six persons. The Foundation for African Development (FAD), affiliated with the Democratic Party, organized the program, and advertised it as a civic education meeting. On July 6, police and the highest ranking central government official there, the Resident District Commissioner (RDC), blocked a similar FAD program in Kamuli district. On July 10, riot police dispersed a FAD seminar in Mbarara. The RDC in July refused a permit for another proposed FAD meeting in Hoima district. Other gatherings organized by the Uganda Young Democrats also were dispersed by police, ISO, and RDC officials. The police also broke up a peaceful protest in Kampala led by army veterans who demanded back pay and benefits.

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

#### c. Freedom of Religion

The Constitution protects freedom of religion, and the Government generally respects this right in practice. There is no state religion. Mosques operate freely, Koranic schools are common, and Muslims occupy positions of authority in local and central government. Prisoners are given the opportunity to pray on the day appropriate to their faith. Muslim prisoners usually are released from work duties during the month of Ramadan. However, authorities, including the Directorate of Military Intelligence, detained Muslims suspected of rebel activity in unregistered, unofficial places of remand. Security forces continued to harass Muslims. Between April and September, approximately 100 Muslim men were detained and some were tortured. There was no clear indication that the religion of the victims was a factor in this detention or torture. Many of those detained were released but the whereabouts of 30 to 40 remain unknown (see Sections 1.a, 1.c., and 1.d.)

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

The Constitution provides for these rights, and the Government generally respected them in practice, although there were some limits. Some local officials reportedly demanded payment of fees for permission to change a place of residence. A married woman must obtain her husband's written permission on her passport application if children are traveling on her passport (see Section 5.).

There are no laws that provide for the granting of refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government does grant such status in practice. The Government cooperates with the Office of the United Nations High Commissioner for Refugees (UNHCR) and with other humanitarian organizations in assisting refugees. As it has repeatedly done in past years, Uganda continued to provide first asylum as well as land for temporary resettlement to citizens from neighboring countries, extending this practice to approximately 188,000 refugees during the year. The majority of refugees continue to be from southern Sudan, but there are smaller numbers from other neighboring countries as well. In midyear small numbers of refugees fleeing fighting in the eastern part of the Democratic Republic of Congo (DROC) crossed into the country, but returned soon thereafter. In December approximately 3,000 Congolese crossed into the southwest, also fleeing the conflict in eastern DROC. At year's end, they remained in the country pending transfer to established refugee camps. There were no reports of forced return of persons to a country where they feared persecution.

The Government continued to increase security in refugee camps during the year. While there were no reports of large-scale attacks by rebel groups on the camps, as there had been in 1997, there were several instances of attacks, rapes, harassment, and looting by rebels directed at refugees, causing several serious injuries and deaths. For example, 15 refugees were abducted from the Pakelle refugee camp in Adjumani district by LRA rebels on May 29. The day before, nearby Amuri refugee camp had been raided by LRA rebels; four were killed and a number were abducted. Aircraft belonging to the Sudanese armed forces bombed a refugee camp on the Sudan-Uganda border in August, killing 2 persons. LRA attacks on refugee camps generally resulted in some deaths and abductions (see Section 1.g.).

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

Movement domination of the Government and the political process, and some restrictive constitutional provisions, limited citizens' effective exercise of the right to change their government. The President dominates the Government, and Movement supporters remained in control of the Parliament, although the legislature conducted business in a more independent manner during the year.

The Government established, at government expense, the Movement Secretariat, an organization that roughly paralleled existing government institutions and is limited to those professing support for the Movement. Political education classes called Chaka Mchaka continued to be offered to the public (see Section 2.a.). The Government prohibited all other non-Movement political gatherings. At mid-year, the Government began to require that civil service employees in selected ministries and offices, including the Ministry of Information and the President's office, register in writing their political affiliation (see Section 1.f.). Gatherings deemed to be of a political nature not sanctioned by the Movement were broken up by police and ISO officials on a number of occasions (see Section 2.b.). The Constitution bans political parties from holding national conventions, issuing platforms, endorsing candidates, or opening offices outside of the capital. A referendum is scheduled to be held in 2000 to consider lifting these restrictions.

Local government elections completed in April were peaceful, orderly, and technically transparent. However, the election process was flawed by the prohibition on political parties from actively organizing and fielding candidates, although a number of Movement incumbents were unseated, including the Mayor of Kampala.

Universal suffrage is accorded to adults 18 years of age and older. Contrary to the Constitution, the right to vote was denied to prisoners. A total of 10 seats in Parliament are reserved for members of the UPDF.

The Constitution provides for five seats in Parliament for representatives of persons with disabilities, as well as five reserved seats for youth representatives, and three seats for representatives of organized labor. Individual parliamentarians who claim non-Movement Party affiliation fully participate in the legislature.

Women play a visible role in national affairs, although women are underrepresented in government and politics. The Government used quotas in an aggressive effort to place women in positions of authority. Women continued to make stronger contributions in Parliament and inside the Movement. The Vice President is a woman, as are 5 ministers in the President's 25-member Cabinet. In addition each of the nation's 45 districts, including six new districts created in 1997, elected a woman to fill a National Assembly seat reserved for women by the provisions of the Constitution. Six other women won openly contested seats for the 276-member Parliament in the 1996 election. The 1997 Local Government Act reserves one-third of the seats on local councils for women.

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

Numerous human rights groups operate. Among them are: The Foundation for Human Rights Initiative; the Uganda Chapter of FIDA; the Uganda Prisoners' Aid Foundation, which monitors prison conditions; the National Organization for Civic Education and Election Monitoring, which deals with problems related to civil society and political rights; Human Rights Focus, based in the northern town of Gulu; the National Association of Women's Organizations of Uganda (NAWOU), an umbrella group; the International Federation of Human Rights; and the Human Rights and Peace Center, based at Makerere University. These groups operate without government restriction, investigating and publishing their findings on human rights cases. Hurinet, a human rights network and an umbrella organization for nine human rights organizations active in the country, also continued to be active.

The Government also allowed access by international human rights NGO's, including Amnesty International and the ICRC. The Government also cooperated with the UNHCR.

Government officials generally were cooperative and responsive to NGO views. They frequently attended conferences and seminars hosted by NGO's on social problems. However, in June and July the Government actively dispersed meetings and seminars held by the Foundation for African Development (see Section 2.b.). The Government continued to cooperate with NGO's on legal and prison reforms.

The 1995 Constitution established the UHRC as a permanent independent body with quasijudicial powers. The UHRC filed its first annual report in August, reporting on the 1997 calendar year. Under the Constitution, the UHRC may subpoena information and order the release of detainees and the payment of compensation for abuses. The UHRC convened its human rights court for the first time in November in an exercise of those powers, and called 12 cases before it, including ones in which the defendants were senior government leaders and military and police officials. The UHRC does not have the power to intervene in cases pending before a court. The UHRC inspected numerous detention facilities and publicly reported on its findings. The UHRC's 1997 report was submitted as required by law to the speaker of Parliament concurrent with its public release. Members of the UHRC's eight-member board are appointed by the President.

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

The Constitution prohibits discrimination based on these factors, but the Government does not effectively enforce the law in matters of locally or culturally accepted discrimination against women, children, people with disabilities, or certain ethnic groups. Race was not a factor in national politics. The continued instability in the north led to violations of the rights of many Acholi, the ethnic group that comprises a significant part of the population. Most violations of Acholi rights resulted from LRA actions.

##### **Women**

Violence against women, including rape, remained common. There were no laws passed to protect women against battery, although there is a general law concerning assault. In 1997 the Government began to implement the Children's Statute, which provides extensive protections for families and children. However, implementation during the year proved exceedingly difficult, in view of manpower and judicial constraints; in reality, little was done to enforce the statute's provisions. Law enforcement officials, consistent with general public opinion, continued to view wife beating as a husband's prerogative and rarely intervened in cases of domestic violence. Women remained more likely to sue for

divorce than to file assault charges against their husbands while still married. These problems received growing public attention. Numerous NGO's that advocate women's rights sponsored conferences, empowerment sessions, and training programs throughout the country. In a prominent 1997 case in which an Asian woman, Renu Joshi, allegedly was murdered by her relatives including her husband, court proceedings had not concluded by year's end. Her husband (the principal defendant) and Kooky Sharma, remained on remand awaiting trial at year's end. Public protests were instrumental in keeping Sharma in remand. Such a delay in bringing capital offense cases to trial is common (see Section 1.d.).

Traditional and widespread societal discrimination against women continued, especially in rural areas, despite constitutional provisions to the contrary. Many customary laws discriminate against women in the areas of adoption, marriage, divorce, and inheritance. In most areas, women may not own or inherit property, nor retain custody of their children under local customary law. Divorce law sets stricter evidentiary standards for women to prove adultery. Polygyny is legal under both customary and Islamic law, and a wife has no legal status to prevent her husband from marrying another wife. Men may also "inherit" the widows of their deceased brothers. Women do most of the agricultural work but own only 7 percent of the agricultural land. There are limits on a married woman's ability to travel abroad with her children (see Section 2.d.).

There are active women's rights groups, including FIDA, Action for Development, the National Association of Women Judges of Uganda (NAWJ), the Forum for Women in Democracy, and NAWOU, which promote greater awareness of the rights of women and children. The FIDA is conducting a 3-year project to reform outdated and discriminatory laws, and the NAWJ continued to disseminate its guidebook on women's rights and options concerning domestic violence to women throughout the country.

Numerous women were victims of abduction and rape by rebel forces (see Sections 1.c. and 1.g.).

## Children

Although it has devoted only limited funds to children's welfare, the Government demonstrated a commitment to improving children's welfare. The Universal Primary Education (UPE) program continued to expand its reach. The program is intended to provide free education through seventh grade for a maximum of four children per family. The UPE program remains only partially implemented, the result of strained finances, instability in some areas, and infrastructure problems. The training of teachers to adequate minimum educational levels was also a contributing problem. Although the UPE program makes education more accessible financially, parents still must pay for books, uniforms, and some school costs. Implementation of the UPE has caused some financial problems for the country's large, often polygynous families. Girls and boys theoretically have equal access to education, and lower grades are divided about evenly by sex. Families traditionally have favored boys when making financially related educational decisions; the proportion of girls at higher school grades remains low. Only 53percent of females are literate compared with 61percent of males. Parents' inability to afford schooling in the past has correlated highly with child labor in rural areas (see Section 6.d.). About 55 percent of school-age children are in school.

The Government has not yet implemented effectively the 1996 Children's Statute, which outlines broad protections for children. Government efforts were hampered by the large proportion of the population that is below 18, manpower and fiscal constraints on the judiciary, and cultural norms. These factors all contributed to the lack of progress during the year to enforce the statute's provisions. The law stipulates parents' responsibilities and provides extensive protections for children in a wide variety of areas, including financial support, foster care placement, adoption, determination of parentage, and treatment of children charged with offenses. It also includes concise provisions on the rights of the child, including

a provision that a child shall not be made to work or take part in any activity, whether for pay or not, is likely to injure the child's health, education, mental, physical, or moral development. However, the Government has been unable to enforce prohibitions on child labor, particularly in the informal sector (see Section 6.d.).

Estimates place the number of orphaned children (children missing either parent are considered orphans) at up to 1.4 million. This large number of orphans resulted from previous civil wars, the internal displacement of persons, and HIV/AIDS.

Child abuse remained a serious problem, particularly the rape of young girls (known locally as "defilement"). Only a small fraction of these incidents is reported, especially when the perpetrator is a family member, neighbor, or teacher--as is often the case. Increasing numbers of accusations reach the courts, although neither conviction nor punishment was common. Cases were reported frequently in newspapers, but a payment to the girl's parents often ended the matter. Despite these obstacles, an increasing number of cases are being prosecuted. While defilement carries a maximum sentence of death, that punishment has never been meted out to a convicted rapist. Courts in September sentenced a convicted "defiler" to 21 years' imprisonment--the most severe punishment for that charge yet imposed. "Defilement" applies to all cases of sexual contact outside of marriage involving girls younger than 18 years of age, regardless of consent or the age of the perpetrator. The marriage of young girls by parental arrangement is common, especially in rural areas.

Many schools use corporal punishment, although in 1997 the Government banned the beating of secondary school students. In January a Kampala court convicted Joseph Mbuga, former headmaster of Bulenga secondary school, of assaulting his student and causing physical injury. The court fined him \$300 (350,000 shillings), or in the case of default, sentenced him to 6 months in prison. In July a teacher from Mubende was arrested by police for beating a primary school student for not completing his homework. The beating left the child in a coma for several weeks. The teacher was released following 3 days' detention and an agreement to pay all hospital bills and undisclosed damages to the parents. The 1996 case in which a teacher in Masaka beat to death a 15-year-old student was still pending at year's end.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced only by the Sabyni tribe, located in the highly rural Kapchorwa district in the east, whose members number fewer than 10,000. Among the Sabyni, initiation ceremonies involving FGM have been carried out every 2 years for girls between the ages of 14 and 16 years. Such a ceremony was held in December, but there were no reliable statistics as to the number of girls circumcised during the ceremony. There is no law against the practice, but government and women's groups working with the U.N. Population Fund continue to carry out a program to combat the practice through education. The program, which has received strong governmental support and support from local Kapchorwa leaders, was expanded and continues to decrease the numbers of mutilations performed. The program emphasizes close cooperation with traditional authority figures and peer counseling. Significant press attention to these ongoing efforts brought public attention to the problem throughout the year.

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

The LRA abducted many children, using them as guards, laborers, soldiers, and for forced sex (see Section 1.g.).

## People with Disabilities

The Constitution provides that persons with disabilities have "a right to respect and human dignity" and requires that authorities take appropriate measures "to ensure that they realize their full mental and physical potential." However, despite this provision, there is no statutory requirement for government services or facilities such as accessibility of buildings for the disabled. Most buildings have one story, but in larger towns with multistory buildings, there are often no elevators; even where they do exist, they are rarely reliable. Widespread discrimination by society and employers limits job and educational opportunities for those with physical disabilities. In August the Government appointed a Minister of State for Disabled Persons. A Department for Disabled Persons also exists under the Ministry of Local Government. In reality, however, these bodies and positions have little funding to undertake or support any initiatives.

## National/Racial/Ethnic Minorities

Civil strife in the north led to the violation of the rights of many members of the Acholi tribe, which is largely resident in the northern districts of Gulu and Kitgum. Both government forces and the LRA rebels--who themselves largely are Acholi--committed violations. LRA fighters in particular were implicated in the killing, maiming, and kidnaping of Acholi tribe members, although the number and severity of their attacks decreased somewhat compared with 1997 (see Section 1.g.).

## Section 6 Worker Rights

### a. The Right of Association

The Constitution provides for the right of every person to join workers' associations or trade unions, and the law allows unionization if a majority of the work force supports it. In practice the Government respects the right to form unions, and since 1993 this right has extended to civil servants. However, many "essential" government employees are not permitted to form unions; these include the police, army, permanent secretaries in the ministries, heads of departments and state-owned enterprises, school principals, and other management level officials. However, the Government has failed to enforce the rights of some employees to join unions in recently privatized industries and factories. Organized labor has three reserved parliamentary seats.

The National Organization of Trade Unions (NOTU), the largest labor federation, includes 17 unions and is independent of the Government and political parties. Among its members are medical workers, including doctors, and the civil service union. The NOTU's influence on the overall economy remains small, since about 90 percent of the work force are peasant farmers. Even in areas in which cash crops are significant, unionization has remained practically nonexistent. NOTU membership declined steadily from some 500,000 in the 1970's to about 100,000.

The Constitution confirms the right to strike, but government policy requires that labor and management make "every effort" to reconcile labor disputes before resorting to strike action. This directive presents unions with a complicated set of restrictions. If reconciliation does not seem possible, labor must submit its grievances and notice to strike to the Minister of Labor, who usually delegates the dispute to the Industrial Court (IC). In the absence of verdicts from the IC, the Minister of Labor generally did not permit strikes, on the basis that "every effort" had not been exhausted. Frustrated laborers often went on strike anyway, protesting credibly that they were not paid a wage adequate to live on.

There were eight notable strike actions during the year. A strike and demonstration by the taxi drivers

union was broken up by riot police in Kampala in July; some of those arrested subsequently were charged with treason, a capital offense.

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

#### b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively, specifying that a workplace may be unionized if a majority of the employees supports doing so. However, true collective bargaining takes place only in the small private sector of the modern economy, although this situation itself suffered setbacks during the year. In the modern sector, the Government is by far the largest employer (civil service and State-owned enterprises) and it dominates the bargaining process. However, the Government has adopted a tripartite (government-employers-labor) cooperative approach to setting wages and resolving labor disputes. Both the Government and employers may refer disputes to the IC. The law does not prohibit antiunion discrimination by employers, but there were no reported incidents of government harassment of union officials. Unionization was blocked effectively by some recently privatized industries, especially in the textile and hotel sectors. The Government took only limited on organized labor complaints, pointing out that refusal to allow unionization is a constitutional violation.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or bonded labor, including forced or bonded labor by children, but a lack of resources prevented the Government from enforcing this prohibition effectively. However, there is strong evidence that prison officials hired out prisoners to work on private farms and construction sites, where they often were overworked. Throughout the country, prison officials routinely augmented their meager pay with crops grown by prisoners on the prison grounds. Male prisoners performed arduous physical labor while female prisoners produced marketable handicrafts such as woven basketry.

Compensation, when paid, was generally very low, although the law demands that pretrial detainees must receive back pay for all work that they have performed once they are released.

The LRA abducted numerous children and terrorized them into virtual slavery as guards, laborers, soldiers, and sex slaves (see Sections 1.b. and 1.g.). They also reportedly sold and traded some children or provided them as gifts to arms dealers in Sudan.

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

Employers are prohibited by law from hiring workers below the age of 18, but child labor is common, especially in the informal sector. Children in prison perform manual labor, often 12 hours per day (see Section 1.c.). The Ministry of Social Services is charged with enforcing the law on child labor, but it has limited financial means to do so. Part of the problem is demographic, as half the population is under 18 years of age. School fees have made it impossible for many parents--particularly poor farmers, the majority of the population--to provide their children with an education in spite of the Government's UPE program (see Section 5). As a result, there is an incentive to leave school and go into agricultural or domestic work in order to help meet expenses or perform the work of absent or infirm parents, a common situation throughout the country. About 55 percent of school age children are in school.

Most working children are employed in the informal sector, often on the subsistence farms of extended family members or as domestic servants. In urban areas, children peddle small items on the streets, are involved in the commercial sex industry (particularly in border towns and in Kampala), or beg for money. Although adults do most tea harvesting, some children were employed in this sector as well.

It is estimated that 60 percent of all land-based trade in the country is informal. Smuggling is one of the larger informal industries, and illegally employs large numbers of child laborers at the borders with Kenya and Tanzania. Children walk back and forth across the unguarded borders, transporting small amounts of fuel, sugar, coffee, or other commodities.

Government efforts to decrease the incidence of child labor were boosted by a \$1.5 million grant from the ILO International Program for the Elimination of Child Labor (IPEC) grant. In November the Government signed a memorandum of understanding with the ILO acceding fully to the IPEC. Government officials acknowledged that for the IPEC to be implemented, continued judicial and law enforcement reform were needed.

The law prohibits forced and bonded labor by children, but a lack of resources prevented the Government from enforcing this prohibition effectively (see Section 6.c.).

#### e. Acceptable Conditions of Work

The Cabinet has taken no action on a 1997 recommendation by the minimum wage board to establish a minimum rate of pay. Wages continued to be determined through negotiation between individuals and their employers, unions, and proprietors, or through negotiation within the boards of directors at

state-owned industries. Salaries usually are augmented by other benefits such as housing and transport allowances, which are often equal to base wages. The Ministry of Labor's salary scale for civil servants starts with unskilled labor at \$50 (51,133 shillings) per month, up to supervisors at \$400 (414,738 shillings) per month, plus modest increases for years worked. All include provisions for paid overtime. The higher end of this wage scale would provide minimal standards of living for a worker and family, but most civil servants have great difficulty earning enough money to pay their children's school costs. Many civil servants and their dependents work in second jobs, grow their own food, or seek other ways to feed themselves. In industries that employ workers on an hourly basis, the normal workweek was 40 hours. Although there was no legal maximum workweek, a time-and-a-half rate was paid for each additional hour worked. Many industries pay workers by piece work, which avoids overtime and circumvents the prohibition on child labor.

The condition of employee housing on the tea and sugar plantations at the major state-owned corporations, and within military and police barracks, was substandard. Sanitation and water facilities often are lacking.

Building codes often are not enforced. Some structures have tripled in height above the original foundations, leading local engineers to express reservations about the structural integrity of these workplaces. Factories generally are sound, but machinery almost always lacks safeguards.

Vestiges of occupational health and safety legislation are contained in the outdated Factories Act of 1954, the Workmen's Compensation Act of 1964, and the Employment Decree of 1975. None of these acts addresses present-day working hazards. The Ministry of Labor's Department of Occupational Health is responsible for enforcement of the limited occupational safety regulations, but in practice inspections are rare, due primarily to the inspectors' lack of vehicles and funding for inspection trips.

Under the law, the maximum award payable in workers' compensation to a disabled employee, or to the estate of employees killed on the job is \$38 (40,000 shillings). Ministry of Labor officials recognized the inadequacy of this amount, but new legislation to address this problem has yet to be passed. The limited occupational safety regulations do not protect workers who refuse to perform dangerous work from being fired, although strong unions in certain dangerous industries do protect such workers.

[end of document]

---



[Return](#) to 1998 Human Rights Practices report home page.

[Return](#) to DOSFAN home page.

This is an [official U.S. Government source](#) for information on the WWW. Inclusion of non-U.S. Government links does not imply endorsement of contents.