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2010 Human Rights Report: Uganda

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

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Uganda, with a population of 32 million, is a constitutional republic led by President Yoweri Museveni of the ruling National Resistance Movement (NRM) party. The 2006 presidential and parliamentary elections were marred by serious irregularities. An influx of arms continued to fuel violence in the Karamoja region, resulting in deaths and injuries. The Lord's Resistance Army (LRA), which relocated to the Democratic Republic of the Congo (DRC) in 2005, continued to hold children forcibly abducted from the country. The governments of Uganda, Southern Sudan, and the DRC continued military actions against the LRA in the DRC, Southern Sudan, and the Central African Republic (CAR). There were instances in which elements of the security forces acted independently of civilian control.

Serious human rights problems in the country included arbitrary killings; vigilante killings; mob and ethnic violence; torture and abuse of suspects and detainees; harsh prison conditions; official impunity; arbitrary and politically motivated arrest and detention; incommunicado and lengthy pretrial detention; restrictions on the right to a fair trial and on freedoms of speech, press, assembly, and association; restrictions on opposition parties; electoral irregularities; official corruption; violence and discrimination against women and children, including female genital mutilation (FGM), sexual abuse of children, and the ritual killing of children; trafficking in persons; violence and discrimination against persons with disabilities and homosexual persons; restrictions on labor rights; and forced labor, including child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed politically motivated killings; however, security forces killed demonstrators, suspects, detainees, and other citizens. Some deaths occurred as a result of torture.

Security forces killed suspects while in custody or during questioning.

For example, on March 23, police in Hoima District arrested Ibrahim Massa, officer in charge of Songa Police Post in Kyangwali subcounty, together with junior officers David Barongo and Samuel Turinawe, for beating to death suspect Gilbert Mukonyezi. Following a police investigation Massa was released, while Barongo and Turinawe were charged with manslaughter and released on bail pending hearing of their case.

On May 17, police in Kampala arrested Rapid Response Unit (RRU) police officers Disinga Abangu, David Mulwanira, and Alex Muhiirwe for killing suspect Henry Bakasamba during questioning. Bakasamba died in police custody at the Kireka Detention Center on May 14. Police reported that investigations into the case were ongoing at year's end.

On August 20, police in Gulu District arrested police officers Joe Okello, Steven Otim Mulema, and Collin Ayella for the death of Calvin Ocwee, who was arrested and allegedly tortured to death for stealing a motorcycle. A court charged the officers with murder and remanded them to prison pending trial.

Security forces' use of excessive force, including the use of live ammunition, to carry out law enforcement operations or disperse demonstrators resulted in deaths.

For example, on March 17, members of President Museveni's advance team fired into a crowd gathered at the Buganda Kingdom's Kasubi Tombs, after a fire destroyed the tombs on March 16. Cornelius Kayanja, Haruna Kakumba, and an unidentified person were killed, and five others injured. On December 2, a government commission began investigating the incident, but no action was taken by year's end.

On April 2, two special police constables (SPCs) in Kisoro beat to death Evaristo Mihigo for allegedly resisting arrest. On April 7, a court in Kisoro charged the officers with murder and remanded them to prison. On July 9, the court dismissed the case due to lack of evidence.

On September 12, police in Bugiri fired live bullets to disperse a crowd during the NRM party primary elections. One person was killed. There were no reports of an investigation or disciplinary action.

On September 7, police in Hoima used live ammunition to break up a strike at the British America Tobacco (BAT) Uganda. Dennis Bazara and Benard Byabasaija were killed, and several others wounded. Authorities arrested police officers Augustine Kasangaki, Luke Mbusa, and Romeo Ojara for excessive use of force. On September 15, the Hoima Police Disciplinary Court charged Kasangaki, Mbusa, and Ojara with manslaughter and remanded them to prison (see section 7 b.).

Excessive force and the indiscriminate use of live ammunition by security forces and 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, 13 Karamojong citizens, including six children, one woman and two elderly persons, died during a January 4 -7 UPDF operation to recover rustled cattle in Kotido District. Witness statements alleged that a helicopter gunship fired indiscriminately into livestock and persons. During this operation the UPDF arrested 32 persons, some of whom were allegedly tortured or mistreated while in detention.

At least five Karamojong citizens died during a January 22 UPDF cattle recovery operation in Rengen subcounty of Kotido District. Eyewitnesses reported that individuals killed were not armed and included children. The UPDF reported that five alleged rustlers were killed and one UPDF soldier wounded in the engagement.

At least 10 persons were killed in an April 24 cattle recovery and disarmament operation in Lokitela'Angilam town in Rengen subcounty, Kotido District. According to a joint UN Office of the High Commissioner for Human Rights (OHCHR) and the Uganda Human Rights Commission (UHRC) statement, the dead included six children and two elderly men.

During the operation, the UPDF allegedly fired small arms and rocket propelled grenades indiscriminately. An internal UPDF investigation of the incident reported that UPDF soldiers were responding to an attack by 30-40 armed assailants.

In August the UPDF killed 29 Jie cattle rustlers in Nadunget, Moroto District. UPDF's third division commander Brigadier Patrick Kankiriho confirmed the incident, saying the rustlers refused to surrender.

There were developments in some 2009 cases involving deaths caused by government security forces.

In January 2009 security agents in Bukedea District reportedly tortured to death David Okwi, a member of the opposition party Forum for Democratic Change (FDC). In February 2009, the FDC petitioned the Uganda Human Rights Commission (UHRC) to investigate Okwi's death. In November 2010, the UHRC concluded its investigation, and the case was pending a hearing before the UHRC tribunal at year's end.

At year's end investigations continued in the following 2009 cases: the February killing of William Byamugisha and Daniel Tumwine, the February killing of Mucunguzi Katongole, the February beating and subsequent death of prison inmate Emmanuel Tindimwebwa, the March shooting deaths of Joseph Denaya and Cosmas Data, and the August death of Ali Katende while in police custody.

The government took no action to investigate security force handling of the September 2009 riots in Kampala that resulted in at least 40 deaths. On September 8, the High Court denied an appeal for bail by 23 individuals who were arrested during the riots and charged with the capital offence of terrorism. In January civilian Abdallah Byabasaija petitioned the High Court to compel the inspector general of police (IGP) and the government to compensate him for the death of his wife, who was killed during the riots. The petition remained pending.

In June police in Arua District arrested Mobile Police Protection Unit officer Ben Kiwanuka Drici, Charles Obuci, Celestine Mutahingwa, and Patrick Okiror for allegedly torturing to death suspect Taban Ramadan in December 2009. An investigation into the case was pending at year's end.

Government security forces were punished for killings committed in 2008 and previous years. In January a court in Kabale District sentenced police officers Difasi Buko and Michael Karuhize to 14 years' imprisonment for the 2008 killing of Dalas Innocent Mutekanga. On July 6, a court in Kabarole District sentenced SPC Christopher Bahemuka to nine years' imprisonment for the 2007 killing of Godfrey Bitamazire. In January the UPDF's fifth division court martial sentenced to death UPDF private Africano Abono Lino for the 2006 killing of seven civilians in the Laguti Internally Displaced (IDP) camp. On April 13, a court in Kabarole District sentenced former UPDF officer Moses Musinguzi to 16 years imprisonment for the 2006 killing of Erasmus Kalyega. On September 27, the High Court in Gulu sentenced UPDF soldiers Michael Onek Oloya and Francis Oryem each to 45 years in prison for the 2003 killing of Bicentina Lakot.

Unlike in previous years, there were no reports that members of Local Defense Units (LDUs) were responsible for killings; however, there were developments in several cases from previous years. On February 5, the High Court in Lira District sentenced Peter Onini, Geoffrey Engur, Alex Okaka, Ronald Adupa, and Moses Oyuku, former members of the Amuka militia, to 25 years' imprisonment for the 2006 murder of David Odong at the Otwal Internally Displaced Persons (IDP) camp. In November police submitted the file of LDU member Moses Kabagambe to the state attorney for committal in the High Court for allegedly killing Lauren Arinaitwe in 2009 in Kabarole District.

One terrorist attack occurred during the year. On July 11, an attack by the Somali terrorist group al-Shabaab killed 76 persons in Kampala. Al-Shabaab bombs killed individuals assembled to watch the World Cup finals at an Ethiopian restaurant and a rugby club. The government arrested several dozen individuals in connection with the bombings including, on September 15, Kenyan human rights activist Al-Amin Kimathi and Kenyan attorney Mbuga Mureithi. On September 18, authorities released Mureithi without charge and deported him back to Kenya. On December 1, authorities

charged 17 persons, including Kimathi, with terrorism, murder and attempted murder in relation to the bombings and released 18 others. Hearing of the cases was pending at year's end.

As in previous years, ritual killings of children and adults resulted in deaths. The 2009 Police Annual Crime Report recorded a total of 29 suspected ritual killings (see section 6).

Mob attacks against criminal suspects resulted in deaths during the year. The 2009 Police Annual Crime Report recorded a total of 332 mob action cases, many of which resulted in deaths. Witnesses rarely cooperated with police, making investigation of such incidents difficult.

For example, on February 22, a mob in Obopi village, Arua District, beat to death a suspected witch doctor who was accused of killing two persons from the same village.

In May a mob in Bugobi Trading Center in Namutamba District beat to death three suspected robbers for allegedly breaking into a shop.

The trial of 11 suspects implicated in the beating death of landlord Sam Kubo in 2009 was pending.

There were reports of increased cattle raids and societal violence in the Karamoja Region. According to the UPDF and human rights groups, cattle raids and the UPDF's forced disarmament campaign resulted in the deaths of at least 90 civilians and 32 UPDF soldiers during the year.

As in the past five years, there were no reports of LRA attacks within the country; however, the LRA killed numerous persons in the DRC, CAR, and Sudan.

b. Disappearance

There were no reports of politically motivated abductions or kidnappings, but there were developments in past disappearance cases.

In February the High Court ordered the Ministry of Internal Affairs to conduct an inquiry into the disappearance and presumed death of Lutaya Saidi, a street vendor allegedly arrested by the Joint Anti-terrorism Task Force (JATT) in 2007. The Ministry of Internal Affairs failed to conduct the inquiry within the prescribed 90 days, and there were no further developments.

The whereabouts of at least six individuals identified in Human Rights Watch's April 2009 "Open Secret" report remained unknown. These individuals were allegedly arrested in 2008 and detained in the Kololo Detention Facility (see section 1.d.).

As in the past five years, there were no reports of LRA abductions in Uganda; however, the LRA abducted many persons in the DRC, CAR, and Sudan.

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

The constitution and law prohibit such practices; however, there were credible reports that security forces tortured and beat suspects, some of whom died as a result (see section 1.a.).

The UHRC, the Foundation for Human Rights Initiative (FHRI), the African Center for Treatment and Rehabilitation of Torture Victims (ACTV), and other human rights organizations reported incidents of torture by security forces, including caning, severe beating, squeezing of private parts, stabbing, kicking, tying of limbs in contorted positions, forced marching, and rape. From January to April the ACTV registered 29 allegations of torture against the police, 19 against the UPDF,

three against military police, six against the Violent Crime Crack Unit or Rapid Response Unit (RRU), 20 against unspecified security personnel, and 59 against prison officials. In September the government approved payment of over one billion shillings (\$431,592) owed to victims of torture and other abuses; however, the government still owed victims 1.9 billion shillings (\$820,025) at year's end.

In its 2009 annual report released in October 2010, the UHRC reported registering 785 human rights complaints against 858 individuals, including 106 UPDF members, 285 police officers, 86 other security agencies, 29 prison warders, and 343 private citizens. Of the 785 complaints, 31 percent involved allegations of torture or cruel, inhuman, or degrading treatment and punishment.

There were numerous reports of torture and abuse in unregistered detention facilities operated by the JATT and the Chieftancy of Military Intelligence (CMI). Torture victims included political activists and detainees.

FHRI cited two cases of torture in its August report "Overview of the Human Rights Situation in Uganda January-July 2010." On May 6, for instance, police in Kampala arrested, detained, and allegedly tortured Segilinya (full name withheld) for two weeks at Kitebi police post. On May 21, a court in Nsanji charged Segilinya with stealing a bicycle and remanded him to Kabasanda Prison. On May 15, police in Jinja arrested Mayinja (full name withheld) on robbery charges. Mayinja claimed he was beaten during three days of RRU detention.

On April 4, UPDF soldier Lt. Justine Engwau allegedly tortured Nelson Okurut and Joseph Ikimyom after arresting them on robbery charges in Kasoka village, Bukedea District. The UPDF allegedly denied the victims access to medical care, even though they were in critical condition. UHRC concluded its investigation into this incident, and the matter was pending hearing before the UHRC tribunal at year's end.

The 2009 torture case filed by Hoima Mayor Francis Atugonza against the CMI for alleged illegal detention and torture in a CMI "safe house" was pending a Constitutional Court ruling at year's end.

Security force use of excessive force resulted in injuries during arrests and law enforcement operations.

For example, on January 20, SPC Alfred Achikane allegedly shot and injured local musician Moses Ssali, his body guard Abbas Kayoyo, and Allan Masengere, Godfrey Kayiza, and David Oluka in Kampala. On February 9, a court in Kampala charged Achikane with five counts of attempted murder. On February 23, he was released on bail, and hearing of the case was pending.

On March 22, SPC Patrick Tumusiime shot and injured civilian Abdul Nsubuga during an operation to round up criminals in a Kampala suburb. Police arrested Tumusiime and charged him with unlawful wounding. Police later released Tumusiime pending an investigation of the incident.

On March 19, police severely beat Forum for Democratic Change (FDC) and Inter-Party Cooperation (IPC) women's leader Ingrid Turinawe and assaulted other FDC members at the Kabale police station. A police investigation accused Turinawe and others of trying to forcibly enter the police station and claimed the officers' actions were justified. An independent medical report confirmed that Turinawe suffered blows to the head and body, and a lawsuit against the police filed by Turinawe was pending at year's end.

Police beat and used pepper spray or mace against 33 female IPC supporters on June 14. Four of the women were hospitalized due to blunt force injuries and ingestion of a chemical substance. On the same day, police charged two of the women, Ida Namukwaya and Eyoru Asala, with assault of police officers. Hearing of the assault case began on November 14 and was pending at year's end. On July 2, the IPC women filed a counter suit in the High Court accusing the police officers of assault. This case was pending hearing at year's end.

In July police arrested more than 60 members of the National Alliance for Free and Fair Elections (NAFFE) and the Inter Party Cooperation (IPC) for staging nationwide demonstrations against the Electoral Commission. Police in Mbale and Bushenyi districts reportedly beat protestors. Police confirmed that one officer beat protestors in Mbale and said they would investigate the officer's actions. Results of this investigation were pending at year's end.

In December Inspector General of Police General Kale Kayihura suspended the Rapid Response Unit's Commander, Nathan Byona, and senior police officers Nixon Karuhanga and Julius Kwikirizi over allegations of torture, extortion, and mismanagement. There were no reports of findings of the investigation at year's end.

There were no developments in any of the 2009 cases of security force use of excessive force during arrests, law enforcement operations, or to disperse demonstrators.

There was no update, for instance, on the March 2009 case in which UPDF Major Otim Demoi Latek allegedly tied up and seriously beat residents David Obonyo and Walter Okeny over a land dispute in Gulu.

Court proceeding into Corporal Swaleh Swaib and SPC Henry Mukasa's alleged beating of four persons in July 2009 remained ongoing. One of the four individuals died of his injuries.

The UHRC received complaints from individuals who sustained injuries during the September 2009 riots (see sections 1.a. and 1.d.). For example, a petition filed by Ssemukala Ismail alleged that security force members shot him while he was closing his shop in Nateete, disabling his left arm. Investigations into the incident were pending at year's end.

There were no developments in the 2008 shooting of Masaba Bakari in Muzulu village, Namutamba District, by SPC Eric Kiirya for defying traffic police directives to stop.

In May the Uganda Law Society sued the attorney general for the Director of Public Prosecution's (DPP) failure to prosecute Assistant Prisons Superintendent Sam Etoru and senior police officer Ivan Nkwasiwe for allegedly assaulting members of the society during the paramilitary takeover of the High Court in 2007. The government paramilitary group known as the "Black Mambas" forcibly occupied the court to prevent FDC leader Kizza Besigye from being released on bail. A hearing of the suit was pending.

As in previous years, 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 section 1.a.).

The government continued to prosecute citizens for their alleged involvement in the 2009 September riots. The 2009 Police Annual Crime Report recorded 210 offenses against public order during the September riots. Of these, 112 cases were prosecuted, with 20 convictions and one acquittal. 91 cases remain pending.

Prison and Detention Center Conditions

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

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. Serious problems in prisons outside Kampala included long remand periods, overcrowding, inadequate staff, and lack of food, water, medical care, and bedding.

The Uganda Prisons Service reported there were 30,312 prisoners in the prison system at the end of August, approximately three times capacity. 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 110. The Naguru reception center, designed for 30 prisoners, held 150 juveniles. The Prisons Service recorded 103 prisoner deaths nationwide from torture, overcrowding, malnutrition, poor sanitation, disease, overwork, and lack of medical care.

Information was unavailable on conditions in unregistered facilities, although authorities allowed the UHRC and some international NGOs access to selected unregistered facilities.

Prison authorities reported that the three suspects who allegedly strangled to death prisoners Geoffrey Akandwanaho, Fred Mugisha, and Ephraim Nankunda in 2008 were released on court bond in March 2009, and their trial hearing was pending at year's end.

Female prisoners in central prisons were held in separate facilities; however, 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; 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, but pretrial detainees and convicted prisoners in the rest of the country 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, principally the FHRI and the Uganda Prisoners' Aid Foundation, to conduct prison visits during the year but required advance notification.

d. Arbitrary Arrest or Detention

The constitution and law prohibit such practices; however, members of the security forces arrested and detained citizens arbitrarily during the year.

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 had significant responsibility for preventing violence resulting from interclan cattle raids in the Karamoja Region. The Internal Security Organization (ISO) and External Security Organization (ESO), which are security agencies and intelligence-gathering entities under the minister of security, occasionally detained civilians. The 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 Joint Anti-terrorism Taskforce (JATT), an interagency paramilitary group under the 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, police, ISO, and ESO.

The UPF continued to be constrained by limited resources, including low pay and lack of vehicles, equipment, and training. The UPF Human Rights Desk investigated complaints of police abuses, including mismanagement of case papers, torture and harassment, unlawful arrest and detention, abuse of office, irregular or discreditable conduct, and corrupt practices. The UPF reported receiving 1,296 allegations of human rights violations and unprofessional conduct between January and September and stated it took action in response to 330 of these cases.

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

In conjunction with the UHRC and international organizations including the ICRC and the OHCHR, the UPDF and police continued to train officers on internationally recognized human rights standards. During the year 224 police officers attended human rights and constitutional workshops. The police, 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 search warrants before arrests are made; however, in practice, suspects often were taken into custody without warrants. The law requires suspects to be charged within 48 hours of arrest, but suspects frequently were held longer. Suspects arrested under the Antiterrorism Law must be brought to trial or released on bail within 120 days (360 days for a capital offense); however, if the case is presented to the court before the expiration of this period, there is no limit on 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 with stringent conditions. Detainees are required by law to have access to a lawyer; however, many went without legal representation. The government provided attorneys for indigent defendants accused of capital offenses.

The law provides for family visitation, but incommunicado detention remained a problem. According to the African Center for Treatment and Rehabilitation of Torture Victims (ACTV), the military police held three civilians incommunicado in January. In its April 2009 report, Human Rights Watch (HRW) noted that "JATT personnel frequently blindfolded, handcuffed, and sometimes beat suspects being taken to the Kololo detention facility. Detainees had no access to lawyers or family members and only learned of their whereabouts from other detainees or by spotting Kampala landmarks visible from the Kololo facility."

Mass arrests during police sweeps for criminals remained a problem, as did arrests based on alleged sedition, treason, incitement of violence, or terrorism.

Local NGOs received complaints of illegal detention from four individuals allegedly detained by the RRU at the Kireka Detention Center following the July 11 terrorist bombings in Kampala. Three suspects were released without charge. The fourth suspect was still detained at year's end.

On March 25, police and the UPDF arrested 200 persons in Mubende, allegedly to curb insecurity stemming from increased local burglary and murder rates. Police reported that four persons were charged with murder and robbery, while the rest were released without charge.

On August 30, police in Lwengo District, in the central region, arrested more than 30 citizens allegedly hired to incite violence during NRM primary elections in Kinoni. Police released the suspects on September 1 without charge.

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 subsections 2.a. and 2.b.).

The Prisons Service held 16 pretrial treason suspects during the year. Fourteen of the suspects were arrested in 2009 for allegedly forming the Uganda Patriotic Front rebel group.

The UHRC received complaints during the year from persons who claimed they were arbitrarily arrested. The government paid compensation to some victims of arbitrary arrest during the year, but compensation was often slow. There were no developments in the 2008 petition filed by former UHRC chairperson and current UN Special Rapporteur for Human Rights Defenders Margret Sekaggya to establish a national fund to pay victims. Past compensation payments were made from general government funds administered by the Ministry of Justice and Constitutional Affairs.

Human rights groups continued to express 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.).

Local and international human rights groups reported the government detained civilians in military facilities and unregistered detention facilities known as safe houses, where they often were held incommunicado.

The UHRC reported progress in inspecting military places of detention including Kigo, Makindye, and Gulu fourth division military barracks. The UHRC reported it can access these military facilities but only with advance notification. The UHRC also reported that it was able to visit the Kololo safe house and found no evidence of torture or abuse, although a formal report was not published.

There were developments in some cases that occurred in 2009. For example, the RRU's director, Commandant Emmanuel Muhairwe, and two deputies, Peter Kakonge and Emmanuel Bwembale, who were placed on leave in October 2009 following allegations that RRU members illegally detained the wife of a government employee at an unknown location for more than a week, were reinstated and transferred to a different office.

On September 21, the High Court rejected a bail application submitted by a group of 14 prisoners arrested between September 2008 and May 2009 for allegedly forming a rebel group entitled the Uganda Patriotic Front and plotting to overthrow the government.

During the year police arbitrarily arrested over 100 opposition and civil society demonstrators demanding a new Electoral Commission, electoral reforms, and free and fair elections (see section 2.b.).

Case backlogs in the judicial system 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 30,000 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 a blanket amnesty to former LRA and Allied Democratic Forces rebel combatants to encourage defections. On June 14, parliament extended the mandate of the Uganda Amnesty Commission for two years. Over 26,000 individuals, more than half of whom are former LRA combatants, have benefited from amnesty.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected this provision in practice; however, the president has extensive legal powers of judicial appointment. 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. Although the accused has the right to legal counsel, some military defense attorneys were untrained. The law establishes a court martial appeals process; however, sentences, including the death penalty, can only be appealed to the senior UPDF leadership. Under circumstances deemed exigent, a field court martial can be convened at the scene of a crime. The law does not permit appeal of a conviction under a field court martial. The military general court martial can try civilians charged with crimes listed under the UPDF Act.

Trial Procedures

An inadequate system of judicial administration and a lack of resources resulted in a serious backlog of cases and limited the right to a fair trial. All nonmilitary trials are public, but juries are not used. Defendants have the right to be present and to consult with an attorney in a timely manner, but cases may proceed without defendants in civil cases. The law requires that the government provide an attorney for indigent defendants accused of capital offenses, but there were rarely funds to retain adequate counsel. By law defendants may confront or question witnesses against them and present witnesses and evidence on their behalf, but this right was not respected in practice. In 2008 the Constitutional Court ruled that suspected criminals have a right to obtain documentary evidence the state intends to use against them before the start of their trial. The ruling struck down the practice of "trial by ambush." However, the ruling stated that the right of disclosure is not absolute in highly sensitive cases. There is a presumption of innocence, and defendants have the right of appeal.

Suspects complained of long remand periods. For example, in February three UPDF soldiers facing murder charges--Emmy Namanya, Moses Keriri, and Yason Babishanga--protested long detention in civilian cells without charge. The soldiers alleged they were arrested in Kampala between 2002 and 2004 but by year's end had not been tried. The UPDF reported that the suspects were offered and applied for a plea bargain that would permit the court martial to deduct pretrial time served from their sentences; a hearing of the case was pending.

In September a total of 12 persons who were convicted of crimes as minors but not sentenced sued the attorney general and the minister of justice and constitutional affairs over their continued detention. The individuals were arrested, charged, and convicted by various courts between 1991 and 2001. After conviction their cases were referred to the justice minister for sentencing because they were minors at the time. Due to the minister's failure to determine a sentence, the individuals were detained far beyond the maximum three years stipulated in the 1998 Children's Act.

In September the Ministry of Justice and Constitutional Affairs reported that more than 124,000 cases were prosecuted from previous years and another 113,850 cases were registered in 2009. Of these, 100,084 cases were disposed of, while 137,689 were pending at year's end.

Political Prisoners and Detainees

There were no reports of political prisoners during the year; however, over 100 opposition politicians, supporters, or journalists critical of the government were detained on politically motivated grounds for short periods.

On October 12, the Constitutional Court cleared FDC leader Kizza Besigye of pending treason, terrorism, murder, and illegal use of firearms charges. The court determined that illegal detention, torture, and other unconstitutional abuses by security services and the government irrevocably undermined the presumption of innocence and right to a fair trial of Besigye and the nine coaccused.

In March lawyers representing treason convict Bright Gabula Africa requested the High Court to declare Africa eligible for amnesty. Africa's death sentence for treason was upheld by the Supreme Court in 1995. He remained imprisoned pending the outcome of his appeal to the Presidential Advisory Committee on the Prerogative of Mercy, a largely autonomous constitutional body. The High Court had not responded to the request by year's end.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. In the case of a human rights violation, there is access to the UHRC, which has the powers of a court 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. There were problems enforcing domestic court orders.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions. 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 government continued to monitor telephone conversations. On August 5, President Museveni signed into law the Regulation of Interception of Communication Bill, which authorizes government security agencies to legally tap private conversations as part of wider efforts to combat terrorism-related offenses.

The government continued to encourage university students and government officials to attend NRM political education and military science courses known as "chaka mchaka." The government claimed the courses were not compulsory; however, 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

The constitution and law provide for freedom of speech and of the press; however, the government at times restricted these rights. The police Media Crimes Unit and government officials closely monitored all radio, television, and print media, and the government at times harassed and intimidated journalists, who continued to practice self-censorship.

On May 2, HRW released a report that documents violations of press freedoms by the government and ruling National Resistance Movement party officials. The report says the government "deploys a wide range of tactics to stifle critical reporting, from occasional physical violence to threats, harassment, bureaucratic interference, and criminal charges." The report warns that use of these tactics "threatens to fatally undermine media freedoms necessary for free and fair elections."

On August 25, the Constitutional Court upheld a petition submitted by the *Independent's* managing editor Andrew Mwenda in 2005 and declared the sedition law inconsistent with article 29 (1) of the constitution, which provides for freedom of speech. According to local NGOs, 15 journalists, civil society activists, and political opposition members face pending sedition charges.

Government officials detained and interrogated 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). The President's Office reportedly monitored political talk shows, and the government occasionally attempted to block participation of opposition members on radio talk shows.

On March 29, police in Masaka District arrested Democratic Party supporter Muhammad Kigongo on allegations he accused President Museveni of being responsible for the March 16 fire that destroyed the Buganda Kingdom's tomb site at Kasubi. A court in Masaka charged Kigongo with sedition and released him on bail on March 31. The case hearing was pending at year's end.

On April 1, police in Kasese District questioned and released on police bond FDC supporter Joram Bintamanya for alleging that President Museveni was responsible for the 2008 death of former Ministry of Defense permanent secretary Noble Mayombo. On April 22, the state prosecutor ordered the closure of the case for lack of recorded evidence.

On April 1, police in Kabarole District arrested FDC supporters Tom Mboijana and Prosper Businge for statements made on Better FM radio accusing President Museveni of being responsible for the killing of three civilians at Kasubi Tombs on

March 17. Mbojoina and Businge recorded statements and were released on police bond. Police investigations continued, and hearing of the case was pending at year's end.

On April 16, police in Kasese arrested Messiah FM Radio presenter Charles Tumusiime and politicians Joram Kitembo and Isaac Hakiza over statements made regarding the Kasubi Tombs fire during a radio talk show. The police held the three suspects for eight hours before releasing them without charge.

On May 8, Radio Nile FM radio panelist Titia Kamure allegedly accused President Museveni of using "guerrilla tactics" in redistricting decisions. Arua District police commander (DPC) Willis Mutabingwa said Kamure's statements abused the president and summoned her to record a statement. Kamure disregarded the summons, and the case was pending.

On September 10, a group of motorcycle taxi drivers beat to death freelance journalist Paul Kiggundu after he was seen filming the group demolishing the house of another taxi driver in the southwestern part of the country. The drivers accused Kiggundu of working for the police. On September 21, police arrested five suspects in connection with Kiggundu's murder and remanded them to prison. An investigation into the case continued at year's end.

On September 13, unidentified assailants beat and killed Prime Radio news presenter Dickson Ssentongo on his way to work in Mukono District. Ssentongo was politically active and was running for a position in the Democratic Party in the upcoming February 2011 elections. There were no arrests made in connection to the murder of Ssentongo; police said an investigation in the incident continued at year's end.

On November 5, police arrested Radio Hoima FM reporter Frederick Makuru Muhamba for allegedly inciting violence by broadcasting supposedly false information about the National Resistance Movement party's internal primaries. On November 6, police released Muhamba on bond, and hearing of the case was pending at year's end.

On October 5, a Kampala court dismissed the September 2009 sedition charge against former Radio One presenter Robert Kalundi Sserumaga in light of the August 25 Constitutional Court ruling on the unconstitutionality of the sedition law. The hearing of a December 2009 petition filed by Sserumaga in the High Court to challenge his dismissal and that of Radio Sapientia's Geoffrey Ssebagala was pending at year's end.

There were some developments in previous cases of government harassment of politicians.

On January 13, a court in Kampala postponed proceedings against Democratic Party (DP) spokesperson Betty Nambooze pending the Constitutional Court ruling on sedition. Nambooze was charged with sedition in December 2009 for making statements with the intent to generate public hatred, contempt, and dissatisfaction with President Museveni.

The hearing of the December 2009 case against Hussein Kyanjo, a parliamentarian and member of the opposition Justice Forum party, for inciting violence during a December 2009 Buganda Kingdom conference was pending, and he remained free on bail at year's end.

Several opposition politicians were denied access to the media.

For example, on January 30, Luo FM radio in Pader District refused to host FDC President Kizza Besigye. Several other radio stations also refused to host Besigye, including Beta FM in Masindi, Radio Hoima, and Kapchorwa Trinity Radio. Several radio stations also refused to host UPC President Olara Otunnu during his January tour of the western region.

On May 26, Ibrahim Abiriga, Arua resident district commissioner (RDC) blacklisted four regular guests of a Nile FM political talk show. In a letter, Abiriga ordered Nile FM Radio's management to stop hosting politicians Bernard Atiku (FDC), Nelson Cemari (UPC), former ambassador Harold Acemah (UPC), and Titia Kamure (UPC). RDC Abiriga claimed that some of the politician's statements threatened security. Nile FM stopped hosting the politicians.

On October 8, the government seized 500 copies of a new book critical of President Museveni written by FDC President Besigye's sister. On October 11, the government acknowledged confiscating the books for security reasons. The government released the books on October 20.

There were many privately owned publications and broadcast stations, and the independent media were generally active and expressed a wide variety of views, although they faced obstacles. Media laws require that journalists be licensed and possess a university degree in journalism or the equivalent. The law also grants the Media Council the power to suspend newspapers. The *Daily Monitor*, the *Independent Magazine*, and the *Weekly Observer* continued to publish articles critical of the government despite pending sedition cases against members of their staff. The government owned several daily and weekly newspapers.

Government agents and political leaders affiliated with the ruling party assaulted journalists during the year.

In June 9, police officer Mohammed Mundu assaulted and destroyed the camera of *Daily Monitor* journalist Yusuf Muziransa for taking pictures of a vigilante group known as the Kiboko Squad beating opposition supporters in Kampala. On June 24, a court in Kampala charged Mundu with assault and malicious damage to property and remanded him to prison. On June 25, the court released Mundu on bail, and hearing of the case was pending at year's end.

On September 6, Hassan Basajjabalaba, chairman of the NRM Entrepreneur League, assaulted journalist Arthur Kintu while he took pictures at an NRM conference in Kampala. On September 9, a court in Kampala issued a criminal summons to Basajjabalaba to appear in court over charges of assault; hearing of the case was pending at year's end.

The government also arrested and harassed journalists, some of whom were charged with criminal libel, sedition, and sectarianism.

For example, on February 3, authorities charged *Daily Monitor* journalists Henry Ochieng and Angelo Izama with criminal libel for a December 2009 article that compared President Museveni to Ferdinand Marcos. On May 6, the magistrate's court in Kampala adjourned the case; a hearing was pending.

On March 25, police in Kampala arrested *Red Pepper* journalists Ben Byarugaba, Dalton Kaweesa, and Johnson Taremwa for publishing a story titled "Buganda Katikirro, Ministers Grilled at CID Headquarters for Five Hours." On March 26, the suspects were charged with sedition and released on police bond. On April 2, Inspector General of Police General Kale Kayihura ordered the withdrawal of the charges.

On July 19, security forces in Kampala detained Kingdom FM radio journalist Rogers Matovu under unclear circumstances. On July 24, police released Matovu without charges. Matovu reportedly made critical statements about President Museveni during a conversation with unidentified persons during the African Union Summit in Kampala.

On August 2, police arrested and charged Timothy Kalyegira, an online journalist, with sedition for publishing a conspiracy theory blaming the military for the July 11 terrorist attacks in Kampala. Police released Kalyegira on bond but confiscated his laptop and passport pending further investigations.

On November 4, security personnel in civilian clothes allegedly detained Radio Simba journalist Arafat Nzito for questioning about an alleged call he received from the Middle East in December 2009 and for posting antigovernment materials on the Internet. On November 11, Nzito's lawyer filed a habeas corpus request for the government to produce the missing journalist in court. On November 12, Nzito was released without charge (see section 1.b.).

On August 17, the Constitutional Court stayed an arrest warrant for UPC President Olara Otunnu that was issued by a district court on August 3 for his failure to respond to a police summons. Police issued the summons to question Otunnu

over allegations of sedition and promoting sectarianism that arose from accusing President Museveni of intentionally prolonging the country's 24-year conflict with the LRA during an April 12 radio show.

Authorities also briefly detained a local radio journalist on July 19 for allegedly promoting sectarianism; a TV journalist on August 19 for filming immigration procedures along the country's border with the DRC; a newspaper journalist on August 22 for allegedly publishing an article critical of the government; a radio journalist on September 6 for allegedly inciting violence; and two newspaper journalists on September 25 for possible defamation charges.

The August 2009 case against *Daily Monitor* photo journalist Stephen Otago, who was charged with criminal trespass for photographing former inspector general of government (IGG) Justice Faith Mwendha outside a courthouse without her permission, was pending at year's end.

Forgery charges against *Daily Monitor* journalists Daniel Kalinaki and Henry Ochieng for the August 2009 publication of an alleged letter from President Museveni remained pending at year's end.

There were no developments in the August 2009 sedition case against *Independent Magazine's* managing editor Andrew Mwenda, senior editor Charles Bichachi, and assistant news editor Joseph Were. The suspects remained free on bail at year's end.

Local government officials restricted press freedom during the year.

For example, on September 15, former IGG Justice Faith Mwendha barred journalists from covering Jinja High Court sessions. Mwendha accused journalists Frank Mugabi of the *New Vision* newspaper, Aldon Walukamba of Uganda Radio Network, and Catherine Asiyo of Kiira Radio of stalking her.

On September 15, police in Hoima District barred journalists from covering the hearing of three police officers charged with killing two striking workers of British American Tobacco (BAT) Uganda (see section 7. b.).

On September 17, Jinja District Council officials barred journalists from covering a meeting in which the regional public accounts committee was questioning councilors and municipality technical team on possible cases of corruption.

In August Jinja Resident District Commissioner Apollo Bwebale instructed all radio stations to stop conducting talk shows that are critical of the government. Several warnings were allegedly sent to panelists who were regularly hosted on radio stations.

On August 16, the Nakawa Chief Magistrate Court issued an injunction against all print and broadcast media houses in the country prohibiting them from publishing information about the ongoing police investigation into the July 11 terrorist bombings. Local media houses vowed to ignore the ban, and the Magistrate's directive was not enforced.

The government restricted the operation of private media outlets.

In contrast with 2009, no radio stations were closed or suspended during the year; however, the government continued to restrict independent television and radio stations that hosted opposition political candidates critical of the government. The ban on new radio stations in Kampala was enforced reportedly because of limited available frequencies; however, the ban was widely disregarded without penalty.

Two of the four Kampala radio stations that the Uganda Broadcasting Council (UBC) closed in September 2009 were allowed to reopen. The government allowed Radio Sapientia to reopen in September 2009 with strict instructions not to broadcast political programs. The government allowed Ssuubi FM to reopen in January. On October 23, President Museveni ordered the immediate reopening of the two frequencies of CBS radio, and CBS began operation. The High

Court hearing of a December 2009 petition filed by CBS employees seeking 3 billion shillings (\$1.3 million) in compensation and general damages related to the government's closure of CBS remained pending at year's end.

On April 26, Presidential Press Secretary Tamale Mirundi demanded apologies from a radio station for airing UPC president Olara Otunnu's accusations that President Museveni prolonged and politically profited from the LRA conflict. Mirundi warned there would be future consequences for the station if it refused to apologize. The station broadcast an apology on April 13 and 14.

The Talk Show on Radio Simba and the WBS television program *Kibaazo on Friday*, which the Uganda Broadcasting Council shut down in September 2009, were not reinstated during the year. Several journalists, including UBC TV Manager Mark Walungama and Charles Odongotho of Vision Voice, who were fired after the September 2009 riots were not reinstated to their jobs. Other journalists, including Manyo Matono and Andrew Ben Kiwanuka of Radio Simba and Matayo Laoyisius and Irene Kiseka of Radio Sapiente, were reinstated but instructed not to report on political issues.

There were developments in several 2008 cases of press freedom.

For example, on March 24, the High Court ordered the government to pay 30 million shillings compensation (\$12,947) to WBS Television journalists Timothy Sibasi and Francis Tumekwatsize for their 2008 beating by SPCs under the command of Laban Muhabwe. Payment to the victims is pending.

There were no developments in the 2008 case against former *Daily Monitor* editors Joachim Buwembo, Bernard Tabaire, Emmanuel Gyezaho, and Robert Mukasa, who were charged with sedition in 2008 for articles alleging that former IGG Justice Faith Mwendha filed false salary claims. The suspects remained free on bail.

There were no developments in the 2008 sedition case against the *Independent Magazine's* managing editor Andrew Mwenda, contributing editor Charles Bichachi, and reporter John Njoroge, who published an article alleging UPDF atrocities in 2003.

Internet Freedom

Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail; however, at times the government restricted access. The 2006 ban on access to radiokatwe.com, an antigovernment gossip Web site, remained in place. Access to the Internet continued to increase during the year, although due to lack of infrastructure, only 7.8 percent of the population used the Internet at least monthly.

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.

On December 13, Ethics and Integrity Minister Nsaba James Buturo prevented the UHRC and OHCHR from screening a documentary on Ugandan human rights defenders. Buturo alleged that the film promoted homosexuality. In the film, one human rights defender criticized Uganda's draft "antihomosexuality bill" for violating the rights of Ugandan citizens by forcing health care workers to report individuals believed to be gay or lesbian to authorities. In a December 15 press conference, the UHRC defended the documentary and criticized Buturo for violating the UHRC's constitutional independence.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law restricts freedom of assembly, and security forces used excessive force, including live ammunition, to disperse demonstrators during the year. Police permits are required for all public meetings, demonstrations, and processions. In 2008 the Constitutional Court nullified section 32(2) of the Police Act, thus eliminating the requirement to obtain the written permission of the inspector general of police before holding an assembly of 25 or more persons. However, the Ministry of Justice and Constitutional Affairs appealed the court's decision, which in effect stayed any action on the court's ruling. By year's end no decision on the appeal had been made, and police and local government authorities used the Police Act to disrupt opposition party activities (see section 3).

The use of excessive force to disperse demonstrators resulted in injuries (see sections 1.a. and 7.b.).

For example, on January 4, police deployed in the early morning hours to prevent IPC members from assembling to protest the continued closure of CBS radio and the government's refusal to change the Electoral Commission's top management.

On March 18, police in Kabale beat IPC women leader Ingrid Turinawe and other IPC members for allegedly trying to enter a police station to visit several IPC members arrested earlier in the day for alleged unlawful assembly. Turinawe was subsequently hospitalized for several days, and an independent medical evaluation confirmed that she had received blows to the head and body. A police investigation determined that police had acted appropriately, and no charges were filed.

On April 9, police in Mbale arrested UPC supporters Abas Wetaka, Mike Kasola, Milton Wanambwa, and Andrew Kibongo for staging an illegal demonstration to protest the sale of public park land. On April 12, a court in Mbale charged the suspects with holding an unlawful assembly and released them on bail. Hearing of the case was pending.

On June 9, police in Kampala blocked three IPC-organized rallies to protest the composition of the Electoral Commission. Riot police and members of the vigilante "Kiboko Squad" beat opposition supporters while police looked on. Several supporters, including Sam Mugumya, an aide to FDC leader Kizza Besigye, were injured. Police reported that the IPC failed to notify authorities of the rallies and therefore assembled illegally.

On June 14, police in Kampala injured IPC women Ingrid Turinawe, Lilian Liz Masia, and Catherine Ddembe, as they demonstrated outside a court house following the fourth postponement of the hearing of pending illegal assembly charges. In July the injured women filed an application in the High Court seeking the dismissal of Police Deputy Director of Operations Grace Turyagumanawe and police officers Moses Kafeero, Grace Akullo, and police spokeswoman Judith Nabakooba. Hearing of the application was pending.

On July 10, police in Kampala fired shots into the air and used teargas to disperse a rally organized by DP President Norbert Mao. Police beat a civilian and later detained him at Kira Road police station. The police said the DP had not sought permission to organize the rally.

There were developments in several prior cases of freedom of assembly.

In July 2009 in Luwero District, security forces shot and injured Bugema Adventist Secondary School students Wilber Kwamboko Omara and Miriam Adyelo, who were participating in a student demonstration against poor food and corporal punishment. The same day police arrested security force members involved in the shooting, including police commander Eddie Kulany, community liaison officer Ibrahim Odroa, CID chief Sulieman Kibuye, and SPCs Robert Oguti and Alex Ojambo. An investigation continued at year's end.

On April 16, a court in Kampala acquitted 11 FDC youth supporters who faced charges of holding an illegal assembly in August 2009. The youth were arrested following a foiled protest calling for electoral reforms. Grade 1 Magistrate Francis Dawa ruled the prosecution failed to provide evidence that they were involved in unlawful assembly.

On March 2, a court in Kampala ordered the police to arrest Kampala parliamentarian Erias Lukwago for disregarding three summonses to appear in court to face charges of inciting violence during the 2009 September riots. Lukwago remained free on bail, pending hearing of the case.

In March a parliamentary investigation into police conduct confirmed claims that police assaulted MP Nabila Sempala and acted unprofessionally while arresting other MPs in 2008. The report recommended disciplinary action against Senior Superintendent of Police William Muhairwe and the Senior Officer in Charge of Ndeeba Station Noah Onyango. There were no reports that disciplinary action occurred.

On December 20, Richard Buteera, the Director of Public Prosecutions (DPP) withdrew charges of unlawful assembly against 27 individuals. The suspects, including MPs Beatrice Atim Anywar and Hussein Kyanjo and 25 others, were accused of participating in a riot against the Mabira forest giveaway in 2007.

There were no developments in the 2008 case against opposition DP members Domic Matovu Savio, Emmanuel Mugandusi, Samuel Mulindwa, Margret Wazemba, and Ben Kiwanuka, charged with rioting, assault, and firearms possession during a rally at their party headquarters. The suspects remained free on bail.

The August 2009 unlawful assembly charges against MPs Hussein Kyanjo, Erias Lukwago, and Beatrice Atim Anywar; DP youth wing vice president Fred Mukasa; Issa Ssekito, chairman of the Kampala Traders Association; and 17 others were pending.

On November 17, Ethics and Integrity Minister James Buturo informed the Aga Khan-owned Serena Lakeside Resort Hotel in Kampala that the Serena would be "an accomplice to an illegality" if it allowed a November 18-20 regional NGO conference on health, HIV/AIDS, reproductive rights, and human rights for East African sex workers to proceed. Although there was no evidence of wrongdoing or illegality, the Serena asked conference participants to leave, and the event was cancelled.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected these rights.

In April civil society organizations petitioned the Constitutional Court to challenge the 2006 NGO Registration Act, which requires most NGOs, including religious organizations, to renew their registration permits annually. The Constitutional Court failed to hear the petition due to a lack of a quorum on September 3, and the hearing remained pending. The government established a committee to review the act in 2008, when enforcement of the law was temporarily suspended. By year's end no action had been taken on the petition or by the committee.

c. Freedom of Religion

For a description of religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

Societal Abuses and Discrimination

There were no reports of societal abuses or discrimination based on religious belief or practice, and prominent social leaders took positive steps to promote religious freedom.

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; however, the government at times limited these rights in practice.

The government cooperated with the Office of the UN 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.

Travel restrictions were imposed on opposition party members, journalists, and others with pending charges of sedition and treason.

On October 12, the Constitutional Court cleared FDC leader Kizza Besigye of pending treason, terrorism, murder, and illegal use of firearms charges. The court determined that illegal detention, torture, and other unconstitutional abuses by security services and the government irrevocably undermined the presumption of innocence and right to a fair trial of Besigye and the nine coaccused.

Radio One presenter Robert Sserumaga's passport was returned following the dismissal of sedition charges against him on October 5.

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

The country has no law on forced exile, and the government did not subject anyone to forced exile during the year.

Internally Displaced Persons (IDPs)

According to the UNHCR, 147,401 IDPs remained in camps in northern Uganda's Acholi Region as of August. All IDPs in the Lango and Teso regions had returned to their homes by year's end. Conditions in IDP camps improved as a result of the lowered IDP population; however, remaining IDPs still lacked potable water, health care, schools and trained teachers, housing, and land.

Protection of Refugees

The laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. However, in at least one instance, the government expelled refugees to a country where their lives or freedom could be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

On July 14-15, Ugandan authorities forcefully deported approximately 1,800 Rwandan asylum seekers from the Nakivale and Kyaka II settlements under a bilateral arrangement with Rwanda. At least two individuals were killed after jumping from trucks, and reports indicate that approximately 40 children were separated from their parents.

The government provides temporary protection to individuals who may not qualify as refugees under the 1951 Convention and 1967 Protocol; however, no individuals received such protection during the year.

As in 2009, some Kenyan refugees complained that the government's self-sufficiency policy, which requires refugees to become self-sufficient by providing them with land to cultivate, was ineffective because most refugees were merchants and businessmen, not farmers.

There is no path to naturalization for refugees in the country. The government's stance on local integration is that the constitution does not allow time in country as a refugee to count toward the residency requirement for naturalization.

Between January and July, the government assisted the UNHCR in the voluntary repatriation of 2,246 refugees to Southern Sudan.

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, and citizens exercised this right in practice through generally free and fair elections based on universal suffrage.

Elections and Political Participation

The 2006 presidential and parliamentary elections, the first multiparty general elections since President Museveni came to power in 1986, were marred by serious irregularities. Police recorded 450 cases of election-related violence during the electoral period. More than 100 election challenges were filed in the High Court and the Constitutional Court following the 2006 elections, including charges of bribery, intimidation, violence, multiple voting, and ballot stuffing. The Ugandan Supreme Court agreed that irregularities occurred but found that these irregularities did not alter the 2006 presidential outcome and upheld President Museveni's reelection by a 4-3 margin. Four by-elections were held during the year to fill the seats declared vacant by the High Court in 2007, and election monitors reported some irregularities.

The ruling NRM party operated without restriction, regularly holding rallies and conducting political activities. Approximately 38 other parties were registered and allowed to function, although members of some parties were subjected to political violence, and authorities sometimes restricted opposition parties' ability to meet or demonstrate. Political involvement was primarily concentrated within the elite. Membership in the NRM conferred greater access to government positions and resources.

In preparation for the 2011 general elections, several political parties including the ruling NRM, DP, FDC, UPC, Peoples Progressive Party, Social Democratic Party, Peoples Independent Party, Conservative Party, and the Uganda Federal Alliance conducted primary elections during the year. The elections were generally peaceful; however, the primaries of the ruling NRM party were marred by bribery, other election malpractice, and violence. Some opposition leaders were denied access to the media during the year, but the government claimed radio stations that refused to air opposition views or candidates were privately owned stations acting on their own authority (see section 2.a.).

Police arbitrarily arrested opposition members during the year (see also section 2.c.).

For example, on January 18, police in Kampala arrested 33 female IPC members after they tried to enter the Electoral Commission (EC) headquarters to protest the appointment of EC Chairman Badru Kiggundu. Police justified the arrests on the basis that the demonstration was blocking public access to the commission premises. On January 19, a court in Kampala charged the suspects with unlawful assembly; hearing of the case was pending at year's end.

On March 18, police in Kabale arrested six opposition activists for allegedly holding an illegal meeting prior to a March 22 parliamentary by-election. From July 25-27, police arrested and later released several dozen opposition supporters throughout the country for protesting against the Electoral Commission. On August 19, police in Kampala and Mbarara arrested and later released several opposition protesters.

On October 9, police in Kampala arrested three individuals for flashing the opposition FDC party's "V" symbol during Uganda's official independence day rally. Two of these individuals were released a few hours later, and the third was released on October 11.

On November 16, police in Moyo arrested and detained three persons overnight for allegedly inciting violence at a Museveni rally by carrying posters proclaiming "No Ferry No Vote" and "No Road No Vote."

On December 16, police in Gulu arrested four individuals for allegedly inciting violence by wearing blue galoshes, which police interpreted as a symbol for an opposition FDC party self-defense militia. Police released one of these individuals without charge on December 17, and on December 22 charged the remaining three with inciting violence and accepting a bribe from a political candidate and released them on bail. Their cases were pending at year's end.

The hearing of the July 2009 case in which 19 DP members were charged with criminal trespass, illegal assembly, and interfering in police work was pending at year's end, and the suspects remained on bail.

On October 25, Buganda Road Court cleared former Buganda Kingdom deputy information minister Medard Lubega Segona of sedition charges pending since September 2009.

While the Constitutional Court found the sedition law unconstitutional on August 25 (see section 2.a.), hearings in the following cases were not held and the cases remained pending: the September 2009 case against UPC member Godwin Acai for statements he made during an August 2009 Unity FM radio talk show; the September 2009 case against Democratic Party parliamentarian Erias Lukwago; the 2007 and 2008 cases against Makindye West parliamentarian Hussein Kyanjo; and the 2008 case against Buganda Kingdom Deputy Information Minister Medard Seggona Lubega and Buganda Central Civic Education Committee chairperson Betty Nambooze.

The hearing of the August 2009 illegal assembly case against 11 members of the FDC youth wing was pending at year's end. The suspects remained free on bail.

During the year the director of public prosecutions withdrew all 2008 and 2009 charges against FDC youth leader Abedi Nasser Obole, who was first arrested in August 2008 for unlawful assembly and later charged with threatening the EC chairman and four commissioners.

There were 102 women in the 333-member parliament. Of these, 80 held seats designated for women. There were 14 female ministers in the president's 66-member cabinet. The deputy speaker 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: 80 seats were reserved for women; five for organized labor; five for persons with disabilities; and five for youth. However, the UPDF High Command and President Museveni selected the 10 army representatives, and the five persons with disabilities were selected by an electoral college organized by a single government-supported NGO.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government investigated offenders; however, corruption was a serious problem, and officials engaged in corrupt practices with impunity. The government selectively enforced financial disclosure laws. Government agencies responsible for combating corruption include the IGG, the Department of Public Prosecution (DPP), the Anticorruption Division of the High Court, the parliamentary accounting committee, the police CID, the Office of the Auditor General, and the Directorate for Ethics and Integrity. Political will to combat corruption at the highest levels of government remained weak, and corruption cases remained pending for years. The World Bank's most recent Worldwide Governance Indicators reflected that corruption was a severe problem.

A September 2009 study conducted by the Public Procurement and Disposal of Assets Authority, which reports to the Ministry of Finance, estimated that corruption in the public procurement process resulted in an annual loss of 474 billion shillings (\$205 million).

A number of government ministries, agencies, and high-level officials were implicated in corruption. On May 11, the parliamentary public accounts committee (PAC) completed a report of expenditures made to support Uganda's hosting of the 2007 Commonwealth Heads of Government Meeting (CHOGM). The bipartisan PAC report implicated several senior government ministers for approximately \$123 million in unexplained and unauthorized CHOGM expenses. The report was not debated in parliament or officially released to the public. During the year a mid-level engineer was prosecuted for CHOGM related corruption.

On June 21, police arrested former National Social Security Fund (NSSF) managing director David Chandi Jamwa as he was fleeing the country. Authorities charged Jamwa with abuse of office and causing a financial loss to the government and remanded him to prison. A 2008 IGG report implicated Jamwa and his former deputy Mondo Kangoyera in mismanaging NSSF money. On September 23, the High Court's Anticorruption Division cancelled Jamwa's bail and remanded him to prison pending prosecution in the High Court. On June 29, police also arrested NSSF's Chief Accounting Officer George Kyankunda for causing a financial loss of more than 3 billion shillings (\$1.3 million).

On July 7, President Museveni suspended the release of National Agricultural Advisory Services funds for the 2010/11 financial year after complaints of mismanagement, embezzlement, and corruption in the implementation of the program. The government had allocated 120 billion shillings (\$51.8 million) to help rural farmers. The president ordered an audit of the program, and a report of the findings was pending at year's end.

On August 29, the IGG reinstated the case against NSSF board Chairman Geoffrey Onegi Obel, who was accused of causing a financial loss to the government of eight billion shillings (\$3.45 million) between 2004 and 2005. On September 16, the High Court honored Obel's request to refer the case to the Constitutional Court for a determination as to whether the High Court's Anticorruption Division can try crimes that occurred prior to its 2009 establishment.

Corruption in the police force was a problem. Several officers implicated in bribery and corruption were arrested and prosecuted; by year's end, 17 police officers had been charged with corruption, and none had been discharged or dismissed for accepting bribes. Investigations into several police bribery charge cases were pending at year's end.

On June 27, the Police Professional Standards Unit in Kampala arrested traffic officers Jamil Kirunda, Innocent Obaa, Alfred Otim, Patrick Dratoo, Evans Talemwa, and Patrick Ocen for extorting money from motorists. In July the police released the suspects on police bond, pending an investigation.

In August police in Kampala arrested Assistant Superintendent of Police Gregory Mugisha on fraud charges. On August 25, the High Court charged Mugisha with abuse of office and tampering with evidence during investigations. The court released Mugisha on bail, and hearing of the case was pending at year's end.

There were developments in some previous police corruption cases.

On February 5, the High Court in Kampala released police officers George Kawuka, Robinson Okid, Samuel Wamakote, Livingstone Ojuk, Serafino Ogwanga, Peter Olegi, and James Kakuru. They were charged in December 2009 with accepting bribes from detainees to release them from Kiboga District Police Station.

In May police in Gulu District suspended Robina Ocheng, officer in charge of media and political crimes, after a court found her guilty of stealing 1.7 million shillings (\$733) that her supervisors had given her for use in an undercover operation in September 2009.

In August police in Kampala arrested Criminal Investigation Department (CID) detective Hope Atuhaire for stealing 19 million shillings (\$8,200) recovered from a suspect in 2008. In mid-August a court in Kampala sentenced Atuhaire to two years in prison for theft.

Judicial corruption was a problem. Several magistrates were arrested for soliciting and receiving bribes.

On February 4, Entebbe District police arrested grade 1 magistrate Godfrey Bindeba for soliciting and receiving a bribe of one million shillings (\$431) from Felix Kintu to dismiss a forgery case. On March 9, a court granted Bindeba bail, and hearing of the case was pending at year's end.

On February 16, police in Kisoro District arrested grade 1 magistrate David Cheptuke Kaye for receiving 100,000 shillings (\$43) from suspect John Bosco Nyundo in exchange for bail. A court remanded Kaye to prison pending further hearings.

On July 21, police in Jinja District arrested grade 2 magistrate Okitwi Odutu for taking a bribe of 100,000 shillings (\$43) from Esther Nabulime to release her brother Emmanuel Sembule, who was facing robbery charges. On July 23, a court released Odutu on bail, and hearing of the case was pending at year's end.

Grade 2 magistrate Moses Ndifuna, who in November 2009 was sentenced to two years' imprisonment for soliciting and receiving 190,000 shillings (\$82), remained on bail pending the hearing of his appeal.

The anticorruption division of the High Court, which has three judges and five magistrates on staff and can only hear corruption cases referred by the IGG and DPP, convicted four individuals of corruption during the year.

On June 29, the ACD sentenced Samson Bagonza, the government chief engineer to five years' imprisonment for abuse of office and causing a financial loss of 1.6 billion shillings (\$691,742). Bagonza had approved unauthorized highway construction works during the 2007 CHOGM preparations.

On August 13, the ACD sentenced Ministry of Health official Joseph Isanga to five years' imprisonment for misusing 22 million shillings (\$9,495) meant to purchase medical drugs. The court released Isanga on bail pending an appeal.

On September 13, the ACD sentenced Kapchorwa District Town Clerk Chemisto Alfred Mashandich and former town treasurer Martin Swami to four years' imprisonment, and town treasurer Sammy Nelson to five years' imprisonment for abuse of office and for causing a financial loss of 66 million shillings (\$28,485). The court ordered the men to refund 28.6 million shillings (\$12,343) and remanded them to prison pending an appeal.

The four individuals convicted by the ACD in 2009 for stealing money from the Global Fund to fight AIDS, tuberculosis, and malaria were free on bail pending hearing of their appeals.

On September 9, the ACC granted bail to Winnie Musoke Kabogonza, the police department's undersecretary and accounting officer, Dennis Nyagweso, Dennis Twinamasiko, Alfred Okello, Ashe Kawooya, Primo Nyokatse, and Harriet Kyomugisha, who were charged and remanded to prison in August 2009 for failing to remove duplicate names and bank accounts from the police payroll.

On May 17, the Constitutional Court rejected a 2009 petition filed by former minister of health Jim Muhwezi and deputies Mike Mukula and Alex Kamugisha, as well as former State House aide Alice Kaboyo, claiming the IGG did not have the legal mandate to investigate them over the alleged 2007 misappropriation of \$8 million in Global Alliance for Vaccines and Immunizations (GAVI) funds. In June the accused appealed the Constitutional Court's ruling to the Supreme Court, and the hearing was pending. The four have been on police bail since 2007.

There were no developments in the corruption case against solicitor general Lucien Tibaruha and acting litigation director Joseph Matsiko, who were indicted in 2007 for mismanagement resulting in financial loss to the government. Both Tibaruha and Matsiko remained suspended from their positions.

There were no developments in the 2008 parliamentary investigation into former IGG Justice Faith Mwendha's interventions in public tendering processes and allegations that her salary was higher than allowable under government policy; the IGG had not appeared before the committee at year's end.

An estimated 17,000 public officials are subject to biannual reporting under financial disclosure laws. The IGG reported that for the 2009-10 cycle 16,909 officials reported. On May 27, the High Court rejected an IGG application seeking the dismissal of the Ministry of Health's principal accountant Nestor Gasasira and the seizure of his assets for failing to account for his wealth. The judge opined that Gasasira had not received a judicial hearing and that the Leadership Code Tribunal, not the IGG, was mandated to recommend such dismissals. The Supreme Court upheld the High Court's decision on August 24.

The law provides for public access to government information, and the government provided such access to citizens and noncitizens, including foreign media.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were receptive to their views. Active, independent domestic groups included the FHRI, Human Rights Focus, Human Rights Network, Human Rights and Peace Center of Makerere University, the International Federation of Human Rights, the Justice and Peace Commission, the Uganda Journalist Safety Committee, the Uganda Prisoner's Aid Foundation, and the Uganda Association of Women Lawyers. Government officials continued to attend conferences and seminars hosted by NGOs on social problems and cooperated with NGOs on legal and prison reforms.

In 2008, in response to NGO criticism and after consultation with civil society, the government established a committee to review the 2006 NGO Registration Act, which requires most NGOs, including religious organizations, to renew their registration permits annually. Enforcement of the law remained suspended during the review process, pending the NGO petition in the Constitutional Court (see section 2.b.).

The government cooperated with international governmental organizations and permitted visits by UN representatives and organizations such as the UN Office of the High Commissioner for Human Rights and also the International Committee of the Red Cross (ICRC).

The UHRC is a permanent independent body with quasi-judicial powers, although the president appoints the UHRC's 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 continued to pursue suspected human rights abusers, including in the military and police forces, and had branches countrywide; however, its resources were inadequate to investigate all complaints received.

In its 2009 annual report, released in October 2010, the UHRC reported registering 785 human rights complaints against 858 individuals, including 106 UPDF members, 285 police officers, 86 other security agencies, 29 prison warders, and 343 private citizens. Of the 785 complaints, 31 percent involved allegations of torture or cruel, inhuman, or degrading treatment and punishment. The UHRC also examined the country's draft anti-homosexuality bill and determined that the proposed legislation violates the Ugandan constitution and international law. The report called on the government to pass pending antitorture legislation; improve prison conditions, particularly for women and children; eliminate illegal detention and prolonged pretrial detention practices; use murder statutes to prosecute cases of child sacrifice; and provide security forces with increased human rights education programming.

In its April 2009 "Open Secret" report, HRW called on the government to end all torture and mistreatment of detainees; stop arrest and interrogation by unauthorized security forces, including JATT; and release all detainees from the JATT headquarters in Kololo and close it as a place of detention. For detainees in Kololo for whom there is a legal basis for detention, HRW urged the government to immediately transfer them to police custody, where they could be charged with a legally recognizable offense, if appropriate. HRW further urged the government to promptly inform the relatives of each detainee of their whereabouts, condition, and the charges against them. Those charged should be tried before courts that met international fair trial standards. HRW also called on the government to end impunity for human rights violations of the right to life and fair trial; the right to be charged before a judge within 48 hours of arrest; and freedom from torture and mistreatment, arbitrary arrest, and prolonged arbitrary detention.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status; however, 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

The law criminalizes rape; however, 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 during the year, the problem was underreported, and most cases were not investigated. Police lacked the criminal forensic capacity to collect evidence related to sexual assault, which hampered prosecution and conviction. There were 619 rape cases registered with the police in 2009, of which 240 went to court, resulting in only 12 convictions.

On December 31, UPDF soldiers allegedly gang-raped Teddy Nakiru while on patrol at a trading center in Moroto district. The arrest of the soldiers and suspension of three unit officers, Major James Kasule, Lt. Walter Olum, and Lt. Sanyu Kaserebe, for failing to report the crime or take action against the soldiers were imminent at year's end, and investigations into the incident were ongoing.

Domestic violence against women, including spousal abuse, remained widespread, and reports of such incidents continued to increase. The 2009 police annual crime report listed 165 reported cases of domestic violence, compared to 137 reported cases in 2008, an increase of 20 percent. These statistics greatly underestimate the extent of the problem; in November United Nations Population Fund reported that 60 percent of women aged 15 and above experienced physical violence, 15 percent of women face violence during pregnancy, and 24 percent report that their first sexual encounter was a forced one. 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.

On March 17, President Museveni signed into law the 2009 Domestic Violence Bill, which criminalizes domestic violence, expands protection for victims, and provides penalties for abusers ranging from fines to two years' imprisonment.

Between January and August, the government arrested and prosecuted 15 persons for domestic violence offenses. For example, on February 2, police in Masaka arrested Francis Kasekende for killing his wife Grace Phoebe following a family argument. An investigation into the case was pending. On July 12, police in Oyam District arrested Richard Otto for killing his wife Janet Akot. On July 24, police in Kampala arrested Apollo Dalton Nyangasi for killing his wife Christine Dambio. Investigations into the cases were pending.

There were developments in domestic violence cases that occurred in previous years. For example, on February 18, a court in Mukono District committed former Mukono District police chief James Aurien to the High Court for trial for the 2008

killing of his wife Christine Opolot. The trial hearing was pending at year's end. In April the High Court in Kabarole District convicted and sentenced Reuben Asimwe to 21 years' imprisonment for killing his wife, Peace Rodi, in 2005. On June 29, a court in Mbarara District sentenced Boniconsilla Kyaratuhe to 12 years' imprisonment for killing her husband in 2007. On September 16, the UPDF third division court martial in Moroto District sentenced Judith Koryang to death for killing her husband, UPDF Private Nelson Okello, in May 2009.

There were no developments in the April 2009 case in which Richard Tito Okello killed his wife Scovia Acayo following a family argument.

The law requires that bride prices be nonrefundable gifts to the parents of the bride. Constitutional amendments in 2007 did not abolish the practice, despite recommendations from civil society groups. On March 27, the Constitutional Court dismissed a petition filed in 2007 by the Mifumi Project, a women's rights group that claims bride prices impede the rights of a woman and exacerbate domestic violence. The court dismissed the petition saying the group did not provide any scientific evidence to prove the connection between bride price and domestic violence. In April the Mifumi project appealed the ruling, and a Supreme Court hearing was pending.

Although sexual harassment is prohibited with penalties of up to 14 years' imprisonment, it was a widespread problem, and the government did not enforce the law effectively. In April 2009 IGP General Kale Kayihura created a committee to investigate allegations of abuse of female police officers by senior male colleagues. Findings of the committee had not been released by year's end.

No report was issued during the year by the committee established in 2008 to investigate allegations that male lecturers in Makerere University coerced female students into sexual acts as a condition for receiving good grades.

There were no reports of findings by a team from the Ministry of Health that investigated 2007 allegations of sexual harassment filed by 30 nurses against a senior staff member in Nakaseke Hospital.

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 was difficult to obtain, particularly in rural areas, where there were few health clinics. A 2006 survey found that 41 percent of married women had unmet family planning needs. There was no indication of discrimination in diagnosis or treatment of sexually transmitted infections, including HIV/AIDS. A January 2010 United Nations Development Program (UNDP) report cites maternal mortality at 505 deaths per 100,000 live births.

The law requires that women be accorded full and equal dignity of the person with men. However, discrimination against women continued to be widespread, especially in rural areas where it was part of traditional culture. 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. Polygyny, where one husband has several wives, 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 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 throughout the country to increase awareness of women's rights.

Children

Citizenship is afforded to children born in or outside of 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 to be Ugandan citizens, as are children under the age of 18 adopted by citizen parents.

The 2006 Uganda Demographic and Health Survey reported that only 21 percent of rural and 24 percent of urban children had their births registered; however, lack of registration generally did not result in denial of public services.

In 2008 parliament passed a law that 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, still had to pay for school supplies and some school operating costs, and many parents could not afford the school fees. Boys were more likely to finish primary school. The highest level of education achieved by most children was the fourth year of primary school.

Child abuse remained a serious problem, particularly rape and sexual abuse of girls.

According to the 2009 police annual crime report, defilement remained the most common crime committed against children, with 7,360 cases recorded in 2009. The report also registered 3,126 cases of child neglect, 754 of child desertion, 550 of indecent assault, 552 of torture, 206 of child stealing, 49 of kidnapping, 46 of infanticide, 29 of child sacrifice, and 16 of child trafficking. The government worked with UNICEF and NGOs including Save the Children Fund and African Network for the Prevention and Protection against Child Abuse and Neglect to combat child abuse in the country.

There were isolated reports of corporal punishment in schools since the 2006 ban on the practice. For example, in March police in Buikwe District arrested Joseph Balyejjusa, a teacher of Progressive Primary School, for beating to death student Chrizeston Ssekatawa. An investigation into the incident was pending at year's end.

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; however, such cases often were settled by a payment to the girl's parents. According to police statistics, in 2009 there were 7,360 reported defilement cases, of which 4,433 went to court, with only 467 resulting in convictions.

Perpetrators of sexual abuse often were family members, neighbors, or teachers.

In an effort to clear the backlog of cases, in 2007 the government amended the 2006 Magistrate's Courts Bill, giving chief magistrates the authority to hear cases of rape of girls between the ages of 14 and 17; the High Court continued to try cases involving rape of girls younger than 14 years. In February 2009 the UPF announced that it would provide free rape and defilement medical examinations throughout the country to ensure that investigations were effectively carried out and perpetrators prosecuted. Since the program began in March 2009, an estimated 3,000 victims of rape and defilement have received free medical examinations at Mulago hospital in Kampala.

The Sabinu ethnic group in rural Kapchorwa District and the Pokot ethnic group along the northeastern border with Kenya practiced FGM, despite local laws that prohibit the practice. On March 17, President Museveni signed into law the 2009 Prohibition of Female Genital Mutilation Bill. The law establishes that neither culture, religion, nor the consent of the victim are allowable defenses and establishes penalties of up to life imprisonment for the practice. 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. On July 29, the Constitutional Court declared the practice of FGM unconstitutional.

Despite the government ban, thousands of girls were subjected to FGM over the year, with one newspaper article reporting that approximately 820 girls were subjected to the practice in December alone in the districts of Kapchorwa, Bukwo, Kween, and Amudat. The police arrested several individuals involved in promoting the ritual. For example, on November 31, police arrested Jennifer Katungo, Patrick Chemonges, Flora Chebet, Juliet Chesewa, and Isaac Chemonges for their involvement in FGM practice in Binyiny subcounty, Kween District. Hearing of the case was pending. In December police arrested four girls under the age of 16 and five parents for their involvement in an FGM ritual in Kween District. The girls were released after questioning, and the parents were sentenced to two months community service. In December police in Bukwo District arrested Margret Chemutai, Brunei Chematene, Boniface Kabunga, and Julius Malinga for practicing FGM. On December 8, Chemutai pled guilty and was sentenced to four months in prison for circumcising eight girls. Chematene, Kabunga, and Malinga pled not guilty and were remanded to prison pending hearing of the case.

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

Reports of the ritual sacrifice of children increased during the year. For example, on June 18, police in Buikwe District arrested David Mukulu, Jennifer Night, Laubeni Mande, Yuda Nakacho, John Baptist Serwajjo, and Agnes Namanya for the ritual killing of three-year-old girl Evera Mudaali on June 6 in Nyenga subcounty. On May 18, police in Nakaseke District arrested Scovia Nalugo and Isma Kafeero for the ritual killing of a three-year-old girl in Ngoma subcounty. On July 19, police in Masaka District arrested John Lwahinda and Baker Muhwezi for the ritual killing of three-year-old Marvin Mukiibi in Kalisizo subcounty on June 30. The suspects from these cases were on remand in prison pending investigations and hearings of the cases.

There were no developments in the March 2009 case in which Issa Wayibi, Sebastian Musana, Bbumba Aramazan, and Daudi Byendala were charged with the ritual killing of a girl, or the April 2009 case in which John Okech and six family members were charged with the ritual killing of a one-year-old girl. All suspects remained in prison pending investigations and hearings of the cases.

On April 23, a court in Masaka acquitted businessman Godfrey Kato Kajubi of charges of the ritual killing of 12-year-old Joseph Kasirye; however, government prosecutors appealed the acquittal, and the case was pending at year's end.

As in the past five years, there were no reports that during the year the LRA abducted or conscripted children within the country. However, an estimated 5,000 of 40,000 children abducted by the LRA in previous years for use as laborers, soldiers, guards, and sex slaves were reportedly still missing. There continued to be numerous reports of LRA abductions of children in the DRC, CAR, and Sudan during the year.

Poverty, unstable family relationships, rape, inadequate family planning services, and other social, health, and economic factors contributed to cases of infanticide. The 2009 police crime statistics report cites 46 cases of infanticide but does not provide an analysis of the crimes.

Since January police in Kampala rounded up approximately 331 street children, the majority from the Karamoja Region, and took them to Kampirigisa rehabilitation home in Mpigi District. Street children were often the victims of poverty, famine, and instability in Karamoja Region.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

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

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/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; however, the government did not enforce the law effectively. Persons with disabilities also faced societal discrimination and limited job and educational opportunities. There was no statutory requirement that buildings be accessible to persons with disabilities; however, the law requires that children with disabilities be given necessary special facilities.

The UHRC continued to receive complaints of discrimination in employment and access to transport, cell phone, and other public services from persons with disabilities. Most schools in the country did not accommodate persons with disabilities.

No action was taken to assist the 40 prison inmates with impaired hearing who had been denied a trial, health services, and education because they could not communicate.

The government supported the right of persons with disabilities to vote and participate in civic affairs. Five seats in parliament were reserved for representatives of persons with disabilities; however, a government-sponsored NGO managed election 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 or support any significant initiatives. In August 2009 President Museveni appointed members to the Equal Opportunities Commission, which is responsible for enforcing laws that protect persons with disabilities and ensuring that they have equal access to public office. In April the government released 1.5 billion shillings (\$647,388) to accelerate ongoing projects being undertaken to increase incomes and improve livelihoods of persons with disabilities in 48 districts.

National/Racial/Ethnic Minorities

There were isolated reports of violence between ethnic minorities in some parts of the country. For example, in May five persons were injured and over 120 families displaced from Pera village following two days of clashes over land between the Alur and Madi ethnic groups along the Arua and Nebbi district border. Arua District police arrested and remanded seven suspects for inciting the violence, and the case continued at year's end.

The August 2009 case against suspects Dominictic Ningrea, Martin Etima, D.Adrani, Alex Mawa, William Walya, Lilno, Jessica Nenia, Zaayoru Yena, John Anguzu, and Johnson Munuru, who were charged with inciting violence when ethnic Madi forcefully evicted several families of the Alur ethnic group from Kasomenga village in Rhino Camp subcounty, was pending at year's end.

In August IGP Major General Kale Kayihura ordered an investigation of reports that police were harassing ethnic Somalis resident in the country. Ethnic Somalis accused the police of extortion, harassment and intimidation following the July 11 bombings in Kampala. There were no reports of findings of the investigation at year's end.

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 lived in the districts of Bundibugyo, Kisoro, Kabale, Kanungu, Masaka, and Mbarara in the southwest and 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 petitioned parliament to recognize Batwa rights to their former ancestral land to preserve their cultural values. The government did not effectively protect their civil and political rights.

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

Lesbian, gay, bisexual, and transgender (LGBT) persons faced discrimination and legal restrictions. It is illegal to engage in homosexual acts, based on a 1950 legal provision from the colonial era criminalizing "carnal acts against the order of nature" and prescribing a penalty of life imprisonment. No persons had been convicted under the law. On October 12, police in Kampala arrested one individual for alleged homosexuality, and on October 15 a court in Kampala charged the individual with homosexuality and released him on bail. Hearing of the case was pending at year's end.

In September 2009 parliamentarian David Bahati introduced a draft "antihomosexuality bill" that would impose punishments ranging from imprisonment to the death penalty on individuals twice convicted of "homosexuality" or "related offenses" to include "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. This draft legislation remained in the committee stage during the year but resulted in increased harassment and intimidation of LGBT persons. Although the government did not endorse the draft legislation, several senior members of government and President Museveni's Cabinet openly expressed homophobic sentiment despite the High Court's December 2008 ruling that constitutional rights apply to all persons, regardless of sexual orientation.

LGBT persons were subject to societal harassment, discrimination, intimidation, and threats to their wellbeing during the year. Individuals openly threatened members of the LGBT community and their constitutional rights during several public events. For example, on April 15 in Jinja, Pastor Martin Ssempe led a march against homosexuality, and during an April 17 event against homosexuality at a church in Kampala, Ssempe showed a pornographic slideshow to audience members, which included several children. During these rallies participants openly threatened LGBT individuals.

In its annual report for 2009, released in October 2010, the UHRC determined that the draft antihomosexuality bill violates the Ugandan constitution and international law.

On October 10, an obscure local tabloid published the names, photographs, and, in some cases, residential locations of several LGBT activists under the headline "Hang Them." On November 1, the High Court issued an injunction blocking the tabloid from further publication of information pertaining to homosexuality pending resolution of a court case filed by three LGBT activists, including David Kato. The case was pending at year's end.

On December 13, Ethics and Integrity Minister Nsaba James Buturo prevented the UHRC and UN OHCHR from screening a documentary on Ugandan human rights defenders that Buturo alleged promoted homosexuality. In the film, one human rights defender criticized Uganda's draft antihomosexuality bill for violating the rights of Ugandan citizens by forcing health care workers to report alleged gay and lesbian individuals to authorities. In a December 15 press conference, the UHRC defended the documentary and criticized Buturo for violating the UHRC's constitutional independence.

The April 2009 case against activists Fred Wasukira and Brian Mpadde, accused of involvement in homosexual acts, was pending. In September, police dismissed the June 2009 case in which Charles Ayeikoh was accused of homosexual acts.

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 living with HIV/AIDS. Persons living with HIV/AIDS formed support groups to promote awareness in their communities.

Section 7 Worker Rights

a. The Right of Association

The law allows workers, except for "essential" government employees, including police, army, and management level officials, to form and join independent unions, but 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 their activities without interference. Union officials estimated that more than 1.2 million workers were potential union members but only 300,000 workers were paid-up members.

The law criminalizes any effort by an employer to obstruct the right of association; however, the government generally did not enforce this provision. Labor activists claimed certain companies continued to bar employees from joining unions, including Dot Services and Cementers and Multiplex (both road construction companies); Mansons, a clearing, forwarding and transport company; West Nile Rural Electrification Company; BIDCO Uganda Ltd., an edible oil company; Mukwano Manufacturing Industries; Kawere Coffee Ltd; Kibimba Rice Scheme; Roko; Uganda Cement; as well as several other construction companies, supermarkets, and private universities.

The law provides for the right to strike, and workers exercised this right; however, government policy required labor and management to make "every effort to reconcile labor disputes before resorting to strike action." The government did not always protect the right to strike, and police arrested persons who engaged in organizing strikes during the year.

For example, on September 5, police arrested 12 sugarcane cutters of Lugazi Sugar Corporation during a strike to protest low pay and poor working conditions. On September 6, police released the workers after the intervention of the National Union of Plantation and Agricultural Workers Uganda. On September 20, Lugazi Sugar Corporation management signed an agreement to increase the workers' pay 17 percent, from 80,000 shillings (\$35) to 104,000 shillings (\$45) per month for a period of two years. The workers also staged a brief strike in May 2009 to protest low pay and poor working conditions.

Police used excessive force to stop striking workers.

For example, on September 7, police in Hoima District killed Dennis Bazara and Benard Byabasaija and injured several others during a strike at British American Tobacco (BAT) Uganda. The workers were protesting the company's delayed payment of their August salaries. Authorities arrested police officers Augustine Kasangaki, Luke Mbusa, and Romeo Ojara, who were implicated in the shooting, and an investigation was ongoing. On September 15, the Hoima Police Disciplinary Court started hearing the trial of Kasangaki, Mbusa, and Ojara and charged them with manslaughter. The suspects were remanded to prison until September 28. On September 21, police fired live bullets to disperse striking cane cutters of Kinyara Sugar Works. The workers were protesting low pay. There were no reported injuries. Following discussions with the union, management agreed to pay the cane cutters.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining; however, the government did not protect this right in practice. Some employers ignored the legal requirement to enter into collective bargaining agreements with registered unions; only a few employers recognized the agreements. On September 8, the Uganda Flower Exporters Association comprising 20 companies signed a collective bargaining agreement with Uganda Horticultural and Allied Workers Union. The agreement commits the companies to uphold workers' rights and enhance their salaries. No public service unions, including medical staff and teachers, were allowed to negotiate their salaries and employment terms. The government fixed the terms and conditions for all civil service workers.

As in 2009, there were no reports of antiunion discrimination during the year. The government denied the registration of the Central Organization of Labor Unions, a union umbrella organization that broke away from the only legally registered consortium due to leadership disputes.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred, particularly in prisons. While the law does not expressly prohibit prison labor, 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." NGOs and the UHRC reported that forced labor was a problem in local prisons nationwide. Prison officials hired out prisoners to work on private farms and construction sites where the prisoners were often overworked.

Prison officials routinely supplemented their wages with cash crops grown by prisoners on prison grounds. Male prisoners performed arduous physical labor, while female prisoners produced marketable handicrafts such as woven basketry. Juvenile prisoners performed manual labor, often for 12 hours a day. Compensation, when paid, generally was very low. In July the government announced that it would provide funds to prison administrators to pay prisoners for work performed, but no funding was released. Some wardens reportedly used income generated from prisoner labor to pay prisoners. Prisoners do not have savings accounts, but prison accounting staff recorded wages owed in a book.

In June prison authorities began investigating allegations that police arrested over 1,300 individuals and forced them to work on large commercial farms. Reports alleged that police arrested citizens on idle and disorderly charges and sent them on remand to Butoro, Kasangati, and other prisons where they were forced into labor. A report of the investigation was pending at year's end.

Exploitive child labor predominantly occurred in transport, mining, street vending/begging, scrap collecting, stone quarrying, brick-making, road construction/repair, car washing, fishing, domestic nanny/housekeeper service, bar/club service work, border smuggling, and prostitution. In all of these areas, there were likely occurrences of forced labor.

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employers from hiring workers below the age of 18; however, statutory orders issued by the Ministry of Gender, Labor and Social Development 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. 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. In June 2009 the Bureau of Statistics estimated that more than 1.76 million or 17 percent of children between the ages of five and 17, including 798,451 girls, were involved in child labor.

In urban areas children sold small items on the street, worked in shops, begged for money, and were involved 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. The Ministry of Gender, Labor and Social Development reported new incidents of the worst forms of child labor, including children involved in illicit activities such as cross-border smuggling. Government officials noted that child exploitation in the informal sector was of particular concern and was difficult to investigate. Children were known to be working as subsistence farmers, and domestic servants. There were also known instances of children in prostitution.

The International Labor Organization (ILO) and the Federation of Uganda Employers sponsored a 2008 survey on child labor in the fisheries and tobacco industries which found that most of the 291 children sampled worked long hours and that 71 percent were involved in hazardous work. Of the children involved with fisheries, 31 percent worked at night, and all were exposed to waterborne diseases, fatigue, a high risk of contracting HIV/AIDS, and injuries. Children on tobacco farms worked long days, dropped out of school during peak periods of tobacco production, and were exposed to dangerous chemicals, smoke, and dust.

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; however, financial constraints limited efforts. The ministry continued to offer social services to children working in the worst forms of child labor and other target groups, and it conducted training for staff, local leaders, and district labor inspectors. Sixty Ministry of Gender, Labor and Social Development district labor officers were responsible for reporting on child labor issues at the local level nationwide. The government coordinated its efforts to stop child labor through the National Steering Committee on Child Labor, which included representatives of the Ministry of Gender, Labor and Social Development, the Ministry of Education and Sports, the Ministry of Local Government, the Federation of Uganda Employers, the National Organization of Trade Unions (NOTU), NGOs, journalists, and academics. The steering committee last met in January. However, due to lack of funds and logistical support, district labor officials have not conducted child labor inspections since 2004.

The government organized a number of child labor awareness workshops, disseminated printed information, and sponsored radio and television discussions to educate the public on child labor issues. The government also cooperated with the 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.

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

e. Acceptable Conditions of Work

The minimum legal wage was set in 1984 at 6,000 shillings (\$2.59) per month, a rate that did not provide a decent standard of living for a worker and family and was not effectively enforced. The government and the private sector negotiated a new monthly rate of 54,000 shillings (\$23.35) in 2003; however, the 2003 rate had not been implemented by year's end.

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;" however, no inspections were carried out during the year, due in part to financial constraints.

In industries that employed workers on an hourly basis, the normal workweek was 40 hours. The legal maximum workweek is 48 hours; however, 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; however, 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 per calendar year. Many industries paid workers annual increments or bonuses as payoffs to avoid overtime.

The law establishes occupational health and safety standards, and the MGLSD's Department of Occupational Health was responsible for enforcement of occupational safety regulations. In practice inspections were very rare, primarily due to the lack of vehicles and funding for inspection trips, and standards were not effectively enforced. The law also provides workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment. However, there were reports that workers were dismissed for their refusal to perform dangerous work. All workers, including foreign and migrant workers, were covered under the law.

NOTU officials recorded seven deaths due to poor safety practices at several construction projects during the year.

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