

Uganda

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Status Change Explanation:

Uganda's civil liberties rating declined from 4 to 5, and its status declined from Partly Free to Not Free, due to increased violations of individual rights and the freedoms of expression, assembly, and association, particularly for opposition supporters, civil society groups, women, and the LGBT community.

In 2014, the implementation of the Public Order Management Act (POMA), the Anti-Homosexuality Act (AHA), and the Anti-Pornography Act (APA) led to increased discrimination, harassment, and abuses against the opposition, civil society, the LGBT (lesbian, gay, bisexual, and transgender) community, and women due to harsh and discriminatory provisions in the vaguely worded laws. Although the Constitutional Court struck down the AHA on a technicality in August 2014, a climate of fear and intimidation persists for LGBT individuals, and supporters of the legislation are planning to reintroduce it. Meanwhile, the government continued to crack down on civil society groups that focus on a wide range of sensitive issues.

The year 2014 was also marked by increased infighting in the long-ruling National Resistance Movement (NRM) party in advance of a 2016 presidential election, culminating in the September firing of Prime Minister Amama Mbabazi by President Yoweri Museveni. The 70-year-old Museveni, a former rebel leader who took power in 1986, is widely expected to run for another term, and Mbabazi, an NRM veteran, had been seen as a potential challenger.

Political Rights and Civil Liberties:

Political Rights: 11 / 40 [Key]

A. Electoral Process: 3 / 12

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

Museveni, the NRM's candidate, won the February 2011 presidential election with 68 percent of the vote. Opposition Forum for Democratic Change (FDC) candidate Kizza Besigye placed second with 26 percent. In concurrent parliamentary elections, the NRM took 263 of 375 elected seats, followed by the FDC with 34. According to observers from the European Union and the Commonwealth, the elections were undermined by flawed

administration, extensive state media bias, and government spending on behalf of the ruling party.

Members of the Electoral Commission are appointed by the president and the chairperson is approved by a parliamentary committee, which undermines its independence. Museveni renewed the panel and its chairman for a second seven-year term in 2009.

B. Political Pluralism and Participation: 5 / 16

The NRM is the dominant party, and the FDC is the main opposition party. The ability of the opposition to compete with the ruling NRM is hindered by harassment of its leaders, restrictive party registration requirements and voter and candidate eligibility rules, the use of government resources to support NRM candidates, a lack of access to state media coverage, and paramilitary groups that intimidate voters and government opponents. The October 2013 signing of the POMA, which severely restricts freedom of assembly, further infringed on the opposition's ability to hold rallies and meet with constituents. However, the FDC is also hampered by infighting.

In 2014, as in previous years, Besigye—the former FDC leader and presidential candidate who now leads the banned For God and My Country (4GC) political pressure group—as well as suspended Kampala mayor Erias Lukwago and other top opposition figures, was subject to arrest and legal and physical harassment. In November, Besigye and other opposition leaders registered a legal victory when a court dismissed charges of “convening meetings, holding rallies and making speeches under the unlawful organization of 4GC.” However, Besigye, Lukwago, and other opposition figures continued to face other charges.

In November 2013, Lukwago was impeached on the grounds of incompetence and abuse of office in the wake of a report by a government-appointed tribunal into his conduct as mayor. However, a High Court judge almost immediately issued a stay on the implementation of the report, and a court was still debating the legality of Lukwago's impeachment at the end of 2014.

Meanwhile, Museveni and his supporters worked to consolidate support for the president and sideline dissidents within the NRM. At an annual party retreat for elected members of parliament in February, 190 NRM legislators passed a resolution calling for Museveni to be the party's 2016 presidential candidate. Although the motion had no official standing, it served as a demonstration of Museveni's support within the party and was seen as a warning to potential challengers. Later in February, the Constitutional Court ordered “rebel” legislators, who in 2013 had been expelled from the NRM for challenging party policies and criticizing Museveni, to vacate their seats. In October, Mbabazi—soon after being ousted as prime minister—was forced to take a leave of absence from his post as NRM secretary general.

The military, which is closely aligned with Museveni and has 10 seats in parliament, exerts a powerful role behind the scenes to support him and its personal interests.

C. Functioning of Government: 3 / 12

Although Uganda has a variety of laws and institutions tasked with combating corruption, enforcement is weak in practice. The Constitutional Court suspended the Anti-Corruption Court in 2013, but it reopened in January 2014 after a subsequent ruling that the Anti-Corruption Court members were indeed legally appointed. Despite recent high-profile scandals and investigations, as well as laws and institutions to combat corruption, no top government official has been imprisoned for the offense. Uganda was ranked 142 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index.

In 2006, large oil reserves were discovered in Uganda; by 2020, output is expected to reach 220,000 barrels per day. The 2012 Petroleum Law gave the energy minister wide-ranging powers over the sector; the opposition and international monitoring groups criticized the law for lack of parliamentary or independent oversight of the minister's decisions. In September 2014, Global Witness released a report that found that some important protections for human rights and the environment were lacking in two 2012 oil contracts, and transparency was impeded because payments from the contracts could not be tracked in the national budget.

Civil Liberties: 25 / 40 (-1)

D. Freedom of Expression and Belief: 9 / 16 (-1)

The constitution provides for freedom of expression and of the press; however, these rights are often undermined by provisions in the penal code, including laws on criminal libel and treason, as well as by extralegal actions by the government. In October 2014, Central Broadcasting Services (CBS) radio journalist Ronald Ssemuusi was convicted of criminal defamation over a 2011 story implying a connection between a former Kalangala district chairman and the theft of solar panels that the African Development Bank had donated. Ssemuusi was sentenced to pay a fine of 1 million shillings (\$375) within a month, or serve one year in prison.

Uganda has a vibrant media sector, with nearly 200 private radio stations and dozens of television stations and print outlets. Broadcast media regulations issued in March 2014 required all outlets to provide one free hour of prime air time per week to government officials so they could promote government policies and programs; however, the regulations have not been enforced. Independent journalists and media outlets are often critical of the government, but in recent years they have faced substantial, escalating government restrictions and intimidation, encouraging self-censorship. Journalists often face harassment or physical attacks by police or ordinary citizens while covering the news.

There are no reported restrictions on internet access, and online media generally operate in a freer environment than the traditional press. However, the government has reportedly

sought to increase surveillance of internet and mobile-phone communications in the context of antiterrorism campaigns, as permitted under the 2002 Antiterrorism Act and the 2010 Regulation of Interception of Communications Act. Under the latter, all mobile-phone users were required to register their SIM cards with the government by August 2013, after which unregistered cards were deactivated. In addition, the AHA and APA contain provisions prohibiting the use of the internet or other electronic methods to “promote” homosexuality or to disseminate vaguely defined pornographic material, respectively. The laws provide for steep fines or jail time for those found in violation, including, in the case of the APA, internet service providers (ISPs) that simply host objectionable content. The APA also provides for the establishment of a Pornography Control Committee, which would require ISPs to install monitoring software for the detection and suppression of pornography.

There is no state religion, and freedom of worship is constitutionally protected and generally respected in practice. The government at times restricts religious groups whose members allegedly pose security risks. Academic freedom has been undermined by alleged surveillance of university lectures by security officials and the need for professors to obtain permission to hold public meetings at universities.

The passage of the AHA and the heightened climate of intimidation made free and open private discussion more difficult for members of the LGBT community, who feared being “outed”; this reportedly continued after the AHA was overturned. In 2014, tabloid newspapers continued a practice of publicly identifying LGBT individuals, including publishing personal details and photos. After the passage of the AHA, ordinary citizens reportedly identified suspected LGBT individuals to the police. However, this decreased somewhat after the law was overturned.

E. Associational and Organizational Rights: 4 / 12

Freedom of assembly is officially recognized but is restricted in practice. Since leading a “walk to work” campaign of marches against corruption and the rising cost of living in 2011, Besigye has been arrested numerous times, as have other opposition leaders, and their freedoms of movement and expression have been severely curtailed. The POMA restricts freedom of assembly; among the most repressive provisions of the bill is one that requires groups to register with the local police in writing three days before any gathering, public or private, to discuss political issues. The police have broad authority to deny approval for such meetings if they are not deemed to be in the “public interest” and to use force to disperse assemblies judged unlawful.

Freedom of association is guaranteed in the constitution but is often restricted; nevertheless, civil society in Uganda remains vibrant. Several nongovernmental organizations (NGOs) address politically sensitive issues, though their existence and activities are vulnerable to legal restrictions, including the manipulation of burdensome registration requirements under the 2006 NGO Registration Amendment Act. In May 2014, the cabinet approved a bill that, if enacted, could prohibit political engagement by NGOs and would increase the government’s NGO-monitoring powers. It had yet to be forwarded to parliament at year’s end.

Civil society groups that advocate for sensitive issues, such as combating corruption, transparency in the oil sector, and LGBT human rights, continued to experience harassment. In May 2014, the offices of Human Rights Network–Uganda (HURINET-U) were broken into and vandalized; according to a report by Human Rights Network for Journalists–Uganda, the incident was just the latest of several such break-ins at Ugandan NGO offices, many of which have not been adequately investigated by police. In October, charges under Uganda’s existing laws prohibiting “unnatural offenses” were dismissed against prominent LGBT activist Samuel Ganafa. NGOs that focus on less controversial issues such as service delivery are largely allowed to operate freely.

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

F. Rule of Law: 5 / 16

Executive influence undermines judicial independence; additionally, a December 2014 report by Al-Jazeera uncovered corruption at all levels of the judiciary. In August 2014 the Constitutional Court annulled the reappointment as chief justice of the Supreme Court of 70-year-old Benjamin Odoki, who was past the age of mandatory retirement; the position has since remained vacant. The country has faced criticism over the military’s repeated interference with court processes.

Prolonged pretrial detention, inadequate resources, and poor judicial administration impede access to justice. The prison system is operating at more than two times its intended capacity, with pretrial detainees constituting more than half of the prison population. Rape, vigilante justice, and torture and abuse of suspects and detainees by security forces remain problems.

The police and security forces—including the Joint Anti-Terrorism Task Force, established under the 2002 Anti-Terrorism Act—continued to commit rights abuses in 2014. Especially since a series of bombings in Kampala in 2010 by the Somali Islamist group Al-Shabaab, the security forces have illegally detained and abused terrorism suspects and expanded the scope of the law to crack down on political opponents. In July 2014, security was stepped up across Uganda due to alleged terrorist threats, and in September, the authorities announced that they had discovered a terrorist cell with links to Al-Shabaab that had been planning an imminent attack in Kampala.

In early July, violence flared between militias from the Bakonzo ethnic group, Ugandan security forces, and members of rival ethnic groups near Uganda’s border with the Democratic Republic of Congo over land rights in the oil-rich Lake Albertine Rift basin, where international development of oil fields contributes to ongoing land disputes. Human Rights Watch, in a November report, condemned the government response to the violence.

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

Uganda's society and government are overtly prejudiced against LGBT individuals, creating a climate of fear and insecurity for members of the LGBT community. The 2013 AHA, which Museveni signed in February 2014, toughened penalties for same-sex relations in a number of areas, including mandating a 14-year prison sentence for a first conviction of consensual same-sex sexual conduct and a lifetime sentence for repeat offenders or those convicted of "aggravated homosexuality." According to an October report by Amnesty International, in the wake of the AHA's passage, LGBT individuals were subjected to an increase in numerous forms of harassment, including denial of health care, loss of employment, evictions, arbitrary arrest, and abuse while in police custody. Due to a vague clause in the law outlawing the "promotion" of homosexuality, health-care professionals and institutions offering services to the LGBT community, including work on HIV prevention and treatment, could be seen as running afoul of the law. In April, police raided the Walter Reed Project, a U.S.-funded HIV research and treatment center located at Kampala's Makerere University that provides the LGBT community with medical information and services, alleging that it was "recruiting" people for homosexuality.

The Constitutional Court ruled in August that the AHA was invalid because the National Assembly did not have a quorum when it was passed. While this was seen as a positive move, the judgment did not address fundamental questions on the constitutionality of the law's substance. In November, supporters of the bill in parliament announced that they had drafted a revised version.

G. Personal Autonomy and Individual Rights: 7 / 16

Travel is largely unrestricted; however, the government has occasionally enforced travel restrictions for security purposes, particularly in the North. Bribery is common practice in many facets of life, such as interacting with traffic police and in gaining admittance to some institutions of higher education. Licenses are required for starting a business, construction permits, and to register property, and the multistage processes involve numerous public officials who sometimes seek bribes. Customary tenure is widespread in the North, and led to an increase in disputes over land in 2014.

Although the constitution prohibits discrimination on the basis of gender and acknowledges the equal rights of women, gender discrimination remains pronounced, particularly in rural areas. Women won nearly 35 percent of the National Assembly seats in the 2011 elections, and one-third of local council seats are reserved for women. The law gives women the right to inherit land, but discriminatory customs often trump legal provisions in practice. Rape and domestic violence are widespread and underreported, and offenders are rarely prosecuted.

Cultural practices such as female genital mutilation persist, despite the enactment of the 2010 Prohibition of Female Genital Mutilation Act.

In February 2014, Museveni signed the APA. Although previous iterations had contained a provision that appeared to ban short skirts and other clothing deemed sexually explicit, the final bill did not contain this clause. Nevertheless, according to an October report by Amnesty International, many women wearing revealing clothing were attacked and stripped by mobs due to public misconceptions about the law. The legislation defines pornography in broad terms and gives a Pornography Control Committee wide-ranging powers to determine what amounts to pornographic material.

Sexual abuse of minors is a significant problem. Ritual sacrifice of abducted children has reportedly increased in recent years, with wealthier individuals paying for the killings to secure good fortune. Uganda continues to be a source and destination country for men, women, and children trafficked for the purposes of forced labor and prostitution.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology