



UGANDA

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

Date 20 April 2011

A large decorative graphic at the bottom of the page, featuring a stylized map of the United Kingdom. The map is filled with the colors of the Union Jack: dark blue, white, and red. The red and white elements form a jagged, mountain-like silhouette against the dark blue background.

SECURING OUR BORDER CONTROLLING MIGRATION

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Preface

- i This Country of Origin Information (COI) Report has been produced by the COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 2 February 2011. The 'Latest News' section contains further brief information on events and reports accessed from 3 February 2011 to 20 April 2011. The report was issued on 21 April 2011.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links are provided. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.
- vi As noted above, the Report is a compilation of extracts produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents though COIS will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 30 asylum intake countries. Reports on countries outside the top 30 countries may also be published if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

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United Kingdom

Email: cois@homeoffice.gsi.gov.uk

Website: <http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi/>

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In

6 The main text of this COI Report contains the most up to date publicly available information as at 2 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 23 March 2011.

such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

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Latest News

EVENTS IN UGANDA FROM 3 FEBRUARY TO 20 APRIL 2011.

The Latest News provides a non-exhaustive selection of significant events since 2 February 2011. Further information may also be available from the list of useful sources below.

The Home Office is not responsible for the content of external websites.

18 April Police in Uganda have used tear gas and fired rubber bullets to disperse demonstrators angry about the arrest of the opposition leader, Kizza Besigye. He was detained after going to join a fresh "walk-to-walk" protest against rising living costs. At least 12 other opposition leaders were arrested too.
Kizza Besigye arrest prompts Uganda demonstrations, 18 April 2011
<http://www.bbc.co.uk/news/world-africa-13112592>
 Date accessed 20 April 2011

14 April Ugandan opposition leader Kizza Besigye was injured when the military opened fire to disperse protesters demonstrating against the rise in fuel prices in the capital Kampala. More than six other opposition politicians were arrested in the walk-to-work protest. Police were reported to use tear gas and "fired into the air".
British Broadcasting Corporation (BBC), Uganda: Politician Kizza Besigye wounded at protest, 14 April 2011
<http://www.bbc.co.uk/news/world-africa-13089443>
 Date accessed 20 April 2011

13 April A Cabinet sub-committee formed to study the Anti-Homosexuality Bill 2010 and report back to Cabinet, yesterday added a spin into the Bill and called for its withdrawal.

In a closed-door meeting with Mr David Bahati, the mover of the Bill, the sub-committee said some of the penalties proposed in the Bill could be catered for by the Penal Code Act and the yet-to-come Sexual Offences Bill.

Sources, who attended the meeting, said the sub-committee, chaired by First Deputy Premier Eriya Kategaya, suggested that if Mr Bahati did not mind a lot, he could withdraw the Bill. "They said Cabinet doesn't agree with the death penalty which the Bill proposes," a source, who cannot be named because they are not authorised to speak on behalf of Cabinet, said. "They asked Bahati to drop the Bill if he doesn't care much."

Sources also said Mr Bahati went with Commissioners Denis Obua and Justine Lumumba and MPs Beatrice Lagada, Wilfred Niwagaba and Fred Nkaayi. Mr Bahati acknowledged meeting the subcommittee but refuted claims that he had been asked to withdraw the Bill. "The meeting was purposed to build a win-win situation so that we improve on the Bill but we continue upholding the values of our country."

Cabinet Wants Anti-Homosexuality Bill Dropped, 13 April 2011
<http://allafrica.com/stories/201104130051.html>

Date accessed 20 April 2011

- 12 April Kizza Besigye and two other Ugandan opposition leaders were arrested after calling for people to “walk to work in protest at fuel price hikes”. Teargas was used to disperse a crowd throwing stones. They had been blocking a road leading to the capital, Kampala
British Broadcasting Corporation (BBC), Kizza Besigye held over Uganda 'Walk to Work' protest, 12 April 2011
<http://www.bbc.co.uk/news/world-africa-13033279>
 Date accessed 20 April 2011
- 23 March A report issued by the Human Rights Watch alleged that “officers from the Rapid Response Unit regularly beat people with objects including batons, glass bottles, and metal pipes, the report said. It said in some cases they inserted pins under detainees' fingernails. A Ugandan police spokeswoman said there had been cases of torture, but their number had been reduced.”
British Broadcasting Corporation (BBC), Ugandan police use torture, Human Rights Watch reports, 23 March 2011
<http://www.bbc.co.uk/news/world-africa-12828320>
 Date accessed 24 March 2011
- 24 February The opposition leader, Kizza Besigye, “has called for peaceful protests against the outcome of the recent general election. ...Dr Besigye said both the presidential and parliamentary votes were a sham, with ballot stuffing and intimidation.”
British Broadcasting Corporation (BBC), Uganda election: Besigye calls for peaceful protests, 24 February 2011
<http://www.bbc.co.uk/news/world-africa-12567832>
 Date accessed 24 February 2011
- 21 February The result of the presidential election was announced, with President Museveni re-elected. The opposition rejected the outcome of the ballot in which the Ugandan electoral commission stated Mr Museveni secured 68 per cent of the votes whilst main rival Kizza Besigye received 26 per cent. Security was stepped up in Kampala in anticipation of protests by the opposition parties.
British Broadcasting Corporation (BBC), Uganda election: Yoweri Museveni wins fresh term, 21 February 2011
<http://www.bbc.co.uk/news/world-africa-12520458>
 Date accessed 24 March 2011
British Broadcasting Corporation (BBC), Uganda opposition rejects re-election of President Yoweri Museveni, 21 February 2011
<http://www.bbc.co.uk/news/world-africa-12520330>
 Date accessed 24 March 2011

Anti-Homosexuality Bill update

- 21 February “As of 21st February 2011 the Anti-Homosexuality Bill (AHB) is theoretically still under consideration by the Ugandan parliament. However, no action has been taken on the matter for several months and there has been no noticeable coverage in the media.

“Uganda has just concluded a General Election. David Bahati, the Member of Parliament who is responsible for the bill was unopposed during the election and has been re-elected. The new Ugandan parliament will form in May 2011. It is unclear what will happen to the AHB after this event.”

British High Commission Kampala, Letter to UKBA Country of Origin Information Service, 21 February 2011

Date accessed 21 February 2011

17 February A BBC article outlined the challenge faced by President Museveni in the forthcoming presidential elections. It noted that “If the ruling National Resistance Movement candidate does not pass the crucial 50% mark, he could face a significant struggle to win against a combined opposition vote in a run-off. In previous elections, his popularity has steadily slipped. He secured over 75% of the votes in 1996. By 2001, 69% of votes were for Mr Museveni, and the winning tally in 2006 was down to 59%.”

British Broadcasting Corporation (BBC), Uganda's Museveni pulls out all the stops to stay in power, 17 February 2011

<http://www.bbc.co.uk/news/world-africa-12481878>

Date accessed 24 March 2011

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REPORTS ON UGANDA PUBLISHED OR ACCESSED BETWEEN 3 FEBRUARY 2011 AND 20 APRIL 2011

The Home Office is not responsible for the content of external websites.

United States Department of State www.state.gov

Country Report on human rights practices – 2010: Uganda. Published by the Bureau of Democracy, Human Rights, and Labor, 8 April 2011

<http://www.state.gov/g/drl/rls/hrrpt/2010/af/154375.htm>

Date accessed 20 April 2011

Human Rights Watch <http://www.hrw.org/>

Human Rights Watch, March 2011

Violence instead of vigilance

<http://www.hrw.org/en/reports/2011/03/23/violence-instead-vigilance>

Date accessed 24 March 2011

Foreign and Commonwealth Office <http://www.fco.gov.uk/>

Human Rights and Democracy: The 2010 Foreign and Commonwealth Office Report, March 2011

<http://s3-eu-west-1.amazonaws.com/htcdn/Human-Rights-and-Democracy-The-2010-Foreign-Commonwealth-Report.pdf>

Date accessed 24 March 2011

USEFUL NEWS SOURCES FOR FURTHER INFORMATION

A list of news sources with Weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report. The full list of sources used in this report can be found in [Annex E – References to source material](#).

AlertNet (Thomson Reuters) <http://www.alertnet.org/thenews/newsdesk/index.htm?news=all>

British Broadcasting Corporation (BBC) <http://news.bbc.co.uk>

Cable News Network (CNN) <http://edition.cnn.com/WORLD/?fbid=i0gUtrVnUAY>

Integrated Regional Information Networks (IRIN) <http://www.irinnews.org/>

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Background Information

1. GEOGRAPHY

- 1.01 Europa World online, undated, accessed 6 July 2010, stated that: “The Republic of Uganda is a land-locked equatorial country in East Africa, bordered by Sudan to the north, the Democratic Republic of the Congo to the west, Kenya to the east and Rwanda, Tanzania and Lake Victoria to the south...” [1a] (Location, Climate, Language, Religion, Flag, Capital) ... covering an area of 241,038 sq km (93,072 sq miles). (BBC News, Uganda country profile, updated on 20 October 2010). [2a] The main towns/cities are: “Kampala (capital, pop. 1,403,600 in 2006), Gulu (160,200), Lira (131,200), Jinja (95,200), Mbarara (82,700), Mbale (78,500), Mukono (76,000), Kasese (72,700), Masaka (66,700), Entebbe (64,800).” (The Commonwealth Secretariat, Uganda – Geography, undated, accessed 12 January 2011) [74a]
- 1.02 UN Data, a World of Information, accessed 31 January 2011 estimated the population in 2008 was 31,657,000; with around 13 per cent living in urban areas. [66e] The age structure of the population was estimated to be as follows: 0-14 years: 50 per cent (male 8,407,732/female 8,285,495); 15-64 years: 47.9 per cent (male 8,058,434/female 7,943,766); 65 years and over: 2.1 per cent (male 289,121/female 414,134) (2010 est.) (Central Intelligence Agency (CIA), World Factbook, updated 12 January 2011). [4a] (People)
- The [City Population](#) website provided further information on population details of the Districts and principal towns. [46a]
- 1.03 The population is made up of “... over 20 ethnic groups including Baganda (17%), Banyankole (8%), Basoga (8%), Iteso (8%), Acholi and Langi. Small Asian and European” communities also exist.” (Foreign and Commonwealth Office, Country Profile, Uganda, updated 31 July 2009) [3a] The CIA World Factbook, updated 12 January 2011, provided figures based on the 2002 census for the religious beliefs of the population, the large majority of whom were Christian, “Roman Catholic 41.9%, Protestant 42% (Anglican 35.9%, Pentecostal 4.6%, Seventh Day Adventist 1.5%), Muslim 12.1%, other 3.1%, none 0.9%.” [4a]
- 1.04 The CIA World Factbook, updated 12 January 2011, stated that: “English is the official national language, taught in grade schools, used in courts of law and by most newspapers and some radio broadcasts. Ganda or Luganda (most widely used of the Niger-Congo languages, preferred for native language publications in the capital and may be taught in school), other Niger-Congo languages, Nilo-Saharan languages, Swahili and Arabic” are also spoken. [4a]
- 1.05 Europa stated the following holidays will take place in 2011 which “... are dependent on the Islamic lunar calendar and the exact dates may vary by one or two days from those given “January (New Year’s Day); 26 January (Liberation Day); 8 March (International Women’s Day); 22–25 April (Easter); 1 May (Labour Day); 3 June (Martyrs’ Day); 9 June (National Heroes’ Day); 30 August* (Id al-Fitr, end of Ramadan); 9 October (Independence Day); 6 November* (Id al-Adha, Feast of the Sacrifice); 25 December (Christmas); 26 December (Boxing Day).” [1a]

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MAP

1.06 Map of Uganda



[66f] (United Nations, May 2003)

A map showing [Uganda's Administrative Areas](#), dated 2007, was provided by the United Nations High Commissioner for Refugees (UNHCR). [50c]

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2. ECONOMY

- 2.01 The Central Intelligence Agency (CIA), World Factbook, Uganda, updated 11 January 2011, noted that:

“Uganda has substantial natural resources, including fertile soils, regular rainfall, small deposits of copper, gold, and other minerals, and recently discovered oil. Uganda has never conducted a national minerals survey. Agriculture is the most important sector of the economy, employing over 80% of the work force. Coffee accounts for the bulk of export revenues. Since 1986, the government - with the support of foreign countries and international agencies - has acted to rehabilitate and stabilize the economy by undertaking currency reform, raising producer prices on export crops, increasing prices of petroleum products, and improving civil service wages. The policy changes are especially aimed at dampening inflation and boosting production and export earnings. Since 1990 economic reforms ushered in an era of solid economic growth based on continued investment in infrastructure, improved incentives for production and exports, lower inflation, better domestic security, and the return of exiled Indian-Ugandan entrepreneurs. Uganda has received about \$2 billion in multilateral and bilateral debt relief. In 2007 Uganda received \$10 million for a Millennium Challenge Account Threshold Program. The global economic downturn has hurt Uganda's exports; however, Uganda's GDP growth is still relatively strong due to past reforms and sound management of the downturn. Oil revenues and taxes will become a larger source of government funding as oil comes on line in the next few years. Instability in southern Sudan is the biggest risk for the Ugandan economy in 2011 because Uganda's main export partner is Sudan and Uganda is a key destination for Sudanese refugees.” [4a] (Economy)

- 2.02 The Foreign and Commonwealth Office (FCO), updated 31 July 2009, stated in its Uganda Country Profile:

“Uganda relies heavily on agriculture, the basis of livelihood for 80% of the population. Plantains, cassava, sweet potatoes and maize are major subsistence crops. The major export crop is coffee, with some revival of tea, tobacco and cotton production. There is a modest manufacturing and tourism sector and relatively new development of horticulture. Exports continue to rise. Successful exploration has revealed oil reserves which may have an important future economic impact.” [3a] The Central Intelligence Agency (CIA) commented: “Other natural resources include copper, cobalt, hydropower, limestone, salt, arable land and gold. “ [4a]

- 2.03 The World Food Programme (WFP) also stated in its report *Comprehensive Food Security & Vulnerability Analysis (CFSVA)*, published April 2009: “Uganda is among the poorest countries in the world, with a GDP per capita of \$250 and a GDP per capita PPP10 estimated at \$1,457, lower than the sub-Saharan countries average.” [31b]

- 2.04 Oanda noted on 19 April 2011 the current exchange rate for the Ugandan shilling as:

1 Ugandan shilling = £0.00026 pounds sterling or \$0.00042 US dollars. [84a]

- 2.05 *The Monitor* stated in an article published on 25 October 2010 “The government had passed the National Employment Policy which will guarantee the rights of workers and set a minimum wage. The policy presented to Cabinet by Labour Minister Gabriel Opiyo was passed last Thursday (21 October 2010)...

- “Mr Opio confirmed the development ...and said the policy which has been under review since 1998, will enable the government to effectively utilise the available labour force and tap its natural resources...Uganda is one of the few countries in Africa which had no comprehensive national employment policy. The country also lacks a minimum wage. The last minimum wage of Shs 6,000 [er month was last set in 1984, under the Obote II regime.” [9g]
- 2.06 The WFP stated “On average, the households [in the survey] spent approximately 30,000US\$ per month per capita (16USD). This was mainly reported as coming from own-generated cash. Of the total monthly expenditure, 53.5% was used for food items.” [31b]
- 2.07 *East African Business* noted Uganda's inflation hit its highest in four months on 31 January 2011 “Uganda recorded a higher inflation rate in the last four months when it jumped from 1.7% in August to 3.1% in December 2010 according to statistics from the Bureau of Statistics. The bureau said in Kampala last week that though there was a double jump; Uganda registered the lowest inflation rate in the month, compared to other East African member countries.” [27a]
- 2.08 However, it was also noted on 31 January in the *New Vision, Food Prices Push up Inflation*, that: “Uganda’s inflation rate has continued to rise for a third consecutive month to 5.0% in January from 3.1% in December 2010.” [60e]
- 2.09 The World Food Programme commented in an undated Overview of Uganda, accessed 25 August 2010:
- “...hunger challenges remain countrywide. Uganda as a whole has no lack of food, however, access to and the use of it are inadequate in many locations. The northeastern Karamoja region is most vulnerable. The combination of frequent natural disasters, gun violence, severe environmental degradation, extreme poverty, poor hygiene and other factors has eroded people’s capacity to cope with crises. Thus, relatively small shocks can lead to acute malnutrition.” [31a]
- 2.10 The same source added: “Even in the absence of a specific crisis, communities struggle with chronic hunger (stunting), especially children. More than half of all children under five years of age in Karamoja and the southwest are stunted. Across the country, the stunting rate is above 38 percent.” [31a]

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3. HISTORY

This section provides a brief history of Uganda from independence, with the focus on more recent events.

See also [Annex A](#): Chronology of major events

POLITICAL DEVELOPMENTS: 1962 – EARLY 2011

- 3.01 The Freedom House report, *Freedom in the World 2010*, Uganda, released in May 2010, covering events in 2009 (FH Report 2010), noted:

“Following independence from Britain in 1962, Uganda experienced considerable political instability. President Milton Obote, an increasingly authoritarian leader, was overthrown by Major General Idi Amin in 1971. Amin’s brutality made world headlines as hundreds of thousands of people were killed. However, his 1978 invasion of Tanzania led to his ouster by Tanzanian forces and Ugandan exiles. After Obote returned to power in 1980 through fraudulent elections, opponents, primarily from southern Ugandan ethnic groups, were savagely repressed.

“Obote was overthrown a second time in a 1985 military coup, and in 1986 the rebel National Resistance Army, led by Yoweri Museveni, took power. Museveni introduced a ‘no party’ system, with only one supposedly nonpartisan political organization – the National Resistance Movement (NRM) – allowed to operate unfettered. This system lasted for two decades.” [11a]

- 3.02 The US Department of State (USSD) *Background Note*: Uganda, updated 28 June 2010, observed that:

“A referendum was held in March 2000 on whether Uganda should retain the Movement system, with limited operation of political parties, or adopt multi-party politics. Although 70% of voters endorsed retention of the Movement system, the referendum was widely criticized for low voter turnout and unfair restrictions on Movement opponents. Museveni was reelected to a second five-year term in March 2001. Parliamentary elections were held in June 2001, and more than 50% of contested seats were won by newcomers. Movement supporters nevertheless remained in firm control of the legislative branch. Observers believed that the 2001 presidential and parliamentary elections generally reflected the will of the electorate; however, both were marred by serious irregularities, particularly in the period leading up to the elections, such as restrictions on political party activities, incidents of violence, voter intimidation, and fraud.” [30a]

- 3.03 The FH Report 2010 noted: “Museveni and the NRM won presidential and legislative elections in 2001. While a ban on most formal party activities restricted the opposition, observers generally deemed the voting transparent and held that Museveni would have won in an open contest. The opposition boycotted the parliamentary elections, and the NRM’s comfortable legislative majority was buttressed by dozens of special-interest representatives.” [11a]

- 3.04 The USSD *Background Note* stated:

“A Constitutional Review Commission (CRC) issued a report proposing comprehensive constitutional change in December 2003. The government, however, took issue with

many CRC recommendations and made counter-proposals in September 2004. A July 2005 national referendum resulted in the adoption of a multiparty system of government and the subsequent inclusion of opposition parties in elections and government.

“In February 2006, the country held its first multiparty general elections since President Museveni came to power in 1986. The election generally reflected the will of the people, although serious irregularities occurred. Ruling NRM candidate President Museveni was declared the winner with 59.3% of the vote, giving him a third term in office following the passage of a controversial amendment in June 2005 to eliminate presidential term limits. Opposition FDC leader Kizza Besigye captured 37.4% of the vote, while the remaining contestants received less than 2% of the vote each, according to official figures from the Electoral Commission.” [30a]

3.05 The FH Report 2010 stated that “A leading Museveni opponent, Kizza Besigye of the Forum for Democratic Change (FDC), returned from exile to contest the 2006 presidential election. He was arrested on charges including treason and rape, and was defeated at the polls by Museveni, who took 59 percent of the vote. The NRM also won a large majority in concurrent parliamentary elections. Besigye was later cleared of the rape charges, but the treason case remained outstanding.” [11a]

3.06 The same source noted that:

“In February 2009, Besigye was reelected as FDC party chairman, and was the party’s favored candidate for the 2011 presidential election, in which Museveni was also expected to run. Adding to the field, former foreign minister and UN undersecretary general Olara Otunnu returned to Uganda in August after 23 years abroad.

“Local council elections were held in May [2009] amid low voter turnout. The NRM dominated the balloting, doing well in areas outside its traditional power base. The only opposition party to make an impact was the FDC.

“In September [2009], growing tensions between the government and the Buganda region concerning land-reform legislation erupted into violence after police stopped Ronald Muwenda Mutebi II, monarch of the Baganda ethnic group, from attending a rally. At least 20 people were killed in two days of rioting in Kampala, and hundreds were arrested.” [11a]

Conflict with Lord’s Resistance Army (LRA): 1986 to 2010

3.07 The US Department of State (USSD) commented in its *Background Note* on Uganda, published 28 June 2010:

“The vicious and cult-like Lord’s Resistance Army (LRA), which seeks to overthrow the Ugandan Government, had murdered and kidnapped civilians in the north and east since 1986. Although the LRA does not threaten the stability of the government, LRA violence at one time displaced up to 1.8 million people, creating a humanitarian catastrophe, particularly when they were forced into internally displaced persons (IDP) camps for their own protection.

“The Uganda Peoples Defense Force (UPDF) launched ‘Operation Iron Fist’ against LRA rebels in northern Uganda in 2002 and conducted operations against LRA

sanctuaries in southern Sudan with the permission of the Sudanese Government. The Sudanese Government had previously supported the LRA.

“In 2005, the Ugandan military pushed the LRA out of northern Uganda. The LRA escaped to the Democratic Republic of the Congo (D.R.C.) and continued to operate there, southern Sudan, and occasionally in Central African Republic. Under military pressure, the LRA requested peace talks. Government of Southern Sudan Vice President Riek Machar mediated a 2-1/2 year peace process which resulted in a Final Peace Agreement (FPA) in April 2008.

“LRA leader Joseph Kony refused to sign the FPA and continued to commit atrocities against local populations in D.R.C., southern Sudan, and C.A.R. In December 2008, the Governments of Uganda, D.R.C., and southern Sudan launched a joint military operation against the LRA in northeastern D.R.C. A follow-on operation is ongoing

“There have been no LRA attacks in northern Uganda since August 2006. As a result, the majority of the 1.8 million IDPs have returned to or near their homes.” [30a]

- 3.08 The Human Rights Watch *World Report 2011* (HRW World Report 2011), Uganda, released in January 2011, covering events in 2010, observed that:

“While relative calm continued to prevail in northern Uganda, the Ugandan armed rebel group the Lord's Resistance Army (LRA) continued killings and abductions across Central African Republic, southern Sudan and northern Democratic Republic of Congo (see chapter on the DRC).

“Warrants issued by the International Criminal Court for LRA leaders in 2005 remain outstanding. President Museveni reportedly signed a bill domesticating the Rome Statute in May prior to the [International Criminal Court] ICC Review Conference in Kampala. The newly created War Crimes Division of the Ugandan High Court is expected to begin its first trial in 2011 of LRA fighter Thomas Kwoyelo, charged with willful killing, taking hostages, and extensive destruction of property. Kwoyelo has applied for amnesty.” [41b]

Amnesty for rebels (including LRA combatants)

- 3.09 The US Department of State *Country Report on Human Rights Practices 2009*, Uganda (USSD Report 2009), released on 11 March 2010, noted that: “The government has offered a blanket amnesty since 2000 to former combatants for treason charges to encourage defection from the LRA and other rebel groups. Almost 23,500 individuals have benefited from the law, more than half of whom were former LRA combatants.” [30b] (Section 1d)

- 3.10 Amnesty International also commented on 20 February 2008 in the article *Uganda Strikes Deal with LRA on trial*: “The Ugandan government has struck a deal with the Lord's Resistance Army (LRA) about where their leaders will be tried. LRA leaders accused of crimes against humanity and war crimes would be tried by a national court under the terms of the deal.

“The Rome Statute provides that, once the men have been surrendered to the ICC (International Criminal Court), the Ugandan government may then apply to have the cases returned to Ugandan courts. However, it would be up to the Pre-Trial Chamber of

the ICC to decide whether Ugandan courts are able and willing to genuinely investigate and prosecute the LRA suspects named in the warrants.

“Amnesty International has called for LRA members charged with crimes under international law to be surrendered to the International Criminal Court (ICC) immediately. [10e] The full article can be read [here](#).

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4. RECENT DEVELOPMENTS

KAMPALA BOMBINGS JULY 2010

4.01 The Congressional Research Service (CRS) stated in the report *Uganda: Current Conditions and the Crisis in North Uganda*, published 9 December 2010 that:

“On July 11, 2010, the Somali terrorist group Al-Shabaab carried out multiple suicide bombings in Kampala, Uganda. An estimated 76 people, including one American, were killed and more than 80 injured. The United Nations, the African Union, and the United States condemned the terrorist attacks. More than 20 suspects are currently in prison. (summary) The attacks took place at a rugby club and Ethiopian restaurant while people were watching the final match of the World Cup. The following day, an Al-Shabaab official, Ali Mohamud Rage, stated that “we are sending a message to Uganda and Burundi, if they do not take out their AMISOM troops from Somalia, blasts will continue and it will happen in Bujumbura (Burundi’s capital) too.” [81a] (Recent developments)

4.02 Ugandansabroad, reported on 24 May 2010:

“Yesterday [23 May 2010], at 5 P.M., President Obama signed the Lord’s Resistance Army and Northern Uganda Recovery Act, after it overwhelmingly passed in Congress last week. The legislation is a victory for grassroots organizations like Resolve Uganda, Invisible Children, and the Genocide Intervention network, who have been campaigning on behalf of northern Uganda for years. Obama said it would be ‘vigorously’ implemented.

“The act comes at a critical time, when the Lord’s Resistance Army has escalated its attacks in the DR Congo, Central African Republic, and Sudan. Although the Ugandan and Congolese governments continue to maintain that the LRA is largely decimated, the armed group continues to kill hundreds of civilians, abduct many women, and conscript countless children into its forces, according to Human Rights Watch. Their report, ‘Trail of Death’ details the terror the LRA has unleashed on northeastern Congolese communities, drawing upon 128 interviews.

“The bill pushes President Obama to come up with a strategy to permanently end the LRA conflict within 180 days, and increases humanitarian aid for LRA-affected communities in the DR Congo, Central African Republic and Sudan. It also allocates \$10 million a year to support reconciliation and justice processes in Uganda, and threatens to cut foreign aid to Uganda if it does not implement the Northern Uganda Development and Recovery Act, which the government introduced in 2007. Obama promised to implement the bill ‘vigorously’, and expressed concern for LRA-affected communities, particularly those where children had been abducted and conscripted, according to reporting by Reuters.” [40a]

4.03 The CRS report, published 9 December 2010 stated that in late November 2010:

“... the Obama Administration announced a policy entitled a ‘Strategy to Support the Disarmament of the Lord’s Resistance Army.’ The new strategy calls for support to eliminate the threat to civilians and regional stability posed by the LRA. The strategy has four objectives: ‘1. increase protection of civilians; 2. apprehend or remove from battlefield Joseph Kony and senior commanders; 3. promote defection, disarmament,

demobilization, and reintegration of LRA fighters, and 4. increase humanitarian access and provide continued relief to affected communities’.” [81a] (Recent developments)

See [Latest news](#) for recent information.

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5. CONSTITUTION

5.01 The CIA *World Factbook: Uganda*, 6 April 2011 noted that the Constitution was adopted on 8 October 1995 and amended in 2005. “The amendments in 2005 removed presidential term limits and legalized a multiparty political system.” [4a] (Government)

5.02 The Freedom House report, *Freedom in the World 2010*, Uganda, released in May 2010, covering events in 2009 (FH Report 2010), noted:

“The National Assembly passed the Political Parties and Organizations Act in 2002, setting conditions under which political parties could be registered and function. The Constitutional Court ruled in 2003 that parts of the law were unconstitutional, and in 2004 it voided restrictions on the freedom of political parties to function. Ugandan voters in 2005 approved constitutional amendments that lifted the ban on political parties and repealed the prohibition on sitting presidents running for a third term, allowing Museveni to seek reelection in 2006.” [11a]

5.03 The revisions to the 1995 Constitution were enacted on 31st December 2005. There remains provision for women, youth and people with disabilities and cultural or traditional leaders to have a voice in Regional Government:

(b) representatives of women, who shall not be less than one third of the membership;
(c) representatives of the youth and persons with disabilities;
(d) representatives of indigenous cultural interests in areas where there is a traditional or cultural leader, nominated by the traditional or cultural leader but not exceeding fifteen per cent of the members of the regional assembly;
Fifth Schedule, Regional Governments, Article 178 Constitution (Amendment) (No 2) 2005 Act [45a] (Fifth Schedule, Regional Governments, Article 178)

The Constitution (Amendment) (No 2) 2005 Act can be accessed [here](#).

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6. POLITICAL SYSTEM

- 6.01 The US Department of State *Country Report on Human Rights Practices 2009: Uganda* (USSD Report 2009), released on 11 March 2010, stated that Uganda: "... is a constitutional republic led by President Yoweri Museveni of the dominant National Resistance Movement (NRM) party." [30b] (introductory section)

EXECUTIVE BRANCH

- 6.02 The Central Intelligence Agency (CIA) noted in *The World Factbook*, updated 6 April 2011: "[C]hief of state: President Lt. Gen. Yoweri Kaguta MUSEVENI (since seizing power on 26 January 1986); note - the president is both chief of state and head of government

"[H]ead of government: President Lt. Gen. Yoweri Kaguta MUSEVENI (since seizing power on 26 January 1986); Prime Minister Apolo NSIBAMBI (since 5 April 1999); note - the prime minister assists the president in the supervision of the cabinet

"[C]abinet: Cabinet appointed by the president from among elected legislators (For more information [on members of the cabinet] visit the World Leaders website)

"[E]lections: president reelected by popular vote for a five-year term; election last held on 23 February 2006 (next to be held on 18 February 2011)

"[E]lection results: Lt. Gen. Yoweri Kaguta MUSEVENI elected president; percent of vote - Lt. Gen. Yoweri Kaguta MUSEVENI 59.3%, Kizza BESIGYE 37.4%, other 3.3%" [4a] (Government)

LEGISLATIVE BRANCH

- 6.03 The CIA also noted in the *World Factbook*: "[U]nicameral National Assembly (332 seats; 215 members elected by popular vote, 104 nominated by legally established special interest groups [women 79, army 10, disabled 5, youth 5, labor 5], 13 ex-officio members; members to serve five-year terms)

"[E]lections: last held on 23 February 2006 (next to be held on 18 February 2011)

"[E]lection results: percent of vote by party – N[ational] A[ssembly]; seats by party - NRM 205, FDC 37, UPC 9, DP 8, CP 1, JEEMA 1, independents 37, other 34 [for a list of parties and full titles see Political parties below]." [4a] (Government)

- 6.04 The CIA also noted in a later version of its *World Factbook*, updated 20 January 2011 that the Government of Uganda is a "Republic.....the amendments in 2005 removed presidential term limits and legalized a multiparty political system".[4a]

- 6.05 The Freedom House report, *Freedom in the World 2010*, Uganda, released in May 2010, covering events in 2009, observed that:

"Uganda is not an electoral democracy. The single-chamber National Assembly and the powerful president, who faces no term limits, are elected for five-year terms. Of the current legislature's 332 members, 215 are directly elected and 104 are indirectly elected from special interest groups including women, the military, youth, the disabled,

and trade unions. Thirteen ex-officio seats are held by cabinet ministers, who are not elected members and do not have voting rights.

“The National Assembly has asserted some independence, censuring high-level executive officials and exercising oversight to influence a number of government actions and policies. However, there are significant concerns regarding the ability of opposition parties to compete with the ruling National Resistance Movement (NRM). A long-standing ban on political party activity was formally lifted in 2005, but the opposition is still hindered by restrictive party registration requirements, voter and candidate eligibility rules, the use of government resources to support NRM candidates, and paramilitary groups—such as the Kiboko Squad and the Black Mambas—that intimidate voters and government opponents. Army representatives in the National Assembly have openly campaigned for Museveni. The independence of the electoral commission has also been called into question, but Museveni nevertheless renewed the panel and reappointed its incumbent chairman in August 2009.” [11a]

POLITICAL PARTIES

6.06 The CIA *World Factbook*, Uganda, updated on 12 January 2011, listed the following parties:

“Conservative Party or CP [Ken LUKYAMUZI]; Democratic Party or DP [Kizito SSEBAANA]; Forum for Democratic Change or FDC [Kizza BESIGYE]; Inter-Party Cooperation or IPC (a coalition of opposition groups); Justice Forum or JEEMA [Muhammad Kibirige MAYANJA]; National Resistance Movement or NRM [Yoweri MUSEVENI]; Peoples Progressive Party or PPP [Bidandi SSALI]; Ugandan People's Congress or UPC [Miria OBOTE] [.N]ote: a national referendum in July 2005 opened the way for Uganda's transition to a multi-party political system”. [4a] (Government)

See Section 13: [Political affiliation](#) for information on political rights in practice and [Annex B: Political organisations. See Latest news for outcome of February 2011 national elections.](#)

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Human Rights

7. INTRODUCTION

- 7.01 The Freedom House report, *Countries at the Crossroads 2010*, Country Report – Uganda, April 2010, stated:

“Despite much political and economic progress over the last two decades, the increasingly personal and patronage-based rule of President Yoweri Museveni remains the most significant obstacle to the expansion of democracy and rule of law in Uganda. Uganda's significant ethnic, regional, and religious divisions have also complicated efforts to protect basic freedoms and prevent corruption. Civilian and military figures from the north, the country's poorest and least populous region, had controlled the government from independence in 1962 until Museveni and his National Resistance Army (NRA) seized power in 1986. Officials in Buganda, formally the Central Region, have always resisted control by the national government to protect their region's educational and economic advantages... Progress on democracy, civil liberties, and government accountability stalled between December 2005 and March 2009, largely, and paradoxically, because Museveni orchestrated the return of multiparty elections as part of a scheme to extend his rule and increase his political dominance. Instead of retiring after his second and final term in the ‘no-party’ political system, he arranged two constitutional changes in 2005: the removal of presidential term limits and the restoration of parties. This paved the way for his reelection and a two-thirds parliamentary majority for his ‘new’ party, the National Resistance Movement (NRM), in 2006.

“During the next three years [2006-9], Museveni's overriding personal role in policymaking remained unchallenged. Members of civil society and Parliament continued to fight for alternatives, but their effectiveness declined. The media regularly exposed instances of corruption, and prosecutors pursued some cases, convicting a former army commander and several mid-level officials. However, they secured no convictions of top politicians. Nonetheless, when the president's political interests are not at stake, he typically works within formal institutions and adheres to the text of existing rules, although often not to their spirit.” [11b] (Introduction)

- 7.02 Human Rights Watch (HRW) noted in its *World Report 2011* Uganda, released January 2011, covering events in 2010, that:

“Freedoms of assembly and expression in Uganda have come under attack in 2010, the pressure intensifying in advance of presidential and parliamentary elections scheduled for February 2011. Journalists critical of the government face intimidation and sometimes criminal charges from state agents and members of the ruling party. Security and quasi-military organizations continue to illegally detain and torture suspects, in some instances leading to death. Impunity for human rights abuses persists. For example, Uganda failed to carry out investigations or prosecutions for the deaths of at least 40 people killed, some by military police, in riots in September 2009.

“Some fear of violence around the 2011 elections was furthered by irregularities surrounding the ruling National Resistance Movement primaries in August 2010. Roughly 350 petitions were filed with the party's electoral commission, alleging beatings, intimidation, and bribery. Investigations are ongoing at this writing.” [41b]

24 The main text of this COI Report contains the most up to date publicly available information as at 2 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 23 March 2011.

- 7.03 The Amnesty International Report 2010: *The state of the world's human rights*: Uganda (AI Report 2010) covering events in 2009 and published on 27 May 2010, noted:

“Law enforcement officials were not held to account for human rights violations including unlawful killings, torture and other ill-treatment. The government attacked freedom of expression and press freedom. Despite a high prevalence of gender based violence, there was little progress in bringing perpetrators to justice and implementing long promised legislative reforms. Lesbian, gay, bisexual and transgender (LGBT) people continued to face discrimination and other human rights violations, and a draft law threatened to further entrench discrimination against them. Death sentences were passed there were no executions.” [10a]

- 7.04 The US Department of State *Country Report on Human Rights Practices 2009*: Uganda (USSD Report 2009), released on 11 March 2010, noted in its introductory section that:

“Serious human rights problems in the country included arbitrary and politically motivated killings; vigilante killings; politically motivated abductions; 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, association, and religion; 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 homosexuals; restrictions on labor rights; and forced labor, including child labor.” [30b]

- 7.05 The HRW World Report 2011: Uganda stated:

“Opposition demonstrations protesting the composition of the electoral commission were met with police brutality. For example, in January [2010] 33 women from an opposition coalition were charged with illegal assembly, and in June police severely beat these women as they exited a court appearance causing four to be hospitalized.

“Ugandan officials have repeatedly failed to hold state actors involved in election-related violence accountable. That continued in 2010, for example in March at the Rukiga by-election, where police detained six opposition supporters and beat others who attempted to bring food to detainees leaving one person in a coma. Police were not charged with any crime.” [41b]

- 7.06 The same source continued:

“The Ugandan government uses media and penal laws to prosecute journalists, restrict who can lawfully work as a journalist, and revoke broadcasting licenses without due process. Journalists face harassment and threats, especially outside the capital. After being forced off air by security agents during the September 2009 riots, CBS Radio was permitted to operate again in October 2010. The government never provided evidence in court of any wrongdoing.

“In August the constitutional court ruled, after five years, that the crime of sedition is unconstitutional. The court upheld the constitutionality of the crime of ‘promoting sectarianism,’ which prohibits any act promoting ‘feelings of ill will or hostility’ on

account of religion, tribe, ethnicity, or regional origin. At least four journalists and some opposition politicians who criticized alleged government favoritism of some ethnicities over others currently face this charge, which has effectively silenced debate.

“At this writing, the government is considering draft amendments to the media law, which would further imperil freedom of expression.” [41b]

For a fuller picture of the issues which affect freedom of speech see Section 14, [Freedom of speech and media](#).

7.07 In addition, the HRW *World Report 2011*: Uganda quoted:

“Indicating a troubling authoritarian trend as elections loom, Parliament and the Cabinet drafted and debated a raft of repressive legislation.

“The draft Public Order Management Bill would grant the inspector general of police and the minister of internal affairs wide discretionary powers over the management of all public meetings. The draft bill imposes extensive obligations on meeting organizers, which violates rights to freedom of assembly and speech. The bill would also allow state actors to regulate the conduct and content of discussions. The Constitutional Court has already deemed some of these provisions unconstitutional in previous cases.

“The draft Press and Journalist Amendment Bill requires print media to be annually registered and licensed by government regulatory bodies. It empowers the Media Council to deny licenses based on its assessment of the newspaper's "values" and revoke them at will.” [41b]

7.08 The Refugee Law Project commented in [The Rise & Fall of Human Rights in Uganda?](#) on the situation of human rights in the country on Human Rights Day, 10 December 2010. [20a]

7.09 The following UN Conventions have been ratified or acceded to by Uganda:

- International Covenant on Economic Social and Cultural Rights – ICESCR Acceded: 21 January 1987. No reservations

- International Covenant on Civil and Political Rights – ICCPR Acceded: 21 June 1995. No reservations Optional Protocol: Acceded: 14 November 1995.

- International Convention on the Elimination of all Forms of Racial Discrimination - ERD Acceded: 21 November 1980. No reservations.

- Convention on the Elimination of All Forms of Racial Discrimination – CEDAW Ratified: 22 July 1985. No reservations

- Convention on the Rights of the Child – CRC Ratified: 17 August 1990. No reservations

- International Convention on the protection of the Rights of all Migrant Workers and Their Families – CMV Acceded: 14 November 1995

- International Convention on the Rights of Persons with Disabilities – CRPD Ratified: 25 September 2008 No reservations. [16a]

- 7.10 The Economist Intelligence Unit noted in its *Country Report, Uganda* dated 7th January 2011: “The Economist Intelligence Unit's 2010 democracy index ranks Uganda 98th out of 167 countries, up by three places on its rank in 2008. The country's overall score (out of 10) improved marginally from 5.03 in 2008 to 5.05 in 2010. Although there was no large improvement in Uganda's score, it moved up the table because of a decline in democracy across the world as the impact of the economic and financial crisis led to a backsliding on previous progress in democratisation. Uganda maintains its place among countries considered to be "hybrid regimes", which include other African countries such as Tanzania, Ghana, Senegal and Mozambique. This ranks it behind other African states such as South Africa, Namibia, Ghana and Botswana, which are classed as "flawed democracies". Mauritius remains the continent's only full democracy.” [85a]

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8. SECURITY FORCES

- 8.01 The US Department of State *Country Report on Human Rights Practices 2009: Uganda*, (USSD Report 2009) released on 11 March 2010, stated:

“The Uganda Police Force (UPF), under the Ministry of Internal Affairs, has primary responsibility for law enforcement. The [Uganda Peoples’ Defence Force] UPDF is the key armed force charged with external security but had partial responsibility for maintaining order in the north, where it was deployed to protect civilian [internally displaced persons] IDPs from rebel attacks and to prevent violence resulting from interclan cattle raids in the Karamoja Region. The Internal Security Organization (ISO) and External Security Organization (ESO), key security agencies and intelligence-gathering entities under the direct control of the president and the minister of security, occasionally detained civilians. The [Chieftancy of Military Intelligence] CMI is legally under the Uganda People's Defence Force (UPDF) authority, although it often acted as a semiautonomous unit by detaining civilians suspected of rebel and terrorist activity, as did the ISO and ESO. The Joint Anti-terrorism Taskforce (JATT), a paramilitary group under the CMI, has no codified mandate but illegally detained numerous civilians suspected of rebel and terrorist activity. The JATT is a joint command whose members are drawn from the UPDF, police, ISO, and ESO. [Local Defence Units – local militia] LDUs reinforced government efforts to protect civilians and sometimes participated in offensive military operations and carried out police functions.” [30b] (section 1c)

- 8.02 The USSD Report 2009 noted in its introductory section that “While civilian authorities generally maintained effective control of the security forces, elements of the security forces occasionally acted independently of government authority.” [30b] On the same subject the Freedom House report, *Countries at the Crossroads 2010*, (FH CC 2010 report) Uganda, released in April 2010, noted that: “Because the president effectively controls the security forces, there is civilian oversight, but it is personal rather than institutional in nature. The legislative and judicial branches are unable to exercise effective supervision.” [30b] (Rule of law, p11)

POLICE

- 8.03 The Ugandan Police Force (UPF) website, undated, accessed 7 September 2010, listed the following directorates:

- Administration;
 - Operations;
 - Criminal Investigations;
 - Counter Terrorism;
 - Research, Planning and Development;
 - Political Commissariat;
 - Information and Communications Technology;
 - Human Resources Development and Management;
 - Logistics and Engineering;
 - Interpol and Peace Support Operations [49a] (Directorates)
- 8.04 The USSD Report 2009 observed that “The UPF continued to be constrained by limited resources, including low pay and lack of vehicles, equipment, and training. Corruption and impunity were problems. By year's end [2009], 24 police officers had been charged with corruption, although none had been discharged or dismissed for accepting bribes.” [30b] (section 1d)
- See subsection – [Avenues of complaint](#) below for more information about impunity and mechanisms for holding the police to account. For information on corruption generally see Section 16: [Corruption](#).
- 8.05 The USSD Report 2009 also noted that:
- “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 30 new [Special Police Constables - local residents appointed and employed to reinforce the police force] SPCs at each subcounty headquarters and 12 SPCs per division in municipalities. Many of the new SPCs were former members of LDUs, the overall membership of which continued to decrease. Of the 6,700 police officers in the north, 4,500 were SPCs, who received less training than police officers and were employed on contract.” [30b] (section 1d)
- 8.06 The same source stated that:
- “In conjunction with the [Ugandan High Rights Commission] UHRC and international organizations such as the [International Committee for the Red Cross] ICRC and the UN Office of the High Commissioner for Human Rights, the UPDF and police continued to train officers on internationally recognized human rights standards. During the year 289 police officers attended human rights and constitutional workshops. The police, UPDF, and Prisons Service also used human rights manuals in their training programs.” [30b] (section 1c)
- 8.07 For useful background on the UPF see response to information request, [Overview of the police force, including structure, size and division of duties; police militarization;](#)

[existence of police complaints authority and recourse available to individuals who file complaints against the police](#), completed by the Immigration and Refugee Board of Canada, dated 3 June 2008. [14b]

8.08 The USSD Report 2009 also noted that

“Police use of excessive force, including live ammunition, to disperse demonstrators, resulted in deaths and injuries. For example, on February 16, in Nakaseke District, SPC Paul Baita allegedly shot and killed William Byamugisha and Daniel Tumwine, students at Kaloke Christian High School, who were demonstrating against the quality of meals provided at the school. Four other students were injured and required medical treatment. On March 11, a court in Nakaseke charged Baita with attempted murder and remanded him to prison. Police investigations were ongoing at year's end.” [30b]

ARMED FORCES

8.09 The armed forces (the Uganda Peoples' Defence Force (UPDF)) - comprising the army, air force and navy - totalled 51,000 soldiers. There are also 30,000 reservists. (Jane's, Security Country Risk Assessment (SCRA), Uganda, updated 15 June 2010) [29a] (Armed forces) There was no conscription though once in the armed forces there is a 9-year service obligation. The “...government has stated that recruitment below 18 years of age could occur with proper consent and that ‘no person under the apparent age of 13 years shall be enrolled in the armed forces’” (Central Intelligence Agency, The World Factbook, Uganda, updated 18 August 2010) [4a] (Military)

8.10 Jane's *Security Country Risk Assessment (SCRA)* report, Uganda, Armed forces, updated 15 June 2010, commented that:

“The Uganda People's Defence Force (UPDF) is among the most powerful armed forces in central Africa and, with some 51,000 full-time troops and 30,000 reservists, an enormous force. Over a decade of action against rebel forces within Uganda and in support of groups in the Democratic Republic of Congo (DRC) has given the UPDF skills and experience almost unrivalled in Africa. However, the UPDF has failed to become a fully professional force and is still strongly influenced by its roots as a western-based guerrilla army. There have been problems of corruption with UPDF officers engaging in mineral extraction and other illegitimate activities while deployed in eastern DRC. While the army remains unquestionably subordinate to civilian authority, it is no longer the staunchly pro-Museveni organisation it once was, especially among the lower ranks. Nevertheless, while President Museveni's grip on the military may not be as strong as it once was, there seems little chance of a military coup being planned without discovery, and even less of it succeeding.” [29b] (Armed forces)

8.11 Jane's SCRA, Uganda, Executive summary, updated 18 February 2009, observed that “As long as security issues remain predominant, the Uganda People's Defence Force (UPDF) will continue to have a disproportionate influence over national policy and society will remain militarised.” [29a] The FH CC 2010 report stated that “The security forces frequently intrude on the political process. Despite Uganda's return to multiparty competition, the Army Council continues to choose 10 military officers to represent the UPDF in Parliament, and these MPs are required to support [National Resistance Movement – ruling party] NRM policies.” [11b] (Rule of law)

Section 13: [Political Affiliation](#) should be read in conjunction with the above for more information on political rights and treatment of the political opposition.

OTHER GOVERNMENT FORCES

- 8.12 The Human Rights Watch (HRW) report, *Open Secret, Illegal detention and torture by the Joint Anti-terrorism Taskforce in Uganda*, (HRW Open Secret report) published in April 2009, observed that:

“Under the constitution, the police are mandated to preserve law and order and to prevent and detect crime, but in reality, law enforcement in Uganda is also carried out by agencies and taskforces with varied and conflicting command hierarchies and very limited effective civilian oversight. In the past decade, there has been a proliferation of ad hoc security organizations working within the law enforcement and intelligence communities without mandates codified in law, some comprised of multiple organs of the state.” [41d] (*Structure of Security Organisations in Uganda*, p15)

- 8.13 The same source continued:

“One of these groups is the Joint Anti-Terrorism Task Force (JATT), but others include the Popular Intelligence Network (PIN), the Kalangala Action Plan (KAP), the Black Mambas, Operation Wembley, and its successor, the Violent Crime Crack Unit (VCCU), and its subsequent successor the Rapid Response Unit (RRU). These groups have all been accused at various times of human rights abuses. Some, such as PIN—a loose network of civilians collaborating with the military to unearth collaborators of the Lord’s Resistance Army (LRA) in 1996—and KAP, an armed group launched by President Museveni in the run-up to the elections of 2001—were relatively very short-lived. KAP drew its membership from loyalists of President Museveni’s National Resistance Movement (NRM) and was described by the president as a ‘political action group for disturbed areas.’ [41d] (*Structure of Security Organisations in Uganda*, p15)

Joint Anti-Terrorism Task Force (JATT)

- 8.14 The HRW Open Secret report stated:

“JATT is a joint unit, formed in 1999, that draws its personnel from the armed forces (the Uganda People’s Defense Force, UPDF), the police, and the internal and external intelligence organizations. The intelligence branch of the armed forces, the Chieftaincy of Military Intelligence (CMI), has operational command. JATT has no codified mandate, though the head of CMI told Human Rights Watch that JATT was established to deal with the threat posed by the Allied Democratic Forces (ADF), a Ugandan rebel group based in the Democratic Republic of Congo. But individuals allegedly linked to other groups, such as Al-Qaeda, have also suffered at the hands of JATT. Former detainees also told Human Rights Watch of non-Ugandans held in Kololo [illegal detention in eponymous suburb of Kampala] for long periods of time, although it is unclear why most of those individuals were detained.” [41d] (*Summary*, p3)

- 8.15 The same source noted that:

“JATT was created on May 13, 1999, specifically to ‘handle and quell’ the outbreak of bombings in Kampala in 1998 that had allegedly been carried out by the rebel Allied Democratic Forces (ADF). The director of counter-terrorism, who is the head of JATT, is

a senior officer of the UPDF and reports to the chief of military intelligence who is the 'overall operations coordinator.' ... Because JATT was established without an act of parliament or official publicly available directive, it has no official legally specified powers or law enforcement mandate... According to the official from the Ministry of Internal Affairs [unnamed by HRW], the initial plan for JATT did not include any powers of arrest or detention, but that since the mandate was not specified in law, activities of JATT -and abuses committed by JATT -have varied as the leadership has changed over the years. The official also stated that JATT has become increasingly reliant on paid informers who may not be telling the truth or who may, at times, be settling private scores. In the official's opinion, 'JATT has become powerful but ungovernable.'" [41d] (*The Joint Anti-Terrorism Task Force*, ps20-21)

See opening paragraphs of this section for overview of other government security agencies operating in Uganda.

HUMAN RIGHTS VIOLATIONS BY GOVERNMENT FORCES

8.16 The Freedom House *Country at the Crossroads Report 2010* stated that: "Protection from state terror and unjustified imprisonment remains inadequate". [11b] (*Civil liberties*) The USSD Report 2009 noted in its introduction that human rights "problems" included arbitrary and politically motivated arrests, detentions and killings; politically motivated abductions; and torture of suspects and detainees. [30b] The FH CC 2010 report stated that the "Security forces continued to engage in extrajudicial killings, disappearances, and torture—all prohibited by the constitution. The country's military, the Uganda People's Defence Force (UPDF), has a long history of abusing human rights ... The Police have also engaged in reckless behaviour." [11b] (*Civil liberties*) The USSD Report 2009 also noted that "Security force use of excessive force resulted in deaths [and] ... Police use of excessive force ... during arrests, evictions, and land disputes ... to disperse opposition politicians, religious members, and demonstrators resulted in deaths and injuries." [30b] (*section 1a*)

8.17 The USSD Report 2009 noted:

"According to the [Foundation for Human Rights Commission] FHRI, during the year the (Chieftaincy of Military Intelligence) CMI held four civilians incommunicado and [Joint Anti-Terrorism Task Force] JATT, one. None of the detainees had been released by year's end. There were also credible reports of police moving recently arrested prisoners from one detention facility to another to confuse family members attempting to ascertain their whereabouts. In its April 8 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.'

"Human rights groups expressed concerns about the treatment of individuals arrested by the [Uganda People's Defence Force] UPDF in Karamoja in conjunction with the UPDF's response to cattle raids and the government's disarmament campaign.

"Human rights groups reported that the government detained civilians in military facilities and unregistered detention facilities known as safe houses, where they often were held incommunicado. The government denied it maintained such facilities.

“In October the inspector general of police reshuffled senior leadership of the police [Rapid Response Unit] RRU following allegations that its members illegally detained the wife of a government employee at an unknown location for more than a week and threatened her with torture. The RRU's director, Commandant Emmanuel Muhairwe, and two deputies, Peter Kakonge and Emmanuel Bwembale, were placed on extended study leave.

“Police arbitrarily arrested hundreds of demonstrators, particularly during the September [2010] 10-12 riots in Kampala.

“The constitution and law prohibit such practices; however, members of the security forces tortured and beat suspects, some of whom died as a result... Torture generally occurred in unregistered detention facilities and was intended to force confessions. [30b]

8.18 The Uganda Human Rights Commission (UHRC), *12th Annual Report 2009*, released in October 2010, documented cases of alleged human rights violations. In 2009 the UHRC received:

“... 916 complaints in 2009 compared to 1,060 in 2008. There was therefore a decline in the number of complaints received due to the application of the strict admissibility criteria, the change of addresses for receipt of complaints as well as the change in attitudes resulting into greater respect for human right in the country.

“The four human rights that were allegedly violated most, in ascending order [sic – descending], were: freedom from torture and cruel, inhuman or degrading treatment or punishment, with 31.0% of the total complaints received; detention beyond 48 hours (19.4%); denial of child maintenance (17.1%); and deprivation of property (10.4%)... Most of the complaints registered were against the Uganda Police Force (UPF), with the violation of the right to freedom from torture and cruel, inhuman or degrading treatment or punishment being the highest recorded with 154 complaints out of the total of 285 complaints made against the UPF... At least 106 complaints were also registered against the Uganda People's Defence Forces (UPDF), with allegations of the violation of the freedom from torture and other cruel, inhuman and degrading punishment being the highest. There was a significant increase in the complaints registered against the Rapid Response Unit as they more than doubled from 26 in 2008 to 55 in 2009, marking an increase of 111.5%. Similar increases were recorded in the complaints against the Internal Security Organisation which increased by 57.1% (from seven in 2008 to 11 in 2009); and the complaints lodged against the Chieftaincy of Military Intelligence which more than doubled as they increased from two in 2008 to seven in 2009.

“The complaints made against the Uganda Prisons Service reduced from 33 in 2008 to 29 in 2009, marking a 12.1% decrease... “[32d] (xvii-xviii)

Users are recommended to read the [12th Annual Report 2009](#) for details about claimed human rights violations received and documented (not all claims were verified) by the UHRC. It may also be helpful to look at Section 22: [Trafficking](#) in conjunction with the above.

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Arbitrary arrest and detention

8.19 The USSD Report 2009 observed that though the constitution and law prohibited arbitrary arrest and detention "... members of the security forces arrested and detained citizens arbitrarily during the year." [30b] (section 1d) The Human Rights Watch (HRW) *World Report 2010*, released in January 2010, (HRW World Report 2010) covering events in 2009, noted that, among other abuses, the Joint Anti-Terrorism Taskforce (JATT) was responsible for arbitrary arrests and detentions. The report observed that:

"Lawyers for five individuals 'disappeared' by JATT filed habeas corpus petitions in July [2009]. Human Rights Watch research had previously established that JATT had held all five incommunicado for months without charge. The High Court ordered that JATT produce the five before the court, but in defiance of the ruling the government failed to produce the suspects and argued that they had recently reported to the Amnesty Commission. The five were ultimately granted amnesty and released, allegedly having admitted to rebel activity. The High Court questioned the voluntariness [sic] of their confessions and requests for amnesty, and ruled that the amnesty was unlawful because of their illegal detention. In April and May [2009] government forces arrested 14 people in northern Uganda, mistreating and detaining them without charge at the JATT headquarters for several weeks. After a habeas petition was filed, the 14 were produced in court and accused of membership in a previously unknown rebel group. All remain in custody at this writing, charged with treason." [41c]

8.20 The HRW *World Report 2011*, Uganda, released January 2011, covering events in 2010 observed that:

"The Rapid Response Unit (RRU), formerly known as Operation Wembley and the Violent Crimes Crack Unit, a section of the police created to combat armed crime, continues to detain people without charge, well beyond the constitutionally mandated 48 hours. At least two individuals died this year as a result of torture in RRU custody. Those arrested by the RRU await trial before military courts for long periods of time. The slowness of the military courts has resulted in instances of defendants serving longer periods on remand than would result from the maximum sentence for their charges. [41b]

8.21 The HRW Open Secret report observed that the:

"... JATT has committed serious human rights violations in the course of its operations. These include prolonged incommunicado detention of terrorism and treason suspects at the JATT headquarters in Kololo, and the routine use of torture during interrogations both in Kololo and at the headquarters of military intelligence in Kitante, another Kampala suburb. In research between August 2008 and February 2009, Human Rights Watch documented 106 cases of illegal detention by JATT, ranging from one week to over 11 months; these had taken place over the previous two years, the most recent in late 2008. Many of the 106 arrests occurred in the months leading up to Uganda's hosting of the November 2007 Commonwealth Heads of Government meeting (CHOGM)." [41d] (Summary, p2-3)

See the HRW [Open Secret](#) report for further details of the actions of the JATT, including violations of arrest and detention rights.

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8.22 The USSD Report 2009 noted with regard to the HRW investigations that:

“Six of the 106 detainees were held for more than a year without charge; the CMI confirmed that the suspects were in detention. On July 27 [2009], the High Court ordered the UPDF to produce in court five of the detainees--Muhammad Adam Sekulima, Fatima Nantongo, Ismail Kambale, Abdulrahman Kijjambu, and Abdul Hamid Lugemwa--all of whom were accused of belonging to the ADF rebel group. The UPDF ignored the High Court's ruling and instead dropped the five detainees at the Uganda Amnesty Commission to apply for amnesty. On July 31, the commission granted the five suspects amnesty. According to the CMI, on February 28, authorities arrested the sixth suspect, Hamuza Mwebe, for alleged involvement in a killing; he had been released in November 2008 for lack of evidence.” [30b] (section 1d)

8.23 The USSD Report 2009 observed that “Mass arrests during police sweeps for criminals remained a problem, as did arrests based on sedition, treason, incitement of violence, and terrorism charges. Persons suspected of sedition, treason, incitement of violence, or terrorism were subjected to numerous abuses, such as detention without charge, detention in unregistered and unofficial locations, and mistreatment, including torture.” [30b] (section 1c)

8.24 The same report noted that:

“The UHRC received 149 complaints during the year [2009] from persons who claimed they were arbitrarily arrested. The government paid compensation to some victims of arbitrary arrest during the year, but government compensation was often slow in coming. There were no developments in the April 2008 petition filed by former UHRC chairperson Margret Sekaggya to establish a national fund to pay victims. Past compensation payments have been made from general government funds administered by the Ministry of Justice and Constitutional Affairs ... Human rights groups reported that the government detained civilians in military facilities and unregistered detention facilities known as safe houses, where they often were held incommunicado. The government denied it maintained such facilities.” [41d] (section 1c)

8.25 The USSD Report 2009 also noted that:

“According to the (Foundation for Human Rights Commission) FHRI, during the year the (Chieftaincy of Military Intelligence) CMI held four civilians incommunicado and (Joint Anti-Terrorism Task Force) JATT, one. None of the detainees had been released by year's end. There were also credible reports of police moving recently arrested prisoners from one detention facility to another to confuse family members attempting to ascertain their whereabouts. In its April 8 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.’” [30b]

8.26 The same source reported that:

“Human rights groups reported that the government detained civilians in military facilities and unregistered detention facilities known as safe houses, where they often were held incommunicado. The government denied it maintained such facilities.

“In October [2009] the inspector general of police reshuffled senior leadership of the police (Rapid Response Unit) RRU following allegations that its members illegally detained the wife of a government employee at an unknown location for more than a week and threatened her with torture. The RRU's director, Commandant Emmanuel Muhairwe, and two deputies, Peter Kakonge and Emmanuel Bwembale, were placed on extended study leave.

“Police arbitrarily arrested hundreds of demonstrators, particularly during the September 10-12 riots in Kampala. [30b]

Information about the legal basis of detention rights can be found in [Section 10: Arrest and detention – legal rights](#)

Torture, ill-treatment and the use of excessive force

8.27 The HRW Open Secret report observed that: “Uganda does not specifically criminalize torture in its national law, but there are references to the prohibition of torture in various laws, such as in the constitution and the Anti- Terrorism Act. According to Director of Public Prosecutions Richard Buteera, perpetrators of torture can be charged with grievous bodily harm or assault as defined in the Penal Code.” [41d] (**Applicable National Law, p18**) A press statement made by the UHRC and the Coalition against Torture, dated 21 June 2010, reported that:

“Uganda is yet to domesticate the International Convention against Torture and cruel, inhuman or degrading treatment or punishment, ratified in 1996. Article 24 of the 1995 [Ugandan] Constitution recognises freedom from torture or cruel, inhuman or degrading treatment or punishment as a fundamental right that is also non-derogable under Article 44(a) of the Constitution... To date, these recommendations [by the UN CAT committee to the Uganda government to undertake measures preventing torture] are yet to be fulfilled and yet reports of torture and degrading treatment of individuals continue to persist.” [32e]

8.28 The FH CC 2010 report stated that “A civic coalition that included the Uganda Human Rights Commission (UHRC) drafted the Prohibition and Prevention of Torture Bill of 2009.” [11d] (**Rule of law**) .The Monitor described the situation on 14 September 2010 in the article Enact Anti-Torture Bill, Say Activists “Human Rights activists have unanimously agreed to push the government to enact the Anti-Torture Bill 2009 to strengthen the legal framework to stop torture ahead of the forthcoming general elections” [9f]. At the time of writing the anti-torture bill had not been enacted. A draft copy of the bill is available on the website of the Association for the Prevention of Torture and can be accessed [here](#). [51a]

8.29 USSD Report 2009 noted that:

“... there were credible reports that security forces tortured and beat suspects, some of whom died as a result... Torture generally occurred in unregistered detention facilities and was intended to force confessions. From January to June [2009], the African Center for Treatment and Rehabilitation of Torture Victims registered 116 allegations of torture against the police, 38 against the UPDF, three against the Chieftaincy of Military Intelligence (CMI), and 11 against the Violent Crime Crack Unit or Rapid Response Unit (RRU)... There were numerous reports of torture and abuse in the unregistered detention facilities operated by the JATT and CMIThe UHRC, the Foundation for

Human Rights Initiative (FHRI), and other human rights organizations reported incidents of torture by security forces, including caning, severe beating, stabbing, kicking, tying of limbs in contorted positions, forced marching, and rape.” [30b] (section 1b)

- 8.30 The same source also noted that “Torture victims included political activists and detainees.” [30b] (section 1b) Regarding the profile of those subject to ill-treatment the FH CC 2010 report observed that “Security officials also use torture to gain confessions and punish opponents. While the government links many of these cases to rebel activity, observers regard most of them as attempts to remove or intimidate political opponents.” [11d] (Civil liberties)

See Section 13: [Political affiliation](#), for more information on the treatment of political opponents.

- 8.31 The FH CC 2010 report also noted:

“During the first eight months of 2008, 556 new clients were enrolled at the African Center for the Treatment and Rehabilitation of Torture Victims (ACTV) in Kampala; of these, 422 were Ugandans, mostly victims of the [Lord’s Resistance Army] LRA. The decreasing proportion of victims who were tortured by the UPDF may be due in part to the decline in rebel activity in Uganda, but the UPDF also claimed to have stepped up disciplinary measures against abusive soldiers. A Local Defense Unit soldier convicted by a court-martial of killing six civilians and injuring eight others was sentenced to death in January 2009. Ruling in a different case in February [2009], the Constitutional Court held that soldiers convicted by Army Field Courts Martial must be given the opportunity to appeal to the Supreme Court. Parliament established a war crimes court in 2008 to handle crimes against humanity, such as those committed by the LRA.” [11d] (Civil liberties)

- 8.32 The same source also observed that:

“Respect for human rights by security forces remained relatively poor throughout 2006–09, though there were signs of improvement. Before the LRA ended operations within Uganda and entered negotiations with the government in July 2006, UPDF soldiers perpetrated widespread sexual and physical abuses against IDPs in the north. Commanders have reported punishing those guilty of violations, and 26 soldiers have been executed. However, the army’s disarmament campaign in Karamoja led to the deaths of hundreds of civilians during 2006 and 2007, as well as detentions, beatings, torture, and rape. The development of guidelines for UPDF conduct reduced the incidence of human rights abuses, but did not end them. It remains unclear whether the military justice system operates effectively or merely serves as a façade to satisfy international opinion.” [11d] (Rule of law)

- 8.33 The African Centre for Treatment and Rehabilitation of Torture Victims (ACTV)’s Bi-Annual Report, 2008–2010, covering the period January [though not stated it is presumed to be 2008] – June 2010, reported that the ACTV had 889 new clients. (Introduction) The report noted that of the new clients received during January and December 2009 (a total of 889, which corresponds with the period 2008 to 2010), were Ugandans (around 68%) – the large majority of the remainder were from the Democratic Republic of Congo and Burundi. (p4) The source did not identify by whom or why the clients had been ill-treatment or tortured. [33a]

8.34 On the use of excessive force by the security forces, the USSD Report 2009, observed that “Police use of excessive force during arrests, evictions, and land disputes resulted in injuries.... Police use of excessive force to disperse opposition politicians, religious members, and demonstrators resulted in deaths and injuries.” [30b] (section 1c) The HRW *World Report 2010* noted “During the September [2009] riots [in Kampala], those supporting the king of the Baganda blocked roads and burned government property. Police and military fired live ammunition at rioters, bystanders, and people hiding in their homes. The use of lethal force by government forces drew criticism, but no one was held to account for the 27 deaths.” [41c] (p 176)

See also Section 8: Armed Forces - [Human rights violations by government forces](#) and [here](#) to read about excessive use of force during a student demonstration.

Extra-judicial killings and disappearances

8.35 The USSD Report 2009 observed that “The government or its agents allegedly committed politically motivated killings and were responsible for arbitrarily killing opposition members, demonstrators, detainees, and other citizens; some deaths occurred as a result of torture. ... Members of Local Defense Units (LDUs), informal groups of local citizens who volunteered to provide security, were responsible for killings during the year.... During the year LDU members were punished for 2008 killings.” [30b] (section 1a)

8.36 The same report noted “The law provides for family visitation, but incommunicado detention remained a problem during the year.” [30b] (section 1e) The same source added, with regard to interference privacy, family, home, or correspondence, that “Police did not always obtain search warrants, as required by law, to enter private homes and offices.” [30b] (section 1f)

8.37 The same source noted that:

“Politically motivated abductions occurred.... For example, on August 17 [2009], members of the opposition FDC Youth League told police that FDC member Ismail Wagaba was abducted on his way to attend a press conference at the FDC's headquarters in Kampala. Wagaba's whereabouts remained unknown until he reappeared in December. FDC officials reported that they still did not know the whereabouts of FDC party member Robert Mugenyi, who disappeared in 2006. Human rights groups held the government responsible for the disappearances.” [30b] (section 1b)

8.38 The Human Rights Watch *World Report 2011*, Uganda, released January 2011, covering events in 2010 observed that:

“As the Ugandan People's Defence Force (UPDF) continued a disarmament exercise in the northeast region of Karamoja, soldiers have killed civilians with impunity. The Uganda Human Rights Commission stated that soldiers killed civilians, including children and the elderly, in Kotido district, and two Karamoja parliamentarians accused the army of killing between 48 and 55 civilians between April and August. UPDF officials acknowledged that soldiers killed 10 Karamojong, four of them children, during crossfire on April 24 in Kotido, but said that no soldiers would be punished. [41b]

8.39 The HRW *World Report 2010* noted police brutality resulted in a number of deaths, in particular in response to September 2009 riots in Kampala during which:

“... those supporting the king of the Baganda blocked roads and burned government property. Police and military fired live ammunition at rioters, bystanders, and people hiding in their homes. The use of lethal force by government forces drew criticism, but no one was held to account for the 27 deaths. Government officials blamed the media and the rioters for inciting violence. Hundreds were arrested in police operations marked by brutality. Twenty-three rioters who allegedly destroyed government property were charged with terrorism.” [41c]

See also Section 8: Security Forces - [Arbitrary arrest and detention](#) for information on arrests, including extra-judicial detentions committed by the security forces, in particular the JATT. Also see Section 13: [Political affiliation](#) for further information on political rights and the treatment of opposition groups.

AVENUES OF COMPLAINT

- 8.40 The UHRC 12th Annual Report 2009, noted, in Chapter 4: Accountability of the security forces, that:

“Several laws govern the UPDF, UPF, UPS and ISO under international and national laws. These standards are laid out in the ICCPR, CRC, CAT, UN Standard Rules for the Treatment of Prisoners, UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), UN Rules for the Protection of Juveniles Deprived of Liberty (JDL Rules), UN Guidelines for Prevention of Juvenile Delinquency (Riyadh Rules) and the UN Code of Conduct for Law Enforcement Officials, among others.

“At the national level, the most important laws that regulate security agencies are the Constitution, the Uganda Peoples’ Defence Forces Act, the Police Act, the Prison Act and the Security Organisations Act. Article 20 (2) of the Constitution particularly provides that the rights and freedoms of the individual and groups enshrined in the Constitution shall be respected, upheld and promoted by all organs and agencies of Government and by all persons. The security agencies are also required to observe and respect human rights and freedoms in the performance of their functions “ [32d] (p63)

- 8.41 The same source added that “Existing internal accountability mechanisms were inadequate. Violations of human rights by security agencies often went on unchecked. The Commission had noted that there was no consistent record showing that disciplinary action had been taken against members of the security agencies that had been found to violate human rights. As long as internal accountability mechanisms are deficient, human rights violations will persist.” [32d] (p69)

- 8.42 Amnesty International Annual Report 2010, Uganda, released in May 2010, covering events in 2009, stated that:

“The government failed to ensure that suspected perpetrators of torture and other ill-treatment by the police and other state security services were brought to justice. Victims and survivors were rarely granted access to justice and legal remedies. Up to 71 per cent of the Uganda Human Rights Commission's compensation awards since 2001 remained unpaid by the government. Most complaints submitted to the Commission by victims of human rights violations related to torture and other cruel, inhuman and degrading treatment or punishment.” [10a]

- 8.43 Both the Amnesty International (AI) Annual Report 2010 [10a] and the HRW World Report 2010 [41c] cited the September 2009 riots in Kampala when up to 27 people were killed by the security forces and hundreds arrested and detained, noting no official was held to account. AI stated: "The government did not conduct an independent and impartial investigation into the killings by security forces, some of which may have been unlawful, in order to bring those responsible for human rights violations to justice." [10a]

Uganda Police Force human rights desk

- 8.44 The USSD Report 2009 stated that "The [Uganda Police Force] 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 5,000 allegations of human rights violations and unprofessional conduct from January 2008 to September 2009 and stated it took action in response to 3,000 of these cases." [30b] [section 1d]

Uganda Human Rights Commission (UHRC)

- 8.45 The UHRC's website, undated, accessed on 8 September 2010, stated that the Commission was established under the 1995 Constitution to be a permanent body which monitors human rights. The Commission's homepage provides its mission statement: "To protect and promote human rights as guaranteed by the Constitution and other binding human rights instruments, guided by the requirements of our legislative mandate, by international and regional human rights standards and working through partnerships." The UHRC has the power of a court to: "... summon or order any person to attend before it and produce any document or record relevant to any investigation by the Commission; question any person in respect of any subject matter under its investigation; direct any person to disclose any information within his or her knowledge relevant to any investigation by the Commission, and commit persons for contempt of its orders." If the Commission decides that a violation of rights has taken place it "... may order: the release of a detained or restricted person, payment of compensation, or any other legal remedy or redress. However any person or authority dissatisfied with an order made by the Commission has the right to appeal to the High Court." [32a] (About us)
- 8.46 The USSD Report 2009 observed that "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 remedies. There were problems enforcing domestic court orders." [30b] (section 1e) The same source noted that:

"The UHRC is a permanent independent body with quasijudicial 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. On May 7 [2009], President Museveni reappointed two and named five new commissioners to the UHRC to fill vacancies. The appointments allowed the UHRC to resume its work, which had been stalled since November 2008, when the term of the previous team expired. The UHRC continued to pursue suspected human rights abusers, including in the military and security forces, and had branches countrywide; however, its resources were inadequate to investigate all complaints received." [30b] (section 5)

- 8.47 The same report stated that “On May 20 [2009], the UHRC reported to parliament that the government owed torture and illegal detention victims two billion shillings ([US]\$1,030,000) from previous years. The UHRC did not hold any tribunals during the first half of the year because the president did not appoint a new chair or members until May. Tribunal hearings began in August [2009].” [30b] (section 1b)
- 8.48 The Freedom House report, *Freedom in the World 2010*, Uganda, released in May 2010, covering events in 2009, observed that “The Uganda Human Rights Commission is established in the constitution as an independent government agency, but the National Assembly held its first discussion of the commission’s recommendations over the last decade only in May 2009. In addition, members of an agency tasked with addressing discrimination, the Equal Opportunities Commission, have yet to be appointed.” [11c]

For more information about the Uganda Human Rights Commission (UHRC), see the [UHRC 12th Annual Report](#) (Activities of the Commission in 2009) Human rights institutions, organisations and activists. [32d] For legal remedy through the courts, see Section 9: [Judiciary](#).

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9. JUDICIARY

ORGANISATION

- 9.01 The US Department of State *Country Report on Human Rights Practices 2009: Uganda*, released on 11 March 2010, (USSD Report 2009) noted that:
- “The highest court is the Supreme Court, followed by the Court of Appeal (which also functions as the Constitutional Court), the High Court, magistrates’ courts, local council (LC) subcounty courts, parish courts, and village courts. The LC courts have the authority to settle civil disputes, including land ownership and debt cases, and criminal cases involving children. These courts, often the only ones available to villagers, reportedly exceeded their authority by hearing criminal cases of adults. Decisions made by LC courts can be appealed to magistrates’ courts, but there often were no records at the village level, and some defendants were not aware of their right to appeal.” [30b] (section 1e)
- 9.02 Human Rights Watch in its *World Report 2010*, released in January 2010, covering events in 2009, (HRW World Report 2010) stated “The Ugandan government took preliminary steps to establish a special division of Uganda’s High Court to prosecute serious crimes in violation of international law, as proposed during the LRA peace talks. Parliament introduced legislation to domesticate the Rome Statute of the International Criminal Court in Uganda and establish the war crimes division.” [41c]

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INDEPENDENCE

9.03 The USSD Report 2009 stated that:

“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...” [30b] (section 1e)

9.04 The same also noted that “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 remedies. There were problems enforcing domestic court orders.” [30b] (section 1e)

9.05 The African Peer Review Mechanism Republic of Uganda report, dated January 2009, (APRM Report 2009), observed that:

“Judicial and operational or functional independence exists in Uganda, including security of tenure for judges. Security of tenure for the judiciary is assured. Judges are appointed by the President upon submission of a list by the Judicial Service Commission (JSC), which is chaired by a retired judge. The Presidency makes a selection from the list and forwards the selected names to Parliament, where the appointment committee considers the names and has the power to vet and approve them. Conditions for the dismissal of judges also guarantee their security of tenure. Judges cannot be dismissed until, and unless, a tribunal has been established and has recommended such action. Since independence, only three tribunals have been set up to dismiss judges.” [48a] (p335)

9.06 However, the Freedom House report, *Freedom in the World 2010*, Uganda, covering events in 2009, (FHCC Report 2010) released on 1 June 2010, noted that “The executive does not guarantee the independence of the judiciary. Prolonged pretrial detention, inadequate resources, and poor judicial administration combine to impede the fair exercise of justice. In 2007, the East African Court of Justice found Uganda guilty of violating the rights of its citizens due to repeated military interference with court processes.” [11a]

9.07 While the Freedom House report, *Countries at the Crossroads 2010*, Uganda, authored by Professor Nelson Kasfir of Dartmouth College, released on 7 April 2010, observed that:

“While the higher courts are generally independent and impartial, the judgments of lower-level magistrates are frequently distorted by political and economic influences. Judges face intense political pressure in cases that threaten actions the president considers essential. By twice sending soldiers to prevent court decisions from being implemented, Museveni badly undercut confidence in judicial independence, despite his

assurance that he would not do it again. Meanwhile, the UPDF not only continued to try civilians accused of capital offenses, it did so inside maximum-security prisons.

“A serious corruption problem, due in part to inadequate salaries for magistrates, leads to prejudicial decisions. The IGG declared in April 2008 that for the second consecutive year, the judiciary and the police were the most corrupt institutions of government. Corrupt court officials sometimes extort bribes from defendants unjustly jailed through cases based on fictitious affidavits. By July 2009, the recently established Anti-Corruption Division of the High Court had convicted four officials and sentenced them to prison... However, it had a backlog of 350 cases and only two judges.” [11b] (Rule of law)

See also Section 16 [Corruption](#)

9.08 The same source noted that:

“The Supreme Court and the Constitutional Court have asserted their independence in recent years, declaring particular executive actions unconstitutional or illegal and frequently ruling against the government in political cases, often noting the weakness of its evidence. In October 2008, the Supreme Court affirmed the doctrine of separation of powers by ruling that the president had unconstitutionally forced Brigadier Henry Tumukunde to resign. With the conspicuous exception of two treason cases in which the government used military force to obstruct bail, the government generally respected the independence of the judiciary. Nevertheless, military officers often acted with impunity, particularly when they believed they were carrying out the president’s intentions.” [11b] (Accountability and public voice)

FAIR TRIAL

9.09 The USSD Report 2009 stated that:

“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 March 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.

“In August [2009] the Ministry of Justice and Constitutional Affairs reported that more than 76 percent of the cases filed in various courts across the country had not been disposed of due to staffing problems. The statement noted such staffing shortages impaired the dispensation of justice to most citizens.” [30b] (section 1e)

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9.10 The same source noted that:

“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.” [30b] (section 1e)

9.11 The APRM Report 2009 observed that:

“The Justice Law and Order Sector(JLOS) institutions are extremely under-resourced in terms of human resources, physical space and financial resources. This has affected the capacity of these institutions to promote and protect human rights in Uganda. Insufficient human resources in the JLOS have also compromised the delivery of justice. The huge backlog of court cases delays justice, congests prisons and frustrates citizens who are victims of this situation. The Supreme Court, for instance, has been unable to hear constitutional appeals for close on two years now since the demise of one of the justices and the retirement of another (Monitor, Friday, 22 February 2008). The current establishment is less than half of the required number. During the interactive session with the judiciary, the CRM learnt that Parliament has approved the number of High Court judges to be increased from 30 to 50, the Court of Appeal from 8 to 15, and the Supreme Court from 7 to 11.

“It is of interest to note that the President appointed only 16 judicial appointees, leaving out the vacant positions of the Supreme Court, the only court in the system that has failed to hear cases because of a lack of quorum.” [48c] (p315)

9.12 The FH CC Report 2010 observed that:

“Civil and criminal cases are generally given fair and public, but not timely, hearings by the courts and the [Uganda Human Rights Commission] UHRC. The constitution requires that suspects face a court within 48 hours of arrest (longer for terrorism suspects), but the rule was not followed in several high-profile cases in recent years. Three Buganda Kingdom officials were arrested on July 18, 2008, and held for five days; their release was then ordered, but they were immediately detained again. The acting internal affairs minister told the Legal and Parliamentary Affairs Committee in February 2009 that the cabinet was considering extending the 48-hour rule. In Besigye's treason case, no trial date had been set as of mid-2009, more than three years after his indictment. Meanwhile, the authorities withheld his passport, preventing him from travelling freely and restricting his ability to lead the opposition.

“Anyone charged with a criminal offense is presumed innocent until a court establishes guilt. The Constitutional Court ruled in March 2008 that criminal suspects must be given access to statements that prosecution witnesses make to the police, though this principle of discovery does not apply to civil cases... All citizens have a right to independent counsel, but many poor criminal suspects do not receive it. In ordinary cases, prosecutors are thought to act independently. However, in high-profile political cases they are widely assumed to be following the dictates of top officials. The ongoing prosecution of the PRA, a supposed rebel group, in the absence of credible evidence is

a case in point. Public officials and NRM members are sometimes prosecuted for abuse of power and corruption, but they are rarely convicted.” [11b] (Rule of law)

See Section 15: [Human rights institutions, organisations and activists](#) for more information about the Uganda Human Rights Commission

PENAL CODE

9.13 The Penal code can be accessed [here](#) [19b] and the Criminal Procedure code [here](#) 19a]. Follow this link to read more specifically about the death penalty.

See also Section 12 [Death Penalty](#)

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10. ARREST AND DETENTION – LEGAL RIGHTS

10.01 The US Department of State *Country Report on Human Rights Practices 2009*, Uganda, released on 11 March 2010, (USSD Report 2009) stated that:

“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. Indigent defendants accused of capital offenses are provided attorneys at state expense.” [30b] (section 1e)

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11. CONDITIONS IN PRISON AND OTHER PLACES OF DETENTION

11.01 King’s College London, *Prison Brief for Uganda*, updated on 17 June 2010, provided the following table describing the prison estate and prisoner population:

Country	UGANDA
Ministry responsible	Ministry of Internal Affairs (central government prisons), Ministry of Local Government (Local government prisons)
Prison administration	Uganda Prisons Service
Contact address	3 Siad Barre Avenue, PO Box 7182, Kampala, Uganda
Telephone/fax/website	tel: +256 41 256751 or 342136 fax: +256 41 343330

44 The main text of this COI Report contains the most up to date publicly available information as at 2 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 23 March 2011.

	Web: www.prisons.go.ug		
Head of prison administration (and title)	(Dr) Johnson O.R. Byabashaija (central government prisons) Commissioner General of Prisons		
Prison population total (including pre-trial detainees / remand prisoners)	30,585 at March 2010 (national prison administration)		
Prison population rate (per 100,000 of national population)	91 based on an estimated national population of 33.54 million at March 2010 (from United Nations figures)		
Pre-trial detainees / remand prisoners (percentage of prison population)	55.6% (March 2010)		
Female prisoners (percentage of prison population)	4.2% (March 2010)		
Juveniles / minors / young prisoners incl. definition (percentage of prison population)	0% (30.4.2007 - under 18)		
Foreign prisoners (percentage of prison population)	0.8% (30.4.2007)		
Number of establishments / institutions	224 (2007)		
Official capacity of prison system	13,670 (March 2010)		
Occupancy level (based on official capacity)	223.7% (March 2010)		
Recent prison population trend (year, prison population total, prison population rate)	1993	19,079	(94)
	1998	c.	(c.)
	2002	21,971	(107)
	2005	c.	(c.)
	2008	21,900	(89)

[5a]

11.02 The US Department of State *Country Report on Human Rights Practices 2009*, Uganda, released on 11 March 2010, (USSD Report 2009) stated that:

“Prison conditions remained harsh and frequently life threatening. In addition there were reports that security forces and guards tortured inmates, particularly in military facilities and unregistered detention facilities. 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 also were among the most overcrowded. Serious problems in prisons outside of Kampala included long remand periods, overcrowding, inadequate staff, and lack of food, water, medical care, and bedding. The (Foundation for Human Rights Initiative) FHRI reported a slight improvement in nutritional provision in prisons in Kampala, Jinja, Bukedea, and Kamuli.

“There were 30,957 prisoners in the prison system in mid-December [2009], approximately three times the capacity. Severe overcrowding was also a problem at juvenile detention facilities and in female wings of prisons. The Kampala remand home, designed for 45 persons, held 122 children. The reception center, designed for 30 prisoners, held 85 juveniles.

“Information was unavailable on conditions in unregistered facilities, which the government denied existed.

“Torture, overcrowding, malnutrition, poor sanitation, disease, overwork, and lack of medical care resulted in 141 prisoner deaths nationwide, according to the Prisons Service...” [30b] (section 1c)

- 11.03 The Uganda Prisons Service provided the following information under Summary of UPS Prisoners Statistical Returns March 2010:

MARCH 2010:			
CATEGORY	male	female	TOTAL
Convicted Prisoners	12900	499	13,399
Remand Prisoners	16236	799	17,015
Total Debtors			169
Total population	29,136	1,278	30,585
Approved Accommodation			13,670
Occupancy Percentage			224%

Additional data can be accessed [here](#). [80a]

- 11.04 The Uganda Prison Service noted in an undated posting on its website: “Compared to the previous month of February, the overall average population decreased by 1.3% with an absolute decrease of 402 prisoners. There was a decrease in convicted prisoners 0.5% absolute 69, on average Remand prisoners decreased by 1.9% absolute decrease of 335, Debtors increased by 3% absolute increase of 5 prisoners as shown in the table above.

11.05 The same source continued:

“Prisoners on remand made up the majority (55.6%) with an absolute value of 17,015 prisoners of which 95.4% (16,236) are male remands and 4.6% (799) are female remands, followed by convicted prisoners (43.8%) absolute value of 13,399 where 96.3% (12,900) are male convicts and 3.7% (499) female convicts and the minority are debtors 0.6% absolute value of (169) prisoners. Overall, most of the prisoners in custody are males (95%) absolute value of 29,136 followed by females (4%) absolute value of 1,278 prisoners and minority are debtors 1% absolute value of 169 prisoners.” [80]

More detailed information concerning prison statistics can be found [here](#).

11.06 The USSD Report 2009 stated that:

“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 (Uganda Human Rights Commission) UHRC reported that forced labor [sic] 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.” [30b]

11.07 The USSD Report 2009 also noted that:

“During the year the government permitted access to prisons by the International Committee of the Red Cross (ICRC), foreign diplomats, and local NGOs, principally the (Foundation for Human Rights Initiative) FHRI and the Uganda Prisoners’ Aid Foundation. However, authorities required advance notification of intended visits. Authorities told human Rights organizations seeking access to unregistered facilities that the government did not maintain safe houses or in registered detention sites.” [30b] (section 1c)

11.08 The USSD Report 2009 also noted that “Case backlogs in the judicial system contributed to pretrial detentions of between two and 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.” [30b] (Arrest Procedures and Treatment While in Detention section 1d)

11.09 Freedom House in its report *Freedom in the World 2010: Uganda*, stated “The prison system is reportedly operating at three times its intended capacity, and dozens of inmates died during 2009 as a result of poor conditions. Pretrial detainees constitute more than half of the prison population.” [11a]

11.10 The Uganda Human Rights Commission (UHRC), 12th Annual Report 2010, (UHRC Report 2010) released in October 2010, chapter 2, stated the Commission had monitored 571 places of detention during 2009, which included “... 138 prisons, 72

police stations, 351 police posts, four military detention centres and six remand homes...“The same source further reported that:

“During the inspections, the Commission assessed the prevailing conditions in line with the United Nations Minimum Standard Rules for the Treatment of Prisoners as well as the Uganda Prisons Act, 2006. On the whole, some improvements were registered in the welfare and treatment of prisoners by the Uganda Prisons Service. However, the problem of congestion remained serious in many prisons mainly as a result of many inmates staying on remand.

“As at 31st December 2009, remanded prisoners constituted 58% of the total number of inmates. Other major challenges were the high prevalence of HIV/AIDS amongst inmates, limited access to ARVs, poor facilitation of police and prisons, sodomy and resurgence of torture in some prisons.

“The Commission also inspected detention facilities at police stations and police posts. It was noted that the available detention places, though clean, still lacked the basic facilities necessary for human dignity. There were cases of detaining suspects beyond 48 hours in contravention of the Constitution. The inability to provide adequate food for detainees continued to be a problem for many police stations and police posts... The Commission’s findings on conditions in the military detention facilities that were inspected in 2009 indicate improvement in the living conditions of inmates. However, the problem of long remands still persists. Remand homes, where juvenile offenders are kept, are still inadequate and characterised by dilapidated structures, save for the newly constructed facility in Gulu. In its 11th Annual Report, the Commission recommended the establishment of a remand home in each district to ensure that juvenile offenders are not detained with adults. This problem is caused by the lack of sufficient detention facilities.” [32d] (p24-25)

11.11 The report concluded that:

“Although notable improvements have been registered in upholding the rights of inmates in most of the detention facilities inspected, there is need for all concerned stakeholders, particularly Government, to find a lasting solution to the problem of long remands. As long as this problem persists, it continues to have a spiral effect on the enjoyment of other rights, especially economic, social and cultural rights of inmates. The issue of poor facilitation of both the police and prisons must also be sorted out as a matter of priority as it also has a spiral effect on the realisation of the rights of inmates.” [32d] (p49)

Users are recommended to read the Chapter 2, p24-49, of the [UHRC Report 2010](#) in its entirety for a more detailed picture of the conditions and the rights of inmates prisons in and other places of detention.

It would also be helpful to read Section 21: [Children](#) in relation to the above.

11.12 The International Committee of the Red Cross (ICRC) in its Annual Report 2009, published on 19 May 2010 stated:

“During ICRC visits, conducted according to the organization’s standard working procedures, detainees’ treatment and living conditions and respect for their judicial guarantees were monitored. Where necessary, confidential representations were made to the relevant authorities to ensure compliance with human rights standards and

48 The main text of this COI Report contains the most up to date publicly available information as at 2 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 23 March 2011.

(International Humanitarian Law) IHL, including the principle of non-refoulement. Following some such recommendations, the treatment of detainees and food rations improved in several detention facilities in Karamoja. In response to a summary report on 24 months of visits to detainees held by the military, improvements in treatment and material conditions were noted in a number of (Uganda People's Defence Force) UPDF barracks. Detention authorities were reminded of their responsibility to ensure that detainees could maintain contact with their families. Vulnerable detainees, including foreigners and minors, kept in touch with relatives via the (Red Cross Message) RCM service. Upon release, 12 detainees had their transport home paid for by the ICRC." [13a] (p 168)

11.13 ICRC continued "4,032 detainees visited, of whom 179 monitored individually (5 women; 7 minors) and 121 newly registered (4 women; 7 minors), during 110 visits to 54 places of detention 37 RCMs collected from and 27 RCMs distributed to detainees." [13a] (p 168)

11.14 Also extracted from the ICRC Report

"A project to provide over 4,000 detainees in Fort Portal, Gulu and Luzira prisons with preventive and curative treatment for HIV/AIDS, TB and malaria entered its final stage of implementation. A TB screening programme was launched in all three prisons in May and a TB-awareness booklet was distributed to staff and detainees. To further improve environmental health and hygiene in the three prisons, staff and detainees received training and detainees were given essential household and hygiene items. Health care and sanitation facilities at Fort Portal and Luzira prisons were rehabilitated, while similar renovations were ongoing in Gulu prison. Vital medical equipment was also repaired or donated to the hospital attached to Luzira prison." [13a] (p168)

Section 23: [Medical Issues](#) also has information about treatment in detention facilities and should be read in conjunction with the above.

FEMALE PRISONERS

11.15 The female prison population was 4.2 % of the total in 2009 (around 1,250 inmates). (KCL, Prison Brief for Uganda, 17 June 2010) [5a] The USSD Report 2009 noted that:

"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 parts of the country. The Prisons Service had no budget for pregnant women or mothers with infants, although the number of infants in women's prisons continued to increase during the year, according to the FHRI. 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." [30b] (section 1c)

11.16 The UHRC Report 2008 observed that "Detention facilities for female suspects remain inadequate in most of the police stations [visited]." [32c] (p24)

For more information on the general situation for women see Section 20: [Women](#).

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CHILDREN

- 11.17 In the *Juvenile Justice in Uganda* report which covered the period January – July 2009, the Foundation for Human Rights Initiative (FHRI) recommended:

“According to the Police Annual Crime Report for 2008, out of a total of 119,072 criminal cases recorded by the police in 2008, 2,421 were committed by juvenile offenders. This figure does not reflect the true picture as countless scores of children are charged and prosecuted as adults.

“The state is under an obligation to register every birth in Uganda, however, of the children aged between 12–18 years in Uganda today, less than 4% have birth certificates. This poses a challenge to the criminal justice system in ascertaining who is a juvenile and determination of age is purely a subjective matter and because of the logistical difficulties in handling juveniles, the police often inflate ages of children.

“Children should only be detained as a last resort after careful consideration and all other reasonable alternatives have been exhausted. However, due to undeveloped structured diversionary programmes, children are often detained for petty offences. At present there are about five remand homes countrywide; homes with a total capacity of about four hundred. Very few police stations have specialised cells and children are therefore routinely detained with adults.[22a] (pviii)

“...Children convicted of capital offences are not sentenced to death instead they are detained subject to the Minister deciding appropriate sentences for them. However, some children convicted of capital offences have been waiting orders by the minister since 1997. The failure by the Ministry of Justice and Constitutional affairs to execute this mandate to make appropriate orders under the Trial on Indictments Act has created a loophole in the Criminal justice system: juvenile capital offenders do not have access to a remedy and are subject to an indeterminate legal status.” (p ix)

“...Uganda has ratified several international and regional treaties and conventions that set a minimum standard for the treatment of children in conflict with the law. These form the foundation for Uganda’s commitment to the protection of the rights of children in conflict with the law. The protection guaranteed to children under international and national law is in addition to and not separate from the protection guaranteed to all individuals by law. (p1)

Users are recommended to read the Foundation for Human Rights Initiative’s report [Juvenile Justice in Uganda](#) for a fuller picture. [22a]

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12. DEATH PENALTY

- 12.01 The Amnesty International Report 2010: *The state of the world’s human rights: Uganda* (AI Report 2010) covering events in 2009 and published on 27 May 2010, noted:

“In January, Uganda’s highest court – the Supreme Court – upheld a 2005 judgement of the Constitutional Court that the mandatory application of the death penalty is unconstitutional. The Court also decided that death sentences that courts had been

obliged to impose, which applied to the vast majority of more than 400 appellants in the case, should be commuted to life imprisonment. However, the Supreme Court also ruled that the death penalty remains constitutional. Civilian and military courts continued to impose the death penalty. There were no executions.” [10a]

- 12.02 Amnesty International also stated in a [response](#) on Refworld dated 22 January 2009 that “Since April 1999, there have been no executions following the imposition of the death sentences by civilian courts in Uganda.” [10d] The Sun (New York) similarly noted in an article dated 4 September 2007 “Though there were three military executions in 2003, Uganda hasn't put a civilian to death since 1999. In that year, 28 people were hanged at Luzira Prison. But despite the unofficial moratorium, death sentences continue to be handed down, and the nation remains on Amnesty International's list of death penalty practitioners“ [23a]
- 12.03 The FCO stated in the article *Working for the abolition of the death penalty*, last updated 11 October 2010, “Removal of the mandatory death penalty can significantly reduce the number of prisoners who are sentenced to death. Just last month, 167 prisoners on death row in Uganda had their sentences commuted to life imprisonment as a result of an FCO funded project...” [3d]
- 12.04 Hands off Cain stated on 1 January 2011 in the article *Uganda's penal code provides for 15 capital offence*., that:

“Uganda's penal code provides for 15 capital offences: nine separate offences grouped under the collective heading “treason” and offences against the state, rape, defilement, murder, aggravated robbery and aggravated kidnapping. Death is a mandatory punishment for six of the treasonous offences and a discretionary sentence for the remaining felonies at the same go.

”According to prison records, at least 377 people, including one woman, have been legally executed by hanging in Uganda since 1938. Under Idi Amin's 1971 to 1979 military dictatorship, 71 people were put to death following court decisions, although thousands more were killed extrajudicially during his rule. Current President Yoweri Museveni's government hanged 28 people in one day in 1999, including a prominent politician in deposed president Milton Obote's regime, Hajji Musa Ssebirumbi.

“Hands Off Cain recorded 2 executions in 2006.

“On December 18, 2008 and December 21st, 2010, Uganda voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.” [26a]

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13. POLITICAL AFFILIATION

For a more complete understanding of freedom of expression, this section should be read in conjunction with [Freedom of speech and media](#) and [Human rights institutions, organisations and activists](#). Also see [Political system](#) for background.

FREEDOM OF POLITICAL EXPRESSION

- 13.01 The US Department of State *Country Report on Human Rights Practices 2009*, Uganda, released on 11 March 2010, (USSD Report 2009) stated that:

“The constitution and law provide citizens with the right to change their government peacefully; however, the ruling party's domination of the government and some restrictive constitutional and statutory provisions limited citizens' effective exercise of this right... 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 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, incidents of violence, multiple voting, and ballot stuffing. Six election appeals were pending before the Constitutional Court and three at the Supreme Court at year's end. Three by-elections were held during the year to fill the seats declared vacant by the High Court in 2007; election monitors reported numerous irregularities.

“On May 21 [2009], the Ugandan Electoral Commission conducted local council elections in 1,474 electoral areas in 79 districts to fill vacant seats resulting from the lack of nominations in the 2006 general elections, resignations, deaths, and the creation of some new seats in town councils and subcounties. Voter turnout was relatively low, but the exercise was peaceful. The ruling (National Resistance Movement) NRM party operated without restriction, regularly holding rallies and conducting political activities. Approximately 36 other parties were registered and allowed to function, although members of some parties were subject 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.” [30b] (section 3)

- 13.02 The USSD Report 2009 noted “Government officials detained and interrogated political leaders who made public statements critical of the government and used libel laws and cited national security as grounds to impede freedom of speech... The President's Office reportedly monitored political talk show debates closely, and the government occasionally attempted to block participation of opposition members on radio talk shows.” [30b] (section 2a)

- 13.03 The USSD Report 2009 also stated that:

“Police arbitrarily arrested opposition members during the year.

”There were reports of political prisoners and detainees during the year, but reliable statistics were unavailable. Charges of treason against FDC opposition leader Kizza Besigye and nine other FDC members remained pending in the High Court due to the FDC members' petition to the Constitutional Court regarding the constitutionality of facing concurrent military court martial and civilian charges. On September 1, the Constitutional Court rejected the High Court's procedural objection to the petition, paving the way for a complete Constitutional Court hearing, which had not occurred by year's end.” [30b]

- 13.04 Human Rights Watch in its report *A Media Minefield* published 2 May 2010 stated:

“Financial incentives also come into play. It is common practice for candidates to pay a radio station for airtime, but some journalists noted that opposition parties were sometimes forced to pay significantly higher prices than the ruling NRM party or that prices are increased after contracts have been signed. FDC spokesperson Wafulu Oguttu told Human Rights Watch that in his experience, FDC pays roughly three times what the ruling party would pay for airtime.¹⁶⁶ In one instance, a station manager indicated that an opposition party would pay around 400,000 Uganda shillings (200 USD) for an hour of airtime, but the NRM is ‘subsidized,’ paying around 150,000 Uganda shillings (75 USD) on the same station.¹⁶⁷ The president himself is often hosted on radio stations, even during campaigning, for free.” [41e]

FREEDOM OF ASSOCIATION AND ASSEMBLY

13.05 The USSD Report 2009 commented:

“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 May 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.

“For example, on August 23, police in Mubende blocked a rally by the Uganda Federal Alliance, a civil society organization led by FDC Member of Parliament (MP) Betty Kanya. On September 2, police in Kampala blocked a procession planned by FDC youth following the release on bail of their national youth leader, Abedi Nasser Obole. On December 1, police disrupted a procession of DP supporters in Entebbe. On December 6, police in Hoima blocked FDC president Kizza Besigye from holding a rally.

“The use of excessive force to disperse demonstrators resulted in numerous deaths and injuries, particularly during the September 10-12 riots.” [30b]

13.06 Freedom House stated in its report *Freedom in the World 2010*: Uganda, that:

“The National Assembly has asserted some independence, censuring high-level executive officials and exercising oversight to influence a number of government actions and policies. However, there are significant concerns regarding the ability of opposition parties to compete with the ruling NRM. A long-standing ban on political party activity was formally lifted in 2005, but the opposition is still hindered by restrictive party registration requirements, voter and candidate eligibility rules, the use of government resources to support NRM candidates, and paramilitary groups—such as the Kiboko Squad and the Black Mambas—that intimidate voters and government opponents. Army representatives in the National Assembly have openly campaigned for Museveni. The independence of the electoral commission has also been called into question, but Museveni nevertheless renewed the panel and reappointed its incumbent chairman in August 2009.” [11a]

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POLITICAL GROUPS AND PARTIES

FDC: Forum for Democratic Change

13.07 *Freedom in the World 2010* – Uganda stated:

“A leading Museveni opponent, Kizza Besigye of the Forum for Democratic Change (FDC), returned from exile to contest the 2006 presidential election. He was arrested on charges including treason and rape, and was defeated at the polls by Museveni, who took 59 percent of the vote. The (National Resistance Movement) NRM also won a large majority in concurrent parliamentary elections. Besigye was later cleared of the rape charges, but the treason case remained outstanding.

“In February 2009, Besigye was reelected as FDC party chairman, and was the party's favored candidate for the 2011 presidential election, in which Museveni was also expected to run. Adding to the field, former foreign minister and UN undersecretary general Olara Otunnu returned to Uganda in August after 23 years abroad.

“Local council elections were held in May amid low voter turnout. The NRM dominated the balloting, doing well in areas outside its traditional power base. The only opposition party to make an impact was the FDC.”

“Freedoms of association and assembly are officially recognized. However, in August 2009, police halted a demonstration and arrested eight FDC members who protested Museveni's decision to renew the electoral commission.” [11c]

An update to the February 2011 elections can be found in the [Latest news](#) section.

For useful background on the treatment of members of the FDC see a response to an information request by Refugee Documentation Centre of Ireland which is available on [Refworld](#). [12a]

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14. FREEDOM OF SPEECH AND MEDIA

For a more complete understanding of freedom of expression, this section should be read in conjunction with Section 13: [Political affiliation](#) and [Section 15: Human rights institutions, organisations and activists](#).

14.01 The Human Rights Watch *World Report 2011*, Uganda, released January 2011 stated:

“The Ugandan government uses media and penal laws to prosecute journalists, restrict who can lawfully work as a journalist, and revoke broadcasting licenses without due process. Journalists face harassment and threats, especially outside the capital. After being forced off air by security agents during the September 2009 riots, CBS Radio was permitted to operate again in October 2010. The government never provided evidence in court of any wrongdoing.

“In August the constitutional court ruled, after five years, that the crime of sedition is unconstitutional. The court upheld the constitutionality of the crime of ‘promoting sectarianism,’ which prohibits any act promoting ‘feelings of ill will or hostility’ on account of religion, tribe, ethnicity, or regional origin. At least four journalists and some opposition politicians who criticized alleged government favoritism of some ethnicities over others currently face this charge, which has effectively silenced debate.

“At this writing, the government is considering draft amendments to the media law, which would further imperil freedom of expression.” [41b]

- 14.02 The Freedom House report *Freedom in the World 2010*, Uganda, covering events in 2009 (FH Report 2010) released on 1 June 2010 noted that:

“The constitution provides for freedom of speech. Independent print outlets, including more than two dozen daily and weekly newspapers, are often critical of the government, and several private radio and television stations report on local politics. However, the government is increasingly demonstrating intolerance of press freedom. A sedition law is applied selectively to punish those who cross the (National Resistance Movement) NRM. In 2009, four journalists with the largest independent newspaper, the Monitor, faced criminal prosecutions. Three others with the Independent, including editor Andrew Mwenda, faced charges of sedition after publishing a caricature of Museveni. Mwenda faces another 21 criminal charges, including a 2005 sedition charge. A challenge to the sedition law is currently pending at the Supreme Court, and prosecutions under the legislation have been suspended. In September 2009, the government closed four radio stations and banned live debate programs after violent clashes in Kampala between security forces and supporters of the Baganda king. The ban on live debate programs lasted through the end of 2009. The authorities do not restrict internet usage, although access is limited to major urban centers.” [11a]

- 14.03 Freedom House continued “Uganda is one of only a few countries in Africa with a freedom of information law. However, other laws related to national security and confidentiality impede open access to information in practice. In addition, the process for requesting official information is complicated, and state media are generally granted access more easily than private outlets.” [11a]

- 14.04 The BBC News, Uganda country profile, updated on 20 October 2010, stated:

“Uganda is a pioneer in the liberalisation of the media in Africa. Private radio and TV mushroomed after the government loosened controls in 1993. Radio is the most popular medium. Public UBC covers the country in English and vernacular languages.

“The central region around Kampala is home to dozens of private radio and TV stations. Rural radios serve ethnic groups and there is a cluster of religious stations. A pilot digital TV project is under way, and Uganda expects to switch off terrestrial analogue TV signals in 2012.

“Following deadly riots in September 2009, over a planned visit by the king of Buganda to a region near Kampala, the regulator silenced a handful of radio stations, including the Buganda Kingdom's CBS, over alleged incitement to violence.

“BBC World Service is widely available on FM (101.3 in Kampala), and Radio France Internationale [sic] broadcasts on FM in the capital.

“Although the print media are led by the state-owned New Vision newspaper, it enjoys considerable independence and often publishes articles which criticise the government.

“There were 2.5 million internet users by August 2009 (Internetworldstats).” [2a] (Media)

The [BBC profile](#) also listed a number of TV and radio stations and print media available. [2a]

- 14.05 The Amnesty International Report 2010: *The state of the world's human rights: Uganda* (AI Report 2010) covering events in 2009 and published on 27 May 2010, noted:

“Following the September riots, the Broadcasting Council – a government body mandated to control broadcast content – arbitrarily ordered the closure of four radio stations. This was reportedly over failures before and during the riots to comply with the minimum broadcasting standards provided for under the Electronic Media Act, 2000. The stations were not given adequate notice of the closures or explanations for them, nor were they given an opportunity to appeal. The Council also ordered the discontinuation of some radio programmes during this period. By the end of the year, two of the stations remained closed. Large sections of the media faced government intimidation and official threats over their reporting during the riots.

“Kampala-based journalist Robert Kalundi Sserumaga was arbitrarily arrested, detained and tortured because of comments he made during a radio talk show about the tension between the government and the Buganda Kingdom, and the riots. He sustained serious injuries as a result of the torture. He was subsequently charged with sedition. The case remained pending in court.

“General attacks by the authorities on freedom of expression and press freedom continued. Several criminal cases involving journalists charged with criminal libel, sedition and ‘the publication of false news’ remained pending in court. The government did not withdraw the Regulation of Interception of Communications Bill, 2007 or respond to human rights concerns raised about it. If passed into law, the Bill would significantly restrict the right to freedom of expression.” [10a]

MEDIA LAWS

- 14.06 The Human Rights House Network stated in the article *Uganda – Pressed for Freedom*, published 20 August (drawing on the article *A Media Minefield: Increased threats to Freedom of Expression in Uganda*, Human Rights Watch, May 2010 [41e]):

“Earlier this year, the so-called Press and Journalist (Amendment) Bill 2010 was tabled. If enacted and made law, the Bill will give the Ministry of Information and National Guidance more powers to control the media. It will give the minister powers not only to appoint the bulk of the membership of the Media Council but also its chairperson.

“If the Bill is passed in parliament, the Media Council will be able to regulate the newspapers by registering them and giving them (or refuse to give them) annually renewable licenses. The Media Council will also be given powers to regulate both foreign media ownership, a strategy that has been applied to sidestep Ugandan media laws, and investment by print media owners in the industry, once again to maintain independence.” [37a]

Television and radio broadcasts

14.07 Human Rights House Network continued:

“Ugandan media’s experience is that violations against journalists get worse during elections. According to Human Rights Watch, many journalists have admitted that the upcoming election compels them to avoid certain stories that they fear will get them into trouble with the authorities or might cause station owners to be pressured to fire them.

“When violations occur, the authorities can claim the necessity of putting in place new laws and stricter regulations. Then they can more easily implement unpopular laws that are silencing oppositional voices and thus violating Ugandans’ constitutionally established freedom of speech. By such means they can use their power to suppress the media more subtly. The way they do this seems more ‘sophisticated’ than earlier – as seen with the new proposed Media Bill with compulsory registration of radio stations each year – proposed just in the build-up to the 2011 elections.

“Meanwhile, Angello Izama, ... a journalist for the opposition newspaper the Daily Monitor, is expected to face charges over the article he wrote in a recent edition of Sunday edition, entitled; ‘Preparing for the 2011 election by arming troops’. The article was an interview of the different political figures in the country about their perception of the forthcoming elections in 2011.” [37a]

Journalists

14.08 According to an article on the Human Rights Network for Journalists HRNJ-Uganda, under the title *Litigation* accessed 4 August 2010.

“Journalism in Uganda continues to be a very dangerous profession both in the peaceful arena as well in conflict areas. Despite the glooming democratization process the state, security agencies, politicians, economic and religious groups still see the media and journalists as a good for nothing group of people who have no business in reporting about critical or sensitive issues. Journalists continue to censor themselves and a whole society is the poorer, deprived of vital information and ability to hold those in power to account. What is even more outrageous is that 95% of these attacks are carried out with impunity; the perpetrators and those who hire them walk away.

“The situation has degenerated further in terms of operations for journalists who are under a constant and watchful eye of the newly established Media Offences Department within the Uganda Police Force whose target is critical journalists and media houses.

“Early 2009, the government through Public Service restructured it as an autonomous department which supposed to receive tax payers money direct from state coffers to suppress information through summons and interrogation to force journalists to reveal their sources of information.

“Journalists in Uganda are faced with atrocious laws both newly enacted and old ones which are being kept on law books.

“Many journalists before this programme had fallen victims and the majority of victims were freelance journalists who constitute to over 75 percent of the practicing journalists

in the country who didn't have any protection at their place of work. The Programme which was established late 2008, has assisted many journalists to be rescued." [16a]

14.09 *The Unwanted Witness* accessed via Human Rights Network for Journalists HRNJ-Uganda on 4 August 2010 provided insight into the treatment of journalists during 2009. In addition the Press Freedom Index also contains the names of journalists who are on trial. [16b]

14.10 Pre-Detention Trial to be Extended from 48 hours to 3 Months HRNJ-Uganda also stated:

"... the police have proposed for the extension of the pre-detention trial period from the current 48 hours to 3 months. If such amendments are made to our constitution, journalists in Uganda would be subjected to a greater risk. Our experiences are that police and other security apparatus have conducted illegal arrests and detention against journalists before having carried out any investigations which is a legal requirement. More often these arrests are intended to silence or harass journalists for their work." [16a]

For information about travel restrictions placed on journalists see [here](#). [16b]

INTERNET FREEDOM

14.11 The US Department of State *Country Report on Human Rights Practices 2009*, Uganda, released on 11 March 2010, (USSD Report 2009) stated that:

"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 approximately 7.8 percent of the population used the Internet at least monthly." [30b]

14.12 The Freedom House report *Freedom in the World 2010*, published 1 June 2010 stated "Internet penetration had grown to nearly 10 percent of the population by the end of year, and access is not officially restricted." [11a]

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15. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

For a more complete understanding of freedom of expression, this section should be read in conjunction with Section 13: [Political affiliation](#) and Section 14: [Freedom of speech and media](#).

15.01 The US Department of State *Country Report on Human Rights Practices 2009*, Uganda, released on 11 March 2010, (USSD Report 2009) stated that:

"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,

58 The main text of this COI Report contains the most up to date publicly available information as at 2 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 23 March 2011.

independent domestic groups included the [Foundation HRI, 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 January 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. Enforcement of the law remained suspended during the review process.

“The government cooperated with international governmental organizations and permitted visits by UN representatives and organizations such as the ICRC.” [30b] (section 5)

15.02 Freedom House stated in its report *Freedom in the World 2010*, Uganda:

“Nongovernmental organizations (NGOs) encourage the expression of different views and are willing to address politically sensitive issues. However, their existence and activities are vulnerable to the abuse of legal restrictions, including the manipulation of registration requirements. The 2006 NGO Registration Amendment Act requires NGOs and religious organizations to reregister with the Internal Affairs Ministry each year, though enforcement is currently suspended pending a review of the law.” [11a]

15.03 The Freedom House report, *Countries at the Crossroads 2010*, (FH CC 2010 report) Uganda, released in April 2010, noted

“Nongovernmental organizations (NGOs) flourished after the NRM regime came to power in 1986, but the government regarded those engaging in political issues as possible threats. It required all NGOs to gain approval—which was not always given—from an NGO Registration Board that includes representatives of security agencies. In 2006, the government amended the NGO Registration Act, tightening supervision by requiring the annual renewal of registrations. This law was suspended temporarily following complaints in 2008. NGOs argue that the law entails government intrusion into their activities and expenditures, and civic associations petitioned the Constitutional Court in April 2009 to declare the act unconstitutional. As of June 2009, the court had not yet issued a ruling... NGOs continue to testify on legislation before Parliament and frequently campaign to influence government policy, though they have grown frustrated by MPs’ reluctance to consider their arguments once the parties take positions in their caucuses.” [11b] (Accountability and public voice)

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UGANDA HUMAN RIGHTS COMMISSION

15.04 The Uganda Human Rights Commission (UHRC) mission statement, as reported in the 12th Annual Report 2009, released in October 2010, is: “To protect and promote human rights as guaranteed by the Constitution and other binding human rights instruments, guided by the requirements of our legislative mandate, by international and regional human rights standards and working through partnerships.” [32d] (pxi)

15.05 The UHRC's website sets out the function and powers of the Commission:

"Commission's Functions

"Article 52 (1) of the Uganda Constitution lays down the following functions of the Commission:

"To investigate, at its own initiative or on a complaint made by any person or group of persons against the violation of any human right;

"To visit jails, prisons, and places of detention or related facilities with a view of assessing and inspecting conditions of the inmates and make recommendations;

"To establish a continuing programme of research, education and information to enhance respect of human rights;

"To recommend to Parliament effective measures to promote human rights including provision of compensation to victims of violations of human rights, or their families;

"To create and sustain within society the awareness of the provisions of the Constitution as the fundamental law of the people of Uganda;

"To educate and encourage the public to defend this Constitution at all times against all forms of abuse and violation;

"To formulate, implement, and oversee programmes intended to inculcate in the citizens of Uganda awareness of their civic responsibilities and an appreciation of their rights and obligations as free people;

"To monitor the Government's compliance with international treaty and convention obligations on human rights; and

"To perform such other functions as may be provided by law.

"Article 52 (2) also requires the Commission to publish periodic reports and submit annual reports to Parliament on the state of human rights and freedoms in the country. Articles 52(3) and 48(1) also provide for other functions, powers and guidelines of the Commission.

"Powers of the Commission

"The powers of the UHRC are provided under article 53 (1) of the Constitution. The UHRC has the power of a court to: summon or order any person to attend before it and produce any document or record relevant to any investigation by the Commission; question any person in respect of any subject matter under its investigation; direct any person to disclose any information within his or her knowledge relevant to any investigation by the Commission, and commit persons for contempt of its orders

"Order of Remedies

"The Commission if satisfied that there has been a violation of human rights or freedom, may order: the release of a detained or restricted person, payment of compensation, or

any other legal remedy or redress. However any person or authority dissatisfied with an order made by the Commission has the right to appeal to the High Court.” [32a] (About us)

15.06 The website also stated what the UHRC is:

“... bared [sic] from investigating any matter, which is pending before a court or judicial tribunal, or a matter involving the relations or dealings between the Government of Uganda and the Government of any foreign State or international organization, or a matter relating to the exercise of the prerogative of mercy. In view of the above functions and empowers, the UHRC has put in place various departments and committees to carry out its work.” [32a] (Background)

15.07 The USSD Report 2009 noted that:

“The UHRC is a permanent independent body with quasijudicial 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. On May 7, President Museveni reappointed two and named five new commissioners to the UHRC to fill vacancies. The appointments allowed the UHRC to resume its work, which had been stalled since November 2008, when the term of the previous team expired. The UHRC continued to pursue suspected human rights abusers, including in the military and security forces, and had branches countrywide; however, its resources were inadequate to investigate all complaints received.

“On October 12 [2009], the UHRC released its 11th annual report to parliament, in which it called on the government to ban torture and renounce the use of ‘safe houses,’ the unregistered detention facilities operated by JATT and the CMI. The report also highlighted lengthy trial delays, overcrowding, and poor health services as the main challenges facing the prison system. The report maintained that detention of suspects beyond the constitutional limit of 48 hours was ‘rife.’” [30b] (Section 5)

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16. CORRUPTION

16.01 In its 2010 Corruption Perceptions Index (CPI), Transparency International ranked Uganda 127 in the world corruption ranking, out of 178 countries, giving it a CPI score of 3.0. (CPI Score relates to perceptions of the degree of corruption as seen to exist among public officials and politicians by business people and country analysts. It ranges between 10 (highly clean) and 0 (highly corrupt). [52b]

16.02 The Freedom House *Freedom in the World 2010* Report on Uganda, published 7 May 2010 stated:

“Although Uganda has certain measures in place to combat corruption, including the 2009 Anti-Corruption Bill and the Anti-Corruption Court, the resources to enforce them are generally lacking. A 2008 National Integrity Survey by the Inspector General of Government (IGG) reported widespread corruption in the public sector. Auditing and procurement agencies, in addition to the prosecution service, are understaffed and underfinanced.” [11a]

16.03 In the East Africa Bribery (EAB) Index 2010, Transparency International noted:

“The Inspectorate of Government, a statutory institution charged with the responsibility of fighting corruption in the country, in a 2009 report to parliament, acknowledged that corruption is increasing and is rampant in the public sector. The survey identified the Uganda Police, Kampala City Council, Land Office, Public Service (pension office), Judiciary, Uganda National Bureau of Standards, public health units, District Contracts Committees and Uganda Revenue Authority among the most corrupt public institutions. It identified the most prevalent forms of corruption in the country as bribery, embezzlement, extortion among others.

“It also highlighted new methods devised by government officials to loot from public coffers. Among these methods is syndicate corruption, in which high ranking government officials connive with the private sector to overcharge or overbill the government and then share the loot with the payee.

“Another method used by officials is delaying the execution of services to create a crisis and anxiety that will in turn necessitate urgency and justify the waiving of the prescribed procurement procedures. This was the case during the Commonwealth Heads of Government meeting in 2007 where colossal amounts of public funds were stolen in hurried procurements.

“From the corruption incidents outlined above, it is clear that the anti-corruption legislation in Uganda have had little impact thus strengthening the cause to review them.” [52a] (p12)

16.04 The same source continued: “In terms of ranking, Uganda has the second highest rate of bribery (33%), compared to Burundi (36.7%) and Rwanda (6.6%). In relation to specific organisations, where the Burundi Revenue Authority /Customs has the highest bribery rate at 81.2, Uganda’s worst incidence of bribery can be found in the Revenue Authority which has a rate of 67.7.” [52a]

16.05 The East Africa Bribery (EAB) Index continued:

“Bribery in other Uganda organisations are as follow:

- “Police 61.9
- “Mulago Hospital 48.0
- “Uganda Prison Service 47.7
- “Judiciary 44.7
- “Local Authorities 43.0
- “Ministry of Lands, housing and Land Development 30.4
- “State Corporations/ Parastatals 30.2
- “Ministry of Public Service 29.3
- “Public Hospitals 27.3

The complete list can be found [here](#).

16.06 The EAB also stated

“A total of 15,612 interactions with the public and private institutions were reported in the survey. Bribes were expected or demanded during 31% of the interaction; out of all the bribery situations reported, bribes were actually paid in 67.3% of the cases. Out of a total of 1,620 respondents who reported paying bribes in Uganda, 880 (54.3 %) of them were men while 740 (45.7%) with women.

“93% of the respondents who were in a bribery situation did not report or complain to anybody in authority. Only 6.6% filed bribery-related complaints.

“The indicator is a measure of the percentage of respondents who visited a particular institution and only got the service upon paying a bribe. The Ministry of Defence which was ranked in the top position in 2009, dropped to tenth place. The Judiciary also recorded an improved position, falling from number two to seven, with its score improving by more than 33 percentage points.” [52a]

For further information about corruption in the judicial system see Section 9: [Judiciary](#).

16.07 Freedom House’s *Freedom in the World 2010* also reported “In 2008, evidence emerged that leading government officials had pressured the National Social Security Fund (NSSF) to pay inflated prices for land purchases; the fund’s managing director and his deputy were suspended, and in a February 2009 cabinet reshuffle, the finance minister was demoted due to his connection to the scandal.” [11a]

16.08 The African Peer Review Mechanism (APRM) noted in its Report No 7: The Republic of Uganda, published January 2009 “Corrupt and fraudulent practices are prevalent in a wide range of sectors and areas in Uganda, and the cost of corruption to the economy remains a cause for serious concern for all stakeholders.” [48a] (Ixiv)

16.09 The same source added “While corruption is widespread in Uganda, the Country Self-Assessment Report (CSAR) acknowledges that it is particularly rampant in the political sphere, manifesting itself in various ways including the abuse of office, bribery, extortion, nepotism, favouritism, falsification of academic qualifications for election purposes, fraud, embezzlement, misappropriation of public funds and assets, and use of public resources or assets for political gains.” [48a] (376)

It may be helpful to look at the [Political affiliation](#) section in conjunction with the above.

16.10 The APRM Report No.7 noted “The government has made notable progress in putting in place institutional and legal frameworks to fight corruption and money laundering and raising public awareness. However, there are significant capacity constraints on the ability of anticorruption agencies to carry out their functions, both in public education and in investigating, detecting and prosecuting offenders. The most difficult challenge that the government faces is lack of public interest and support in this regard.” [48a] (Ixiv)

16.11 APRM continued

“Despite many improvements over the years, effective policy implementation remains a critical challenge in Uganda. Corruption, inadequate resources, lack of capacity – particularly at lower levels – and the politicisation of development programmes are

major challenges. There is also a lack of effective public expenditure management, revenue enhancement and coordination of development assistance. In Northern Uganda, the well-intentioned disaster management programmes have been constrained by rampant corruption and insecurity.” [48b] (lxxxviii)

- 16.12 *The Guardian* stated on 13 March 2009 in the article *Corruption endemic in Uganda* “Corruption at all levels of government is allowed to continue because many people in rural areas like Katine do not know they have the right to demand services...”

It may also be helpful to look at Section 20: [Women](#) which refers to the gender related disadvantages.

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17. RELIGIOUS GROUPS

DEMOGRAPHY

- 17.01 The US Department of State *International Religious Freedom Report 2010*, Uganda, (USSD IRF Report 2010) published 17 November 2010, covering the period July 1, 2009, to June 30, 2010 commented:

“According to official government figures, an estimated 85 percent of the population is Christian, 12 percent Muslim, and the remaining 3 percent follow indigenous beliefs, Hinduism, Baha'i Faith, and Judaism. Some Muslims and Christians believed that the Muslim community was larger than the government numbers reflected. Among Christians, 42 percent are Roman Catholic, 36 percent Anglican, and 7 percent evangelical, Pentecostal, and Orthodox Christian. The Muslim population is primarily Sunni. Indigenous religious groups practice in rural areas, occasionally blending their beliefs with or practicing them alongside Christianity or Islam. Indian nationals are the most significant non-African ethnic population; they are primarily Shi'a Muslim followers of the Aga Khan or practice Hinduism. The northern and West Nile regions are predominantly Catholic; Iganga District in the east has the highest percentage of Muslims. The rest of the country's population has a mixture of religious affiliations.” [30d] (Section I)

LEGAL RIGHTS

- 17.02 Freedom House stated in its *Freedom in the World 2010* report: “There is no state religion, and freedom of worship is constitutionally protected and respected in practice. Various Christian sects and the country's Muslim minority practice their creeds freely.” [11a]

- 17.03 The USSD IRF Report 2010 noted that:

“The constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion... The law prohibits the creation of political parties based on religion or other similar divisions.

“The government allowed religious groups to obtain legal entity status under the Trustees Incorporation Act. The Catholic Church, Orthodox Church, Anglican Church,

64 The main text of this COI Report contains the most up to date publicly available information as at 2 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 23 March 2011.

and the Uganda Muslim Supreme Council (UMSC) registered under this provision; however, the evangelical and Pentecostal churches have opted to register with the Ministry of Internal Affairs' Nongovernmental Organizations (NGO) Board, which requires yearly registration renewal. The NGO registration process takes at least six weeks, and then one to two weeks for reregistrations. Most religious organizations were granted permits; however, the NGO board declined to register some religious groups for various reasons, including 'cultism' and activities that the board saw as undermining government programs. Registration with the NGO board provided certification that allows churches to access donor funding.

"As a result of previous 'cult activity,' the government requires Kanungu District officials to recommend to the NGO board local community churches applying to register for the first time before the board can approve their registrations." [30d] (Section II)

17.04 The USSD IRF Report 2010 noted "There was no change in the status of respect for religious freedom by the government during the reporting period. The government continued to restrict religious groups it perceived as 'cults.' There were few reports of societal abuses or discrimination based on religious affiliation, belief, or practice, and prominent societal leaders took positive steps to promote religious freedom." [30d].

17.05 The USSD IRF Report 2010 additionally noted:

"The law prohibits the creation of political parties based on religion or other similar divisions."

"The government allowed religious groups to obtain legal entity status under the Trustees Incorporation Act. The Catholic Church, Orthodox Church, Anglican Church, and the Uganda Muslim Supreme Council (UMSC) registered under this provision; however, the evangelical and Pentecostal churches have opted to register with the Ministry of Internal Affairs' Nongovernmental Organizations (NGO) Board, which requires yearly registration renewal. The NGO registration process takes at least six weeks, and then one to two weeks for registrations [sic]. Most religious organizations were granted permits; however, the NGO board declined to register some religious groups for various reasons, including 'cultism' and activities that the board saw as undermining government programs. Registration with the NGO board provided certification that allows churches to access donor funding.

"As a result of previous 'cult activity,' the government requires Kanungu District officials to recommend to the NGO board local community churches applying to register for the first time before the board can approve their registrations.

"In public schools religious instruction was optional, and the curriculum covered study of world religious beliefs rather than one particular faith. Private madrassahs and Christian schools offered religious instruction and were common in the country...

"During the reporting period, local officials and some sectors of the community urged the government to enact laws imposing restrictions on evening congregations. However, there were no reports that officials imposed restrictions on such gatherings." [30d] (Section II)

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POSITION/TREATMENT OF RELIGIOUS GROUPS

17.06 The USSD IRF Report 2010 noted:

“As in prior reporting periods, a government committee continued to monitor the activities of 20 groups it perceived as ‘cults,’ including the Serulanda Spiritual Foundation in Rakai District, the Movement for the Restoration of the Ten Commandments of God in Kanungu District, the Abengeri in Hoima District, the New Heaven Church in Gulu, the Rwengwara Healing Church of All Nations in Kabarole, and the Enjiri groups in Mbale and Luwero districts. On March 10, 2010, the committee reported registration of all 20 ‘cults’ under the NGO act but highlighted the inadequacy of NGO postregistration supervision and recommended closer monitoring of these groups to prevent death or ill treatment of their followers.

“During the reporting period, the NGO board denied registration to the Lord's Chosen Charismatic Revival Ministries. The board explained that the group had commercial interests, which were in breach of the NGO act. On February 2, 2010, police in Mityana District closed the Miracle Healing Church over allegations that it was mistreating followers by starving them and not allowing the sick to receive medical treatment. There were no reports of religious prisoners or detainees in the country. There were no reports of forced religious conversion.” [30d] (Section II)

17.07 The USSD IRF Report 2010 added “There were few reports of societal abuses or discrimination based on religious affiliation, belief, or practice, but prominent societal leaders took positive steps to promote religious freedom.” [30d] (Section III)

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18. ETHNIC GROUPS

DEMOGRAPHY

18.01 The World Directory of Minorities and Indigenous Peoples stated [in information obtained during the 2002 Uganda Population and Housing Census, except for the figure for Batwa cited in the Minority Rights Group (MRG) report *The Batwa Pygmies of the Great Lakes Region*, taken from Kabananyuke, K. and Wily, L., *Report on a study of the Abayanda Pygmies of south-western Uganda for Mgahinga and Bwindi Impenetrable Forest Conservation Trust*, unpublished report, 1996]:

“Baganda 4.1 million (17.3%), Banyankore (Bahima and Bairu) 2.3 million (9.8%), Basoga 2.1 million (8.6%), Ankole 1.9 million 8%, Bakiga 1.7 million (7%), Iteso 1.6 million (6.6%), Langi 1.5 million (6.2%), Banyarwanda (Bahutu, Batutsi, and Batwa-the latter also listed here separately) 1.4 million (6%), Acholi 1.1 million (4.8%), Bagisu 1.1 million (4.7%) and Lugbara 1 million (4.3%), Batoro 700,000 (3%), Bunyoro 700,000 (3%), Alur 475,000 (2%), Bagwere 475,000 (2%), Bakonjo 475,000 (2%), Jopodhola 475,000 (2%), Karamojong 475,000 (2%), Rundi 475,000 (2%), non-African (European, Asian, Arab) 240,000 (1%), Batwa 4,000 (.02%).

“For the sake of simplicity, Uganda's major linguistic groupings may be summarized as follows:

- “Speakers of Bantu languages, who are largely agriculturalists, living principally in the south and west of the country, comprise about two-thirds of the population. Historically they include centralized societies governed by royal families (Baganda, Banyankole, Banyoro, Batoro), as well as many others with less elaborate hierarchies, including the Bakiga, Bafumbira, Bakonjo, Basongora, Batuku, Banyabindi, Banyaruguru and Batwa. In parts of western Uganda two pastoralist groups (Bahima and Batutsi) established ascendancy over the agriculturalist communities (Bairu and Bahutu) among whom they settled and whose languages they share. The Batutsi population in Uganda surged during the genocide in Rwanda, but many Batutsi have subsequently returned. Other Bantu pastoralist groups include the Basangola and Batuku.
- “Speakers of Western Nilotic languages in northern Uganda, traditionally agriculturalists organized in chiefdoms, include the Acholi, Langi, Alur and Jonam tribal groups.
- “Speakers of Eastern Nilotic languages, primarily in eastern Uganda, include Karamojong and Iteso (as well as Kakwa in the north-west). Traditionally pastoralists, they have a social organization that is based on clans and age sets. Karamojong are generally nomadic pastoralist, but a few ethnic clans (sub-groups) are agriculturalists.
- “Central Sudanic-speakers such as the Lugbara and Madi inhabit the far north-west of Uganda (as well as neighbouring regions of Sudan and the DRC); traditionally they are agricultural peoples with a non-hierarchic social organization.” [24c]

LEGAL RIGHTS

18.02 The US Department of State *Country Report on Human Rights Practices 2009*, Uganda, released on 11 March 2010, (USSD Report 2009) stated that “The law prohibits discrimination based on race... [and] language... however, the government did not enforce the law in matters of locally or culturally prevalent discrimination against... [amongst others] certain ethnic groups.” [30b] (Section 5)

POSITION/TREATMENT OF GROUPS

18.03 The USSD Report 2009 stated that:

“There were isolated reports of violence between ethnic minorities in some parts of the country. For example, in August a group of ethnic Madi forcefully evicted several families of the Alur ethnic group from Kasomenga village in Rhino Camp subcounty. During the eviction property was destroyed and several grass-thatched huts were torched. The police in Arua District arrested and remanded to prison six suspects who were alleged to have incited the violence, and the case was ongoing at year’s end.

“During the September 10-12 riots in Kampala, demonstrators harassed Asian business owners and looted and destroyed some of their shops; the actions reflected public perception that the government favored Asian investors and businessmen with tax breaks, land, and other incentives unavailable to local businessmen.” [30b] (Persons with Disabilities)

Batwa

18.04 The USSD Report 2009 continued:

“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, or 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.” [30b] (Indigenous People)

Karamoja

18.05 The Directory of Minority and Indigenous Peoples, a resource provided by the Minority Rights Group International stated “Karamojong pastoralists of north-east Uganda, numbering around 475,000 people, along with related groups, comprise the most significant marginalized minority in Uganda, isolated geographically, economically and politically, and widely despised by their compatriots as violent and underdeveloped. Other Ugandans commonly refer to them as warriors.” [24b]

For further information about the culture and economy of this group see the following links: <http://www.minorityrights.org/5032/uganda/karamojong-and-related-groups.html> <http://www.minorityrights.org/?lid=8101> and <http://www.wfp.org/content/uganda-almost-one-million-risk-karamoja>

18.06 A BBC Correspondent said in the article *Uganda Army Accused of Karamoja Torture Abuses* on 17 August 2010 that: “Karamoja is the most underdeveloped and volatile region in Uganda. Successive governments have tried to pacify the Karamojong people, who are known to carry out violent cattle raids, made worse by the influx of guns into the region. Over the last 10 years, President Yoweri Museveni has put considerable emphasis on bringing stability to the area through a combination of development projects and military operations’.” [2d]

18.07 Minority Rights Group International recalled in the report *Traditional community methods could provide solutions to conflicts in East Africa* published 25 August 2009:

“Communities in both Karamoja and Teso, traditionally pastoralists, strive for amicable relations and depend on each other for survival in harsh environmental conditions. Government imposed restrictions on their traditional way of life, shortage of resources, problems involving cattle rustling and border disputes have led to increasing conflict between the groups in recent times.

“For instance, for almost half of the year, Karamoja is in drought. This was traditionally dealt with by moving to other places with greener pastures and water. In such times Karamojong relied on the Iteso for water and pasture during the dry season; the Iteso too, relied on the Karamojong for oxen to plough their land. Attempts by the state to settle these groups, undermining their pastoralist lifestyle, and the creation of boundaries have negatively affected these reciprocal practices that previously governed relations and promoted trust between the two groups.” [24a]

19. LESBIAN, GAY, BISEXUAL AND TRANSGENDER (LGBT) PERSONS

LEGAL RIGHTS

- 19.01 The US Department of State *Country Report on Human Rights Practices 2009*, Uganda, covering events in 2009, released on 11 March 2010, (USSD Report 2009) stated that “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 have been charged under the law.” [30b] (Section 5)
- 19.02 The USSD Report 2009 noted that in December 2008 there was a high court ruling that: “... constitutional rights apply to all persons, regardless of sexual orientation.” [30b] (Section 5) To note: the Constitution makes no mention of sexual orientation or gender identity (Uganda Constitution, 1995) [45a] The International Lesbian, Gay, Bisexual, Trans and Intersex Association report, *State-Sponsored Homophobia*, May 2010, (ILGA Report 2010) listed a number of laws that positively legislate in support of LGBT persons by criminalising various forms of discrimination because of an individual’s sexual orientation or gender identity. Uganda has enacted none of the laws listed. [76a] (p44-50)

LGB persons

- 19.03 The ILGA Report 2010 stated that both male and female same-sex sexual relations were illegal. It further set out the articles in the Penal Code that criminalised same-sex sexual relations:

“The Penal Code Act of 1950 (Chapter 120) (as amended)

“Section 145. Unnatural offences.

“Any person who-

“(a) has carnal knowledge of any person against the order of nature;

“(b) has carnal knowledge of an animal; or

“(c) permits a male person to have carnal knowledge of him or her against the order of nature, commits an offence and is liable to imprisonment for life.’

“Section 146. Attempt to commit unnatural offences.

“Any person who attempts to commit any of the offences specified in section commits a felony and is liable to imprisonment for seven years.

“Section 148. Indecent practices.

“Any person who, whether in public or in private, commits any act of gross indecency with another person or procures another person to commit any act of gross indecency with him or her or attempts to procure the commission of any such act by any person with himself or herself or with another person, whether in public or in private, commits an offence and is liable to imprisonment for seven years.” [87] (p20)

- 19.04 The 12th Annual Report of the Uganda Human Rights Commission to the Parliament of the Republic of Uganda, covering events in 2009, released in October 2010, (UHRC Report 2009) stated:

“The Ugandan Constitution under Article 21 (1) provides for equality and non-discrimination. However, no recognition is given to same-sex couples and such unions are prohibited under Article 31 (2a) of the Constitution.

“Under the Penal Code Act Cap 120, sexual conduct between persons of the same sex is criminal. Section 145 (a) provides that: ‘Any person who has carnal knowledge of any other person against the order of nature commits an offence and is liable to imprisonment for life’.

“However, few arrests, prosecutions and convictions have been made under section 145 of the Penal Code Act, which suggests that this law is redundant.” [32d] (p166)

- 19.05 The Global Forum on MSM (Men who have sex with Men) & HIV report, *The Effects of a Two Year Sustained Anti-Gay Campaign on Health Seeking Behaviour of the Sexual Minorities in Uganda* (2009-2010), dated January 2010, noted that:

“Uganda criminalises same sex relations, the penalty is known as sodomy. A series of activities in 2008 saw a renewal of anti-homosexuality drives including a conference sponsored by Exodus (USA), the authorship of the Anti-Gay Bill 2009 which calls for death penalty as a revision to the existing Sodomy Law and a revision of the Equal Opportunities Act, 2006 to deny sexual minorities any consideration and social protection. This trend has created an environment of fear, evictions from homes of suspected homosexuals and other acts of impunity. Policy-makers have been made into reluctant actors when it comes to planning that targets same sex practicing persons.” [77]

The full report can be accessed [here](#).

- 19.06 The LGBTI activist Kasha Jacqueline, co-ordinator of the NGO Freedom and Roam Uganda (FARUG), in an interview with the Association for Women’s Rights in Development, titled *Being Lesbian in Uganda: And the Threat of Anti-Homosexuality Legislation*, (AWID Interview) dated 19 February 2010, stated that:

“Currently, section 140 of the Ugandan Penal Code criminalizes ‘carnal knowledge against the order of nature’ with a maximum sentence of life imprisonment. Section 141 punishes ‘attempts’ at carnal knowledge with a maximum of seven years’ imprisonment. Section 143 punishes acts of ‘gross indecency’ with up to five years in prison. While the Penal Code does not specifically refer to same-sex practices between women, lesbians face the same hostility from both state and non-state actors.” [78a]

- 19.07 The Amnesty International report, *Sexual Minorities and the Law: A World Survey*, July 2006, (AI Report 2006) stated that: “homosexuality” was illegal for men; however women were “... not mentioned in law, but [the law] has been used against [them]...” It also noted that in “... 2005 same-sex marriage was criminalized.” [10c] (p13)

- 19.08 An article published by *Feminist Africa* in February 2003, *Out of the Closet: Unveiling Sexuality Discourses in Uganda*, described the situation as it was then “The gendered dimensions of sexuality are very clear when we consider the implicit erasure of lesbian

identity in Ugandan society. Even the law seems to be more preoccupied with male-on-male sex when it criminalises intercourse ‘against the order of nature’.” [25a]

Anti-Homosexuality Bill 2009

19.09 The UHRC Report 2009 provided background to the introduction of the Bill:

“The Bill was introduced to Parliament as a private member’s bill by a Member of Parliament on 14th October 2009. The bill immediately sparked off protests especially from the international community. However, the bill in principle has acquired support from many Ugandans including some religious leaders. This is not surprising as most Ugandans abhor homosexuality on the basis of tradition, culture, religion and moral values. Most people argue that as sexuality is related to procreation, homosexuality should not be allowed to thrive and should be considered to be a taboo. Homosexual activities are also perceived as ‘Western’ practices which should not be adopted by Africans. Furthermore, Judeo-Christian and Muslim norms, which have been widely adopted in Uganda, regard homosexuality as immoral... Nevertheless, when ‘homosexuals’ or sexual minorities have voiced their opinions about the bill, calls have been made to implement this section [145 of the Penal Code – see further detail above] and for the enactment of more severe laws against homosexuality.

“The bill has raised debate about whether acts of homosexuality should attract criminal sanctions, and if so, what the nature of these sanctions should be. In contrast, trends worldwide reflect that some countries are decriminalising same-sex relations between consenting adults.” [32d] (p166)

19.10 The Commission, as described in the UHRC Report 2009, considered whether the Bill complied with the Uganda constitution and international human instruments to which Uganda is party. (ps166 -171). It concluded that “The Anti-Homosexuality Bill contradicts international human rights standards. It should therefore be reviewed. In particular, the bill has the potential to violate the right to privacy, equality and non-discrimination, as well as the freedoms of speech, expression, association and assembly, among others. It is also recommended that Parliament should address cases of same-sex rape and abuse which are not currently covered by law.” [32d] (p171)

19.11 The USSD Report 2009 noted that in September 2009 there was the: “...introduction in parliament of a bill providing the death penalty for ‘aggravated homosexuality’ and for homosexual ‘serial offenders’... [the proposed] legislation also provides for a fine and three years’ imprisonment for persons who fail to report acts of homosexual conduct to authorities within 24 hours.” [30b] (Section 5) The Human Rights Watch *World Report 2011*, released on 24 January 2011, covering events in 2010, observed that the: “... proposed 2009 Anti-Homosexuality Bill would... punish... homosexuality with up to life imprisonment, and ‘serial’ homosexuality with the death penalty. The bill, still pending at this writing, would also punish failure to report acts of homosexuality and prohibit the ‘promotion’ of homosexuality through advocacy on sexual minority rights, threatening work of human rights groups.” [41b]

19.12 The Amnesty International (AI) Report 2010: *The state of the world’s human rights: Uganda* (AI Report 2010) covering events in 2009 and published on 27 May 2010, noted:

“In September [2009], the Anti-Homosexuality Bill sponsored by a member of the ruling party was published and listed for consideration by Parliament. In light of existing laws that prohibit ‘carnal knowledge of any person against the order of nature’ and the constitutional ban on same-sex marriage, the Bill, if enacted into law, would further criminalize LGBT people and perpetuate discrimination against and stigmatization of them.

“The Bill provides for extremely punitive measures, including the death penalty for the offence of ‘aggravated homosexuality’ and life imprisonment for the offence of ‘homosexuality’, and seeks to introduce other new offences such as ‘the failure to report the offence of homosexuality’. In addition, the Bill aims to criminalize ‘promotion of homosexuality’, which would significantly hamper the work of human rights defenders and curtail the right to freedom of expression, association and assembly in relation to advocacy on LGBT rights.” [10a]

- 19.13 The LGBT activist Kasha Jacqueline in her AWID interview dated 19 February 2010 observed that:

“The 2009 Anti-Homosexuality Bill expands the range of same-sex relations that would be criminalized regardless of whether or not the parties are consenting adults. It introduces an offence known as ‘aggravated homosexuality’ for which the penalty is death. People living with HIV and AIDS who engage in same-sex relations are one of the categories of people who would be affected by this offence. Anyone who ‘aids’ or ‘abets’ homosexuality will also face criminal penalties.

“Generally this Bill is just an additional proposed piece legislation to further criminalize and abuse the rights of LGBTI persons.” [78a]

- 19.14 The preamble to the Anti-Homosexuality Bill 2009, undated, accessed on 31 January 2011, sets out its aim:

“The object of this Bill is to establish a comprehensive consolidated legislation to protect the traditional family by prohibiting (i) any form of sexual relations between persons of the same sex; and (ii) the promotion or recognition of such sexual relations in public institutions and other places through or with the support of any Government entity in Uganda or any non governmental organization inside or outside the country.

“This Bill aims at strengthening the nation’s capacity to deal with emerging internal and external threats to the traditional heterosexual family.

“This legislation further recognizes the fact that same sex attraction is not an innate and immutable characteristic.

“The Bill further aims at providing a comprehensive and enhanced legislation to protect the cherished culture of the people of Uganda. legal, religious, and traditional family values of the people of Uganda against the attempts of sexual rights activists seeking to impose their values of sexual promiscuity on the people of Uganda.

“There is also need to protect the children and youths of Uganda who are made vulnerable to sexual abuse and deviation as a result of cultural changes, uncensored information technologies, parentless child developmental settings and increasing

attempts by homosexuals to raise children in homosexual relationships through adoption, foster care, or otherwise.” [17a] (The principle)

The Anti Homosexuality Bill 2009 Memorandum can be accessed [here](#).

- 19.15 The Bill has generated a lot of media interest both internationally and domestically for example Pambazuka News, accessed via AllAfrica, in the article *Country Sees Dramatic Escalation in Homophobic Persecution*, published on 19 February 2010 stated:

“The global outcry against Uganda's 'Anti-Homosexuality Bill' could not be more deafening. Opponents of the legislation have condemned the effort not just to put gays in prison, which is already the law in Uganda, but to further criminalise the 'promotion of homosexuality', require that suspected gays and lesbians be turned in to authorities, and to punish some individuals - including those who are HIV positive or those euphemistically called 'repeat offenders' - with death.

“The governments of Canada, France and Sweden have branded the bill wrongheaded. From Secretary of State Hillary Clinton to President Barack Obama himself, the US, a major foreign donor to Uganda, has made its disapproval of the legislation clear. Usually silent religious leaders, from Anglican and Catholic church [sic] leadership to Saddleback church's Rick Warren and other evangelical Christians, have condemned the bill's promotion of the death penalty, imprisonment for gays and lesbians, and the threat its provisions pose to pastoral confidentiality.

“The Joint United Nations Programme on HIV/AIDS (UNAIDS) executive director Michel Sidibe has expressed deep concern with the bill's potential impact on Uganda's heretofore successful HIV-prevention efforts. And while both the African Union and the government of South Africa have characteristically failed to condemn the bill, several important African leaders, including former president of Botswana Festus Mogae and UN special envoy for HIV/AIDS in Africa Elizabeth Mataka, have spoken out firmly and forcefully.” [7a]

- 19.16 The (global) Inter Press Service News Agency noted in the article *Fugitives in Their Own Country*, dated 29 January 2010 “Ugandan President Yoweri Kaguta Museveni has always openly criticised homosexuality. He even strongly supported the proposed Bill during his speeches. However, at a recent meeting with his ruling National Resistance Movement party members at State House on Jan[uary]. 13 [2010], Museveni indicated he would not back a Bill that imposes a death sentence for the crime of 'aggravated homosexuality’.

“This is a foreign policy issue and we have to discuss it in a manner that does not compromise our principles, but also takes care of our foreign interests, ‘Museveni told members, asking them to ‘go slow on’ the Bill. He did not elaborate further.

“However analysts say the Ugandan President could have bowed to international pressure after he revealed that British Prime Minister Gordon Brown, Canadian Prime Minister Stephen Harper and U.S Secretary of State Hilary Clinton had all urged him to reconsider the Bill...“Early this year, British Labour MP Harry Cohen introduced a motion in parliament asking the British government to demand that Uganda scrap criminal penalties for homosexuality. Human rights groups have also called on western nations to withhold aid from Uganda if the draconian Bill is passed. Half of the country's national budget comes from international aid.

“Meanwhile, the U.S. government has also threatened to expel Uganda from the African Growth and Opportunities Act (AGOA) arrangement if the Bill is passed. AGOA is an economic arrangement that provides duty-free treatment to imports originating from beneficiary African countries.” [28b]

See the [Anti-Homosexuality Bill 2009](#) for details of all its provisions

2011 Update on the Bill

19.17 At the time of writing (1 February 2011) the Bill had not been enacted, or removed from the parliamentary consideration process. For an up date on the most recent news about the Anti-Homosexuality Bill see the [Latest News](#) section.

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Transgender persons

19.18 The AI Report 2006 stated with regard to transgender persons that there was “No data or legal situation unclear.” [10c] (p13) The ILGA Report 2010 noted that Uganda had no law that recognised gender reassignment. [76a] (p50) The report also listed a number of laws that positively support LGB and T persons by criminalising various forms of discrimination because of an individual’s sexual orientation or gender identity. Of the laws listed, Uganda has enacted none. [76a] (p44-50)

A description of life for a Ugandan transgender can be read in [Fugitives in their Own Country](#) [28b] see also [Who is a transgender?](#) An article published by FARUG (Freedom and Roam Uganda). [47b]

TREATMENT BY, AND ATTITUDES OF, STATE AUTHORITIES

19.19 The Inter Press Service News Agency in the article *Fugitives in their Own Country* published on All Africa on 29 January 2010 outlined the situation:

“Sex between two people of the same gender is a crime punishable by life imprisonment through provisions in the Penal Code and the 1995 Constitution. In April 2009 minister of ethics and integrity, James Nsaba Buturo, declared the current laws insufficient to fight homosexuality, which he described as 'immoral and un-African'.

“Shortly after, an Anti-Homosexual Bill (2009) which 'aims at strengthening the nations capacity to deal with emerging internal and external threats to the traditional heterosexual family' - was tabled in parliament as a private members Bill by MP David Bahati. 'We want it (the Bill) to become law in that if someone is a homosexual, or confesses to being gay, then he/she is a criminal,' Buturo, said.” [28b]

19.20 All Africa.com stated in the article *Continent's Govts [sic] Watch Anti-Gay Bill Debate*, published on 29 January 2010 “Uganda is a country that has been traumatized by violence, witch-hunts and extrajudicial executions. In recent years, the harassment of Uganda’s LGBT community has increased, including the arrests of members of the LGBT community and the closure of radio stations that held debates on homosexuality in Uganda. The proposed [Anti-Homosexuality] bill would likely lead to intensified violence and harassment toward anyone thought to be homosexual.” [72]

74 The main text of this COI Report contains the most up to date publicly available information as at 2 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 23 March 2011.

- 19.21 Feminist Africa in the article *Out of the Closet: Unveiling Sexuality Discourses in Uganda*, published February 2003, stated “Under the repressive conditions of state-and religious-inspired homophobia in Uganda, it is not surprising that most homosexuals find it difficult to ‘come out’ of their closeted lives or to be open about their sexual orientation. Most blend within the wider society and even live under the cover of heterosexual relationships while maintaining their homosexual relationships underground.” [25a]
- 19.22 The Inter Press News Agency commented in the article *Fugitives in their Own Country* published on All Africa on 29 January 2010 “But most controversial of all is the death sentence imposed for the crime of ‘aggravated homosexuality’. This is where an HIV-positive LGBT person has sex with a person who is either under the age of 18 years or has disabilities. And if someone is caught repeatedly having non-heterosexual sex, they will be classified as a serial offender and also face the death sentence.” [28b]
- 19.23 Amnesty’s 2010 Report *I Can’t Afford Justice* published on 6 April 2010 commented “...section 145 of the Penal Code Act has been and continues to be used by the police and other law enforcement officials to subject lesbian, gay, bisexual and transgender (LGBT) people in Uganda to arbitrary arrest and detention often resulting in torture or other cruel, inhuman and degrading treatment.” [10b] This comment is contrary to that made by UHRC at 19.04 and should be considered accordingly.

SOCIETAL TREATMENT AND ATTITUDES

- 19.24 The International Lesbian, Gay, Bisexual and Trans[sic] Association (ILGA) stated in an undated posting, accessed February 2011: *Ugandan ruling small victory in gay struggle* “Gay people in Uganda continue to face threats and discrimination despite a court ruling banning local media from publishing the personal details of alleged homosexuals, rights activists and lawyers say.” [76b]
- 19.25 Feminist Africa, in the article *Out of the Closet: Unveiling Sexuality Discourses in Uganda*, noted “There are several stigmatised terms to describe homosexuals in Uganda, but the commonest one is abasiyazi (others include kyafoko and eyumayuma)... Society considers them a moral outrage... [87]
- 19.26 FARUG coordinator Kasha Jacqueline commented during her (undated) interview with AWID, accessed 19 February 2011:
- “Homosexuality is illegal in Uganda. For many people and institutions, it is a no-go area. Many of us have been expelled from schools just for writing love letters to our same-sex lovers, something our heterosexual colleagues are not expelled for. My principal at university even made me sign a memorandum of understanding that I would not go anywhere within a radius of 100 metres of the girls’ hostels because I am a lesbian!
- “So many lesbian, gay, bisexual, transgender and intersex (LGBTI) persons have been expelled, sacked from jobs and sent away from families. Many do not receive appropriate and necessary healthcare services for fear of revealing their sexual orientation, identity or preferences ... Transgender individuals and lesbians have been subjected to ‘curative’ rape and the perpetrators in most of the cases recorded come from the victims’ immediate families.

“LGBTI persons if identified are harassed on the streets, in public recreation centres and churches. Many have been evicted from their houses by landlords.” [78a]

19.27 The USSD Report 2009 stated “Public resentment of homosexual conduct sparked significant public debate during the year, and the government took a strong position against such conduct despite a December 2008 ruling by the High Court that constitutional rights apply to all persons, regardless of sexual orientation. The local NGO Sexual Minorities Uganda (SMUG) protested alleged police harassment of several members for their vocal stand against sexual discrimination. LGBT persons were also subject to societal harassment and discrimination.” [30b]

19.28 Kasha Jacqueline also commented in the interview with AWID “Generally this Bill is just an additional proposed piece legislation to further criminalize and abuse the rights of LGBTI persons. There is currently a lot of public incitement from high profile persons like religious leaders, Ministers, Members of Parliament and so on. This has further victimized LGBTI persons: The people in power and the State that is supposed to protect us are instead calling for harsher laws against us.” [78a]

An excerpt from the AWID interview can be accessed [here](#). [78a]

Read the first hand experience of a lesbian couple living in Uganda [here](#) (Time, 8 March 2010) [34a] and for a gay couple [here](#) (*The Guardian*, 22 October 2010) [8b]

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Rolling Stone newspaper

19.29 *Consultancy Africa Intelligence* stated in the article *Ugandan Court’s bold move, Injunction issued against tabloid for anti-homosexuality publication*, published 2 February 2011:

“On 2 October 2010, the *Rolling Stone* tabloid published names, addresses and details of places frequented by alleged homosexuals. The headline of the publication read ‘100 pictures of Uganda’s top homos leak.’ A sub-title of the article said: ‘Hang them! They are after our children!’ The Civil Society Coalition on Human Rights & Constitutional Law (CSCHRC), through its members (the applicants), filed a complaint in the High Court of Uganda against the *Rolling Stone* tabloid and its managing editor, Giles Muhame (the respondents). The applicants sought a permanent injunction against the respondents from publishing injurious information, an order of compensation for the pain and anguish caused to the applicants as well as payment of the costs of the application. The complaint resulted in the Court issuing an interim order on 1 November 2010. The interim order restrained the editors of the publication from publishing further information regarding alleged homosexuals until final determination of the case.”

19.30 The same source continued:

“The Court’s decision:

“On 3 January 2011 the Court issued its final ruling. It granted a permanent injunction preventing the *Rolling Stone* tabloid and its managing editor, Giles Muhame, from further publications that reveal the identities and homes of the applicants or any other alleged homosexuals. The Court also awarded UGX 1,500,000 (US \$640) to each

applicant in damages and ordered the respondents to pay the costs of the application. The Court, in considering whether the publication infringed, or threatened to infringe the rights of the applicants, made a number of important findings:

“It held that the case was not per se about homosexuality, but rather, whether or not fundamental rights had been infringed or threatened to be infringed;

“It confirmed that article 50 of the Constitution gave the Court competence to deal with rights that have been infringed as well as rights that are being threatened to be infringed;

“It held that ‘clearly the call to hang gays in their dozens tends to tremendously threaten their right to human dignity’;

“It held that revealing the addresses of alleged homosexuals with the intention of ‘fighting gayism’ infringed the applicants’ rights to privacy;

“The Court held that the publication was a threat to the right to life of the applicants.

“Concluding remarks:

“The judgment is a bold move on the part of the High Court of Uganda. It sends out a clear signal to all members of Ugandan society that the Constitution protects the rights of all citizens, regardless of their perceived sexuality. It also sends out a specific message to media houses to report responsibly. As stated by the Director of the Human Rights and Peace Centre at Makerere University, ‘it serves as a wake-up call to media houses that are making a mockery of the principles of freedom of speech and responsible reporting.’ Despite the Court’s bold move however, many Ugandans still live in fear of persecution due to their sexual orientation. David Kato, whose picture was featured on the front page of the controversial Rolling Stones issue, received several death threats and was murdered in his home on 25 January 2011.” [43a]

- 19.31 The BBC stated on 27 January 2011 in the article *Uganda gay rights activist David Kato killed* that “David Kato, a Ugandan gay rights campaigner who sued a local newspaper which outed him as homosexual, has been beaten to death, activists have said..... Uganda’s *Rolling Stone* newspaper published the photographs of several people it said were gay, including Mr Kato, with the headline ‘Hang them’.” [2b]
- 19.32 *The Guardian* also [announced](#) the death of David Kato [8c] whilst Human Rights Watch related the events, accessible [here](#), which led up to his death. [41a]
- 19.33 BBC News stated in the article *Uganda: Police arrest over gay activist Kato killing* on 2 February 2011 that: “Ugandan police have arrested a man over last week’s murder of David Kato, a gay activist who sued a local newspaper which outed him as homosexual.” [2e]

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LGBT GROUPS**Freedom and Roam Uganda (FARUG)**

19.34 Freedom and Roam Uganda (FARUG) stated on their website accessed 7 September 2010:

“FARUG is a lesbian, bisexual, transgender and intersex human rights organization founded in the July of 2003. FARUG started informally, gained experience, strength and support and then decided to organise more formally to achieve identified goals. In the early days of the formation of FARUG, a lesbian was killed and FARUG spoke out... Today FARUG identifies as the only local organization fully dedicated to LGBTI issues in Uganda... The vision of FARUG is to build an organization, which will strive for the attainment of full equal rights of lesbians, bisexuals, Transgender and Intersexual (LBTI) women as well as the removal of all forms of discrimination based on sexual orientation and Empower LGBTI women.” [47a]

19.35 The FARUG Mission Statement says “To empower, lobby and press for the recognition of same sex relationships, especially lesbians in Uganda and thereby attain full equal rights and freedom in all aspects of life.” [47a]

19.36 Under a section entitled *What has FARUG changed/is changing?* an undated online entry accessed 7 September stated:

- “there has been an 'increase in the advocacy capacities of FARUG, stronger partnerships with mainstream human rights and women's rights organizations, increased visibility of LGBTI, increased capacity to mobilize financial resources,
- “Increased opening up debate and engagement within the feminist movement on LGBTI issues,
- “Relations with other sexual minorities...movement has improved a little, 'Physical space for FARUG members i.e. we have rented space for members to dialogue, watch videos, socialise etc. It allows LGBTI to meet, interact and share with one another with the aim of giving a positive feeling of group identity, and reducing the harmful negative attitude many will have experienced from family, friends or public,
- “Challenging prejudice and stigma on day to day basis and spear heading the campaign to combat homophobia in Uganda.” [47a]

19.37 The same source noted:

“In 2007 FARUG published its first newsletter *'Break the Chains'* published for their awareness campaign in both Luganda, one of the local languages, and English and included personal profiles, a discussion about domestic violence and HIV/AIDS among LGBTI women. The awareness campaign was called "Understanding Sexuality--A tool to Self Realisation." *'Break the Chains'* is also FARUG's motto.

“FARUG worked closely with SMUG (umbrella organisation) during the CHOGM [Commonwealth Heads of Government Meeting] meeting in Uganda to highlight issues of homosexuality.” [47a]

Further information can be sourced [here](#). [47a]

Sexual Minorities Uganda (SMUG)

19.38 Sexual Minorities Uganda (SMUG) stated on their website in an undated posting:

“SMUG is a coalition of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) human rights organizations. SMUG was born on March 3, 2004 to organize LGBTI groups to create one big strong LGBTI community in Uganda. The need for a coalition arose because there were several LGBT groups operating in the country lacked concrete organization and teamwork with fellow groups. SMUG would then work on behalf of its member organizations, enforcing their activities and representing them in a more organized manner. “[35a]

The SMUG website can be accessed [here](#). [35a]

Gay Rights Uganda

19.39 Gay Rights Uganda stated in an undated posting under About Gay Rights Uganda: “Our mission is to end discrimination against lesbian, gay, bisexual, and transgendered persons particularly in Uganda and the rest of Africa, through highlighting acts of discrimination and abuse against the LGBT community. We also aim to have open dialogue with the wider African community to end this discrimination...”[38a]

The Gay Rights Uganda website can be accessed [here](#) for further information. [38a]

Recommended further reading:

- A useful [guide](#) provided by Gay and Lesbian Alliance against Defamation which contained a glossary of lesbian, gay, transgender and bisexual terms (pages 6–9) and in addition a glossary of terms to avoid (page 10,12&13). Also a section on transgender names, pronoun usage and descriptions (page 11) [42a]
- A [Compilation of citations](#) on the condition of homosexuals in Uganda. [38b]
- A [Sky news article](#), dated 27 January 2011 about the murder of David Kato. [44a]

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20. WOMEN

Overview

20.01 The Freedom House report, *Freedom in the World 2010*, Uganda, covering events in 2009, released in May 2010, stated that:

“Although the constitution enshrines the principle of equality between women and men, discrimination against women remains pronounced, particularly in rural areas. Uganda has legislated quotas for women in all elected bodies. Almost 20 percent of National Assembly members are female, and one-third of local council seats are reserved for

women. The law gives women the right to inherit land, but customary practices often trump legal provisions in practice. There are no laws protecting women from domestic violence [a Domestic Violence Act was introduced in 2010 – see below], and incidents often go unreported and are rarely investigated. Cultural practices such as female genital mutilation persist.” [11a]

Socio and economic statistics

20.02 The World Food Programme in the April 2009 report *Comprehensive Food Security & Vulnerability Analysis (CFSVA)*: Uganda stated:

“The social structure of Ugandan culture is likely to create a gender-poverty bias. Women participate less in the labour market and earn lower wages than their male counterparts.

“Women represent about 60% of the adults living with HIV/AIDS²⁹ giving them increased vulnerability to chronic illness, reduced earning capacity and reduced ability to care for their children.

“From the CFSVA data, an average of 28% of households were female-headed. However, this subsumes considerable stratum variations. In Karamoja region this variation was often significantly different. Moroto reported 63% of households being female-headed, Nakapiripirit 69% and Kaabong 85%. This is probably a reflection of the pastoralist/agropastoralist lifestyle that dominates this culture.” [31b]

20.03 The report also stated “74% of men are literate vs. 58% of women in rural areas. This is strikingly different from urban populations (89% male; 83% female).” [31b]

20.04 The ChartBin noted from the February 2006 election “102 of the 324 Parliamentary seats (31.5%) were held by women.” [39c]

20.05 The ChartBin (updated March 2010) also noted prostitution is illegal – but common. [39a]

Further information is available in the 2006, but still relevant *Demographic and Health Survey for Uganda*. [67a] The Global Gender Gap Index, introduced by the World Economic Forum in 2006, is a framework for capturing the magnitude and scope of gender-based disparities and tracking their progress. The Index benchmarks national gender gaps on economic, political, education- and healthbased criteria, and provides country rankings that allow for effective comparisons across regions and income groups, and over time, which can be accessed [here](#) in the 2010 Global Gender Gap Report 2010. [36a]

LEGAL RIGHTS

International obligations

20.06 The Government of Uganda’s submission to the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) titled *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Combined fourth, fifth, sixth and seventh*

80 The main text of this COI Report contains the most up to date publicly available information as at 2 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 23 March 2011.

periodic report of States parties, (GoU CEDAW Report 2009) dated 25 May 2009, observed that:

“Uganda ratified CEDAW in 1985 without reservations. Government of Uganda’s commitment to adhere to the provisions of CEDAW has been demonstrated by the submission of Country Status Reports in 1992, 1999 and 2002 to the Committee. According to the CEDAW Committee’s guidelines and report on the status of submission of reports by States Parties under article 18 of the Convention issued on 16th July 2008, GoU was expected to submit the Fourth periodic report in 1998 and subsequent reports in 2002, and 2006. This report [of 25 May 2009 therefore is a combined fourth fifth, sixth, and seventh periodic report for consideration by the CEDAW Committee.” [66a] (p12)

20.07 The Amnesty International report, *‘I can’t afford justice’, Violence against women in Uganda unchecked and unpunished*, dated 15 April 2010, (AI VAW Report 2010) stated that:

“Uganda has ratified several international treaties that are relevant to the rights of women and girls. These include:

“African Charter on Human and Peoples’ Rights (ACHPR),

“International Covenant on Economic, Social and Cultural Rights (ICESCR),

“International Covenant on Civil and Political Rights (ICCPR),

“Convention on Elimination of All Forms of Discrimination against Women (CEDAW),

“Convention Against Torture (CAT),

“Convention on the Rights of the Child (CRC).

“Uganda has signed, but not yet ratified... the African Charter on Human and Peoples’ Rights Protocol on the Rights of Women in Africa, commonly referred to as the African Protocol on women’s rights or the Maputo Protocol... The Protocol guarantees a wide range of women’s civil and political rights as well as economic, social and cultural rights. These rights include the right to life, integrity and security of person; protection from harmful traditional practices; prohibition of discrimination and protection of women in armed conflict. The Protocol also guarantees the right to health and reproductive rights of women and access to justice, among others.” [10b] (p14-15)

Domestic law and policy

20.08 The US Department of State *Country Report on Human Rights Practices 2009*, Uganda, released on 11 March 2010, noted that:

“The law prohibits discrimination based on... gender... social status; however, the government did not enforce the law in matters of locally or culturally prevalent discrimination against women, children... 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.” [30b] (Section 5)

- 20.09 The Amnesty International Violence Against Women (I Can't Afford Justice) Report 2010 stated:

"Uganda's Constitution provides that 'women shall be accorded full and equal dignity of the person with men' (Article 33(1). Article 33(2) further provides that 'the state shall provide the facilities and opportunities necessary to enhance the welfare of the women to enable them to realise their full potential and advancement.' Article 33(6) provides that 'laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status, are prohibited by this constitution.'

"In 2007, the Constitutional Court struck down some discriminatory laws from the statute book. The court addressed the discriminatory aspects of adultery and divorce where the law... previously (under the Penal Code Act) in effect made it lawful for a married man to have an affair with an unmarried woman but unlawful for a married woman to have an affair with an unmarried man... In addition the divorce law... set stricter evidentiary standards for women, when seeking a divorce. Women had to show that their husbands had not only committed adultery, but also provide evidence for additional grounds for divorce such as bigamy, sodomy, rape and desertion. The Court decided therefore, that the grounds for divorce as set out under the Divorce Act, should equally apply to both sexes. Women, like men, should have the right to divorce their husbands for the sole reason of adultery. The compensation for adultery, alimony and settlement related with the divorce should also equally apply to both sexes." [10b] (p15-16)

- 20.10 In the UN report, Concluding Observations of the Committee on the Elimination of Discrimination against Women, Uganda, dated 22 October 2010, (CEDAW Report 2010), the Committee stated that:

"The Committee welcomes the promulgation of the 2006 Refugee Act which contains provisions in line with international standards, including the specific provision recognizing discriminatory practices based on gender as a ground for seeking asylum... The Committee welcomes the progress achieved since the consideration of the State party's third periodic report in 2002 (CEDAW/C/UGA/3), including the legislative reforms that have been undertaken and the adoption of a wide range of legislative measures. Specific reference is made to:

"a) The Land Act Amendment (2004);

"b) The Employment Act (2006);

"c) The Equal Opportunities Commission Act (2007) which provides a legal basis to challenge laws, policies, customs and traditions that discriminate against women, as well as the National Equal Opportunities Policy;

"d) The amendments to the Penal Code prohibiting defilement of girls and boys (2007);

"e) The Domestic Violence Act 3 (2010), criminalizing violence in a domestic setting;

"f) The Prohibition of Female Genital Mutilation Act 5 (2010);

"g) The Prevention of Trafficking in Persons Act (2010); and

"h) The International Criminal Court Act (2010), criminalizing sexual exploitation of women during conflict situations.... The Committee notes with satisfaction that the State

party has adopted a number of policies, programmes and plans of action to promote gender equality and eliminate discrimination against women. Specific reference is made to the National Action Plan on Gender for monitoring the implementation of the Convention for the period 2007-2010 as well as the National Gender Policy (2007).

“The Committee notes with satisfaction that in the period since the consideration of the previous report, the State party has ratified the Convention on the Rights of Persons with Disabilities, as well as its Optional Protocol, on 25 September 2008.” [66b] (p2)

20.11 The source document also stated that:

“The Committee takes note of a number of important decisions of the Constitutional Court that have declared parts of existing legislation unconstitutional for being discriminatory against women, including the cases of the Uganda Women Lawyers Association v. Attorney General (2003) and the Law and Advocacy for Women in Uganda v. Attorney General (2006). While welcoming the efforts of the State party to achieve legislative reform, specifically in the context of the work of the Law Reform Commission, the Committee reiterates its concern at the low priority given to comprehensive legal reform to eliminate sex-discriminatory provisions and to close legislative gaps in order to bring the country’s legal framework fully into compliance with the provisions of the Convention and to achieve women’s de jure equality. The Committee is concerned, in particular, about the delay in the passage of the Marriage and Divorce Bill, the Sexual Offences Bill and the HIV/AIDS Prevention and Control Bill. The Committee is further concerned that other legislation and customary practices that discriminate against women and are incompatible with the Convention, remain in force.” [66b] (p3)

20.12 The Committee further observed:

“While noting efforts undertaken by the State party to restructure and strengthen its national gender machinery, notably the Ministry of Gender, Labour and Social Development, the Committee is concerned about the continued weak institutional capacity of this Ministry, including inadequate human, financial and technical resources. It is concerned that such inadequacies could prevent it from effectively discharging its functions in promoting specific programmes for the advancement of women, in effectively coordinating efforts among the different institutions of the national machinery, at various levels, and in ensuring comprehensive gender mainstreaming in all areas of government policy... While noting that Article 33 (6) of the Constitution ‘prohibits laws, customs or traditions which are against the dignity, welfare or interest of women’, the Committee remains concerned that mechanisms to enforce such constitutional provisions on non-discrimination are not widely known and are inaccessible to women. In this respect, the Committee notes with satisfaction the recent establishment of the Equal Opportunities Commission (EOC), the appointment of its five commissioners and the initial budget allocation for its functioning, but it is concerned at the limited information provided on the mandate and composition of the EOC as well as the general lack of information provided by the delegation as to any progress with regard to its operationalisation. To this end, the Committee is concerned that the State party does not have a comprehensive and effective complaints system for women.” [66b] (p4)

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CULTURAL/SOCIETAL ATTITUDES

20.13 The CEDAW Report 2010 stated that:

“While noting some efforts made by the State party, the Committee reiterates its concern at the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life. The Committee is concerned that such customs and practices perpetuate discrimination against women and girls, that they are reflected in the disadvantageous and unequal status in many areas, including in education, public life, decision-making, marriage and family relations, and the persistence of violence against women and harmful practices, including polygamy, early marriages and the bride price, and that, thus far, the State party has not taken effective and comprehensive action to modify or eliminate stereotypes and negative traditional values and practices. The Committee also expresses its concern at the continuing stereotypical portrayal of women in the media which encourages discrimination and undermines equality of women and men.” [66a] (p4-5)

20.14 The African Peer Review Mechanism (APRV) noted in its 2009 Republic of Uganda Report, published January 2009, that:

“... patriarchal values influence law enforcement and affect fairness in justice delivery. Expressing the double disadvantage that women face in accessing justice, the National Women Council’s submission to the APRM observed that the Ugandan court system is characterised by patriarchal values upheld by legal practitioners and the institutions.

“Generally, more privileges are given to men, thus disadvantaging women; physical access to magistrates’ courts is difficult; the poor, especially women, are unable to pay court expenses; and there is a high degree of technicalities involved, including legal jargon. These difficulties are compounded by women’s higher rates of illiteracy, lack of experience in public speaking and ignorance of their rights. Delays in the time taken to deliver justice are aggravated by corruption and rampant poverty. These and other factors have made the poorest, invariably women, lose confidence in the justice delivery system.” [48c] (318)

Further information related to discrimination can be accessed [here](#) on the AFROL (African Online News) webpage which provided gender based information. [68a]

It would also be helpful to look at Section 11: [Prison and other places of detention conditions](#); Section 21: [Children](#); Section 22: [Trafficking](#) and Section 20: [Violence Against Women](#) in relation to the above.

POLITICAL RIGHTS

20.15 Broad Recognition noted in the article *Misrepresentation: Flawed Affirmative Action in Uganda’s National Parliament*, published December 2009:

“The Ugandan Parliament’s gender quota system has caused wide spread confusion about the man-date and roles of Woman MPs in the nation’s populace. All interviewees asserted that there was a general misunderstanding, in their constituencies, of the man-date of affirmative action. These representatives affirmed that many constituents think that Woman MPs ‘only represent the women constituents,’ or that Women MPs

'champion only women's issues,' or that Woman MP seats are the only seats which women should fill (and that by running on the direct ticket a woman would essentially be taking a male candidate's seat). Perhaps the most prominent and troublesome misperception, however, applies to Woman MPs' actual areas of representation. According to the women I spoke with, a large number of Ugandans do not know that a Woman MP represents an entire district as opposed to a small constituency. This common misconception, in conjunction with a lack of proportional resources to serve one's district, undoubtedly encourages the opinion." [55a]

SOCIAL AND ECONOMIC RIGHTS

Family law: marriage, divorce and inheritance

20.16 The US Department of State *Country Report on Human Rights Practices 2009*, Uganda, released on 11 March 2010, (USSD Report 2009) stated that:

"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 September 8, the Constitutional Court started hearing a petition against the practice filed in 2007 by the Mifumi Project, a women's rights group that claims bride prices impede the right of a woman to choose her husband and also exacerbate domestic violence. A court ruling was pending at year's end.

"Prostitution is illegal but common. In August the Uganda AIDS Commission reported that 11 percent of new HIV/AIDS infections were due to commercial sex. In July the government stopped the recruitment of women as domestic workers abroad following reports that many were being forced into prostitution.

"Although it is prohibited with penalties of up to 14 years' imprisonment, sexual harassment was a widespread problem, and the government did not enforce the law effectively. In April police inspector 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.

"There are no laws restricting couples and individuals from deciding freely and responsibly the number, spacing, and timing of their children; however, information and assistance on family planning topics relevant to these issues were 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.

"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 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, women did most of the agricultural work but owned only 7 percent of the agricultural land. Women also experienced economic discrimination in access to employment, credit, pay, and in owning or managing businesses.

“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.” [30b]

20.17 AFROL [African Online News] stated in an undated posting, accessed 23 March 2011:

“Traditional and widespread societal discrimination against women continued, especially in rural areas, despite constitutional provisions to the contrary. Many customary laws discriminate against women in the areas of adoption, marriage, divorce, and inheritance. In most areas, women may not own or inherit property, nor retain custody of their children under local customary law. Divorce law sets stricter evidentiary standards for women to prove adultery. Polygyny is legal under both customary and Islamic law, and a wife has no legal status to prevent her husband from marrying another woman. Men also may ‘inherit’ the widows of their deceased brothers. Women do most of the agricultural work but own only 7 percent of the agricultural land. There are limits on a married woman's ability to travel abroad with her children. The marriage of young girls by parental arrangement is common, especially in rural areas.” [68a]

VIOLENCE AGAINST WOMEN

20.18 The CEDAW Report 2010 noted that:

“While welcoming the enactment of the 2010 Domestic Violence Act and the activities of the Gender Based Violence Reference Group, the Committee expresses its concern at the prevalence of violence against women and girls, such as widespread domestic violence, and is particularly concerned at the inordinately high prevalence of sexual offences against women and girls. The Committee is also concerned at the absence... of a holistic approach to the prevention and elimination of all forms of violence against women and that such violence would appear to be socially legitimized and accompanied by a culture of silence and impunity. It is further concerned that cases of violence are underreported and it is concerned at reports of corruption in police stations, with some police officers illegally charging fees for free services. The Committee regrets the lack of information on the impact of the measures and programmes in place to reduce incidences of all forms of violence against women and girls. The Committee is also concerned that social support services, including shelters, are inadequate.” [66b] (p5-6)

20.19 AFROL, a useful (undated) source, accessed 23 March 2011 provided information on a number of gender related issues stated:

“Violence against women, including rape, remains common. Wife beating is viewed as a husband's prerogative. Delays in bringing capital offense cases to trial in situations, where a husband killed his wife, remains common.

“Child abuse remains a serious problem, particularly the rape of young girls (known locally as ‘defilement’). While defilement carries a maximum sentence of death, that punishment has never been meted out to a convicted rapist.

“An undetermined number of women were victims of abduction and rape by rebel forces. In past years, the LRA rebels/terrorists also reportedly sold and traded children, mostly girls, or provided them as gifts to arms dealers in Sudan. Women may not own or inherit property, nor retain custody of their children under local customary law.

“Polygyny is legal under both customary and Islamic law, and a wife has no legal status to prevent her husband from marrying another woman. Men also may “inherit” the widows of their deceased brothers. The proportion of girls in higher school grades remains low since families traditionally favour boys when making financially related educational decisions.

“The marriage of young girls by parental arrangement is common, especially in rural areas. Females of the Sabiny tribe are subjected to the practice of Female Genital Mutilation (FGM).” [68a]

Domestic violence

20.20 The US Department of State *Country Report on Human Rights Practices 2009*, Uganda, released on 11 March 2010, (USSD Report 2009) stated that:

“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 1,536 rape cases registered with the police in 2008, of which 241 went to court, resulting in only 52 convictions.

“Domestic violence against women, including spousal abuse, remained widespread, and reports of such incidents continued to increase. Approximately 48 percent of married women between the ages of 15 and 49 have experienced physical violence from their intimate partners, 36 percent have experienced sexual violence, and 49 percent have experienced emotional violence. 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 November 12, parliament passed 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. During the year the government arrested and prosecuted 15 persons responsible for domestic violence.

“In September the police launched an informational campaign focused on marriage and child rights to further curb domestic violence.” [30b]

20.21 The Inter Press Service News Agency in the article *Women Press for Domestic Violence Bill* published on 17 July 2009 stated:

“Sixty eight percent of women in Uganda have experienced some form of domestic violence according to the country's 2006 National Demographic and Health Survey. In Uganda, these women - and those worst affected are disproportionately poor, poorly-educated and disadvantaged - are unable to rely on the state to protect them from harm from intimate partners. There is neither a law nor a legal definition of domestic violence.

“Perpetrators of domestic violence are usually charged with other offences like murder, assault, rape, defilement and child neglect among others... if they are charged at all. Sometimes police or court officials send the women back home saying "that's a family affair, there's no case". [28a]

The full Report can be read [here](#).

20.22 *The Monitor* reported on 16 April 2010 in the article *New Law On Domestic Violence Good But Attitude Change is Vital* that “It is welcome news that President Museveni has assented to the Domestic Violence Act that aims to punish perpetrators of domestic violence. Welcome and timely as this gesture might be, it is itself insufficient to bring an end to domestic violence, and other forms of Violence Against Women (VAW).

“There are many aspects of the new law that will strengthen the fight against domestic violence. For instance, local councils are given a mandate to try cases of domestic violence; fines are set for perpetrators of domestic violence; the law penalises a partner in a domestic relationship who injures or endangers the health of the other; and it is illegal to deny a partner the economic or financial resources to which they are entitled.

“This is a great step in the fight against domestic violence in Uganda, but we contend that the law alone may not make much impact in the fight against domestic violence if it is not complemented by attitude and behaviour change. At the moment, there are many areas in Uganda where violence against women is justified, even found acceptable. Worryingly as many as 77 per cent of women in Uganda believe that their husbands beating them is acceptable behaviour.

“Such attitudes and practices will not change by the enactment of a law but also through individuals and communities realising that there is no justification for VAW and that all men, women and children need to rise up and oppose it.

“An unacceptably high number of Ugandan women (more than 78 per cent) continue to experience domestic violence, mostly at the hands of men. It is telling that although the vast majority of cases go unreported, the Police Crime Report for 2009 shows a climb in reported cases of death resulting from domestic violence, from 137 in 2008 to 165 in 2009.” [9d]

Rape

20.23 AI commented in its report *I Can't Afford Justice*:

“Even acts of sexual or gender-based violence by state agents, such as rape in custody, were dismissed as acts undertaken ‘purely for personal gratification’ and were not recognized as human rights violations, acts of torture and discrimination.

“Uganda does not have a law that recognises marital rape as a crime. The Sexual Offences (Miscellaneous Amendments) Bill 2004, which is pending in parliament, not only recognizes marital rape as a crime but also provides that a person convicted of marital rape shall, in addition to a sentence of imprisonment or a fine, be ordered to compensate a victim. Such amount of compensation shall take into account factors such as medical and other expenses incurred by the victim. Therefore, further delay in passing and assenting to legislation such as Domestic Violence Act (which has recently been passed), the Sexual Offences Bill, the Marriage and Divorce Bill, and the

Administration of Muslim Personal Law, that give provisions that protect women, impedes access to justice in a system that does not yet recognize domestic violence and marital rape as criminal offences.

“Ugandan women who openly say that they have been raped often face rejection by their families and others. This stigmatization may be more pronounced if the victim contracts HIV as a result of the violation. Women who do bring proceedings after a sexual assault may have to bear an unduly heavy burden of proof.

“Civil society organizations are crucial in supporting children affected by sexual abuse. Such NGOs include Hope After Rape, ANPPCAN [The African Network for the Prevention and Protection against Child Abuse and Neglect] and Slum Aid Project. These provide services such as psycho-social counselling, vocational training and financing and other related support services.

“Many women in Uganda are afraid to report rape and other forms of violence, not only because of hostility from the community, but also because they fear they being treated dismissively by the police and that no action will be taken to help them. The government admitted in its report to the CEDAW that attitudes of police officers towards violence against women remain a challenge.

“According to the Uganda Bureau of Statistics there were 750 rape cases reported in 2006, 599 in 2007 and 1,536 in 2008. Amnesty International collected gender based crimes statistics (compiled by the Criminal Investigation Department from all police stations in Uganda) for the period between January and June 2009. They recorded 4,192 cases of defilement, 366 of rape, and 34 cases of death resulting from domestic violence.” [10b]

Female Genital Mutilation (FGM)

- 20.24 BBC online noted in the article *Uganda bans female genital mutilation*, dated 10 December 2009 “Ugandan MPs have voted to outlaw female genital mutilation - also known as female circumcision. Anyone convicted of the practice, which involves cutting off a girl's clitoris, will face 10 years in jail, or a life sentence if a victim dies. The BBC... in Uganda says it is not officially condoned but is still practised in several rural areas. Rights groups welcomed the move, but urged awareness campaigns to ensure the centuries-old practice stops.” [2c]
- 20.25 AFROL [African Online News] stated in its undated Gender profile, “The tradition of Female Genital Mutilation (FGM), is practiced by the Sabinu tribe, located in the highly rural Kapchorwa district in the east” [68a] [and also by the Pokot people, and the Nubi people in the west (BBC, 10 December 2009) [2c]]. AFROL added “Among the Sabinu, initiation ceremonies involving FGM have been carried out every 2 years for girls between the ages of 14 and 16 years.” [68a]

[The Female Genital Cutting Education and Networking Project](#) provided an insight into those people who continue to practice FGM and additional background information. [70a]

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Lesbian and bisexual women

20.26 See the section on [LGBT persons](#).

Trafficking

20.27 A useful overview of the situation can be seen in an Ireland Refugee Documentation Centre response, dated 28 July 2010 accessed via [Refworld](#) [18a] and for more detail please refer to the [Trafficking](#) section.

ASSISTANCE FOR WOMEN

Government assistance

20.28 The USSD Report 2009 observed that “The national police maintained a Child and Family Protection Unit to train local police on women's and children's rights, including identification of trafficking victims and prevention of trafficking. The police also allowed the local NGO Uganda Development Youth Link to place its social workers in police stations to assist children and other trafficking victims, primarily in Kampala District.” [30b] (Section 5)

20.29 Amnesty International, in its 2010 Report I Can't Afford Justice, stated:

“In response to increased reports of violence against women and children, the government established Child and Family Protection Units in police stations and posts in Kampala to deal with cases relating to the family and children, including violence against women and girls. A number of these units are now functioning in Kampala, and it is planned to expand this programme throughout the country. These units are however facing financial constraints along with inadequate numbers of specialized police to provide redress to victims of abuse.

“Various community education programmes are undertaken by the various ministries and departments dealing with gender issues. At the community level, the Ministry of Gender, Labour and Social Development undertakes the role of sensitizing communities on violence against women. This includes activities such as legal literacy sessions covering women's political participation, the right to inherit property, girls' education, gender-based violence, the economic empowerment of women and women's health and reproductive rights.

“Community education is also undertaken by the police, as was shown in the police stations that Amnesty International visited, on topics such as domestic violence, child abuse and violence against women. The Ministry of Health has developed a manual on the Clinical management of sexual and gender-based violence survivors. The government has also put in place a number of measures to promote women's rights.

“Sexual and reproductive health issues are being addressed through an elaborate policy framework that includes: the National Health Policy; the Health Sector Strategic Plan (HSSP II); the National Strategic Framework for HIV/AIDS; the Population Policy; and the Universal Primary Education. Sexual and reproductive rights form one of the priority areas under the National Minimum Health Care Package.” [10b]

NGO assistance

20.30 AFROL stated in its undated Gender profile for Uganda that:

“There are active women's rights groups, including FIDA, Action for Development, the National Association of Women Judges (NAWJ), Akina Mama Wa Afrika, the Forum for Women in Democracy, and NAWOU, which promote greater awareness of the rights of women and children. FIDA is in the 2nd year of a 3-year project to draft proposed reforms of outdated and discriminatory laws, and the NAWJ continued to disseminate its guidebook on women's rights and options concerning domestic violence to women throughout the country.” [68a]

HEALTH ISSUES

Maternal and child health

20.31 The Ministry of Health (MoH) stated in the report Draft Health Sector and Support Programme (HSSP) III 2010:

“Gender plays an important role in seeking health care. In most cases married women may not make decisions on their own regarding how resources in the home can be spent. The UDHS shows that about 55 percent of the women mainly decide by themselves how their earnings are to be spent, 32% report that they make the decision jointly with their husband/partner while 13 percent report that the decision is mainly made by their husband/partner. There are variations in the proportion of women who make independent decisions about their earnings ranging from 24% in Eastern region to 79% in Kampala. This shows that women in urban areas are more likely to make independent decisions compared to those in rural areas. Decision making is an important determinant of health care seeking behaviour and in contexts where decisions are made by men this may delay seeking appropriate health care.” [57a] (p33)

It may be helpful to look at medical issues and [social and economic rights](#) in conjunction with the above and for specific information about women and cancer see [here](#).

20.32 The same source stated:

“Maternal and child health conditions carry the highest total burden of disease with perinatal and maternal conditions accounting for 20.4% of the total disease burden in Uganda. Some progress has been made in the improvement of the health of mothers and children in Uganda over the implementation of the HSSP II. The Road Map to accelerate Reduction of Maternal and Neonatal Morbidity and Mortality and the National Child Survival Strategy were formulated in 2007 and 2009, respectively. The effective implementation of these strategies will contribute significantly towards achievement of MDGs 4 and 5 by 2015.” [57a] (p11)

20.33 The Ministry of Health continued:

“Sexual and reproductive health (SRH) core interventions have been rolled out but the proportion of pregnant women delivering in GoU and PNFP facilities is still low at 32% at the end of HSSP II against a target of 50%. The proportion of facilities providing appropriate EmOC is still low and so is access post natal care within first week of delivery which stands at 26%. About 15% of all pregnancies develop life threatening

complications and require emergency obstetric care (EmOC). The national met need for EmOC is 40%¹². Only 11.7% of women deliver in fully functional comprehensive EmOC facilities. The MMR for Uganda is still high at 435 deaths per 100,000 live births and the leading direct causes of these deaths are haemorrhage (26%), sepsis (22%), obstructed labour (13%), unsafe abortion (8%) and hypertensive disorders in pregnancy (6%)¹³. The main factors responsible for maternal deaths relate to the three delays – delay to seek care, delay to reach facilities and intra-institutional delay to provide timely and appropriate care. Slow progress in addressing maternal health problems in Uganda is due to lack of HR, medicines and supplies and appropriate buildings and equipment including transport and communication equipment for referral.

“Most of the HC IVs are not providing comprehensive SRH services yet there are a number of reproductive health challenges at that level. The current uncontrolled high fertility of women with an average of 7 children per woman predisposes women to high risk pregnancies and subsequently increases chances of morbidity and mortality. Early sexual involvement of girls has sometimes led to unplanned and unwanted pregnancy with evidence of high incidence of unsafe abortions and its related complications in the age group. HIV prevalence among pregnant women attending ANC is estimated at 20-30%. As mentioned earlier, child morbidity and mortality are still high in Uganda. Neonatal deaths contribute 38% of all infant deaths, which is a significant proportion given that these deaths occur in one month out of the twelve months of infancy. This proportion has largely remained the same over the past 15 year (36.7% in 2000, 36.8% in 1995).

20.34 The MoH also reported in the HSSP 2010 Report from figures captured in 2008:

“Febrile illness is the major cause of under-five mortality in Uganda. Neonatal mortality is mostly caused by septicaemia/pneumonia (31%), asphyxia (26), prematurity (25), congenital abnormalities (7%), tetanus (2%), diarrhoea (2%) and other conditions (7%). Infections, birth asphyxia and complications of preterm delivery account for 82% of all newborn deaths¹⁴. Over a half of the total newborn deaths occur during the first week of life, mainly in the first 24 hours of life. The majority of newborn deaths result from infections, asphyxia, birth injuries and complications of prematurity. Low birth underlines 40-80% of newborn deaths.” [57a] (p11-12)

20.35 The ChartersBin (last updated May 2010) stated:

“The abortion laws in these countries (including Uganda) either expressly allow abortions to be performed only to save the life of the woman, or are governed by general principles of criminal legislation which allow abortions to be performed for this reason on the ground of necessity. In addition, the British case of R. v. Bourne or local application of that decision apply. Under the decision, the ground of necessity was interpreted to encompass abortion performed on physical and mental grounds.” [39d]

More information about children can be found [here](#) in Section 21: Children.

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21. CHILDREN

OVERVIEW

This section should be read in conjunction with Section 20: [Women](#)

- 21.01 An undated Report from the African Committee session, accessed 23 March 2011, provided the following general information about the conditions for children in Uganda:

[The report summarises the dialogue between the delegation from the government of Uganda and members of the African Committee of Experts on the Rights and Welfare of the Child during the review of Uganda's initial report to the Committee.]

“The Children's Act is currently being updated and will include new provisions on child labour, trafficking and street children, among others... A number of policies have been developed to eliminate discrimination against girls... The delegation listed a number of measures adopted and offices created to eliminate child prostitution, including the creation a child protection unit within the police force, a children's unit in the Ministry of Gender, Labour and Social Development, the existence of a Family and Children's Court and a Minister of State for Youth and Children's Affairs. Policies with provisions on child prostitution include the Orphans and Vulnerable Children Policy.

“The government is also developing a national plan of action on abuse... Magistrates and law enforcement officers are trained on aspects of the Children's Act. This training will be extended to rural areas. There is a child and family protection unit in every police force. Extensive training of law enforcement officers in children's rights is also underway... The courts should only consider detention as a last resort. The State places a strong emphasis on diversion for less serious cases. Section 91 of the Children's Act deals with this issue and Section 91.6 provides that ‘No child shall be remanded in custody in an adult prison’. Section 91.8 states that: ‘Pending the establishment of remand homes, the Minister may declare any establishment as a remand home’. The State has invested in the construction of remand homes. However, in many districts, the number of children committing serious offences may not warrant establishing a remand home. The government is therefore considering building regional remand homes.

“The delegation reported a worrying spate of child sacrifices; a phenomenon which, they said, was treated under the law not as a harmful traditional practice but as murder. Under the 2009 Anti-Trafficking Act, perpetrators of harmful traditional practices against children are dealt with severely. Other laws covering for example marriage, divorce and the Land Act, are also under review to ensure children's protection from harmful practices.

“Article 257c of the Constitution defines a child as a person under 18. In Article 34.5 of the Constitution, children are defined as under 16 for the purposes of clause 4 which provides that: ‘Children are entitled to be protected from social or economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development.’ The minimum age of criminal responsibility as established by Section 89 of the Children's Act is 12. The Employment Act of 2006 establishes a child as under 18, but makes some distinctions for the purpose of employment. This Act sets the minimum age of employment as 14.

“Certain socio-economic situations warrant that children work, but the Employment Act seeks to protect children from exploitation. It is based on the International Labour Organisation's Convention 138 on the Minimum Age of Admissions into Employment and Work which sets 15 as the minimum age. The delegation said there could be room for raising this age to 15. The Act defines the type of work children can engage in. All work is prohibited for children under 12. Fourteen is the minimum age for engaging in light work. Other minimum ages, for example, for marriage, are under review, but the country's socio-economic conditions mean the minimum age for work is set lower than other minimum ages. Light work is defined by the ILO as activities undertaken by children under supervision in an environment free from exploitation.

“Uganda has been a centre for the demand, transit and supply of trafficked children. Until 2009, these crimes were not specifically criminalised, but were dealt with from various angles: the Penal Code dealt with kidnapping, the Immigration Act dealt with illegal movement, etc. However, in 2009, a private members bill led to the drafting of a comprehensive Trafficking in Persons Act. This provides for prevention, sanctions and recovery of victims. Movement of children out of the country should only be under an adoption order. The Uganda Child Rights Network has worked with the government to tackle child trafficking and has helped awareness raising efforts. Other measures taken include the creation of an anti-trafficking unit in the police force, holistic psycho-social support to victims, children have also been involved in campaigning.

“All children have access to primary. However, the admission rate is 70 per cent and dropping. The admissions rate for secondary school is low. In terms of the drop-out rate for girls, other issues also need to be grappled with before further progress is made, for example, early marriage.

“The National Council for Children is being restructured and strong coordinating mechanisms are being developed with grassroots organisations to improve monitoring and evaluation of the child rights situation and relevant programmes.” [75a]

The website through which the above Report was accessed can be found [here](#), containing other useful related sources. [75a]

21.02 The UNICEF Uganda country page updated on 14 February 2006 observed that:

“Significant investments in children and women in recent years have led to developmental successes in Uganda, notably in primary education and in the fight against HIV/AIDS. However, in the north, nearly two decades of conflict between the Government and the Lord's Resistance Army (LRA) have spurred a severe humanitarian crisis marked by widespread insecurity and massive displacement. Uganda has ratified the Convention on the Rights of the Child (CRC), and the Optional Protocol to the CRC on the involvement of children in armed conflict. A Children's Act, based on the CRC, was passed in 1996.” [71a] (Background)

Additional information can be seen [here](#) in the United Nations Convention on the Rights of the Child 49th Session Report for 2008. [66c]

21.03 Statistics describing the position of children (and their mothers) can be found in the UN report, [State of the World's Children](#), November 2009 [71b] and the UN website, [Childinfo.org](#). [71c]

- 21.04 The US Department of State *Country Report on Human Rights Practices 2009*, Uganda, released on 11 March 2010, (USSD Report 2009) stated that:

“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.” [30b]

- 21.05 The United Nations stated in an Economic Social Council directive: Draft country programme document - Uganda dated 13 July 2009:

“Abduction and recruitment of children into armed conflict has ceased; as of March 2009 Uganda no longer appears in the list of countries in violation of the United Nations Security Council resolution 1612. The prevalence rate of female genital mutilation is less than one per cent. Serious child protection challenges remain: only one in five children is registered at birth; 21 per cent of girls and 7 per cent of boys aged 15-19 years have experienced sexual violence; and 9 per cent of all children aged 5-17 years are engaged in child labour. Reports of trafficking of children have been increasing, as have reports of children being murdered for rituals and of children coming into conflict with the law.

“The 2008 Concluding Observations of the Committee on the Rights of the Child on Uganda’s reports on the Optional Protocols to the Convention on the Rights of the Child, on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, precipitated actions to prevent recruitment of children and reduce child trafficking and sexual exploitation. The most recent report on the Convention on the Elimination of All Forms of Discrimination against Women was in 2008. The Ugandan Education Act makes primary education compulsory and recognizes the importance of early childhood development and non-formal education. Bills and policies awaiting finalization include a national birth and death registration policy; a gender and education policy; an HIV and AIDS Act; and a domestic relations bill that includes a prohibition on adolescent marriage, except for Muslim girls. A ten-year health policy, a school health policy, a sexual offences bill and a five-year health-sector strategic plan are currently being developed. Uganda lacks a comprehensive social protection framework or strategy as well as a comprehensive national disaster risk reduction and management policy.” [63a]

- 21.06 The Congressional Research Services (CRS) stated on the report *Uganda: Current Conditions and the Crisis in Northern Uganda*, published 9 December 2010 “Children who are not in internally displaced persons camps often leave their homes at night to sleep in hospitals or churches, although over the past year conditions have improved. These children were known as ‘Night Commuters.’ Education for many of these children seems out of reach, since many are unable to stay in one place to attend school.” [81a] (Humanitarian conditions, page 8)

- 21.07 The same source continued “According to a World Vision report, *Pawns of Politics* “The north has suffered insecurity, manifested by violence against civilians, abductions and

displacement. This insecurity has resulted in death, loss of property, and disruption of development activities. Children are losing vital educational opportunities; they are at greater risk for contracting HIV/AIDS and other STDs; and they are forced into child prostitution, child soldiering, and other forms of bondage.” [81a]

It may also be useful to look at Section 11 [Conditions in prison and other places of detention](#) to read about forced child labour of juvenile prisoners.

Basic legal information

The information below is augmented in the [Overview](#) and the [Violence against children](#) section.

21.08 The Foundation for Human Rights Initiative (FHRI) stated in the report *Juvenile Justice for Uganda*, which covered the period January to July 2009:

“The Government of Uganda has ratified the major international covenants and domesticated provisions that advocate for the promotion and protection of children’s rights. These covenants and their corresponding domestic legislation provide an adequate legislative and policy framework necessary for the protection of the unique needs of children in conflict with the law. However, policies without implementation are of little benefit. In order to demonstrate true commitment to children’s rights the government must ensure that these provisions are adequately enforced in order to prevent and address issues pertaining to juvenile offenders.” [85] (p3)

21.09 The Vibe-co.uk commented in the article *Is the age of criminal responsibility too low?* on 22 August 2010: “At 10, the age of criminal responsibility in England and Wales is the lowest in Europe, and one of the lowest in the developed world... Uganda (12), China (14) and Uzbekistan (15), all deemed less socially liberal than the UK, protect children from criminal proceedings until they become teenagers.” [54a]

Users are advised to look at Section 11: [Conditions in prison and other places of detention](#) in connection with the above which provides a more detailed summary of the situation for child prisoners.

LEGAL RIGHTS

Female Genital Mutilation (FGM) Act

21.10 Amnesty International in its 2010 Report *I Can’t Afford Justice* stated:

“In December 2009, Parliament passed the Female Genital Mutilation Act, which prohibits this practice. This legislation provides a prison term not exceeding 10 years for those who perform it and imprisonment of up to five years for those who participate in or aid the process. However if the victim dies, suffers a disability or is infected with HIV during the procedure, the sentence is increased to life imprisonment. This same prison sentence applies if the person performing the procedure is a person in authority/control over the victim or a medical practitioner. This bill has not been assented to by the President and is therefore not law.” [10b]

For more related information see [Women](#).

Children's rights

21.11 The Uganda Human Rights Commission stated in an undated posting, accessed 26 August 2010:

“Under the Constitution, 'a child' means a person under the age of 18 years Children are accorded special protection because they are vulnerable members of society. They are dependent on others - their parents and families, or the state when these fail - for care and protection. Protection of the Children is backed by the Children's Act as well as the International Covenant on the Rights of the Child. Under all these legal provisions, the best interests of a child are of paramount importance in every matter concerning the child or are the overriding concern when it comes to any matter affecting him or her. Every child has the right to –

- “A name and a nationality from birth;
- “know and be cared for by his or her parents or to appropriate alternative care when removed from the family environment;
- “basic nutrition, shelter, basic health care services and social services;
- “be protected from maltreatment, neglect, abuse or degradation;
- “be protected from exploitative labour practice.
- “not be required or permitted to perform work or provide services that – are inappropriate for a person of that child's age; or
- “place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development;
- “not be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys under sections 12 and 35, the child may be detained only for the shortest appropriate period of time, and has the right to be:–
- “kept separately from detained persons over the age of 18 years; and
- “is treated in a manner, and kept in conditions, that take account of the child's age;
- “not be used directly in armed conflict, and to be protected in times of armed conflict.” [32b]

For more information about children see the [Uganda Human Rights Commission 12th Annual Report](#) dated 2009. [32d]” See sections on [Human Rights](#) and [Women](#) in conjunction with the above. In relation to abortion see [here](#) and for information about domestic relations use this [link](#).

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21.12 The ChartsBin (last updated May 2010) stated:

- “there is no legislation specific to child pornography;
- “child pornography is not defined in law [‘Countries in which there is a general ban on pornography, regardless of whether the individuals being depicted are adults or children, are not considered to have ‘legislation specific to child pornography,’ unless there is a sentencing enhancement provided for offenses committed against a child victim’];
- “there are no computer facilitated offences;
- “no legislation specific to simple possession [‘simple possession, refers to possession regardless of the intent to distribute’].
- “Internet Service Providers (ISPs) are not required to report suspected child pornography to law enforcement.” [39b]

VIOLENCE AGAINST CHILDREN

Child abuse/neglect

21.13 The US Department of State *Country Report on Human Rights Practices 2009*, Uganda, released on 11 March 2010, (USSD Report 2009) stated that:

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

“A September report released by the African Network for Prevention Against Child Abuse and Neglect showed that 8,286 child-related abuses were reported to police and other sources between January and April. Of the total, 2,592 cases involved defilement, 1,292 involved disappearance, and 1,613 involved child stealing or kidnapping. The report cited other offenses committed against children, including torture (773 cases), desertion (594 cases), child (100 cases), child neglect (680 cases), infanticide (317 cases), and assault (325 cases).

“Reported incidents of corporal punishment in schools continued to decrease since the 2006 ban on the practice. Sexual contact outside of marriage with girls less than 18 years of age, regardless of consent or the 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 2008 there were 8,635 reported defilement cases, of which 4,124 went to court, with only 333 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 rape cases 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 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; some examinations were conducted during the year.” [30b]

21.14 The USSD Report 2009 added “There were no reports of LRA [Lord’s Resistance Army] abductions in northern Uganda during the year; however, an estimated 5,000 of the 40,000 children and young adults abducted by the LRA in previous years remained unaccounted for, according to the international nongovernmental organization (NGO) Save the Children. The LRA continued to abduct children and adults in the DRC, CAR, and Sudan.” [30b]

Female Genital Mutilation (FGM)

21.15 Amnesty International, in its 2010 Report *I Can’t Afford Justice*, stated:

“In December 2009, Parliament passed the Female Genital Mutilation Act, which prohibits this practice. This legislation provides a prison term not exceeding 10 years for those who perform it and imprisonment of up to five years for those who participate in or aid the process. However if the victim dies, suffers a disability or is infected with HIV during the procedure, the sentence is increased to life imprisonment. This same prison sentence applies if the person performing the procedure is a person in authority/control over the victim or a medical practitioner. This bill has not been assented to by the President and is therefore not law.” [10b]

For more related information see [FGM](#) under Section 20: Women. The practice still occurs but only in very limited numbers and specific areas.

Forced/under-age marriage

21.16 The USSD Report 2009 stated that:

“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, into early marriage and sexual arrangements. A March UN report stated that 32% of marriages involved underage girls. In December a court in Soroti District charged Mutwalib Adam, Yusuf Adam, Asha Adam, Mawuzu Shamim, Amoi Fatuma, Maimuna Katushabe, and Mariam Ramathana with compounding a felony for their role in aiding the marriage of a 14-year-old girl. The seven remained in detention at year’s end, and an investigation was ongoing.” [30b]

Trafficking

21.17 The US Department of State reported in its *Trafficking in Persons Report 2010*, published 14 June 2010:

“During the year, police investigated hundreds of reports of human sacrifice, many involving forced removal of body parts, and confirmed the validity of 29 cases, 15 of which involved the victimization of children; it did not transfer any of these cases to courts for prosecution. In November 2009, the task force and a local NGO launched a campaign against exploitation, both inside the country and to foreign states, remains a problem. The government has organized a Family and Child Protection Unit to improve the police force’s capacity to recognize victims, but there are as yet no measures of its success.” [30c] (p 330)

In addition it would be helpful to look at further information about children in the [Trafficking](#) section.

Forced underage labour

21.18 The US Department of State *Human Rights Report 2009*, Uganda, released on 11 March 2010, (USSD Report 2009) stated that:

“The law prohibits employers from hiring workers below the age of 18; however, statutory orders issued by the Ministry of Gender, Labour and Social Development (MGLSD) permit the employment of children between the ages of 14 and 18, and 13-year-olds are allowed to engage in 'light work' provided it does not interfere with education. Children under the age of 12 are prohibited from being employed in any business or workplace, and all children are prohibited from being employed during school hours. 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 the Bureau of Statistics estimated that more than 1.76 million children, including 798,451 girls, between the ages of five and 17 (17 percent) 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 MGLSD reported new incidents of the worst forms of child labor [sic], 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, domestic servants, and prostitutes.

“The International Labour Organisation (ILO) and the Federation of Uganda Employers sponsored a January 2008 survey on child labor in the fisheries and tobacco industries that 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 MGLSD; however, financial constraints limited efforts. The MGLSD 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 MGLSD district labor officers reported on child labor issues at the local level. The government coordinated its efforts to stop child labor through the National Steering Committee on Child Labor, which included representatives of the MGLSD, the Ministry of Education and Sports, the Ministry of Local Government, the Federation of Uganda Employers, the National Organization of Trade Unions, NGOs, journalists, and academics. 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.” [30b]

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CHILDCARE AND PROTECTION

Government assistance

21.19 The United Nations stated in the draft Country Programme document for Uganda published by the Economic and Social Council, dated 13 July 2009:

“Uganda lacks a comprehensive social protection, however the same source went on to say in the same Report: The shift from a humanitarian approach to one focusing on integrated systems resulted in child protection systems with statutory and community structures becoming the nationally endorsed model. These models were made operational in half the sub-counties in 23 focus districts. The programme helped support 88,000 vulnerable children (55 per cent girls) experiencing abuse, violence or exploitation; some 200,000 children were taught life skills; and 1,489 children engaged in exploitative and hazardous labour were returned to their families. It also supported over 7,000 survivors (90 per cent female) of gender-based violence and helped 2,639 children formerly associated with the Lords Resistance Army to be reunited with their families. Birth registration was integrated into the sector-wide approach (SWAp) on justice, law and order, and over 1.3 million births were registered.

“In focus districts, justice systems are applying child-friendly and gender responsive procedures for all girls and boys in conflict with the law to ensure service and protection according to national and international standards and norms, in such a way that can be nationally replicated. Nationally, the percentage of boys and girls five years old or younger who are registered and issued birth certificates increases from 21 per cent to 80 per cent. In focus districts, child protection services, capacities, legislation and regulations are improved and converge into a national child protection system that ensures adequate and gender-appropriate care and protection of girls and boys harmed or at risk of exploitation, violence and abuse.” [66d]

NGO assistance

21.20 The UN draft Country Programme document continued: “UNICEF collaborated successfully with the Government, United Nations agencies and more than 100 non-governmental partners during the humanitarian response in Northern Uganda, coordinating the humanitarian clusters in water, sanitation and hygiene education (WASH), and education as well as the sub-cluster in child protection.” [66d]

The full UN Report at [66d] can be accessed [here](#). The Foundation for Human Rights Initiative (FHRI) report [Juvenile Justice in Uganda](#) also provided additional useful information. [22a]

[Save the Children](#) are also working in Uganda to assist with child protection issues. [15a]

EDUCATION

- 21.21 The US Department of State *Country Report on Human Rights Practices 2009*, Uganda, released on 11 March 2010, (USSD Report 2009) stated that:

“In August 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 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.” [30b] (children section)

HEALTH

- 21.22 Save the Children noted on their undated *Where we are*: Uganda webpage, accessed 24 March 2011:

“The country’s health indicators areamong the lowest in sub-Saharan African...There are 1.5 million people living in camps for internally displaced persons, of whom 80 percent are women and children with very limited access to ...clean water and health and education services.

“Ugandan families and communities struggle to access healthcare, education and other basic services and young children often suffer disproportionately. While the country has won praise for its fight against HIV/AIDS, the epidemic has nonetheless been devastating — Uganda has the highest proportion of children orphaned by HIV/AIDS worldwide. A conflict in northern Uganda, now in its second decade, has displaced more than 1.8 million people and has resulted in the abduction of more than 60,000 children.” [15a]

Maternal and child health is also covered in the section on [Women](#), statistics about children with [HIV/AIDS](#), and for mental health problems see [here](#).

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22. TRAFFICKING

This section should be read in conjunction with Section 20: [Women](#) and Section 21: [Children](#)

- 22.01 The US Department of State *Country Report on Human Rights Practices 2009*, Uganda, released on 11 March 2010, (USSD Report 2009) stated that:

“Trafficking in persons was a problem, and there were reports that men, women, and children were trafficked to, from, and within the country. On October 1 [2009], President Museveni signed into law the 2007 Antitrafficking in Persons Bill to protect victims and prosecute traffickers. The act provides for a maximum of 15 years' imprisonment for trafficking in persons; imprisonment for life for aggravated trafficking; the death penalty for trafficking children; and 10 years' imprisonment for engaging the labor services of a victim of trafficking in persons.

“Trafficking in persons primarily occurred internally for labor, commercial sexual exploitation, and criminal activities, but trafficking of Chinese and other Asian laborers to the country also occurred. There were reports that children were trafficked for labor from the country to Pakistan, Egypt, Turkey, the United Arab Emirates, Saudi Arabia, and Iraq.

“Immigration and police officials reported that traffickers continued to use legal means to take children out of the country for illicit purposes. Some NGOs reportedly located children and convinced their families that the children would receive an education or better life if they were trafficked. An expatriate then entered the country on a tourist visa and obtained a guardianship order through the courts, usually with the permission of the family. The magistrates, at the insistence of the guardian, required the passport office to issue the child a passport. In a 2008 case involving two young boys taken to South Africa, immigration officials learned that one boy had died after his kidneys were harvested for a transplant. Immigration officials formed a task force to examine the trend and make recommendations to the ministries of internal affairs and justice.” [30b]

22.02 The US Department of State reported in the *Trafficking in Persons Report 2010*, published 14 June 2010, which covered events in 2009:

“The Government of Uganda does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government’s efforts to investigate human trafficking offenses increased during the year, though it did not show progress in prosecuting human trafficking offenses and punishing trafficking offenders.

“The Government of Uganda’s overall anti-trafficking law enforcement efforts improved in 2009, from no reported prosecutions or convictions in 2008 to three prosecutions and one conviction in 2009. The Ugandan Police Force’s (UPF) Child and Family Protection Unit (CFPU) investigated a number of suspected trafficking cases during the reporting period, but courts failed to move pending cases through the judicial process. The investigations reported in the 2009 Report did not result in active prosecutions during the year. Neither the police nor the Department of Public Prosecution maintained records of investigations, prosecutions, or convictions of trafficking offenses, and could not provide comprehensive statistics or information on particular cases. In October 2009, the President signed the Anti-Trafficking in Persons Act of 2008 and it was published in the official gazette. The penal code was not, however, updated to reflect the new law and the Attorney General did not formally notify the police – steps that are required to bring new legislation into effect. The act prescribes punishment of 15 years’ to life imprisonment, penalties which are sufficiently stringent and commensurate with those prescribed for other serious crimes. Because the law is not yet in effect, suspected trafficking offenses continued to be charged under other statutes during the year, such as prohibitions on procurement for prostitution, defilement, and kidnapping. For example, in February 2009, a Kampala court sentenced a Ugandan woman to four years’ imprisonment for abducting three girls to serve as domestic servants in southern Sudan. In March 2009, a Mbale court issued an indictment against two Ugandan women on charges of kidnapping for alleged abduction of four children and taking them to Kenya for forced labor. The UPF incorporated a one-day trafficking first responder course into the basic training program at the police academy. By April 2009, the CFPU had provided this training to 150 officers.

“Uganda is a source and destination country for men, women, and children subjected to trafficking in persons, specifically forced labor [and forced prostitution. Ugandan children are exploited in conditions of forced labor within the country in the fishing, agricultural, and domestic service sectors, as well as for commercial sexual exploitation; they are also taken to East African and European countries for the same purposes. Karamojong women and children in particular are subject to domestic servitude, commercial sexual exploitation, cattle herding, and begging. Security companies and employment agencies in Kampala recruit Ugandans to migrate and work as security guards and domestic servants in Iraq, where sometimes their travel documents and pay have been withheld as a means to obtain and maintain their compelled labor; labor trafficking victims repatriated from Iraq in 2009 reported harsh working conditions, physical and sexual abuse, withholding of food, and being confined to their employer’s residence.

“Pakistani, Indian, and other Asian migrant workers are subjected to forced labor in the country, and South Asia crime networks transport South Asian children to the country for commercial sexual exploitation. Children from the Democratic Republic of the Congo (DRC), Rwanda, Burundi, Kenya, Tanzania, and Sudan are subjected to forced agricultural labor [sic] and commercial sexual exploitation in Uganda. Until August 2006, the Lord’s Resistance Army (LRA) abducted children and adults in northern Uganda to serve as soldiers, sex slaves, and porters. There have been no LRA attacks in Uganda since 2006, but some of these children remain captive with LRA elements currently located in the DRC, Central African Republic, and southern Sudan.

“The government sustained its moderate levels of protection for child victims during the reporting period. The government has not developed or implemented procedures for the systematic identification of victims among high risk groups; as a result, potential victims are sometimes prosecuted for immigration or prostitution violations. Lacking resources to provide sufficient direct assistance, it typically referred those victims it did identify to NGOs on an ad hoc basis. During the year, the UPF identified and referred 12 child trafficking victims to a local NGO’s shelter in Kampala. Its memorandum of understanding with the same NGO continued to allow for the presence of the NGO’s social workers in three police stations to assist trafficking victims with legal, medical, psychological, and family tracing services. The UPF worked in partnership with Kenyan authorities to repatriate four child victims to Uganda. The Ministry of Gender, Labor, and Social Development (MGLSD) continued to remove Karamojong children in possible trafficking situations from Kampala’s streets and transferred 300 of them to two GLSD-operated shelters in Karamoja that provided food, medical treatment, counseling, and family tracing. The ministry also operated a facility in Kampala for the initial intake of street children. There were, however, no similar government-funded or operated facilities or services for adult trafficking victims. In 2009, the Ugandan military’s Child Protection Unit in Gulu received and processed 66 children returning from LRA captivity before transporting them to NGO-run rehabilitation centers for longer-term care. The government provided each child with basic non-food items for resettlement..... [30c]

See also [Women](#), [Children](#) and [Ethnic groups](#)

22.03 The same source continued:

“In mid-2009, the government issued travel documents for the repatriation of 14 Ugandan women from Iraq in partnership with IOM and the Governments of Iraq and the United States. The Special Task Force for the Elimination of Human Sacrifice and Trafficking, a 15-member inter-ministerial committee headed by the Deputy Police

104 The main text of this COI Report contains the most up to date publicly available information as at 2 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 23 March 2011.

Commissioner, assisted with the repatriation of three Ugandan girls from a separate case in Iraq. Current Ugandan law does not provide assistance to foreign trafficking victims and immigration officials are required to deport individuals in violation of the immigration code without regard to their status as trafficking victims. In 2009, however, the Ministry of Internal Affairs allowed Pakistani victims, on a case-by-case basis, to remain in Uganda to assist with an investigation. Once in effect, the new anti-trafficking law will remedy many of the current legal limitations regarding the protection of foreign victims. The government reports that it has a policy of encouraging trafficking victims to testify against their exploiters, though no victims chose to do so during the last year.

“The government did not make efforts to reduce the demand for forced labor or sex acts. The government provided anti-trafficking training to members of the Ugandan armed forces prior to their deployment abroad on international peacekeeping missions. Uganda is not a party to the 2000 UN TIP Protocol.” [30c]

It may be helpful to look at the Section 20: [Women](#) and Section 8: Security forces - [Armed forces](#) in conjunction with the above.

22.04 The same source also stated:

“During the year the International Organization on Migration (IOM) repatriated 13 Ugandan women who had been recruited by a local Ugandan firm to work as domestic servants in Iraq. Some of the women reported abuse, including sexual harassment, at the Iraqi homes where they worked. In July authorities questioned the management of Uganda Veterans Development Ltd, the local external employment agency that recruited them. While no specific sanctions were placed on the company, the government did suspend the recruitment of Ugandan women to work as domestic servants abroad.

“The four Ugandan girls who were stranded in Iraq in 2008 after their employers confiscated their passports were returned to the country and reunited with their families, according to the police Anti-Human Sacrifice and Trafficking in Persons Task Force Unit. An investigation was still ongoing at year's end.

“The government and NGOs worked together to identify and provide assistance to persons at risk for trafficking. However, the government deported victims of foreign origin, unless the minister of internal affairs granted an extended stay to aid in prosecution of the case. The UPDF has child protection units in all districts and, along with government agencies, continued to work with NGOs to reintegrate thousands of former LRA abductees into society.

“In January police established an Anti-Human Sacrifice and Trafficking in Persons Task Force Unit with investigative teams at the national, regional, and district levels to curb trafficking in persons and increased ritual killings.

“The national police maintained a Child and Family Protection Unit to train local police on women's and children's rights, including identification of trafficking victims and prevention of trafficking. The police also allowed the local NGO Uganda Development Youth Link to place its social workers in police stations to assist children and other trafficking victims, primarily in Kampala District.” [30c]

INTERNAL TRAFFICKING

- 22.05 The US Department of State Department *Country Report on Human Rights Practices 2009*, Uganda, released on 11 March 2010, (USSD Report 2009) stated that:

“Victims of internal trafficking were subjected to hazardous working conditions, and commercial sex victims were subjected to physical abuse and the risk of contracting sexually transmitted diseases. Victims of commercial sex trafficking in urban centers often came from small rural villages. According to NGOs, women and girls often willingly placed themselves with intermediaries fraudulently offering employment in other areas of the country, only to find themselves exploited for labor or sex. NGOs also found evidence of a well-connected network of traffickers who facilitated the movements of victims to prospective buyers, negotiated their salaries in advance, and received a percentage of their monthly wages. A 2007 study conducted by the International Labor [sic] Organization's (ILO) International Program on the Elimination of Child Labor found that women and girls could be purchased for approximately 5,000 to 30,000 shillings (\$2.60 to \$15.60) and used as domestic workers. In the case of child trafficking for labor [sic] and commercial sexual exploitation, intermediaries such as pimps, employment bureaus, churches, transporters, NGOs, fishermen, and peers lured children and facilitated their travel with accommodations and travel documents.

“The Ministry of Gender, Labor and Social Development (MGLSD) is the lead agency on child trafficking issues, the national police force is responsible for investigating trafficking related crimes, and the Justice Ministry and the Directorate of Public Prosecutions prosecute cases.

“The government arrested suspected traffickers during the year and assisted with international trafficking investigations or extradited citizens accused of trafficking in other countries.” [30b]

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23. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 23.01 Ministry of Health online, Republic of Uganda stated in the report Draft Health Sector Support Programme (HSSP)III, 2010:

“The delivery of health services in Uganda is done [sic] by both the public and private sectors with the Government of Uganda (GoU) being the owner of most facilities. [The] GoU owns 2242 health centres and 59 hospitals compared to 613 health facilities and 46 hospitals by ‘Private Not for Profit’ (PNFPs) and 269 health centres and 8 hospitals by the ‘Private Health Providers’ (PHPs). Because of the limited resource envelope with which the health sector operates, a minimum package of health services has been developed for all levels of health care for both the private and the public sector and health services provision is based on this package. Over the period of implementing the HSSP III, structures will be put in place in order to ensure that all people in Uganda have equitable access to the basic package of health care.

“Public health services in Uganda are delivered through [Health Centres] HC IIs, HC IIIs, HC IVs, general hospitals, Regional Referral Hospitals (RRHs) and National Referral Hospitals (NRHs). The range of health services delivered varies with the level of care. In all public health facilities curative, preventive, rehabilitative and promotive health services are free, having abolished user fees in 2001. However, user fees in public facilities remain in private wings of public hospitals.

23.02 The Ministry of Health also stated:

“A network of village health teams (VHTs) has been established in Uganda which is facilitating health promotion, service delivery, community participation and empowerment in access to and utilization of health services. While VHTs are playing an important role in health care promotion and provision, coverage of VHTs is however still limited: VHTs have been established in 75% of the districts in Uganda but only 31% of the districts have trained VHTs in all the villages. Attrition is quite high among VHTs mainly because of lack of emoluments.

“Village health teams are responsible for:

- “Identifying the community’s health needs and taking appropriate measures;
- “Mobilizing community resources and monitoring utilisation of all resources for their health;
- “Mobilizing communities for health interventions such as immunisation, malaria control, sanitation and promoting health seeking behaviour; Maintaining a register of members of households and their health status;
- “Maintaining birth and death registration; and
- “Serving as the first link between the community and formal health providers.
- “Community based management of common childhood illnesses including malaria, diarrhoea, and pneumonia; as well as distribution of any health commodities availed from time to time.” [57a] (p5)

23.03 The same source noted:

“General Hospitals provide preventive, promotive, curative maternity, in-patient health services, surgery, blood transfusion, laboratory and medical imaging services. They also provide in-service training, consultation and operational research in support of the community-based health care programmes.

“RRHs [Regional Referral Hospitals] offer specialist clinical services such as psychiatry, Ear, Nose and Throat (ENT), ophthalmology, higher level surgical and medical services, and clinical support services (laboratory, medical imaging, pathology). They are also involved in teaching and research. This is in addition to services provided by general hospitals.

“NRHs [National Referral Hospitals] provide comprehensive specialist services and are involved in health research and teaching in addition to providing services offered by general hospitals and RRHs.

“NRHs provide care for a population of 30 million people³, RRHs for 2 million people while general hospitals provide for 500,000 people. All hospitals are supposed to provide support supervision to lower levels and to maintain linkages with communities through Community Health Departments (CHDs). Currently, there are 56 public

hospitals: 2 NRHs, 11 RRHs and 43 general hospitals. There are 42 Private Not for Profit (PNFP) and 4 Private Health Providers (PHP) hospitals. The operations of the hospitals at different levels are limited by lack of funding.” [57a] (p3-4)

22.04 The same source noted about the private sector health care delivery system that:

“The private sector plays an important role in the delivery of health services in Uganda covering about 50% of the reported outputs. The private health system comprises of the Private Not for Profit Organisations (PNFPs), Private Health Practitioners (PHPs) and the Traditional and Complementary Medicine Practitioners (TCMPs), the contribution of each sub-sector to the overall health output varies widely. The PNFP sector is more structured and prominently present in rural areas. The PHP is fast growing and most facilities are concentrated in urban areas. TCMPs are present in both at rural and urban areas, even if the services provided are not consistent and vary from traditional practices in rural areas to imported alternative medicines, mostly in urban areas. The GoU recognizes the importance of the private sector by subsidizing the PNFP and a few private hospitals and PNFP training institutions.

“Private Not-For-Profit Sub-Sector (PNFPs)

“The PNFP sub-sector is divided into two categories: Facility-Based (FB-PNFPs) and the Non-Facility Based PNFPs (NFB-PNFPs). The FB-PNFPs provide both curative and preventive services while the NFB-PNFPs mainly provide preventive, palliative, and rehabilitative services. The FB-PNFPs account for 41% of the hospitals and 22% of the lower level facilities complementing government facilities especially in rural areas. After several years of expansion in number and scope of their facilities, the subsector has now opted for a phase of consolidation of its services. Besides health units and hospitals, the PNFPs currently operate 70% of health training institutions. More than seventy five percent (75%) of the FB-PNFPs exist under 4 umbrella organisations: the Uganda Catholic Medical Bureau (UCMB), the Uganda Protestant Medical Bureau (UPMB), the Uganda Orthodox Medical Bureau (UOMB) and the Uganda Muslim Medical Bureau (UMMB).” [57a]

23.05 Also with regard to health *The Guardian* online stated on 8 April 2009 in the article *Uganda’s Healthcare System Explained*:

“The first contact for someone living in a rural area would be a community medicine distributor or a member of a village health team (VHT). Each village is supposed to have these volunteers but in many cases they are either non-existent or they do not have basic drugs for diseases such as malaria. [However] in Katine the African Medical and Research Foundation (Amref) project has re-energised the VHT structure through training and giving members bicycles. They still have no medicine, but they can advise patients and refer them to health centres.

“According to the Ugandan government’s health policy, every parish is supposed to have one of these [a Health Centre II]. A health centre II facility, serving a few thousand people, should be able to treat common diseases like malaria. It is supposed to be led by an enrolled nurse, working with a midwife, two nursing assistants and a health assistant. It runs an out-patient clinic, treating common diseases and offering antenatal care.

“A Health Centre III facility should be found in every sub-county in Uganda. These centres should have about 18 staff, led by a senior clinical officer, who run a general outpatient clinic and a maternity ward. It should also have a functioning laboratory.

“Health centre IV: This level of health facility serves a county or a parliamentary constituency. Tiriri health centre IV, [for example] located just outside Tiriri trading centre in Katine, is the main facility for seven sub-counties, which make up Soroti county. A health centre IV is a mini hospital. It should have the kind of services found at health centre III, but it should have wards for men, women, and children and should be able to admit patients. It should have a senior medical officer and another doctor as well as a theatre for carrying out emergency operations. Although Tiriri health centre has 34 beds, and sees up to 100 out-patients a day, it has no doctor. It is run by two clinical officers. It has a theatre that does not work because of lack of water, power and other smaller installations.

“Ideally, each district is supposed to have a hospital, which should have all the services offered at a health centre IV, plus specialised clinics – such as those for mental health and dentistry – and consultant physicians. Soroti's district hospital, in Soroti town, is also a Regional Referral Hospital. It caters for the Teso and Karamoja regions, meaning it gets cases referred from other district hospitals. At the top of the healthcare chain is the National Referral Hospital, located at Mulago in the capital Kampala. This is where some of the best medical brains can be found, often working part-time at private clinics to supplement their meagre government salaries.” [8a]

23.06 The Ministry of Health commented: “Although 72% of the households in Uganda live within 5km from a health facility (public or PNFP), utilisation is limited due to poor infrastructure, lack of medicines and other health supplies, shortage of human resource in the public sector, low salaries, lack of accommodation at health facilities and other factors that further constrain access to quality service delivery.” [57a]

23.07 *The Guardian* online stated on 8 April 2009 in the article *Uganda's Healthcare System Explained* “Uganda's healthcare system works on a referral basis; if a level II facility cannot handle a case, it refers it to a unit the next level up. Services in public facilities are supposed to be free, but in many cases health workers extort money from patients desperate for services. Often units don't have the essential drugs, meaning the patients have to buy them from pharmacies or other drug sellers.” [8a]

23.08 The Ministry of Health (MoH) continued:

“The MoH acknowledges that 75% of the disease burden in Uganda is preventable through improved hygiene and sanitation, vaccination against the child killer diseases, good nutrition and other preventive measures such as use of condoms and insecticide treated nets (ITNs) for malaria. Health Promotion and Education and other health social marketing strategies promote disease prevention, uptake and utilization of services, care seeking and referral. Other players in service provision and promotion include the media, Civil Society Organisations (CSOs) and community structures such as the village health team VHT.” [57a]

23.09 The same source continued:

“Traditional and Complementary Medicine Practitioners (TCMPs)

“Approximately 60% of Uganda’s population seek care from TCMPs (e.g. herbalists, traditional bone setters, traditional birth attendants, hydro-therapists, spiritualists and traditional dentists) before visiting the formal sector. TCMPs are available in both urban and rural areas even if the service provided are not consistent and vary widely. Many traditional healers remain unaffiliated. Most TCMPs have no functional relationship with public and private health providers. This results into late referrals, poor management of various medical, surgical, obstetric conditions and high morbidities and mortalities. Non-indigenous traditional or complimentary practitioners such as the practitioners of Chinese and Ayurvedic medicine have emerged in recent years. A regulatory bill and policy framework for TCMPs is awaiting cabinet approval and it is essential to establish functional relationship between the TCMP and the rest of the health sector.

23.10 The MoH, Uganda continued:

“ Delays in procurement [of medicines], poor quantification by and late orders from facilities and poor records keeping are among the management issues that contribute to shortage and wastage of medicines in the public sector... Medicines are 3-5 times more expensive in the private sector compared to the public sector procurement costs. For many people, medicines in the private sector are not affordable and this constitutes a major obstacle to households accessing medicines²⁸. Another study shows that only 45.7% of the public health facilities had key essential medicines; the situation was a bit better in mission facilities at 57.5% and private facilities at 56.3%.

“The private sector is poorly regulated and comprises of hospitals and clinics, retail pharmacies and both legal and illegal drug stores. Irrational use of medicines is widespread due to prescribing and dispensing by untrained or insufficiently trained personnel. Efforts to recruit pharmacy staff have been made at different levels, but serious shortfalls continue to prevail. Only 368 Pharmacists are registered with the Uganda Pharmacy Council³⁰. Despite increased capacity to train pharmacists and dispensers, output is still insufficient to meet demands from both the public and private sectors. There is an emerging pharmaceutical industry in the country, with a limited production far below their installed capacity. As a result about 90% of all medicines are imported; and close to 95% of these are generic products. The challenge of counterfeit products on the market is becoming an increasing problem which needs to be urgently addressed.” [57a]

It would be helpful to refer to Section 11: [Conditions in prison and other places of detention](#) in conjunction with the above and particularly comments made by the International Committee of the [Red Cross](#) (ICRC) about the availability of medical care in detention facilities.

Drugs/medicines

23.11 The Ministry of Health, Republic of Uganda provided Stock Status Reports for pharmaceutical products, the last having been updated January 2011. [57b]

23.12 The [National Drug Authority](#) provided information about the availability of specific drugs through a search engine on its website, last updated 3 March 2011. In addition the following link can be used to access a list of [registered pharmacies](#), dated December 2010, throughout the country. [65a]

110 The main text of this COI Report contains the most up to date publicly available information as at 2 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 23 March 2011.

For general information about healthcare look at the [health](#) section in the Doing Business in Uganda: 2010 Country report. This document also provides access to other useful links. [82a]

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

23.13 The US Department of State *Country Report on Human Rights Practices 2009*, Uganda, released on 11 March 2010, (USSD Report 2009) stated that some persons with HIV/AIDS were prevented from obtaining treatment and support due to discrimination because they were HIV/AIDS sufferers. [30b]

23.14 The Ministry of Health online, Republic of Uganda stated in the report *Draft Health Sector Support Programme (HSSP)III 2010*:

“The Uganda Aids Commission (UAC), on behalf of GoU [the government], has continued conducting Information and Education (IEC) and community mobilisation campaigns with emphasis on abstinence, faithfulness and condom use. As a result, HIV/AIDS awareness has remained high. The MOT [sic] study conducted in 2008 showed that 130,000 new infections occurred in 2007. Eighteen percent (18%) of the new infections occurred through mother to child transmission (MTCT) while the majority of people newly infected were through heterosexual relations. Forty three percent (43%) of those new infections occurred among people in long term relationships, calling therefore for an increased focus on HIV prevention among couples and other high risk groups such as commercial sex workers (CSW). Some targets as set in the HSSP II have not been achieved: e.g. HIV prevalence in 2008/09 was estimated at 6.7% against a target of 3% in the HSSP II; HIV prevalence among women attending ANC [ante natal clinic] was at 7.4% in 2007 against a target of 4.4%; and that only 50% of the Health Centre (HC) IIIs were offering HIV counselling and testing (HCT) services against a target of 100%.

“Some targets for 2008/09 were achieved e.g. 68% of the HC IIIs were offering Prevention of Mother To Child Transmission (PMTCT) services against a target of 50% and 90% of the HC IV were offering comprehensive HIV/AIDS care with antiretroviral therapy (ART) against a target of 75%.

“HIV/AIDS is responsible for 20% of all deaths and a leading cause of death among adults. A total of 373,836 people living with HIV (PLHIVs) (by September 2008) in Uganda required ART but only 160,000 (52%) were on ART. As of September 2009, 200,213 patients were on ARVs of which 8.5% were children.” [57a]

23.15 The World Health Organisation stated in the report *Towards Universal Access: scaling up Priority HIV/AIDS Interventions in the health sector*, published on 30 September 2009 “A growing body of evidence also suggests that male circumcision can protect against other sexually transmitted infections. Research carried out in Uganda concluded that circumcision significantly reduced the incidence of HSV-2 and the prevalence of human papillomavirus infections.” [56a]

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CANCER TREATMENT

23.16 In the article *Region Can Avert Cancer Crisis* published by The Monitor on 2 September 2010, authored by Dr Jackson Orem, Director of the Uganda Cancer Institute, stated “In the next five years it is estimated [by the World Health Organisation] that there will be 60,000 cancer cases in the country at any one time. This is alarming given that there is no new investment in cancer treatment facilities. 85% of cancer patients are from rural areas without access to specialised care. Only 4% of cancers diagnosed currently are attended to at the Uganda Cancer Institute, meaning 96% die without care.

“The factors that have led to the current increase in cancer include lifestyle changes such as tobacco smoking that causes lung cancer and consumption of alcohol causing liver cancer. Viral infections have also contributed greatly to cancers. Together with environmental changes, these factors are responsible for cancers such as Hodgkin's lymphoma, Burkitt's lymphoma and Leukemia, especially in children.

“The high cancer death rate in Uganda can be attributed to late diagnosis and care which is a reflection of poor access to services. Further compounded by lack of knowledge, patients first consult traditional healers before seeing qualified medical personnel.

“Also, our medical training is skewed towards infections hence cancer comes as an afterthought, a contributory factor to late referral. This is worsened by the fact that cancer treatment in the country is expensive. Although 60 per cent of the current increase of cancer can be directly attributed to HIV infection, cancer is not reflected in the funding of HIV such as Global Fund and PEPFAR. Cancer, therefore, is an example of inequity in health care adversely affecting vulnerable groups such as women, children and HIV population. However, sizable elite members of the population are treated abroad.

“Uganda and the rest of Africa are unprepared for cancer explosion mainly due to lack of policies and funding. There is currently growing interest in cancer issues in the country but there is no clear guidance and strategy. A framework for participation of various stakeholders is needed using a workable approach embodied in a comprehensive national cancer control programme. This is recommended by WHO since it is puts emphasis on prevention and the whole community.” [9a]

23.17 The Uganda Programme on Cancer and Infectious Diseases (UPCID) highlighted in an undated statement, accessed 21 September 2010 “Six of the ten most common cancers in Uganda are caused by infectious diseases. The Uganda Program on Cancer and Infectious Diseases (UPCID) studies the etiology, biology, treatment and prevention of these infection-associated cancers.” [58a]

23.18 Soul Beat Africa stated in an undated posting *Mobile Mammography Van*: “Launched in 2008, the mobile mammography van project works to bring mammography and breast cancer awareness to people who may not have access to hospitals or are unable to pay for x-rays in Uganda. Initiated by doctors at Yale-New Haven hospital in the United States and a medical student at Uganda's Mulago hospital, the 35-foot mammography van, which organisers say is the first of its kind in Africa, is the centrepiece of a two-year pilot programme that will take the van to the suburbs of Kampala.” [59a]

- 23.19 AllAfrica.com reported in the article *Government Rolls Out Cervical Cancer Treatment*, (The New Vision, 13 September 2010) “The Ministry of Health is to roll out a cervical cancer vaccination project to other parts of the country after it was successfully piloted in two districts. The Human Papilloma Virus (HPV) vaccine demonstration project was conducted with PATH, a catalyst for global health, in the districts of Nakansongola and Ibanda. The vaccination was given to girls not yet sexually active.

“Dr James Sekajugo, Principal Medical Officer in charge of non-communicable diseases said in Uganda, cervical cancer accounts for 40% of cancers recorded, stressing that in 2006, cervical cancer patients occupied 30% of the beds in the gynaecology ward in Mulago Hospital.” [60c]

For additional information about cancer treatment and outpatient care at the Uganda cancer Institute see [here](#). [79a]

It may also be helpful to look at the sections on [Women](#) and [Children](#) in conjunction with the above.

KIDNEY DIALYSIS

- 23.20 AllAfrica.com reported in the article *Your kidneys-Keep the Pressure Down and Save Them*, (The New Vision, 8 March 2009) “In Uganda, Mulago Hospital's renal ward registered a total of 953 new cases of kidney failure in 2005/2006, up from 123 in 2000/20001, but the unit's head, Dr Emmanuel Ssekasanvu could not ascertain the current statistics saying they are on the rise.

“They are very common. At least 10% of all admissions are a result of kidney failure,’ and the burden is greatly increasing due to diabetes mellitus, hypertension and HIV/AIDS Dr Ssekasanvu reveals.

“A visit to the renal unit shows that the facility has infrastructural, financial and manpower challenges that cannot meet the increasing number of patients. Records show that the ward admits an average of 50 patients weekly, 30% of these suffering from acute kidney diseases, besides those from other clinics.’ Mulago Hospital has only four dialysis machines and less than 5% of patients who need this treatment access it at a cost of sh500,000m per month. (sh35m).” [60b]

- 23.21 The New Vision noted on 25 April 2010 in the article *Kidney Failure- Akello in dire need of a transplant* “According to statistics, 26 patients died in 2007, because they could not get treatment in time. In 2008 and 2009, 31 patients succumbed to kidney related complications. ‘Haemodialysis is supposed to be done at least three times a week but some patients come here and do it only once in a month. This is why we have many deaths,’ says [Dr. Simon Peter] Eyoku, [the renal physician of Mulago].” [60a]

- 23.22 Dr Ssekasanyu also stated in the AllAfrica.com article *Your kidneys-Keep the Pressure Down and Save Them*:

“We have about three specialists in kidney failure and skeleton support staff, and all these are in one place. This means upcountry facilities can hardly diagnose, assess and manage the condition. That is why there are many referrals creating a backlog. About 100 of those who require dialysis would benefit greatly from a renal transplant but a lot of things need to be put in place especially human resources. We are partnering with

specialised centres where we refer our patients at a subsidised cost so that we meet the bills’.” [60b]

- 23.23 The New Vision reported in the article *Kidney Failure- Akello in dire need of a transplant*, published 25 April 2010:

“...haemodialysis could not be done in Gulu since there are no facilities there. Medics, therefore, referred Akello to Mulago, the only [facility] which can carry out the treatment in the country. Dr. Simon Peter Eyoku, the renal physician of Mulago, says Akello undergoes treatment thrice a week. The treatment costs sh1m, which her husband says he cannot afford. ‘We have sold most of our household items, but there seems to be no end in sight to her suffering,’ her husband says. A relative has offered to donate a kidney to her, but the family cannot afford the \$25,000 (over sh50m) for a transplant in Gujarat, India, where her doctor has recommended her to have the operation.

“Currently, there are 12 patients with serious kidney complications undergoing treatment at Mulago. Dr Eyoku says many patients suffer silently in villages and some die early because they cannot afford the high cost of treatment. Research also shows that the renal unit, which handles kidney problems at Mulago, is underfunded. It is also in dire need of equipment. According to Eyoku, there are only three kidney specialists in Uganda. This means kidney patients, many with serious complications, have to wait for days to see a doctor.” [60a]

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MENTAL HEALTH

- 23.24 The International Journal of Mental Health Systems, in an open access research paper entitled [An overview of Uganda’s mental health care system](#): provided results from an assessment using the World Health Organization’s assessment instrument for mental health systems (WHOAIMS), from data collected in 2005/6, published 2010, which noted:

“Uganda’s draft mental health policy encompasses many positive reforms, including decentralization and integration of mental health services into Primary Health Care (PHC). The mental health legislation is however outdated and offensive. Services are still significantly underfunded (with only 1% of the health expenditure going to mental health), and skewed towards urban areas. Per 100,000 population, there were 1.83 beds in mental hospitals, 1.4 beds in community based psychiatric inpatient units, and 0.42 beds in forensic facilities. The total personnel working in mental health facilities were 310 (1.13 per 100,000 population). Only 0.8% of the medical doctors and 4% of the nurses had specialized in psychiatry.

“Although there have been important developments in Uganda’s mental health policy and services, there remains a number of shortcomings, especially in terms of resources and service delivery. There is an urgent need for more research on the current burden of mental disorders and the functioning of mental health programs and services in Uganda.

“In accordance with the health sector reforms and plans, a draft mental health policy was developed in 2000, and still remained a draft by the year 2006. The following WHO-AIMS items/components are addressed in this draft mental health policy:

- “Developing community mental health services
- “Decentralization of mental health services
- “Integration of mental health services into Primary Health Care.
- “Human resources
- “Involvement of users and families
- “Advocacy, education and promotion of mental health
- “Human rights protection of users
- “Equity of access to mental health services across different groups
- “A monitoring system.

“Despite gaps the draft policy has informed service reforms within the country, which have made significant strides towards strengthening mental health services in the country. These include decentralization of mental health services; integration of mental health into PHC up to the community level, construction of mental health inpatient units within the Regional Referral Hospitals; training of staff at all levels (pre-service and in-service training) and the involvement of other players such as Civil Society Organizations, Traditional healers, and other relevant sectors.

“The mental health system operates on an outdated mental health law that was last revised in 1964. The legislation focuses on custodial care of mentally ill persons and is not in accordance with contemporary international human rights standards regarding mental health care. This obsolete legislation was found to have a number of shortcomings such as failure to distinguish voluntary and involuntary care, inadequate protection and promotion of the human rights of people with mental illness and the presence of derogatory and stigmatizing language; and was thus not in line with the draft mental health policy as well as current trends in mental health care.

“Furthermore, there were no legislative provisions to provide support for users in the following areas:

- “a legal obligation for employers to hire a certain percentage of employees that are mentally disabled
- “provisions concerning protection from discrimination at work (dismissal, lower wages etc) solely on account of mental disorder; and
- “financial provision concerning protection from discrimination in allocation of housing and subsidized housing schemes for people with severe mental disorder.

“There was no national or regional human rights review body for assessing the human rights protection of users in mental health services. Neither the mental hospital nor inpatient psychiatric units in the general hospitals had arrangements for review of protection of patients’ human rights protection. Similarly, neither the mental hospital nor any psychiatric units had specific trainings, meetings or any other type of working sessions on human rights protection of patients. However, some of the health workers had had some general training on human rights issues among the mentally ill as part of their overall training.

“Mental health legislation is necessary for protecting the rights of people with mental disorders, who are a very vulnerable section of society. The widespread abuse that people suffering from mental disorders frequently experience in Uganda, such as violence, stigma, and employment exploitation, appears to be at least partially symptomatic of the absence of an adequate mental health law.” [62a] (page 7)

- 23.25 The Ministry of Health online, Republic of Uganda, stated in the report *Draft Health Sector Support Programme (HSSP)III 2010*:

“Mental health is a major health problem in Uganda contributing 13% to the national disease burden. Butabika hospital is the only national referral mental health. In 2008/09 2,707 patients were first time admissions while 3,341 were re-admissions. Data from supervision reports shows that about 75% of attendances at Mental Health Clinics have some form of neurological problem commonly epilepsy, with cases of dementia on the increase especially among persons living with HIV/AIDS. So far, 6 Regional Mental Health Units have been constructed; the Mental Health Policy has been revised and other policies such as the Alcohol policy, the Tobacco control policy and the Tobacco Control Bill have been drafted. The implementation of mental health programmes is hampered by inadequate staffing, inadequate resource allocation and the lack of mental health drugs on the local market among others.” [57a]

- 23.26 The International Journal of Mental Health Services also stated:

“100% of the population has free access to essential psychotropic medicines. This is based on the fact that medication is provided at no cost in all public health facilities. For those who pay out of pocket, 37% of the daily minimum wage was needed to pay for one day’s dose of antipsychotic medication while 7% of daily the wage was needed to pay for one day’s dose of antidepressant medication. Mental disorders were not covered in the social insurance schemes, but were listed in the proposed National Health Insurance Scheme.” [62a]

- 23.27 The same source continued:

“There were 28 outpatient mental health facilities available in the country, with none having a special clinic for children and adolescents only. The number of users per 100,000 general population treated by these facilities could not be established. However, they treated a total of approximately 13,710 new users in 2005. Of all the new users treated, 40% were females, while 16% were children and adolescents.

“There were 27 community-based psychiatric inpatient units available in the country with a total of 382 beds (1.4 per 100,000 population). These facilities are the psychiatric units in all hospitals other than the National Mental Hospital. 15% of these beds were reserved for children and adolescents.

“The only mental hospital in the country had both inpatient and outpatient facilities. The hospital had a total of 500 beds (1.83 beds per 100,000 population), the number having increased by 11% in the previous 5 years. No beds in the mental hospital had been reserved specifically for children and adolescents. Of all the patients treated in the mental hospital, 41% were females and 16% children and adolescents. 26.59 “The total number of human resources working in mental health facilities or private practice per 100,000 population was 1.13, with each category as follows: 0.08 psychiatrists; 0.04 other medical doctors; 0.78 nurses; 0.01 psychologists; 0.01 social workers; 0.01

116 The main text of this COI Report contains the most up to date publicly available information as at 2 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 23 March 2011.

occupational therapists; and 0.2 psychiatric clinical officers; not including other health care workers such as auxiliary staff, non-doctor PHC workers and health assistants.” [62a]

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24. FREEDOM OF MOVEMENT

24.01 The US Department of State *Country Report on Human Rights Practices 2009*, Uganda, released on 11 March 2010, (USSD Report 2009) stated that:

“The constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation; however, the government at times limited these rights in practice...Travel restrictions were imposed on opposition party members, journalists, and others with pending charges of sedition and treason. Domestic travel restrictions imposed on senior Buganda Kingdom officials triggered violent riots in September.

“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; however, the government did not use forced exile during the year.” [30b]

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25. INTERNALLY DISPLACED PERSONS (IDPs)

25.01 The US Department of State *Country Report on Human Rights Practices 2009*, Uganda, released on 11 March 2010, (USSD Report 2009) stated that:

“Improved security in the north combined with the government's implementation of the Peace, Recovery, and Development Plan and the work of international and local NGOs to rebuild physical and social infrastructure encouraged the return of 85 percent of the estimated 1.1 million IDPs in the LRA-affected north by year's end. According to the UNHCR, 184,000 IDPs remained in camps in northern Uganda's Acholi region. 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.

“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 May, the government assisted the UNHCR in the voluntary repatriation of 29,909 refugees to Southern Sudan and 5,571 refugees to Rwanda.” [30b]

25.02 Freedom House in its *Freedom in the World 2010* report, released May 2010 stated “The numbers of internally displaced persons (IDPs) have diminished in recent years due to reduced tensions in the northern part of the country and a government policy to phase out IDP camps. Concerns remain, however, about serious human rights

violations related to the unresolved conflict between LRA rebels and the military. In addition to widespread LRA abuses, torture by security forces has occurred.” [11a]

- 25.03 The Humanitarian Practice Network (HPN) reported in the article *Building lasting solutions for older people displaced by the conflict in Northern Uganda*, published in the Humanitarian Exchange Magazine, Issue 42, published March 2009:

“The 19-year conflict between the Ugandan government and the Lord’s Resistance Army (LRA) displaced over 1.8 million people in Northern Uganda. After a ceasefire agreement was finally reached in 2006, many displaced Acholis began to return to their villages of origin. Yet data collected in early 2008 indicates that the return process is still only at its start. Long-term displacement has caused social deterioration and many internally displaced people (IDPs) are heavily reliant on food rations and NGO and UN support provided in displacement camps. Security fears related to attacks from Karamojong cattle rustlers and the possible return of the insurgency also remain high. As a result, many displaced Acholis commute between camps and transit sites, and between transit sites and their villages of origin.” [64a]

- 25.04 Armed Conflict stated in *Uganda (LRA) Human Security Developments January–February 2010*, accessed 15 September 2010:

“The return process of Internally Displaced Persons (IDPs) remained slow. On 13 January, new statistics revealed that out of a total of 32,600 IDPs in Gulu district at the peak of the war, only 12,000 had returned home, leaving about 20,000 remaining in IDP centres or transition areas in Gulu district alone, worried about land disputes and lack of agricultural opportunities outside the camps. Yet, the government remained eager to close the camps as soon as possible, without giving a specific date for forceful return.” [6a]

- 25.05 However the Amnesty International Report 2010: *The state of the world’s human rights: Uganda* (AI Report 2010) covering events in 2009 and published on 27 May 2010, noted:

“The majority of internally displaced people in the conflict-affected northern region left the camps and returned to their homes. It was estimated that up to 65 per cent of the original displaced population returned to their villages of origin and 15 per cent went to transit sites outside camps. Most of those who returned to their villages faced lack of access to clean water, health care, schools and other essential public services. Over 400,000 displaced people remained in camps and in dire need of humanitarian assistance.” [10a]

- 25.06 The Congressional Research Service (CRS) in the report *Uganda: Current Conditions and the Crisis in North Uganda*, published 9 December 2010 stated:

“The overall impact of the crisis in northern Uganda is not clear, although day-to-day life for many in this region has changed significantly. The economy in northern Uganda has been devastated, especially in light of the fact that much of the population is displaced internally and some have left the region. According to various sources, there are an estimated 446,300 internally displaced persons (IDPs) in northern Uganda as of November 2010. More than 400,000 IDPs have returned to their home areas in 2009–2010.” [81a]

25.07 Human Rights Watch in its *World Report 2011*, released in January 2011, covering events in 2010 stated “After two decades of conflict in Uganda’s northern region, internally displaced persons (IDPs) have largely moved out of the camps. For persons with disabilities there are significant hurdles to returning home. Research by Human Rights Watch found that women with disabilities experience stigma and isolation, genderbased violence, and obstacles in accessing health care and justice.” [41b]

25.08 UNHCR stated in its 2011 UNHCR country operations profile - Uganda:

“The number of internally displaced persons (IDPs) in need of UNHCR assistance, however, will decline as many continue to return to their places of origin, leading to a scaling down of assistance. Less than 10 per cent of the IDP camps in Uganda remain open, and some 250,000 IDPs remain in them or in transit centres.

“While most IDPs have now returned to their places of origin, protection risks, including the threat of forced eviction and sexual and gender-based violence, remain. Access to basic social services, safe drinking water, health care and secondary education remains precarious. Food insecurity and poverty in return areas hamper efforts to facilitate return. Protecting and assisting persons with specific needs who do not have resources to return to their villages of origin is another pressing need.” [50a]

Access IDP figures [here](#).

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26. FOREIGN REFUGEES

26.01 IRIN noted in the article *An APP for lost loved ones* published by AllAfrica.com 7 September 2010 “There are some 127,000 refugees in Uganda, mainly from the Democratic Republic of Congo, while 250,000 people displaced during a civil war in northern Uganda are still living in camps, according to UNHCR.

“An online database of people separated from relatives by conflict or natural disasters can now be accessed by mobile phone, thanks to a joint venture between the UN, an NGO and two private sector companies.” [53a]

26.02 UNHCR condemned the forced return of 1,700 Rwandans from Uganda, in an article dated 16 July 2010 “The UN refugee agency on Friday condemned the forced return of Rwandans from Uganda earlier this week. On Wednesday, Ugandan police mounted an operation to round up and deport some 1,700 people from the Nakivale and Kyaka refugee settlements in south-west Uganda.” [50b]

26.03 The US Department of State *Country Report on Human Rights Practices 2009*, Uganda, released on 11 March 2010, (USSD Report 2009) stated that:

“Protection of Refugees The country is a party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol, as well as the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The government also provided protection against the expulsion or return of refugees to countries where their lives or freedom would be

threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. 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.

“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 rather than farmers.” [30b]

26.04 Human Rights Watch in its *World Report 2011*, released in January 2011 stated:

“The government, cooperating with Rwandan authorities, forcibly repatriated more than 1,700 Rwandan refugees and asylum seekers from southwestern Uganda in July. Ugandan officials reportedly deceived the residents of Kyaka and Nakivale camps into gathering around trucks by announcing a food distribution and information on asylum appeals. Police and camp commanders then forced the residents onto the trucks at gunpoint. In the ensuing panic 25 people were injured and at least two died.” [41b]

26.05 UNHCR stated in its 2011 UNHCR country operations profile - Uganda:

“Uganda's relative political and economic stability draws refugees and asylum-seekers, mainly from the Democratic Republic of the Congo (DRC), Rwanda and Sudan. However, insecurity in some parts of the country and upcoming political developments, including elections and referendums in neighbouring countries, are expected to present new challenges to UNHCR's Uganda operation. UNHCR anticipates that new inflows could bring the number of refugees and asylum-seekers in the country to some 150,000 in 2011, even with potential voluntary repatriation movements and third-country resettlement.” [83a]

Access refugee figures [here](#).

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27. CITIZENSHIP AND NATIONALITY

27.01 Chapter three of the Uganda Constitution, dated 1995, accessed on the Ugandan Embassy to the USA website on 1 February 2011, sets out (in articles 9 to 15) the conditions for citizenship (including registration and its loss):

“9. Citizens of Uganda.

“Every person who, on the commencement of this Constitution, is a citizen of Uganda shall continue to be such a citizen.

“10. Citizenship by birth.

“The following persons shall be citizens of Uganda by birth—

“(a) every person born in Uganda one of whose parents or grandparents is or was a member of any of the indigenous communities existing and residing within the borders of Uganda as at the first day of February, 1926, and set out in the Third Schedule to this Constitution; and

“(b) every person born in or outside Uganda one of whose parents or grandparents was at the time of birth of that person a citizen of Uganda by birth.

“11. Foundlings and adopted children.

“(1) A child of not more than five years of age found in Uganda, whose parents are not known, shall be presumed to be a citizen of Uganda by birth.

“(2) A child under the age of eighteen years neither of whose parents is a citizen of Uganda, who is adopted by a citizen of Uganda shall, on application, be registered as a citizen of Uganda.

“12. Citizenship by registration.

“(1) Every person born in Uganda—

“(a) at the time of whose birth—

“(i) neither of his or her parents and none of his or her grandparents had diplomatic status in Uganda; and (ii) neither of his or her parents and none of his or her grandparents was a refugee in Uganda; and

“(b) who has lived continuously in Uganda since the ninth day of October, 1962, shall, on application, be entitled to be registered as a citizen of Uganda.

“(2) The following persons shall, upon application, be registered as citizens of Uganda—

“(a) every person married to a Uganda citizen upon proof of a legal and subsisting marriage of three years or such other period prescribed by Parliament;

“(b) every person who has legally and voluntarily migrated to and has been living in Uganda for at least ten years or such other period prescribed by Parliament;

“(c) every person who, on the commencement of this Constitution, has lived in Uganda for at least twenty years.

“(3) Clause (2)(a) of this article applies also to a person who was married to a citizen of Uganda who, but for his or her death, would have continued to be a citizen of Uganda under this Constitution.

“(4) Where a person has been registered as a citizen of Uganda under clause (2)(a) of this article and the marriage by virtue of which that person was registered is—

“(a) annulled or otherwise declared void by a court or tribunal of competent jurisdiction; or

“(b) dissolved, that person shall, unless he or she renounces that citizenship, continue to be a citizen of Uganda.

“13. Citizenship by naturalisation.

“Parliament shall by law provide for the acquisition and loss of citizenship by naturalisation.

“14. Loss of citizenship by registration. A person may be deprived of his or her citizenship if acquired by registration, on any of the following grounds— (a) voluntary acquisition of the citizenship of another country;

“(b) voluntary service in the armed forces or security forces of a country hostile to or at war with Uganda;

“(c) acquisition of Uganda citizenship by fraud, deceit, bribery, or having made intentional and deliberate false statements in his or her application for citizenship; and

“(d) espionage against Uganda.” [45a]

27.02 The Uganda Citizenship and Immigration Control Act, 1999, accessed via the Uganda Embassy to the USA on 1 February 2011, defines citizenship in law. As stated in its preamble, it is:

“An Act to make provision for acquisition of citizenship of Uganda pursuant to the Constitution, to provide for the compulsory registration of all Ugandans and the issue of national identification numbers and the issue of national identity cards to citizens of Uganda; to regulate the issue of passports to citizens of Uganda, to provide for the regulation and control of aliens in Uganda; to repeal the Uganda Citizenship Act, the Immigration Act, the Passports Act and the Aliens (Registration and Control) Act; and to provide for other matters incidental or connected with the foregoing.” [21a]

- 27.03 The Constitution and Uganda Citizenship and Immigration Act, 1999 prohibited dual citizenship. However the Uganda High Commission London stated on its website, updated on 30 December 2009, that:

“The Uganda Citizenship and Immigration Control (Amendment) Act, 2009 provides for dual citizenship. Dual citizenship, according to the Act, means the simultaneous possession of two citizenships one of which is Ugandan.

“A citizen of Uganda of 18 years and above who voluntarily acquires the citizenship of a country other than Uganda may retain the citizenship of Uganda subject to the Constitution, this Act and any law enacted by parliament.

“A person who is not a citizen of Uganda may, on acquiring the citizenship of Uganda, subject to the Constitution, this Act and any other law enacted by Parliament, retain the citizenship of another country.” [69a]

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28. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS

- 28.01 *The New Vision* reported on 5 September 2010 in the article *Police Bursts Kampala Forgery Gang*:

“The police have burst a racket forging seals, stamps and documents of government missions, security organisations and academic institutions. They [the racket] make stamps and seals of the different land boards and commissions to issue land titles, bank documents and stamps, Non Government organisations, embassies and high commissions, security organisations like the police, (Uganda Peoples Defence Force) UPDF, (International Organisation for Standardization) ISO and (External Security Organisation) ESO and state house documents. Security operatives also recovered logbooks, driving permits and signatures of high profile people in the country. The men also had stamps for each police division station in Kampala and other districts plus hospitals and health centres.” [60d]

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Annex A

CHRONOLOGY OF MAJOR EVENTS

Reproduced from the BBC Timeline: Uganda last updated 11 February 2011.

Idi Amin years

- 1971** Milton Obote toppled in coup led by Idi Amin
- 1972** Amin orders Asians who were not Ugandan citizens - around 60,000 people - to leave the country.
- 1972-73** Uganda engages in border clashes with Tanzania.
- 1976** Idi Amin declares himself president for life and claims parts of Kenya.
- 1978** Uganda invades Tanzania with a view to annexing Kagera region.
- 1979** Tanzania invades Uganda, unifying the various anti-Amin forces under the Uganda National Liberation Front and forcing Amin to flee the country; Yusufu Lule installed as president, but is quickly replaced by Godfrey Binaisa.
- 1980** Binaisa overthrown by the army. Milton Obote becomes president after elections.
- 1985** Obote deposed in military coup and is replaced by Tito Okello.
- 1986** National Resistance Army rebels take Kampala and install Yoweri Museveni as president.

Beginnings of recovery

- 1993** Museveni restores the traditional kings, including the king of Buganda, but without giving them political power.
- 1995** New constitution legalises political parties but maintains the ban on political activity.
- 1996** Museveni returned to office in Uganda's first direct presidential election.
- 1997** Ugandan troops help depose Mobutu Sese Seko of Zaire, who is replaced by Laurent Kabila.
- 1998** Ugandan troops intervene in the Democratic republic of Congo on the side of rebels seeking to overthrow Kabila.
- 2000** Ugandans vote to reject multi-party politics in favour of continuing Museveni's 'no-party' system.

2001

January East African Community (EAC) inaugurated in Arusha, Tanzania, laying groundwork for common East African passport, flag, economic and monetary integration. Members are Tanzania, Uganda and Kenya.

March Uganda classifies Rwanda, its former ally in the civil war in DR Congo, as a hostile nation because of fighting in 2000 between the two countries' armies in DR Congo.

Museveni wins another term in office, beating his rival Kizza Besigye by 69% to 28%.

Campaign against rebels**2002**

March Sudan, Uganda sign agreement aimed at containing Ugandan rebel group, Lord's Resistance Army (LRA), active along common border. LRA wants to run Uganda along lines of biblical Ten Commandments. Led by "prophet" Joseph Kony they have kidnapped thousands of children and displaced many civilians.

October Army evacuates more than 400,000 civilians caught up in fight against LRA which continues its brutal attacks on villages.

December Peace deal signed with Uganda National Rescue Front (UNRF) rebels after more than five years of negotiations.

2003

May Uganda pulls out last of its troops from eastern DR Congo. Tens of thousands of DR Congo civilians seek asylum in Uganda.

August Former dictator Idi Amin dies in hospital in Saudi Arabia.

2004

February LRA rebels slaughter more than 200 people at a camp for displaced people in the north.

December Government and LRA rebels hold their first face-to-face talks, but there is no breakthrough in ending the insurgency.

2005

April Uganda rejects accusations made by DR Congo at the International Court in The Hague. DR Congo says Uganda invaded its territory in 1999, killing citizens and looting.

Multi-party politics

July Parliament approves a constitutional amendment which scraps presidential term limits.

Voters in a referendum overwhelmingly back a return to multi-party politics.

- October** International Criminal Court issues arrest warrants for five LRA commanders, including LRA leader Joseph Kony.
- November** Main opposition leader Kizza Besigye is imprisoned shortly after returning from exile. He is charged in a military court with terrorism and illegal possession of firearms. He is released on bail in January 2006.
- December** International Court in The Hague rules that Uganda must compensate DR Congo for rights abuses and the plundering of resources in the five years leading to 2003.
- 2006**
- February** President Museveni wins multi-party elections, taking 59% of the vote against the 37% share of his rival, Kizza Besigye.
- July** Peace talks between the government and the LRA begin in southern Sudan.
- 26 August** The government and the LRA sign a truce aimed at ending their long-running conflict. A ceasefire comes into force on 29 August. Subsequent peace talks are marred by regular walk-outs.
- November** Government rejects a United Nations report accusing the army of using indiscriminate and excessive force in its campaign to disarm tribal warriors in the lawless northeastern region of Karamoja.
- Somalia role**
- 2007**
- March** Ugandan peacekeepers deploy in Somalia as part of an African Union mission to help stabilise the country.
- The UN World Food Programme says it will have to halve food handouts to more than 1 million people displaced by war in the north.
- April** Protests over a prized rain forest explode into racial violence in Kampala, forcing police to protect Asian businesses and a Hindu temple. An Asian man and two other people are killed.
- July** Lord's Resistance Army says lack of funds for foreign travel and to reach commanders in remote hideouts will delay peace talks.
- August** Uganda and DR Congo agree to try defuse a border dispute.
- September** State of emergency imposed after severe floods cause widespread devastation.
- 2008**
- February** Government and the Lord's Resistance Army sign a permanent ceasefire at talks in Juba, Sudan.
- November** The leader of the rebel Lord's Resistance Army, Joseph Kony, again fails to turn up for the signing of a peace agreement. Ugandan, South Sudanese and DR Congo armies launch offensive against LRA bases.

2009

- January** Lord's Resistance Army appeals for ceasefire in face of continuing offensive by regional countries.
The UK oil explorer Heritage Oil says it has made a major oil find in Uganda.
- March** Ugandan army begins to withdraw from DR Congo, where it had pursued Lord's Resistance Army rebels.
- September** Rioting erupts in Kampala over a planned visit by ruler of traditional Buganda, kingdom to visit an area trying to break away from his rule.
- October** Somali Islamists threaten to target Uganda and Burundi after action by African peacekeepers in Somalia kills several civilians.
- November** Rights activists condemn proposed anti-homosexuality Bill, which would prescribe execution for some gay people. The bill is condemned by the European Union and the United States.
- December** Parliament votes to ban female circumcision. Anyone convicted of the practice will face 10 years in jail or a life sentence if a victim dies.

2010

- January** President Museveni distances himself from the anti-homosexuality Bill, saying the ruling party MP who proposed the bill did so as an individual.
- The Ugandan army says it killed Bok Abudema, a senior commander of the Lord's Resistance Army militant group, in the Central African Republic.
- February** Heritage Oil sells its assets in Uganda to the UK firm Tullow Oil after Italian energy company Eni dropped out of the bidding.
- March** Uganda's main opposition party has accused President Museveni of preparing his son Lt Col Kainerugaba Muhoozi to succeed him. Mr Muhoozi commands a special forces unit and has now been given control of the elite presidential guard.
A fire caused by an arsonist destroys historic burial site of four rulers of traditional Buganda kingdom, sparking riots. The tombs are a UN world heritage site.
- June** Public prosecutor opens corruption investigation against Vice-President Gilbert Bukenya, Foreign Minister Sam Kutesa and several other ministers and officials over the alleged theft of \$25m.
Troops step up border security following apparent resurgence in DR Congo of ADF-NALU rebels striving for an Islamic state in Uganda.
- June -August** Operation Rwenzori against Ugandan ADF-NALU rebels prompts 90,000 to flee in North Kivu province of neighbouring DR Congo.
- July** Two bomb attacks on people watching the World Cup final at a restaurant and a rugby club in Kampala kill at least 74 people. The Somali Islamist group Al-Shabab says it was behind the blasts.
- August** National Resistance Movement primary elections for parliamentary and local candidates suspended amid irregularities, violence.
- October** UN report into killing of Hutus in DR Congo between 1993 and 2003 says they may constitute "crimes of genocide". It implicates Rwanda, Uganda, Burundi, Zimbabwe and Angola.

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Annex B

POLITICAL ORGANISATIONS

The following is a list of political groups extracted from the Political Organisations section of Europaworld on 3 December 2010. [1b]

Additional information about the main parties can be accessed via the [Parliament of the Republic of Uganda](#) website. [108]

Conservative Party (CP)

POB 5145, Kampala
Founded 1979;
Leader Ken Lukyamuzi.

Democratic Party (DP)

City House, Plot 2/3 William St, POB 7098, Kampala
Tel/Fax: (41) 4252536
Email: info@dpuganda.org
Internet: www.dpuganda.org
Founded 1954; main support in southern Uganda; seeks a multi-party political system.
Pres. Norbert Mao.
Vice-Pres. Zachary Olum.
FDC Villas, Entebbe Rd, Plot no. 109, Najjanankumbi, POB 26928, Kampala
Tel: (41) 4267920
Fax: (41) 4267918
Email: info@fdcuganda.org
Internet: www.fdcuganda.org
Founded 2004 by a merger of the Reform Agenda, the Parliamentary Advocacy Forum and the

National Democratic Forum;
Leader Kizza Besigye.

Forum for Democratic Change (FDC)

Plot 48b, Ntinda Rd, POB 7606, Kampala
Chair. Emmanuel Tumusiime.

Forum for Integrity in Leadership (FIL)

Plot 48b, Ntinda Rd, POB 7606, Kampala
Chair. Emmanuel Tumusiime.

Justice Forum

POB 3999, Kampala
Leader Muhammad Kibirige Mayanja.
Sec.-Gen. Hussein Kyanjo.

Movement for Democratic Change (MDC)

Balintuma Rd, Nakulabye, POB 70952, Kampala

National Peasant Party (NPP)

Plot 123, Katwe Rd, Sapoba House, POB 20692, Kampala

National Resistance Movement (NRM)

Plot 10, Kyadondo Rd, POB 7778, Kampala

Tel: (41) 346295

Email: info@nrm.ug

Internet: www.nrm.ug

"... as National Resistance Movement to oppose the UPC Govt 1980–85; also opposed the mil. Govt in power from July 1985 to Jan. 1986; its fmr mil. wing, the National Resistance Army (NRA), led by Lt-Gen. (later Gen. retd) Yoweri Kaguta Museveni, took power in Jan. 1986; name changed as above on registration in 2003."

Chair. Yoweri Museveni.

Sec.-Gen. Amama Mbabazi.

Uganda Patriotic Movement (UPM)

POB 2083, Kampala

Founded 1980;

Sec.-Gen. Jaberu Ssali

Uganda People's Congress (UPC)

Plot 8–10 Kampala Rd, Uganda House, POB 37047, Kampala

Tel/Fax: (41) 236748

Email: upcsecretariat@upcparty.net

Internet: www.upcparty.net

Founded 1960; socialist-based philosophy; mainly northern support; ruling party 1962–71 and 1980–85, sole legal political party 1969–71.

Pres. Olara Otunnu.

Sec.-Gen. Joseph Bossa.

The following organizations are in armed conflict with the Government:

Allied Democratic Forces (ADF)

active since 1996 in south-eastern Uganda; combines Ugandan Islamic fundamentalist rebels, exiled Rwandan Hutus and guerrillas from the Democratic Republic of the Congo.

Pres. Sheikh Jamil Mukulu.

Lord's Resistance Army (LRA)

Founded 1987; claims to be conducting a Christian fundamentalist 'holy war' against the Govt; forces est. to number up to 1,500, operating mainly from bases in Sudan.

Leader Joseph Kony.

a breakaway faction (LRA—Democratic) is led by

Ronald Otim Komakech

Uganda National Rescue Front Part Two (UNRF II)

based in Juba, Sudan.

Leader Ali Bamuze.

Uganda People's Freedom Movement (UPFM)

based in Tororo and Kenya Founded 1994 by mems of the fmr Uganda People's Army;

Leader Peter Otai.

West Nile Bank Front (WNBF)
operates in northern Uganda

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Annex C

PROMINENT PEOPLE

The following list of Cabinet Ministers was extracted from My Uganda website on 3 December 2010. [73]

President/Commander in Chief	H.E Yoweri Kaguta Museveni
Vice President	H.E. Prof. Gilbert Balibaseka Bukenya
Prime Minister & Leader of Government	Hon. Prof. Apolo Nsibambi
First Deputy Prime Minister & Minister for East Africa	Hon. Eriya Kategaya
Second Deputy Prime Minister & Minister of Public Service	Hon. Henry Kajura
Third Deputy Prime Minister & Minister of Information & National Guidance	Hon. Kirunda Kivejinja
Minister of Security	Hon. Amama Mbabazi
Minister of Presidency	Hon. Beatrice Wabudeya
Minister of General Duties (Office of the Prime Minister)	Hon. Adolf Mwesige
Minister of Gender, Labour and Social Affairs	Hon. Syda Bbumba
Minister of Trade and Industry	Hon. Janat Mukwaya
Minister of Water and Environment	Hon. Maria Mutagamba
Minister of Agriculture, Animal Industry and Fisheries	Hon. Hilary Onek
Minister of Defence	Hon. Crispus Kiyonga
Minister of Relief and Preparedness	Hon. Prof. Tarsis Kabwegyere
Minister of Lands, Housing and Urban Development	Hon. Omara Atubo
Minister of Health	Hon. Stephen Malinga
Minister of Foreign Affairs	Hon. Sam Kuteesa
Minister of Education and Sports	Hon. Geraldine Bitamazire
Minister of Energy and Minerals	Hon. Daudi Migereko
Minister of Internal Affairs	Hon. Ruhakana Rugunda
Minister of Communication & Information Communication Technology	Hon. Ham Mulira
Minister of Local Government	Hon. Kahinda Otafire
Minister of (Without Portfolio)	Hon. Dorothy Hyuha
Minister of Finance, Planning and Economic Development	Hon. Ezra Suruma
Minister of Works	Hon. John Nasasira
Minister of Justice, Constitutional Affairs & Attorney General	Hon. Khiddu Makubuya
Chief Whip	Hon. Kabakumba Masiko

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Annex D

LIST OF ABBREVIATIONS

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
RSF	Reporters sans Frontières
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

Annex E

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