

Uganda

Country:Uganda**Year:**

2016

Freedom Status:

Not Free

Political Rights:

6

Civil Liberties:

5

Aggregate Score:

36

Freedom Rating:

5.5

Overview:

Restrictions on and abuses against the opposition and civil society intensified in 2015 as police and the government enforced the 2013 Public Order Management Act (POMA). In November, Parliament unanimously passed the Nongovernmental Organizations (NGO) Bill, which vastly increases the government's power over NGOs and could be used to ban targeted groups. It was awaiting the president's signature at year's end. LGBT (lesbian, gay, bisexual, and transgender) groups and individuals continued to suffer harassment and intimidation during the year, despite the government's decision not to reintroduce the Anti-Homosexuality Act (AHA), which was struck down by the Constitutional Court on a technicality in 2014.

As general elections set for February 2016 drew nearer, police harassment of opposition candidates and their supporters increased. Electoral law changes introduced in 2015 appeared to disadvantage the opposition. Eight candidates were cleared by the Electoral Commission (EC) to seek the presidency, including incumbent Yoweri Museveni of the ruling National Resistance Movement (NRM), longtime opposition leader Kizza Besigye with the Forum for Democratic Change (FDC), and former prime minister Amama Mbabazi as the nominee of the newly formed Go Forward movement.

Political Rights and Civil Liberties:**Political Rights: 11 / 40 [Key]****A. Electoral Process: 3 / 12**

Uganda's single-chamber Parliament and the president are elected for five-year terms. As of 2015 there were 375 elected members of Parliament (MPs), including 238 elected in single-member

constituencies, 112 elected to reserved seats for women, and 25 chosen to represent special interest groups (the military, youth, people with disabilities, and trade unions). Additional, ex-officio seats are held by cabinet ministers, who are appointed by the president and do not have voting rights. In 2005, constitutional amendments lifted a ban on political parties but also removed presidential term limits.

Museveni, the president since 1986, last won reelection in 2011 with 68 percent of the vote. Besigye placed second with 26 percent. In concurrent parliamentary elections, the NRM secured 263 of 375 elected seats, followed by the FDC with 34. Smaller parties and independents took the remainder. According to international observers, the elections were undermined by flawed administration, extensive state-media bias, and government spending on behalf of the ruling party.

The president appoints the members of the EC, and a parliamentary committee dominated by the ruling party approves the chairperson, compromising the commission's independence. In 2009, Museveni renewed the panel and its chairman for a second seven-year term.

After inviting recommendations for constitutional changes and receiving dozens of electoral reform proposals from a group representing all registered parties in Parliament, the NRM-dominated legislature in August 2015 passed a Constitutional Amendment Bill that changed the name of the Electoral Commission to the Independent Electoral Commission but otherwise ignored the cross-party recommendations.

Two additional bills concerning the upcoming 2016 elections—the Presidential Elections (Amendment) Bill and the Parliamentary Elections (Amendment) Bill—were signed into law in October. They increased the nomination fees required from presidential and parliamentary candidates, removed a previous requirement that presidential candidates campaign in each of the country's districts, and shortened by one hour the length of time polls stay open on election day. In August, Parliament approved the creation of 43 new counties, which double as single-member districts, meaning there would be 281 such constituencies for the 2016 parliamentary elections. In September, the Constitutional Court ruled unconstitutional the framework for elections to the parliamentary seats reserved for special interest groups, except those for people with disabilities. It remained unclear at year's end whether the framework would be amended to address the court's concerns in time for the elections.

B. Political Pluralism and Participation: 5 / 16

The ability of the opposition to compete with the NRM is hindered by harassment of opposition leaders, restrictive party registration requirements and voter and candidate eligibility rules, the use of government resources to support NRM candidates, a lack of access to state-media coverage, and paramilitary groups that intimidate voters and government opponents. Opposition groups have also suffered from infighting and funding shortages. In June 2015, opposition parties and civil society groups announced the formation of The Democratic Alliance, a new political coalition that planned to field a joint presidential candidate. However, the coalition failed to settle on a standard bearer, as neither Besigye nor Mbabazi agreed to stand down.

The POMA has been used to obstruct opposition candidates from holding rallies and meetings with supporters. After Mbabazi announced his presidential bid in June, his supporters were arrested in several locations around the country and charged with unlawful assembly and campaigning before the official start of the election season. According to an October 2015 Human Rights Watch report, police in September illegally used tear gas and rubber bullets to disperse two rallies for Mbabazi in eastern Uganda. Besigye and his supporters also faced harassment. Besigye was arrested multiple times in 2015, with officials claiming that it was illegal for him to hold rallies before his candidacy had been proved by the EC. In a video released in October, police officers could be seen pulling the

clothes off of a leading FDC official, Zaina Fatuma, as they arrested her. Police argued that Fatuma had deliberately undressed herself as a protest. Activists speculated that the incident was meant to deter political participation by women.

Throughout 2015, Museveni's supporters worked to consolidate support for the president and sideline dissidents within the NRM, especially in response to the candidacy of Mbabazi, a former secretary general of the party. According to a November report on the NRM presidential primary by the Citizens Election Observation Network–Uganda (CEON-U), the poll featured instances of violence, intimidation, vote buying, and denial of voter access to polling stations.

The military, which is closely aligned with Museveni and currently holds 10 seats in Parliament, exerts a powerful role behind the scenes to support him as well as its own extensive commercial interests. At the end of 2015, it remained to be seen how that influence would be affected by the Constitutional Court ruling concerning interest-group seats in the legislature.

C. Functioning of Government: 3 / 12

Power is concentrated in the hands of the NRM leadership, the security forces, and especially the president, who retains office through deeply flawed elections. Ordinary MPs and civic groups have little practical ability to affect legislation or government policies.

Despite high-profile scandals and investigations, increased media attention, and laws and institutions designed to combat corruption, top government officials are rarely punished for such offenses. Electoral corruption is a particular concern ahead of the 2016 balloting, with vote buying the most visible problem.

The 2012 Petroleum Law gives the energy minister wide-ranging powers over the oil sector; the opposition and international monitoring groups criticized the law for lack of parliamentary or independent oversight of the minister's decisions. In July 2015, the government released a list of 19 companies interested in bidding on oil-drilling contracts. The transparency of the bidding process was hailed as a positive development, though international organizations expressed ongoing concern about corruption in the oil industry as well as human rights and environmental protection in the areas being opened for drilling. Uganda was ranked 139 out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index.

Civil Liberties: 25 / 40

D. Freedom of Expression and Belief: 9 / 16

Constitutional protections for freedoms of expression and of the press are often undermined by provisions in the penal code, including laws on criminal libel and treason, as well as by extralegal government actions.

Uganda has a vibrant media sector, with nearly 200 private radio stations and dozens of television stations and print outlets. Independent journalists and media outlets are often critical of the government, but in recent years they have faced escalating government restrictions and intimidation, leading many to self-censor. Journalists often face harassment or physical attacks by police or ordinary citizens while covering the news. In the lead-up to the 2016 elections, journalists reported self-censorship on political issues as well as instances of bribes being offered in exchange for positive coverage of the government. In December, Museveni denounced the *Daily Monitor* newspaper and the broadcaster NTV, saying they sided with the political opposition.

There were no reported restrictions on internet access in 2015, and online media generally operate in a freer environment than the traditional press. However, the government has reportedly sought to increase surveillance of internet and mobile-phone communications in the context of antiterrorism campaigns under the 2002 Antiterrorism Act and the 2010 Regulation of Interception of Communications Act. An October 2015 report released by Privacy International describes a secret program begun by the government in 2011 to use an invasive form of spyware to remotely monitor the computers and communication devices of opposition members, journalists, and activists. The report states that the program sought information that could be used to blackmail its targets. The government denied the existence of such a program.

The 2014 Anti-Pornography Act (APA) defines pornography in broad terms and gives a Pornography Control Committee wide-ranging powers to determine what amounts to pornographic material in any medium, including online. Potential penalties for violations include fines and up to 10 years in prison.

There is no state religion, and freedom of worship is constitutionally protected and generally respected in practice. However, the government has restricted religious leaders from engaging in political debates and religious groups whose members allegedly pose security risks. An October 2015 Center for Strategic and International Studies report found that Museveni uses a combination of patronage and threats to limit the public role of religious institutions. Academic freedom has been undermined by alleged surveillance of university lectures by security officials, and by the need for professors to obtain permission to hold public meetings at universities.

In addition to the threat of state surveillance, free and open private discussion is limited by a climate of intimidation pertaining to sexual orientation and gender identity. For example, LGBT individuals and others face the fear of being “outed” by tabloid newspapers that publicly identify real or perceived gay men and lesbians, along with personal details and photos.

E. Associational and Organizational Rights: 4 / 12

Freedom of assembly is restricted by law and in practice. Among other repressive provisions, the POMA requires groups to register with the local police in writing three days before any gathering, public or private, to discuss political issues. The police have broad authority to deny approval for such meetings if they are not deemed to be in the “public interest,” and to use force to disperse assemblies judged unlawful. Besigye and other opposition leaders have been arrested numerous times in recent years for organizing marches and protests.

Freedom of association is guaranteed in the constitution but often restricted. Civil society in Uganda remains vibrant, and several NGOs address politically sensitive issues. However, their existence and activities are vulnerable to legal restrictions and the manipulation of burdensome registration requirements. The NGO law passed in November 2015 was criticized by local civil society organizations and international rights groups for the broad powers it grants the government—including the authority to shutter organizations and jail their members for vaguely worded offenses. The measure was awaiting the president’s assent at year’s end.

Workers’ rights to organize, bargain collectively, and strike are recognized by law, except for workers providing essential government services. However, legal protections often go unenforced. Many private firms refuse to recognize unions, and strikers are sometimes arrested. In the September 2015 Constitutional Court ruling that struck down the parliamentary election framework for interest-group seats, the court found that elections to the seats reserved for labor representatives unconstitutionally excluded nonunionized workers.

F. Rule of Law: 5 / 16

Executive and military influence undermines judicial independence, and a December 2014 report by Al-Jazeera uncovered corruption at all levels of the judiciary. In March 2015, Museveni appointed Bart Magunda Katureebe to be chief justice of the Supreme Court, filling a vacancy created by a 2013–14 dispute over the president’s attempt to reappoint Benjamin Odoki, who was past the age of mandatory retirement.

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

Since a series of terrorist bombings struck Kampala in 2010, security forces have illegally detained and abused terrorism suspects. Security was ramped up periodically in response to alleged terrorist threats during 2015. In March, gunmen assassinated a prosecutor in the trial of 13 suspected members of the Shabaab, the Somali Islamist militant group, who were accused of involvement in the 2010 bombings. In June, Parliament passed the Anti-Terrorism (Amendment) Bill, which grants police discretion in freezing the assets and seizing the property of terrorism suspects. The opposition criticized the bill’s definition of terrorism, which they said was vague and open to abuse.

In 2014, as part of a community policing initiative, the Uganda Police Force officially launched a “crime preventers” program with the aim of training more than a million young people across Uganda. The government claims that participants are permitted to support any political party and that their role is to help fight crime. However, critics, including opposition politicians and civil society groups, have accused crime preventers of physical abuse, extortion, and partisan intimidation, saying the program was effectively establishing extralegal, NRM-affiliated militias across the country ahead of the 2016 elections.

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

LGBT people in Uganda face overt hostility from the government and much of society. According to a September 2015 report by the Human Rights Campaign, violence against LGBT individuals spiked while the AHA was in place and declined after it was struck down in 2014. However, other forms of discrimination persisted, including shunning by family members and eviction by landlords. Although the AHA, which criminalized “promoting” or “aiding and abetting” homosexual acts, is no longer in force, same-sex sexual activity is still subject to penalties of up to life in prison under existing law.

G. Personal Autonomy and Individual Rights: 7 / 16

Freedom of movement in Uganda is largely unrestricted. However, the government has occasionally enforced travel restrictions for security purposes, particularly in the north. Bribery is common in many facets of life, such as interacting with traffic police, gaining admittance to some institutions of higher education, and obtaining government jobs. Licenses are required to start a business, obtain construction permits, and register property, and the multistage processes involve numerous opportunities for officials to seek bribes. Customary tenure is widespread in the north, and land disputes are common, particularly when private development projects are at stake.

Although the constitution prohibits discrimination on the basis of gender and acknowledges the equal rights of women, gender discrimination remains pronounced, particularly in rural areas. Women won nearly 35 percent of the seats in the 2011 parliamentary elections, and one-third of local council seats are reserved for women. The law gives women the right to inherit land, but discriminatory customs often trump legal provisions in practice. Rape and domestic violence are widespread and underreported, and offenders are rarely prosecuted. Cultural practices such as female genital mutilation persist, despite the 2010 Prohibition of Female Genital Mutilation Act.

While early versions of the APA contained a provision that appeared to ban short skirts and other clothing deemed sexually explicit, the final bill did not contain this clause. Nevertheless, according to an October 2014 report by Amnesty International, a number of women wearing such clothing were attacked and stripped by mobs due to public misconceptions about the law.

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

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

Source URL: <https://freedomhouse.org/report/freedom-world/2016/uganda>