About the Initiative for Social and Economic Rights - Uganda

ISER is a registered national Non-Governmental Organisation (NGO) in Uganda founded in February 2012 to ensure full recognition, accountability and realization of social and economic rights primarily in Uganda but also within the East African region.

From Geneva to Kampala: Implementation of Recommendations from Uganda's Universal Periodic Review

Economic & Social Rights Advocacy (ESRA) Brief
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implement some recommendations, for example recommendations around strengthening the legal framework.

The involvement of national human rights institutions in the UPR process, particularly implementation of recommendations, is essential. This is because they play a major role not only in ‘midwifing’ the UPR process but also in managing the relationship between government and CSOs. This is not unique to Uganda but is the case in many countries. Indeed, some countries even have UPR-local points from the various key MDAs and CSOs. This has ensured that CSOs are always invited by Government to the drafting of the UPR implementation plans. There are also instances where CSOs provide technical expertise to aspects of the government processes, thereby effectively offsetting some of the resource burden.

Conclusion

The UPR provides a unique opportunity for strengthened collaboration between government and other stakeholders, including civil society actors. By drawing on best practices for UPR implementation, specifically working in coalitions, engaging with national human rights institutions and Parliament, capacitating ministries on a human rights-based approach to implement these recommendations; developing implementation strategies to track progress, the government and civil society working together can robustly strengthen implementation of UPR recommendations.

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To contribute to future editions of ESRA brief, email the editors at info@iser-uganda.org

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Executive Director:  Salima Namusoby
Editors:  Angella Nabwowe Kasule & Nokukhanya Mncwabe
Guest Editor:  Allana Kembabazi
Photography:  Joshua Kizawuzi
Design and Layout:  Opiny Shaffic

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their international standing, they are inclined to give serious regard to UPR recommendations. The universality of the UPR thus increases not only the legitimacy of states’ recommendations, but also the prospects of state compliance or implementation of said recommendations. UPR recommendations have thus come to assume an imperative tenor, with the result that States even take seriously any concerns regarding the UPR raised by civil society.

- The UPR is based on broad cooperation with all relevant stakeholders, as stated in the Human Rights Council Resolution 16/21, which encourages States to regard civil society actors as legitimate partners in the UPR process.

In the light of the above, the UPR formally acknowledges the official and practical role performed by CSOs. CSOs can thus confidently engage their governments (and other stakeholders) to propose solutions for the implementation of human rights obligations.

According to research conducted by UPR Info, the UPR has some notable accomplishments: it is the first ever human rights mechanism to achieve 100% participation by UN member States, with all states undergoing review in the first cycle.

Moreover, the fact that the UPR periodically occurs on a five-year timeframe, allows states to track state’s progress in implementing recommendations and to feed this back into subsequent UPRs, which has significantly galvanised state’s orientation towards long-term programmes and success.

Good Practices for Implementing and Monitoring the Implementation of UPR recommendations

Given the extensive time provided to States to implement UPR recommendations, it is advisable for governments to develop and be guided by an implementation plan and matrix, a process which can be undertaken in partnership with CSOs. CSOs in turn should propose potential implementation strategies to government for taking forward UPR recommendations, which can facilitate cooperative and inclusive programmes.

CSOs should not, however, lose sight of the fact that the UPR is a political process resulting from the Ugandan Government’s political commitments and formal adoption of recommendations. For this reason, CSOs need to strive to engage all relevant Ministries, Departments and Agencies – including Parliament – which bear the responsibility of implementing the various UPR recommendations. CSOs should also avail themselves to support the development of the legislative and policy frameworks required to ensure the implementation of recommendations and assist government to embed in policy the link between human rights and development including the relevant Sustainable Development Goals.

Furthermore, since Governments is in the business of promoting human development, CSOs should rely on human rights-based approaches to development to ensure that this objective is achieved. Key ministries and departments will need to be trained on a human rights-based approach to ensure that public officials are capacitated to give expression to governments’ human rights obligations. This is in line with what other countries have done during the development of their UPR implementation plans. Such a training could include a presentation by the Ministry of Finance on how it infuses human rights into its budgetary and Mid-Term Expenditure Framework (MTEF) processes. Tabling UPR recommendations in Parliament as part of the country’s international human rights obligations can result in heightened attention to the need for their implementation and enable Parliament to monitor their implementation and directly...
International and Regional Good Practice on Implementation of human rights commitments.

Gilbert Onyago – Africa Regional Director, UPR Info

The Universal Periodic Review (UPR) is a catalyst for change: reference to the 140 mid-term reports published by UPR Info indicates that 40% of UPR recommendations have triggered action by governments up to three years after the review.1 The actions taken have included increased ratification and reporting to international human rights treaty bodies.2 NGOs working in coalitions have been the main civil society actors involved in the UPR process. The participation of global-South NGOs has sometimes been facilitated by the support of international NGOs, at other times it has been a result of their own initiatives; in both instances powerful civil society groups have been established in several countries whose impact has proven effective in holding government to account and resulting in increased cooperation between civil society and governments.

Civil society actors are progressively seen as potential partners to government, in the light of their expertise on issues addressed within the UPR process. In addition, CSOs typically have extensive experience implementing awareness-raising campaigns targeted at the public and so have the requisite skills and established community relationships needed to assist government with rights sensitization initiatives. CSOs are also specifically mentioned in several UPR recommendations, most notably those dealing with the rights defended by NGOs.

The UPR:

The UPR mechanism has introduced several new developments and opportunities not previously provided in preceding human rights mechanisms. The nature of the UPR process allows for civil society participation, an opportunity frequently capitalised upon by advocacy-focused NGOs to support their respective states in implementing their human rights obligations.

The UPR confers a three-fold innovation:

1. All UN member States are periodically reviewed by their peers. Because States are invested in maintaining

Introduction

In November 2016, Uganda underwent its second Universal Periodic Review (UPR). The UPR, established by the United Nations (UN) General Assembly Resolution 60/251 of 15 March 2006, is a peer-review mechanism conducted every five years.1 Each of the 193 UN Member States are reviewed by their peers through the Human Rights Council to assess the extent of their compliance with their human rights obligations. Uganda’s first UPR was undertaken in 2011.

During the UPR, the State under review submits a report to the Human Rights Council outlining the status of its human rights compliance; submission should ideally be preceded by broad national stakeholder consultations.2 Civil society and national human rights institutions may also submit a national status report to the Human Rights Council.3 The reports are reviewed by the working group of the Human Rights Council and the review session is coordinated by three rapporteurs, known as the Troika.4 The State under review receives recommendations from other states, which recommendations it has the discretion to accept or note.5 Following the review, the Troika submit the report of the Working Group to the Human Rights Council, which report consists of a summary of the proceedings, voluntary commitments made by the State, recommendations made to the State and the extent to which those recommendations are accepted.6 The Human Rights Council considers and adopts this report at a subsequent session.

In the 9th Edition of the ESRA Brief entitled “From Geneva to Kampala: Implementation of Recommendations from Uganda’s Universal Periodic Review,” we focus on strategies for and updates on implementation of recommendations from Uganda’s UPR. ISER’s Right to Health Program Manager Ms Allana Kambazabi, who is also the organization’s focal person for the UPR, sets the scene articulating the ESR-related recommendations accepted and noted by Uganda by the 2016 review, the need to develop strategies to monitor implementation and what ISER has learned through its engagements with the UPR process.

We feature a number of articles from different ministries, departments and agencies on the status of implementation of these recommendations and the government’s strategies to ensure implementation of recommendations from international mechanisms. A Q&A with Ambassador Martinez Margusho, Head of International Law and Social Affairs, Ministry of Foreign Affairs speaking to the need for inter-ministerial coordination and provides an update on the National Action Plan. Commissioner Biserako Kyomuhendo of the Ministry of Justice and Constitutional Affairs discusses how to address gaps in the implementation of UPR recommendations in another Q&A. Mr. Aliyi Walliamba, Senior Planner, Ministry of Health writes about the progress and strategies for implementation of the right to health recommendations. Also in this issue, Commissioner Mujuni Benard of the Ministry of Gender, Labour and Social Development discusses how the proposed Social Impact Assessment and Accountability Bill can support the implementation of a good number of UPR recommendations related to business and human rights.

To ensure synergy in implementation, the Equal Opportunities Commission makes the linkage between Sustainable Development Goals (SDGs) and ESR-related UPR recommendations. And last but not least, the Africa Regional Director of UPR Info shares about international and regional good practices on the implementation of UPR recommendations.

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2 Ibid
3 Ibid
4 Ibid
5 Ibid
6 Ibid
Harnessing the Universal Periodic Review to Realise Economic Social Rights

Allana Kembabazi, Program Manager - Initiative for Social and Economic Rights (ISER)

Uganda’s second UPR was undertaken in 2016. What sets the UPR apart from other traditional treaty-reporting mechanisms is the opportunity it provides for dialogue between states and stakeholders. It is ultimately an interactive dialogue. The State submits its report, but so too do civil society and national human rights institutions. States make recommendations to the State under review which the State can accept or note. A practice that has evolved - following the UPR, and after broad consultation with stakeholders - is that the State reviewed creates a National Action Plan (NAP) to guide implementation of recommendations received. States are also urged to provide mid-term reports setting out the progress made on implementation.

Prior to Uganda’s 2016 UPR, over 41 civil society organizations (CSOs), coordinated by the Initiative for Social and Economic Rights (ISER), submitted a joint civil society report on Economic Social and Cultural Rights (ECSRs) to the Human Rights Council, additional shadow reports were also submitted by CSOs. ISER produced tailored briefings that highlighted Uganda’s gaps in realizing Economic and Social Rights (ESRs), which it distributed to targeted permanent missions to ensure heightened attention to ESRs during the UPR.

Recommendations from Uganda’s 2016 UPR

During the 2016 UPR, Uganda received 226 recommendations, of which the government accepted 148 and noted 78. Uganda received more ESR-related recommendations than did during the previous 2011 UPR-cycle. These recommendations were, moreover, diverse - pertaining to among others education, health, social security, labour, land, housing, food and agriculture as well as areas not previously addressed such as business and human rights.

For the most part, the 2016 recommendations were not novel, echoing in many instances the demands civil society organizations such as ISER have been making for years, and corresponding to issues listed as priorities in Uganda’s national and sectoral plans. This highlights Uganda’s disjuncture between policies, which remain ideal on paper, and practical implementation, since many policies are yet to be translated into meaningful change for the majority of Ugandans.

The recommendations made in respect of education, included the need to:

- Improve the quality of education;
- Expand access to education in marginalized areas;
- Increase primary school enrolment rates, particularly prioritizing girls in order to achieve gender parity.

...modes of ownership. Consequently, the overwhelming quantum of payments end up in men’s hands with abuses such as wasteful expenditure on alcohol and other vices, expulsion of partners and children from the family home, the courting and marriage of other women and withdrawal of livelihood support from the immediate and/or the extended family frequently observed in compensation schemes that are not gender-sensitive. The legislation on social impact assessments seeks to address gendered and other challenges of this nature, which would be identified during the social profiling stages of social impact assessments.

Persons with Disability: Disability cuts across ages, races, ethnicities, etc.; and in less progressive contexts, exposes people to limited livelihood opportunities thereby exacerbating their vulnerability to poverty and other negative social, psychosocial, and general health impacts. According to UBOS (NHHS 2016) 16% of Ugandans aged 5 and above have a disability, while 4% have a severe disability. About 4% of households have at least one member with a mental disability and 35% of Ugandans suffer from some form of mental disorder. When resettlement is undertaken for developmental purposes, persons with disabilities are deprived of their home-base, which is either physically adapted or to which they have accustomed for ease of geographic and physical manoeuvrability and which consists of more extensive social support than an unfamiliar location. Currently, compensations valuations fail to take account of or to ascribe financial value to such social capital. Gaps in the provision of reasonable accommodation during the development process and by means of Resettlement Action Plans (RAPs) are additional concerns raised in respect of resettlement safeguards for disabled persons.

Ethnic minorities/ forest/natural resource-dependant and surrounding communities: According to UBOS 2016, ethnic minorities count among the most vulnerable groups in Uganda. Ethnic minorities include the Batwa, the Benet, the Nyangas, the Banyindu, the Basongo, the Banyabungu, the Ik, all of whom lack political space and power to bargain and need special targeted inclusion to benefit from government and development programs. These ethnic minority groups are often dependent on natural resources for their livelihoods, which resources are obtained from forests, mountains, and National Parks. Activities of conservation or oil and gas exploration/extraction, or mining displace their entire social make up, rendering them acutely vulnerable. There is no law that demands a social impact assessment of such people’s livelihood restoration patterns before economic activities are undertaken; this is a deficiency the proposed legislation intends to address.

Despite substantial investment in infrastructure projects, there is no social impact legislation or provision that spells out the minimum standards regarding the inclusion of host communities and the involvement of vulnerable groups in the infrastructure project’s labour supply-chain investment vehicle or development processes. There is no aligned institutional or government unit or department that is responsible for overseeing implementation of social impact assessments and ensuring the accountability of all stakeholders involved in the process; this is another shortcoming which the draft legislation aims to address.

Involuntary resettlement of populations is a common feature of infrastructure projects, including among others the construction of dams, ports, railway lines, power-plants, large-scale irrigation projects, highways, mines, and urban renewal and metropolitan development. The extent and implications of such relocations are diverse and often result in the erosion of social capital and community cohesion.

This proposed legislation on social impact assessments will enhance investor confidence in the economy, avoid negative retaliatory community responses to development projects, avoid local project frustrations, and enhance speedy clearance of investment projects through participatory social profiling. The process of social impact assessment will be commenced simultaneously with and alongside environmental impact assessments, in accordance with established procedures under the social impact assessment law. The social impact assessment is thus complimentary rather than duplicative in nature and does not, therefore, create an additional layer of bureaucracy.
of a consideration fee. A red-flag would also have been raised about the potential impacts of the armed private security guards employed by the company to secure the lakes and its surrounds expressly for the purpose of barring neighbouring communities from accessing the lakes. The result of this on fishing communities has been increased unemployment, poverty and hunger as a result of compromised nutrition.

Uganda’s proposed social impact law provides for social impact assessors, as well as social care and support providers. Uganda currently has no regulation or professional standards for social work, community development or professional social work bodies to develop and enforce social impact assessment norms and standards. Similarly, no law or regulation caters for the professional accreditation of social impact assessors and professionals. This work hitherto has been undertaken by agencies like the National Environment Management Authority (NEMCA) or Uganda National Roads Authority (UNRA), which lack the expertise to address social impact issues.

![Ministry of Gender presenting an update on the NAP](image)

**The impact of development projects on vulnerable populations**

**Older Persons:** In 2016, the population in Uganda of persons aged 60 years and above was estimated to be 1.6 million, which constitutes approximately 4.7% of the population. These senior citizens are significantly affected by infrastructure projects, particularly those involving resettlement and relocation. The absence of robust legal protections against displacement, round resettlement and holistic and comprehensive compensation guidelines places older persons in a position of extreme vulnerability. This is why this legislation should be prioritized and placed at the top of the national agenda. When older persons are deprived of their social support and care, their physical and mental well-being is compromised which vulnerability extends not only to themselves but also the vulnerable children and orphans in their care.

**Women:** Gender differences are also evident in development projects, where women—who are frequently the worst impacted victims—receive inequitable compensation as a result of compensation criteria that favour patriarchal

Recommendations pertaining to **healthcare** included the following:

- increasing financing for public healthcare, in line with Abuja declaration targets;
- enacting the National Health Insurance Bill to cover vulnerable groups, such as residents of informal settlements, low-income households, people with disabilities, the elderly and children among others;
- improving the quality of public healthcare;
- ensuring full and equitable access to healthcare,
- intensifying efforts to curb maternal mortality; and,

**Atiana Kannabazizi presenting to diplomats in Geneva the status of Economic Social Rights in Uganda**

- strengthening the standardization of health management information systems.

To address **food insecurity and malnutrition**, states urged Uganda to pass a National Agricultural Policy. To strengthen the right to housing and land, states also called upon Uganda to enact an urban policy to address rapid urbanization, and to enact laws promoting equitable access to property.

In 2016, in a departure from the previous UPR-cycle, Uganda received recommendations to safeguard human rights in the context of business activities. Notwithstanding the Ugandan government’s acknowledgement that the private sector will, over the next decade, play a pivotal role in the country’s development, the country is yet to develop laws and policies to operationalize the Guiding Principles on Business and Human Rights or formulate a national action plan on business and human rights. Consequently, human rights abuses in the context of business activities persist. The absence of a coherent business and human rights framework has several negative implications: for example, Uganda’s minimum wage, which has not been adjusted since 1984, is the equivalent of 6000 Ush per month (approximately 2 USD) in a country where the national poverty line amounts to 30 USD per month. Similarly, unlawful land evictions are rampant, with companies consistently ignoring the requirement to seek indigenous communities’ free, prior, and informed consent before starting operations. National and local governments have, regrettably, failed to effectively enforce this established international norm.

In order to address these shortcomings, Uganda has been urged to implement the UN Guiding Principles on Business and Human Rights, in particular the principles focusing on labour and land rights. The country has also been urged to adopt a national action plan on business and human rights, setting out how the country intends to monitor and measure
Addressing Business and Human Rights
Recommendations from Uganda’s Second
Universal Periodic Review: Social Impact
Assessment and Accountability Bill

By Benard Mjuni, Commissioner – Equity and Rights, Ministry of Gender, Labour and Social Development

The findings of studies undertaken by stakeholders into displacements occasioned by development projects in different parts of Uganda expose the overwhelmingly negative impacts of development-induced resettlement on affected people and communities, which are primarily attributable to a lack of regulatory and redress mechanisms.

Following Uganda’s second Universal Periodic Review, the country accepted several recommendations and noted others aimed at addressing displacements, which undermine affected persons’ enjoyment of social and economic rights – including the rights to health, education, housing, social security, food, and adequate standard of living among others. Example of said recommendations include the call for Uganda to implement the “Protect, Respect and Remedy” Framework of the United Nations Guiding Principles on Business and Human Rights” to guarantee labour and land rights; the related call for Uganda to adopt a National Action Plan on Business and Human Rights; measures to ensure that companies exploiting natural resources conclude agreements with affected communities conferring access to culturally-relevant sites and resources and where appropriate adequate compensation.

The Ministry of Gender, Labour and Social Development believes that the proposed Social Impact Assessment and Accountability Bill presents solutions to halt and guard against future adverse impacts of development projects, particularly the displacement of persons and communities. Once enacted, this proposed legislation will support the implementation of the UPR recommendations related to business and human rights. The Bill, which takes into account factors such as risk, exclusion and inequity, serves as a tool to guide development of inclusive and equitable social protection systems. It also serves to reinforce the rights-based approach to social protection, drawing on international and national commitments to fulfill the rights of different segments of the population, namely children, women, workers, the elderly, persons with disabilities, ethnic, geographical, racial and other cultural minorities.

The implications of failing to implement in-depth social impact assessments is well-illustrated by the case of the Fersleut Engineering Services Ltd. On 29 May 2015, the Kabarole District Local Government signed a Memorandum of Understanding conferring upon the Company the exclusive 30-year utilization rights to the listed 26 crater lakes in the District. This arrangement was approved by relevant statutory bodies, without regard to the social impacts and availability of requisite safeguards. Residents of the area have subsequently accused the company of denying them access to the crater lakes, which are a major water supply for human and animal consumption as well as agricultural irrigation. A social impact assessment would have drawn attention to these concerns; such an assessment would also have spelled out the obligations of the company omitted from the proposed contract, such as for example the waiver...
The business and human rights UPR recommendations seek to address some of the challenges with which Uganda grapples in the context of private sector-led growth while promoting and protecting human rights and their enjoyment. In most business enterprises, there is minimal corporate accountability and respect for human rights; yet this is very important to ensure that companies uphold and respect human rights across their operations and value chains. Human rights have a sustainable and large scale, positive and long-term impact on the life-span of businesses and people.

Ms. Sylvia Ntambi, Chairperson of Equal Opportunities Commission (EOC) speaking at the meeting to finalize economic, social and cultural rights implementation matrix jointly organized by Ministry of Gender, ISER and EOC. (1)

Conclusion

The 2030 UN Agenda for Sustainable Development sets out the 17 SDGs, which account for 90% of ESCRs. The “pledge to leave no one behind” 5 that is the theme of the 2030 SDG agenda mirrors fundamental human rights principles on non-discrimination and equality. The 2030 Agenda and human rights are thus linked in mutually reinforcing ways: whereas human rights offer guidance for the implementation of SDGs, SDGs contribute to the realization of ESCRs.

The key highlights on the SDGs, situation analysis of the legal, policy, and existing implementation framework provide an enabling environment for Uganda to leverage the SDGs to implement the UPR recommendations that relate to ESCRs. Doing so will enable the country to harness the SDG indicators to measure progress on the implementation of UPR recommendations. During the aforementioned joint October 2017 dialogue on implementation of UPR recommendations, we developed an implementation matrix that drew from the SDG indicators track progress on UPR recommendations. Given the synergy between the UPR recommendations and the SDG goals, stakeholder efforts to ensure the successful implementation of the UPR recommendations before the next UPR cycle will thus bear positive outcomes in terms of both SDG and ESCR fulfillment.

What has ISER learned through its engagements with the UPR process?

1. The utility of integrating SDGs into implementation and progress-tracking strategies. Uganda committed itself to implementing SDGs and is following an ethos of “leaving no one behind.” In the National Development Plan (NDPII), Uganda pledged to adopt and localize the SDGs with efforts already underway to achieve the SDGs. Many of the UPR ESR-related recommendations tackle synergistic issues to the SDGs; for this reason, SDG indicators can be used to measure progress made in respect of the implementation of UPR recommendations. For example, SDG goal 4.1 provides by 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes. This mirrors UPR recommendations on ensuring access to education for vulnerable groups like girls and also recommendations on improving fair access to quality and sustainable education. Accordingly goal 4.1 could be used, namely “the proportion of children and young people (a) in grades 2/3; (b) at the end of primary; and (c) at the end of lower secondary achieving at least a minimum proficiency level in [i] reading and (ii) mathematics, [disaggregated] by sex.”

2. The need for harmonized and clear indicators. As ISER embarked on the process of developing indicators to measure implementation of UPR recommendations, it became clear that there are no harmonized indicators: different sectors employ different indicators, in some instances to measure the same output. The indicators developed for the SDGs serve as a useful departure for the standardization of indicators across sectors. The National Planning Authority and the Office of the Prime Minister have begun the process of harmonizing NDP indicators with those of the SDGs, which is commendable and urgently needed since this will ensure greater coherence and allow for comparative analysis across sectors.

3. The need for disaggregated ESR-related data. As ISER examined Uganda’s ESR-related UPR recommendations and sought to develop indicators to measure progress of their implementation, the organization sought to include baseline data. However, disaggregated data was often lacking or not readily or publicly available. For example, it was difficult to ascertain the baseline data on girls with disabilities enrolled in school and their rates of completion. This is a real setback as disaggregated data is critical to ascertaining the extent to which recommendations have been implemented, in particular for designated vulnerable groups: without data, progress cannot truly be ascertained.

4. Intersectoral collaboration is critical. Government has sometimes worked in silos; while it may be tempting to view the implementation of UPR recommendations as the purview of a particular Ministry (for example, ISER was informed that the Ministry of Foreign Affairs and Ministry of Gender are tasked respectively with UPR reporting and the drafting of the mid-term review), it is imperative that other ministries and departments are engaged. When developing the implementation matrix, participants identified the actors relevant to each recommendation. A number of government actors, in addition to being direct implementers, are critical for monitoring implementation across the board. The Office of the Prime Minister, which is in charge of recommendations pertaining to refugees, is also in charge of government’s annual performance reporting, in line with article 108(A) of the Constitution and also takes the lead in monitoring the SDGs. Looking at the UPR recommendations received on health, the only ones currently not tracked in the government annual performance reporting under the auspices of the Office of the Prime Minister are those pertaining to the functionality of health systems and those related to health interventions for vulnerable groups. Uganda’s Bureau of Statistics is another critical player given that it provides the core statistics for monitoring and evaluation, which makes it well-positioned to address national data deficiencies and gaps such as the paucity of disaggregated data. Institutions like the Equal Opportunities Commission, the Uganda Human Rights Commission and Parliament are also integral to tracking and monitoring progress on UPR recommendations.

5. Monitoring should be consistent and integrated into ongoing government processes. After Uganda’s first UPR, monitoring of the implementation of recommendations was performed in a somewhat ad-hoc manner; moreover, progress was discussed only as the reporting deadline approached. For this reason, monitoring

5 See supra (n. 1).
should be integrated into ongoing government processes: for example, reporting on the progress of implementation of UPR-recommendations (in particular those recommendations pertaining to ESRS, which often reflect sectoral priorities and the SDGs) could be incorporated into government’s annual and biannual performance reporting, which is coordinated by the Office of the Prime Minister. Similarly, local governments, which are in charge of service delivery and report on the progress of implementation through quarterly and annual reports, should also be engaged.

As discussed above, the ESR-related recommendations are not novel, for the most part reflecting commitments in Uganda’s national and sectoral plans, therefore, to avoid duplication, monitoring can be integrated into existing processes. Similarly, progress can be discussed in the annual reports released by institutions such as the Ugandan Human Rights Commission and Equal Opportunities Commission, which are already tasked with monitoring the state of human rights and equal opportunities respectively. Civil society, similarly, should not wait until a report is due to assess progress: civil society organisations should formally integrate monitoring of these recommendations into work plans. A cursory look at the UPR recommendations reveals that they mirror those put forward by national and international mechanisms. As such monitoring their implementation does not require additional work and in fact complements the process of developing shadow reports and national and international advocacy initiatives.

6. The need for dedicated resources. Beyond recommendations that explicitly call for the Ugandan government to increase the financing of certain sectors, realizing UPR recommendations ultimately requires targeted resource allocation. Key sectors remain significantly underfunded: for example, funding of the health sector has hovered at 7.5% of the national budget over the last five years (in fact regressing to 6.4% in 2017/18, far below the 15% of the national budget targeted advanced by the Abuja declaration to which Uganda is formally committed). The education sector is, similarly, underfunded: primary schools receive capitation grants of 10,000 USH per pupil, per year (approximately 3 USD). Only 0.2% of the budget is allocated to special needs education, far below the 10% requirement provided for in the Persons with Disabilities (PWD) Act. The implications of underfinancing of education have been an erosion of the quality of education provided, shortage of textbooks, inadequate writing space and compromised quantity and quality of classrooms. The push for greater resource allocation does complicate a discussion regarding the budgetary implications; however, justifying the underfinancing of ESRS is misguided, as it ignores the facts that in order to give expression to rights, whether civil or socio-economic, requires an assignment of dedicated resources. In line with Uganda’s international commitments, realizing UPR ESR-related recommendations, particularly for the poor, vulnerable and marginalized, requires the Ugandan government to dedicate maximum available resources to this end. Parliament and line ministries should, as they embark on the annual budget processes, scrutinize the extent to which these recommendations and the issues that underpin them are funded.

7. Adopt a NationalAction Plan (NAP) with clear measurable indicators after wide consultation with stakeholders. Ultimately, the UPR presents an opportunity to (i) take stock of the progress made with respect to the realization of rights; (ii) identify existing gaps; and, (iii) formulate an action plan outlining how to address identified gaps in order to effectively realize human rights. Action plans need to include specific measurable indicators to facilitate progress-tracking and measurement. Uganda did not adopt a NAP after the first UPR-cycle, which detrimentally affected the state’s monitoring of implementation and the overall quality of rights implementation. Given that Uganda’s mid-term progress report is due in 2019, it is imperative to ensure that a NAP containing clear and specific measurable indicators, is adopted to ensure progress with the implementation of UPR recommendations.

aged 6 – 24 yrs have never attended school. In Karanjoa, however, the rate of school-going children aged 6 – 24 yrs who have never attended school stands at 50%. Notable barriers include inter alia: paucity of inclusive facilities catering for special needs children: a declining completion-rate, which is attributed to early marriages; the high incidence of teenage pregnancies and low transition to secondary education, etc. It is against this backdrop that the Ministry of Education and its stakeholders should capitalize on existing policy, legislative and regulatory frameworks making provision for the realization of the right to education to implement the UPR recommendations, fulfill SDG4 and ensure the continuous improvement of education services for all.

Leveraging SDG 3 to address UPR recommendations relating to Health

Uganda accepted a number of UPR recommendations relating to the right to health, which are in tandem with SDG 3, which envisions states to: “ensure healthy lives and promote well-being for all at all ages.” This commitment is in line with Uganda’s health sector objectives highlighted in the NDP II, which seek to contribute to the production of healthy human capital through the provision of equitable, safe and sustainable health services. The challenges confronting the public healthcare sector include among others inadequate financing, limited and concentrated access to health services with hard-to-reach areas disproportionately under-resourced and experiencing significantly higher maternal mortality rates than urban centres. Uganda needs to take advantage of existing legal, policy and regulatory frameworks, such as for example, the Ministry of Health Strategy for Improving Health Service Delivery, which commit to the very concerns highlighted within the UPR recommendations.

Leveraging SDGs to address UPR recommendations relating to Housing, Social Security and vulnerable groups.

A number of challenges arising from rapid urbanization could be solved by ensuring the availability of inclusive, safe, resilient and sustainable human settlements. Existing policy and legal regimes should be implemented to improve fulfillment of the right to housing. The National Development Plan (NDP) II, the 1995 Constitution of the Republic of Uganda, the Building Control Act 2013, The Equal Opportunities Commission (EOC) Act 2007 and the Land Act Cap 227 1997 and subsequent amendments provide for equitable housing and settlements and access thereto.

Social security of vulnerable persons

Uganda has streamlined SDG 3 into its NDP II by focusing on increasing the avenues for access to social protection to 3 million people by 2020. The Social Sector Development Plan 2015-2020, and The National Equal Opportunities Policy, the EOC Act 2017, the Older Persons Policy, The Youth Policy. Persons With Disabilities (PWD) Act 2006 among others also need to be robustly implemented in order to successfully address the UPR recommendations on the social security of vulnerable persons.

Leveraging SDGs to address UPR recommendations on business and human rights

Uganda has also accepted UPR recommendations relating to business and human rights. These relate to SDG 8, which emphasizes the promotion of sustainable, inclusive economic growth, full and productive employment and decent work for all. “This goal is also in tandem with Uganda’s NDP II theme “Strengthening Uganda’s competitiveness for sustainable wealth creation, employment and inclusive growth”.

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3 Supra (n 1)
4 See further supra (n 1)
Leveraging the Sustainable Development Goals to Ensure Implementation of Economic, Social and Cultural Rights Related Recommendations from the 2016 Universal Periodic Review

Zamina Malole, Commission Member, Equal Opportunities Commission

Introduction

From 4-6 October 2017, a stakeholder dialogue to discuss implementation of recommendations emanating from Uganda’s 2nd Universal Periodic Review (UPR) was convened by the Initiative for Social and Economic Rights (ISER), under the auspices of the Ministry of Gender, Labour and Social Development (MoGLSD), Equal Opportunities Commission (EOC), Uganda Consortium on Corporate Accountability (UCCA) and with the support of the Open Society Foundation, Education Support Program, GIZ and UPR Info. During the dialogue, the EOC proposed ways in which the UN Sustainable Development Goals (SDGs), which provide a global agenda for the elimination of poverty by 2030, could be used to ensure successful implementation of the ESCR recommendations from the UPR (which recommendations applied to education, health, housing, social security, business and human rights among others). Uganda has already aligned its National Development Plan (NDP) 2015-2020 with the SDGs. This article will examine how implementation of Uganda’s UPR recommendations could similarly be harmonized with the SDGs.

Leveraging SDG 4 to address UPR recommendations relating to education

SDG 4 enjoins states to “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.” Uganda’s UPR recommendations on education similarly call for improvements to the quality and accessibility of education, in particular for the most vulnerable population groups. Existing policy and legal frameworks guiding implementation of educational programs, for example the Education Sector Policy Objectives in Uganda’s National Development Plan (NDP) II, do make provision for qualitative and quantifiable improvements to public education; however, significant challenges to the realization of these rights remain to be addressed.

According to the report of the Uganda National Households Survey (UNHS) (2016-17), 5% of school-going children

Question: The government is focused on the Sustainable Development Goals (SDGs). To what extent will the SDGs be incorporated into the implementation of UPR recommendations and what role will SDGs play in the implementation of these recommendations?

Answer: We are thematically clustering recommendations and assigning their implementation to relevant line-ministries. We are also in charge of the country report on SDGs, which will, therefore, be incorporated as the country implements the UPR recommendations.

Question: To what extent do you collaborate with other government departments in implementing UPR recommendations?

Answer: The Ministry of Foreign Affairs believes that it is important to work with other government departments because this fosters broader ownership of the implementation process. However, there are some challenges we face in inter-ministerial implementation; sometimes focal persons change; some challenges are attributable to poor training/awareness raising of relevant public officials. Government ultimately needs empowered, informed and committed public officials to ensure success of the UPR implementation process.

Question: As you are aware, Uganda will be undergoing its UPR mid-term review in mid-2019. Have preparations commenced for this mid-term review?

Answer: Uganda is scheduled to undergo its next UPR in 2021; hence, government is gearing up for the 2019 midterm review. By 2019, government hopes to have in place an approved NAP and to have carried out public sensitization as to what the NAP seeks to achieve. Once the NAP is finalized, a draft cabinet paper, to be fronted by the cabinet secretary, will be developed. The Ministry of Finance will assess the resources necessary to operationalize the NAP and as a ministry we will identify any resource gaps and approach development partners to support us. As mentioned earlier; there are challenges inherent in inter-ministerial coordination and at inception of the draft NAP, we had not yet formulated a timeline for the implementation of the NAP and we remain alert to the possibility that implementation may be overtaken by events. We are, however, planning to fast track each of the key activities towards its realization. The inter-ministerial committee, which consists of stakeholders from different government departments and agencies, will work with the Ministry of Foreign Affairs on a sustained basis to debate and validate what has been deliberated upon until the NAP is ready for implementation.

Question: Uganda received a recommendation to create a NAP on business and human rights. Do you think a separate NAP on business and human rights is necessary?

Answer: It is necessary. In a bid to become a middle income country, we must attract investors. However, our population is not sufficiently conversant with human rights to ensure that their business operations are conducted in a manner respectful of human rights. We also need a stand-alone NAP on business and human rights to create a conducive environment for responsible business, in which Uganda’s investment authority and investors can be certain of their human rights responsibilities and contribute to the creation of common standards that align local and international business and human rights contexts.

from other treaty bodies and regional mechanisms including the African Commission on Human and People’s Rights, among others.

from 22 districts. A mentorship tool inclusive of Adolescent Sexual and Reproductive Health / HIV/AIDS as well as a framework for mentorship was also developed to increase service providers’ capacity to offer sexual and reproductive healthcare advice and care.

5. Recommendation to revise abortion legislation to ensure that all women have access to abortion and related healthcare in order to reduce maternal mortality

The health sector in collaboration with key stakeholders has developed post-abortion care guidelines aimed at the prevention and management of post-abortion complications.

6. Recommendations to strengthen the health management information system (HMIS) and improve the health sector

The MoH has undertaken a number of reforms to fulfil the right to health and UHC, focusing on areas such as human resources, health infrastructure, medical equipment and health financing.

To strengthen the HMIS, MoH will centralise procurement of tools from the National Medical Stores (NMS) and analyse the information collected on a quarterly basis to ensure that the data is reliable. The MoH will also engage districts and other partners in the data collection and analysis process to ensure that it presents an accurate reflection of the situation on the ground. HMIS indicators have been updated to gauge gender and equity concerns so as to ensure there is disaggregated data.

B. Strategies for Implementation

In order to more systematically and effectively monitor progress made in implementing UPR recommendations and other right to health commitments, the MoH with the support of the Equal Opportunities Commission, Ministry of Gender, Labour and Social Development and the Initiative for Social and Economic Rights (ISER), has developed health-related indicators that can be tracked over time and reported upon periodically (for example, during quarterly and annual health-sector performance reviews).

Fulfilling the right to health as recommended in the UPR is a resource-intensive undertaking. The MoH will, as part of its future strategy, make provision for increased budgetary allocation and ensure comprehensive support of the legislative process for Uganda’s Universal Health Insurance. It is for this reason that a National Health Insurance Scheme is a top priority for the health sector, as it has the potential to facilitate broader access to services, particularly for vulnerable groups, by pooling health risks, promoting social solidarity, cross-subsidisation and serving as an additional source of healthcare funding.

Conclusion

The UPR has provided an opportunity to assess the country’s progress on the right to health and shed light on gaps. The recommendations made also align with the health sector priorities as set out in the National Health Policy and the Health Sector Development Plan. The MoH remains committed to working with stakeholders to implement these recommendations.
How to address gaps in the Implementation of UPR Recommendations

Q & A with Bizekko Kyomuhendo, Commissioner, Ministry of Justice and Constitutional Affairs

Question: Why is the Universal Periodic Review (UPR) important?

Answer: The Government of Uganda voluntarily undertook to be reviewed by its peers. The UPR reinforces the government’s commitment to promote and protect human rights and enables it to realize gaps that may exist with respect to policy implementation aimed at realizing these rights. The UPR further provides an opportunity for the government to dialogue with stakeholders, and to discern synergies in terms of how best to collectively implement recommendations emanating from this process. The UPR also enables government to adopt best practice in implementing and improving rights-oriented policies.

One of the major challenges besetting the UPR process is the financial implications for government of achieving the obligations it has made under all human rights instruments. The UPR provides the Ugandan government with the opportunity to mobilize resources from well-intentioned peers to meet some of these obligations. Government may also consider collaborating with other stakeholders to raise awareness and sensitize rights-holders on their rights and responsibilities.

Question: What strategies has government contemplated or devised for the implementation of UPR recommendations?

Answer: Government has developed a comprehensive policy in the form of a National Action Plan (NAP) that functions as a blueprint setting out all of the commitments it has made under the UPR. Once this NAP is adopted, it will facilitate the interventions to be implemented by government, using a human-rights based approach, towards the realization of its commitments. The NAP will set out the scope of duty bearers and can be relied upon to raise awareness among duty bearers of their duties, which include the need to integrate the human rights obligations into their respective planning and budgeting processes. It is envisaged that the NAP, once adopted, will serve to comprehensively enhance cooperation and inter-ministerial coordination of the implementation of UPR recommendations.

The Ministry of Justice will also be directly involved in the implementation of a number of UPR recommendations, for example ensuring that Uganda’s laws are in line with international human rights standards.
Question: Could you provide some background on the NAP?

Answer: Following Uganda’s initial UPR review in 2011, the Ugandan government started the process of creating a NAP and by 2016 had completed a draft NAP. However, the decision was taken to revise the draft NAP as it lacked: an implementation framework; monitoring and evaluation framework; as well as a statement on the financial implications of implementation. Through the support of partners such as the Democratic Governance Fund (DGF), the draft NAP is being revised to include these elements as well recommendations from the second (2016) UPR cycle. The consultants tasked with revising the NAP met with government planners to obtain first-hand insight into government planning and budgeting regulations and processes. Once the NAP revision process is concluded, the draft will be subjected to a consultative review process with a wide-range of stakeholders.

Question: You mentioned a statement of financial implications to accompany the NAP. Why is this important?

Answer: The Ministry of Finance can be constrained in terms of the resources it can allocate to different government policy priorities. The NAP is an exception: it too has budgetary ramifications that need to be costed. Once cabinet adopts the NAP, the Ministry of Finance will have to locate it alongside other government policy commitments to ensure the allocation of financing to meet the respective commitments. In some instances this requires appealing to donors for external support to assist government to meet its obligations. Once the NAP has been costed, other stakeholders will be consulted and provided the opportunity to deliberate on all the pertinent factors.

Question: What are some of the challenges faced in implementing UPR recommendations?

Answer: Reporting is not coordinated and the lack of coordination among government stakeholders poses a challenge to cross-cutting implementation. Agencies have switched from having human rights desks to directorates and it might be difficult to follow up with focal persons.

Question: Uganda received a recommendation to create a National Action Plan on business and human rights. Do you believe a separate NAP on business and human rights is important and why?

Answer: Human rights violations have been documented in sectors like the extractive industry, including for example the displacement of communities from land. Rights violations are also frequently reported in the labour sector. There have thus been discussions about the need for social impact assessments and debates regarding whether environmental impact assessments are conducted in the most optimal way. A NAP on business and human rights is important to address these gaps and any others that are identified. A NAP on business and human rights can be used to sensitize policy makers on the need for human rights to be respected in the context of business activities.

Universal Periodic Review Recommendations and the Right to Health: Progress and Strategies for Implementation

By Aliyi Walimbwa, Senior Planner, Ministry of Health

Uganda’s Ministry of Health (MoH) aims to fulfill the right to health within the framework of the UN Sustainable Development Goals (SDGs), particularly the goal to ensure Universal Health Coverage (UHC).1 During Uganda’s second Universal Peer Review (UPR) of 2016,6 several recommendations were made regarding the country’s health sector: of the 16 recommendations pertaining specifically to the health sector, 11 were accepted, meaning that Uganda committed to implement the recommendations in question. Uganda received more diverse recommendations on the right to health during its 2016 UPR than it did during its inaugural UPR five years earlier. These ranged from recommendations calling for budgetary increases, to the enactment of a national health insurance scheme, measures to address maternal mortality, strengthening responses to the HIV pandemic, calling for the standardization of health management information systems, strengthening health systems more generally, and improving access to sexual and reproductive health services among others. This article will discuss the progress made towards the fulfillment of these recommendations and propose strategies for further implementation.

A. Progress on Recommendations

The MoH seeks, in the course of its work, and subject to the availability of resources, to address the aforementioned health-related UPR recommendations, as will be discussed thematically below.

1. Recommendations to increase the percentage of the national budget for health to 15% as per the Abuja Declaration

Uganda’s health sector budget, which remains below the 15% Abuja declaration target to which Uganda committed, has over the last six financial years (2010/11-2016/17) fluctuated between 7-9% of the national budget, dropping as low as 6.4% in FY 2017/18. The responsibility to increase the national budget for health to 15% as per the Abuja Declaration rests on the Ministry of Finance Planning and Economic Development. However, the MoH has advocated for the increase, which has motivated the Finance Ministry to look into innovative health financing mechanisms such as results-based financing and a National Health Insurance Scheme.

2. Recommendations to fully implement school health policies and the policy on adolescent health to provide reproductive health education for adolescents and prevent teenage pregnancy

MoH, in collaboration with the Ministry of Education, has formulated a draft school health policy which is in the process of final approval by top management in both ministries. The policy aims to improve coordination of multi-sectoral school health interventions. Also under review are existing Adolescent Health Service Standards, which will inform the development of the Adolescent Health Policy by the end of 2018. The objective of this policy is to promote an

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1 See http://www.un.org/sustainabledevelopment/sustainable-development-goals/
2 See further http://www.ohchr.org/EN/HRBodies/UPR/Pages/StatusOfIssues.aspx