

THE STATE OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN UGANDA AND EMERGING ISSUES

Joint Submission to the United Nations Universal Periodic Review (UPR) of Uganda

Jointly submitted by organisations working on economic, social and cultural rights issues

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The report was compiled by the Initiative for Social Economic Rights (ISER), a registered indigenous non-governmental organisation in Uganda founded to ensure the full recognition, accountability and realisation of social and economic rights primarily in Uganda, but also within the East African region. It was compiled after consultations with numerous civil society organisations working on economic, social and cultural rights in Uganda.

ORGANISATIONS THAT ENDORSE THIS REPORT

Initiative for Social and Economic Rights (ISER)	Center for Health, Human rights and Development (CEHURD)	Karamoja Development Forum (KDF)
Action Aid	CESCRA	Karamoja Miners Association (KMA)
Action Group for Health, Human rights and HIV/AIDS (AGHA)	Coalition for Health Promotion and Social Development (HEPS- U)	Marie Stopes Uganda (MSU)
Advocates for Elimination of Discrimination Against Women (ADAW)	Community Health Advocate Associations of Buikwe, Kiboga, Gomba, Kyankwanzi and Wakiso Districts.	Mental Health Uganda (MHU)
Advocates for Natural Resources and Development (ANARDE)	Community Integrated Development Initiatives, CIDI	National Community of women living with HIV/AIDS (NACWOLA)
African Centre for Global Health & Social Transformation (ACHEST)	Cross-Cultural Foundation of Uganda(CCFU)	National Forum for People Living with HIV/AIDS Networks in Uganda (NAFOPHANU)
Akina Mama wa Afrika (AMWA)	Enforcement of Patients and Health Workers' Rights (EPHWOR)	Partners in Community Transformation (PICOT)
Alliance for Women Advocating for Change (AWAC)	Golden Center for Women's Rights (GCWR)	Peer to Peer Uganda (PEER-U)
Buliisa Initiative for Rural Development Organisation (BIRUDO)	Human Rights awareness and promotion forum (HRAPF)	Platform for Labour Action (PLA), Refugee Law Project(RLP)
Bunyoro Albertine Petroleum Network on Environmental Conservation (BAPENECO)	Initiative for Social and Economic Rights (ISER)	Reach A Hand Uganda (RAHU)
Center for Health, Human rights and Development (CEHURD)	Islamic Women Initiative for Justice Law and Peace (IWILAP)	Reproductive Health Uganda (RHU)
	Jenga Afrika	Resource Rights Africa (RRA)
		Sexual and Reproductive Health and Rights (SRHR) Alliance Uganda

**Sexual Minorities
Uganda (SMUG)**

**The Advocates Coalition
for Development and
Environment (ACODE)**

**The Civil Society
Coalition on Oil and Gas
(CSCO)**

**The Northern Albertine
Network on
Environment and
Petroleum (NANEP)**

**The Uganda Consortium
on Corporate
Accountability (UCCA)**

**Think Tank Center for
Health and Human**

**Rights (TTACH-
RIGHTS)**

**Transparency
International Uganda
(TIU)**

**Twerwaneho listeners
club**

**Uganda Family Planning
Consortium (UFPC)**

**Uganda National
Network of AIDS Service
Organizations (UNASO)**

**Uganda Network of Key
Population Services
Organizations (UNESO)**

**Uganda Network of
Young People Living**

**with HIV/AIDS
(UNYPA)**

**Uganda Network on Law
Ethics and HIV/AIDS
(UGANET)**

**Uganda Youth Alliance
for Family Planning and
Adolescent Health
(UYAFPAH)**

**Uganda Youth and
Adolescents Health
Forum (UYAHF)**

**White Ribbon Alliance
for Safe Motherhood
Uganda (WRA-U)**

**Women with a mission
(WWM)**

KEY WORDS: economic, social and cultural rights; adequate housing; COVID-19; culture; education; favourable conditions of work; health; inadequate financing; indigenous people; national health insurance; quality of education; security of land tenure; social security; unregulated expansion of the private sector.

EXECUTIVE SUMMARY

1. Uganda has undergone two reviews in 2011 and 2016. In November 2016, Uganda underwent its second Universal Periodic Review (UPR). Ahead of the review, civil society organisations submitted a joint civil society report on economic, social and cultural rights and lobbied for recommendations on ESCRs coordinated by the Initiative for Social and Economic Rights (ISER). During the 2016 UPR, Uganda received 226 recommendations, 148 were accepted by the government and 78 were noted. This submission elaborates progress made by the Government of Uganda over the last four and half years on specific recommendations emanating from the second cycle of the Universal Periodic Review in 2016, and identifies the gaps and the challenges that need to be addressed.

I. METHODOLOGY

2. This report was developed after a national consultation of civil society organisations working on economic, social and cultural rights issues in Uganda. A number of civil society groups, both national and regional convened to discuss priority economic, social and cultural rights issues to be addressed during the UPR at a meeting facilitated by the Initiative for Social Economic Rights (ISER). After the meeting, organisations worked in thematic groups based on their area of expertise to identify issues and generate reports on specific rights. Key issues and recommendations from those reports were collated into this report by the Initiative for Social Economic Rights (ISER) under the auspices of the Coalition on Economic, Social and Cultural Rights. This report relies on government statistics but also on primary data collected by organisations that are signatories to this report.

II. SUBMISSIONS ON STATUS OF IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS

RIGHT SPECIFIC ISSUES

A. Right to social Security

3. The Government of Uganda committed itself to strengthen its social security in favour of the most vulnerable sectors of society. In achieving this obligation, Uganda's Vision 2040 proposes a universal pension and support to 'orphaned children, the disabled and the destitute'. In 2019, the Government of Uganda initiated amendments to the National Social Security Fund Act to repeal limiting provisions on coverage and eligibility in the current provisions. Various concerns however remain prevalent. Firstly, the number that benefits

from social security are still low. Uganda's working-age population stands at 19.4 million of which about 15 million were working in either formal or informal sector, and thus eligible for pension savings. However, according to the Uganda Retirement Benefits Annual Performance Report, 2018, only 1.9 million people are covered by formal social security schemes representing 14% of the labour force; implying that 86% of the working-age population was uncovered.¹

4. **Recommendation: Government should develop a clear vision and long-term financing strategy for social protection to enhance political will and funding for increasing investment in social protection, Coordinate and fast-track the adoption of social security reforms.**

B. The Right to culture

5. Internationally, Uganda ratified the 1972 UNESCO Convention on Tangible Cultural Heritage, the 2003 Convention on the Safeguarding of the Intangible Cultural Heritage, and the 2005 UNESCO Convention on the Promotion and Protection of Cultural Diversity and Expressions.
6. Nationally, the 1995, Constitution of Uganda recognizes the importance of cultural identity and the existence of 65 indigenous groups. Under Objective xxiv (a) of the 1995 Constitution, the Government of Uganda commits to ensuring that the social and cultural well-being of the people is respected, and stipulates that the State shall promote and preserve the cultural values and practices that enhance the dignity of Ugandans; and shall encourage the development, preservation, and enrichment of Ugandan languages.

Weak legal and policy framework on the right to culture

7. The government has put in place laws to promote the enjoyment of this right, for example, the Museums and Monuments Policy 2015, the Museums and Monuments Bill which is intended to repeal the Historical Monuments Act of 1967. The government also developed a national action plan on culture and creative industries of Uganda.ⁱⁱ However, whereas the laws are great on paper, the same has not been adequately incorporated into practice. Certain national cultural sites have now attained World recognition, but the Act has not been updated to provide for this status. Whereas the Uganda National Culture Centre Act,ⁱⁱⁱ provides for a statutory body that is supposed to provide for the establishment of theatres and cultural centres across the country to provides access, expression, and enjoyment of culture, there is still only one theatre based in the capital city Kampala.
8. **Recommendation: The relevant government department such as the Tourism and Museums departments should fast-track the promulgation of the Museums and Monuments law (currently a Bill in Parliament), the various laws should be updated to accommodate the various strides being made.**

Lack of instructional Materials in Indigenous Languages

9. Furthermore, there is limited use of indigenous languages, this is because minority languages in Uganda are not taught in schools as a medium of instruction in schools or common public spaces including materials concerning the COVID-19 pandemic.^{iv} Young people from indigenous minority communities are usually taught in 'foreign' languages, denying them the

right to express their cultural identities through languages. Among the Paluo in Kiryandongo, for instance, children now learn in Acholi, Alur, or Langi, leading to the erosion of the indigenous language called Lebpaluo. Similarly, Batuku children in Ntoroko district learn at school in Rutooro and the Bagwe in Busia district learn in Lusamya. Among the Benet in Kween district, Kupsabiny is taught in schools, resulting in the loss of Kumosop, the Benet language: in Zombo district, Alur language is generalised for all in primary education with the enrolment of thematic curriculum yet there are indigenous groups like the Lendu and Kebu. The same challenge is evident in the passing of COVID-19 prevention and control messages that purely focus in Alur Language while side-lining the efforts of Lendu and Kebu indigenous groups.

10. **Recommendation: During this period of the COVID-19 Pandemic, the government should develop COVID-19 related information and communication materials in several languages including those of IMGs. Certain terms, including social distance and quarantine, need to be collectively translated and appreciated by all Ugandans.**

C. Right to food

11. Internationally, Uganda has ratified Agenda 2030; especially Sustainable Development Goal 2, International Covenant on Economic Social and Cultural Rights, 1966, African Charter on Human and Peoples Rights, Convention on the Right of the child Comprehensive Africa Agricultural Development Program (CAADP). These have been localized through The 1995 Constitution of the Republic of Uganda under Objective XXII on food security and nutrition, VISION 2040, that have informed the development of several frameworks and government programmes such as; Poverty Alleviation Action Programme (PEAP), Plan for Modernization of Agriculture (PMA) among others.
12. 26% of the total population in the country is living in a stressed food insecurity zone (IPC Phase 2).^v East Central with 1.88m has the highest population under this category, followed by South Western 1.24 million, Teso 1.1 million, and West Nile with 1.04 million. Further 69% of the total population in the country was minimally food insecure (IPC Phase 1), 5% of the total population in the country is in Crisis (IPC Phase 3).^{vi} Note should be taken that all regions in the country have a stressed population. Concerning urban variation, 17% of the population in Kampala is faced with acute food insecurity (IPC phase 3+),^{vii} projected to be in the acute phase in the last quarter of the year 2020. The problem cuts across school children, prisoners, and Refugees.

Inadequate legislative mechanisms in food security

13. The government committed to putting in place programmes to facilitate food security. To realize these inspirations, there're specific policies developed including; the National Seed Policy (2018), National Fertilizer Policy (2016) and the Land Valuation Bill (2019) will provide parity in access to the right to food by stabilizing land rights among others. The Government through the Judiciary has affirmed the right to food as a basic human right and protected by the constitution under national Objective XXII (b), (Article 8A and 45 in Uganda through the high court in the case for Center for Food and Adequate Living Rights

(CEFROHT) v Attorney General.^{viii} However, with the challenge of the absence and privatization of national strategic food reserves and the absence of seed banks. Also, it is concerning that no significant steps have been designed to address food and nutrition gaps in the country. Agriculture is at the center of the national development agenda yet it does not receive the same attention when it comes to budget allocation. Over time, the approved budget for agriculture in relative terms has declined from an estimated 5.1% of total budget allocation in 2001/02 to 1.8% in 2021/22 financial year. This shows little commitment by government for sustained expenditure on agriculture and a direct contrast to the Maputo Declaration which calls for a 10% national budget allocation to Agriculture Sector.

14. **Recommendation: Uganda should adopt and implement the draft Food and Nutrition Bill of 2008, should repose and or establish National Food Reserves in the country that target families mostly and Food Emergency Preparedness system and establish a vulnerable country register to aid and guide food distribution processes.**

Inconsistent Government policies and programs

15. The government has set up various programs such as the Plan for Modernization of Agriculture (PMA), Development Strategy and Investment Plan 2011-2015 and Agricultural Sector Strategic Plan 2015/16 – 2019/20, Operation wealth creation, Emyooga, agricultural finance facility, and the recently launched parish development model and are all geared towards bringing to farmers planting materials, capital, and other inputs so they can grow the food they eat and thus improve nutrition and food security. However, the government has continued to pursue development policies/programs that force subsistence farmers off the land without arrangements to ensure their livelihood and therefore their access to food. The case of the Kaweri villagers in Mubende is a good example.
16. **Recommendation: Government should consider consolidating and moving to Uganda Development Bank all smallholder agriculture funds (Microfinance Support Centre, Operation Wealth Creation, Youth Livelihood Program and Uganda Women's Entrepreneurship Programme, ACF, agricultural insurance scheme) currently scattered under different institutions and programs.**

D. Right to Education

Failure to Achieve Equitable Access to Quality of Education

17. During the second periodic review, the state of Uganda accepted recommendations for quality and increasing access to education especially for girls, marginalized children, and those living in rural communities. The government of Uganda has continued with the implementation of the Universal Primary and Secondary Education (UPE & USE) Programs. The introduction of UPE and USE has given almost all children the opportunity to access primary and secondary education. For instance in primary, there has been an increase in enrolment from 8.84million learners in 2017/18 to 10.76million learners in 2019/20 and maintained gender parity with boys and girls at par with 50:50 percentage.^{ix} Under secondary education, there has been a 45% increment in enrolment from 1.37million learners in FY2017/18 to 1.99million in 2019/20.^x The government has implemented UPE and USE programs through construction and grant aiding of community schools.^{xi} Community schools are required to teach learners without charging school fees. The provision of primary and secondary school at the parish and secondary level has improved access to education but it does not necessarily

translate into equitable access to education. Some parishes and sub-counties are either too big or densely populated to be equitably served by one primary or secondary school.^{xii}

- 18. Recommendation: The Ministry of Education and Sports with the assistance of other government agencies should undertake studies to ascertain and establish the unit cost required to educate a child in both primary and secondary schools.**

Inadequate Education Financing Affects the Quality of Education

19. Since 2016, the government has grant-aided one hundred sixty-seven (167) community secondary schools and 23 primary schools in sub-counties and parishes without USE and UPE schools respectively.^{xiii} In FY2017/18, the government through the Ministry of Education and Sports also commenced the first phase of implementation of the Uganda Government Inter Fiscal Transfer project targeting construction of One Hundred and seventeen (117) new secondary schools in sub-counties without government schools. The current government has fallen short of its 2016 - 2021 campaign promise of free pads, mathematical sets, and exercise books to learners in upper classes in UPE schools.^{xiv} This is in addition to failure to implement the government-led school feeding program,^{xv} and as a result, several children are attending school hungry. The UPE and USE schools are operating with a lot of human resource and infrastructural constraints such as classrooms, teacher staff quarters, laboratories, and sanitation facilities. This has led to a high pupil classroom ratio currently standing at 71:1.^{xvi} These can be attributed to the low funding of the education sector. In FY2019/20, the education sector share of the national budget was 10.4%, representing 0.68%, from the 11.08% of the FY2018/19 approved budget, the sector expenditure as a percentage of the Gross Domestic Product decreased from 2.78% to 2.69%.^{xvii} This is 3.31% below the internationally recommended 6%.^{xviii} As a result of the failure to increase funding to education, the school implementing UPE and USE schools are operating with limited funds. This has made education unaffordable for children from poor backgrounds, 67.6% of boys and 64.6% of girls who leave school attribute it to education being expensive and unaffordable and lack of funding to keep them in school.^{xix}
- 20. Recommendation: The government should immediately increase financial investment in the public education sector or allocate 20% of the budget to education, prioritising funding for basic education**

The unregulated private sector in education

21. The growing weaknesses in the public education system delivery have given space to the private sector to thrive in the delivery of education. Currently, at the primary level, about 39% of the schools are privately owned, with about 21% enrollment rate of the learners.^{xx} The private school's share of primary education enrolment has been growing at an average of about 1% per annum over the last ten years.^{xxi} At the secondary level, over 66% of the schools are private and these have been enrolling on average 51% of students.^{xxii} However, the mushrooming of private schools has not been matched with an effective regulatory framework and as a result, the number of private schools has gone beyond the capacity of the education sector to effectively regulate and monitor their operations. The weak regulation of the private sector in education has been amplified with the outbreak of the COVID – 19 pandemic and the resultant prolonged closure of all educational institutions, there has been an arbitrary change of business from private schools to other businesses such as real estate.

22. **Recommendation: The government should take all necessary measures to regulate the private educational sector by monitoring their compliance with education standards and reviewing and amending if necessary its laws and policies governing private education providers**

E. The Right to the Highest Attainable Standard of Health

23. At the International level, Article 2 of the International Convention on Economic Social and Cultural Rights provides that each state party to the Convention undertakes to individually, through international assistance and cooperation to the maximum of its available resources to progressively achieve the full realization of rights recognized in the charter and this includes the adoption of legislative measures for its people to enjoy the best attainable standard of physical and mental health.
24. At the National level, National Objectives and Directive Principles of State Policy XIV and XX read together with Article 8A of the constitution states that Uganda shall be governed based on the principles of national interest and common good enshrined in the directive principles of state policy which oblige the government to provide health and basic medical services to the people of Uganda.

Legal and policy concerns that constrain Health care

25. In 2016, Uganda accepted to pursue efforts to combat HIV and provide health services for all. Uganda has taken steps to meet its obligation through passing the HIV and AIDS Prevention and Control Act, 2014 which seeks to “prevent and Control HIV”. However, there are several shortfalls for example under the HIV Act, Sections 14, 41, and 43 mandatory HIV testing and the disclosure of medical information without consent are contrary to international best practices and violate fundamental human rights. The government is commended for putting in place a Mental Health Law. However, The Mental Health law has not set a commencement date for operationalization. In addition, the state's investment in institutionalization breeds a big part in cutting access to care, forced hospitalization, and treatment including the use of electroconvulsive therapy, seclusion, and restraint. Global human rights reports have classified such acts as forms of torture.^{xxiii}
26. **Recommendation: Government should take necessary steps to amend the HIV/AIDS Prevention and Control Act to ensure that provisions that perpetuate discrimination including those that require mandatory disclosure, criminalisation of transmission are expunged from the law, expedite the rollout of the National HIV/AIDS Trust Fund.**

Inadequate access to quality sexual and reproductive health services by young people

27. The government has committed to promoting SRHR for young people. However, the National School Health Policy has been shelved now for close to 18 years. The Adolescent Health Policy has been pending before the ministry of Health since 2017 and the Sexuality Education Framework has not been implemented since 2018 when it was passed. The SRHR Policy guidelines and service standards have not been implemented by the government.
28. **Recommendation: Government should expedite the finalization of the School Health Policy, Adolescent Health Policy, and other policies on adolescent health and SRHR, disseminating the National Sexuality Education Framework.**

Limited funding for Health Financing

29. During the previous UPR of 2016, the government committed to allocating 15% of its national budget to the health sector in line with the Abuja declaration. However, over the last 20 years since Abuja declaration in 2000, despite the nominal increment in the government allocation to the health sector, the health sector budget has decreased as noted in the last 5 years, the health sector budget has further reduced from 8.9% of the national budget in 2016/17 to the projected 6.2% in the 2021/22 financial year.
30. **Recommendation: The government of Uganda should progressively increase funding to the health sector to meet the Abuja declaration's threshold of 15%.**

None prioritization of enacting a National Health Insurance law

31. The government introduced the National Health Insurance Scheme Bill 2019,^{xxiv} however, the Bill is pending presidential assent. This has left 3.8% to 15.3% of Uganda's population experiencing catastrophic expenditure on health care. Ugandans spend 41% of household incomes on healthcare and this lies within the catastrophic expenditure zone far above the 15% recommended by the World Health Organization (WHO).
32. **Recommendation: Implement the Abuja Declaration on Roll Back Malaria in Africa with particular emphasis on concluding the enactment of the National Health Insurance Bill to cover vulnerable groups, such as those in the informal sector, low-income households, people with disabilities, the elderly, persons with pre-existing health conditions and children.**

F. Business and Human rights

33. At the international level, Uganda has ratified the following instruments, among others: International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of all forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child (CRC), Convention on the Rights of Persons with Disabilities (CRPD), International Convention on the Elimination of All Forms of Racial Discrimination (CERD), International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), and Uganda is also a State party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Strengthen Legislative and policy frameworks

34. Uganda received and supported two specific recommendations on Business and Human rights that is adopting a National Action Plan for Business and Human Rights as well Implementing the United Nations guiding principles on Business and Human Rights that is the “Protect, Respect and Remedy” framework. The government has taken positive strides through formulation of the National Action Plan on Business and Human Right (NAPBHR) on the basis of the UN guiding principles of “Protect, Respect and Remedy” which is currently awaiting cabinet approval. Under 2008 National Oil and Gas Policy, the government of Uganda committed to join the global Extractives Industries Transparency Initiative (EITI). This is a global standard for the good governance of oil, gas and mineral resources. On the 12 August 2020 Uganda was admitted.

35. **Recommendation:** Uganda should fasten the process of enacting and enforcing the mining and minerals bill, 2019 and should work to enact and enforce a minimum wage that provides all workers and their families with an adequate standard of living.

III. EMERGING HUMAN RIGHTS ISSUES

RIGHT SPECIFIC ISSUES

A. The Right to culture

Limited access to cultural resources in protected areas.

36. Accessing cultural sites especially those in protected areas such as National Parks or Forest Reserves is an important aspect of cultural rights. The land is associated with sites and other resources, including sacred places of worship, historical sites, sacred rivers and streams for ritual cleansing, and sources of medicinal herbs and honey. However, there are restrictions by the Uganda Wildlife Authority – UWA (sometimes met with violence, sometimes because permits are not easy to obtain, depending on circumstances and distance).
37. **Recommendation:** Government agencies such as the Uganda Wildlife Authority (UWA) and National Forestry Authority (NFA) should develop policies not only to guarantee access and fully protect culturally significant sites, but also to provide authority to the concerned communities, especially the IMGs to sustainably co-manage these resources, including tourism development.

Lack of a Platform for cultural Leaders

38. There is still a lack of a common platform for cultural leaders as well as limited research and documentation on cultural rights yet ironically the negative aspects of culture have been largely documented.
39. **Recommendation:** The Government of Uganda should support the establishment of a National Assembly of Cultural Institutions in Uganda through which cultural leaders can collectively support the realization of cultural rights among their subjects.

B. Right to food

COVID-19 and Food Security

40. Due to the advent of COVID 19 and its associated standard operating procedures like lockdown, 6 out of 10 Ugandans had a worsened food intake, 4 out 10 households reported having planted less, 7 out of 10 were worried about running short of food; 3 out of 4 reported increased food prices. Despite this, Uganda registered a minimal decline in the prevalence of undernourishment in the total population from 41.4% 2015-2017 to 41.0%; 2016-2018.^{xxv}

C. The Right to the Highest Attainable Standard of Health

The restrictive legal environment for access to safe abortion services.

41. Uganda continues to have legislation that criminalizes abortion that punishes women and girls who choose to end a pregnancy and criminalizes health workers that offer post-abortion care.

In April 2020 a clinical officer was arrested and charged for the offence of supplying drugs that cause abortion contrary to section 143 of the Penal Code Act.^{xxvi}

42. **Recommendation: The government should remove its reservation on Article 14 of the Maputo Protocol and review its abortion law to ensure it is consistent with international and regional human rights standards. It should implement nationwide awareness-raising strategies to dispel the misperceptions about when abortion is legal, and increase the number of health facilities that can provide legal and safe abortion and comprehensive post-abortion care services, including in rural areas.**

Access to health care for Key Population groups and sex workers

43. Punitive and restrictive policy, legal and regulatory environment acts as a barrier to access to integrated HIV/AIDS and SRHR services for Key Populations including LGBTQI, adolescent girls and young women and the hard to reach. Key Populations live in a highly criminalized environment which fuels violence and compromises access to comprehensive HIV/AIDS and SRHR services for them. These include the Penal Code Act, the HIV prevention and control Act 2014, Anti Narcotic and Psychotropic Substances Act, and the Sexual Offences Bill. The situation is compounded by the lack of up-to-date National data on HIV, GBV, STIs, and mental health for Key Populations. This is due to the absence of a robust system of tracking integrated HIV/AIDS and SRHR service indicators for KPs.
44. **Recommendation: Government through the Ministry of health should design guidelines on access to non-discriminative integrated HIV/AIDS and SRHR services responsive to the unique needs of the Key populations. Repeal the vagrancy laws, punitive provisions on sex work, carnal knowledge, substance use, suicide, and mandatory testing and intentional transmission HIV, repeal/revise the laws that penalize sex work, substance use, suicide, and mandatory testing and intentional transmission of HIV and push for progressive laws and policies that are non-discriminative.**

BUSINESS AND HUMAN RIGHTS

D. Right to a Clean and healthy environment.

45. There is pollution arising from use of mercury by Mining companies and Artisanal and small-scale miners polluting rivers such as River Loyoro and River Kiriki in Karamoja Sub-Region. Food and water contamination as a result of use of banned chemicals such as Striker Rocket, Indofil M45, Fangocil Eureka 72 WP, Malathion, Weed Master, Glyphosate and Mancozeb. This is attributed to limited knowledge on the allowed and disallowed chemical used as agro-inputs for the small holder farmers and failure to regulate the operations of agro input dealers.
46. **Recommendation: Government should do occasional checks to companies for purposes of establishing whether companies are using allowed chemicals. It should also subject all companies and agro-input dealers that violate these laws to penal sanctions. It should be made mandatory for agro input dealers to display in the open all lists, product names and images of banned chemicals to guide small holder farmers.**

E. Right to access information

47. Businesses are failing to respect the principle of free, prior and informed consent as required by ILO Convention No.169 and the United Nations Declaration on the Rights of Indigenous

Persons. In Karamoja, companies have consistently failed to secure indigenous communities' free, prior, and informed consent before starting operations and the national and local governments have failed to insist on this established international standard.

48. **Recommendation: Government should develop mechanisms to ensure that licences and leases are only granted after indigenous communities have given their free, prior and informed consent and a fair revenue sharing mechanism has been agreed.**

F. Right to work under just and favorable conditions of work

49. Business entities employ community members without formal contracts and are exploited for example Local miners are paid a pittance for the stones they break. For a truckload of 22–23 tonnes, they get UGX 150 000 (USD 45); for 28–29 tonnes UGX 170 000 (USD 52); and for 30–31 tonnes UGX 220 000 (USD 67). This is a breach of their obligations under UDHR Art.123, ICESCR Arts. 6,7,8, CRPD Art.27, ILO core labour convention and ILO Declaration on Fundamental Principles and Rights at Work. This makes remedy seeking rather complicated in case of unfair treatment at work.
50. **Recommendation: Government should set a minimum wage for employees and also develop mechanisms to ensure that all those undertaking work do so with formal contracts.**

Land grabbing

51. In August 2014, more than 200 families were brutally evicted from their land in Rwamutonga, Hoima District, for the construction of a wastage management plant by the American company, McAlister. In October 2015, the High Court ruled the eviction was unlawful, but did not make an order for restoration.^{xxvii} In March 2018, more than 5,000 families were rendered homeless after forceful eviction in Kiryadongo and Kitwanga sub counties by two private companies Agilis Partners Ltd and Kiryadongo Sugar.^{xxviii}
52. **Recommendation: Government should develop mechanisms to ensure that all those that lose their land to development projects should be relocated to other area as well as subjecting companies that evict people illegal to penal sanctions and fines.**

Ineffective access to remedy

53. Access to the High court for many is impeded by poverty, lack of legal assistance and unfamiliarity with the litigation process. The Uganda Human Rights Commission faces inadequate human and financial resources and the absence of a witness protection law weakens its tribunal function.^{xxix} The Industrial Court is not a court of first instance, and is grappling with a five-year backlog, inadequate structure, staff and funds.^{xxx}
54. **Recommendation: There is need to enact the legal aid bill to offer effective remedy to poor and marginalized communities as well as enacting and enforcing witness protection laws and strengthening relevant institutions such as the Equal Opportunities Commission, Uganda Human Rights Commission and Industrial Court.**

OTHER ISSUES

Inadequate Legal protection for domestic workers

55. Domestic workers remain a growing section of workers succumbing to abuses and violations in the informal and formal urban settlements of Uganda coupled with the recent surge in export of Ugandan women and youths to work as domestic workers in Saudi Arabia, Jordan, and the United Arab Emirates.^{xxxii} The government has not ratified the International Labour Organization (ILO) Convention on Decent work Domestic Workers 2011 (No. 189). While efforts were kick-started in 2020, including initiating the draft Employment (Domestic Workers) Regulations 2020, kick-starting the ratification process of ILO Convention No. 189. All these efforts remain incomplete.
56. **Recommendations: The Government through the Ministry of Gender labour and social development should expedite the adoption of the draft Employment (Domestic Workers) Regulations 2020 to ensure decent work for domestic workers in Uganda.**

Youth Unemployment

57. In 2016, Uganda committed to implementing socio-economic and development policies for safeguarding the rights of the youth. Uganda's population is at 44 million with a 3.3% growth rate per annum and more than 78% of Ugandans are young people aged 30 or below. The government of Uganda has for the past five years undertaken a policy shift to support Startup Entrepreneurs through the Instigation of measures to support youth business startups and to nurture new businesses.^{xxxiii} One of the flagship government initiatives in this regard has been the Youth Livelihood Program (YLP).^{xxxiii} Various challenges are however prevalent. The Youth unemployment rate in the country remains high at 13% is above the national average while their aggregate underutilization rate was 38%.^{xxxiv} Inadequate funding of the Youth Livelihood Programme has over the years undermined the intended objective of responding to the challenge of unemployment among the Youths.^{xxxv}
58. **Recommendation: Parliament of Uganda should particularly the 11th Parliament, should fast track the passing of the National Graduate Service Scheme Bill to support the young people to transit to the labour market with the much need**

ENDNOTES

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- i Uganda Population Council – State of Uganda Population Report 2019
- ii The National Action Plan on culture and creative industries of Uganda 2015/16-2019/20
- iii 1959
- iv CCFU, The Situation of Cultural Rights in Uganda., June 2021
- v IPC,2017
- vi IPC,2020
- vii ibid
- viii Civil Suit No.45/2020
- ix Ministry of Education and Sports, Education and Sports Sector Annual Performance Report FY2019/20, P. 76.
- x ibid, 83
- xi ibid 78

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