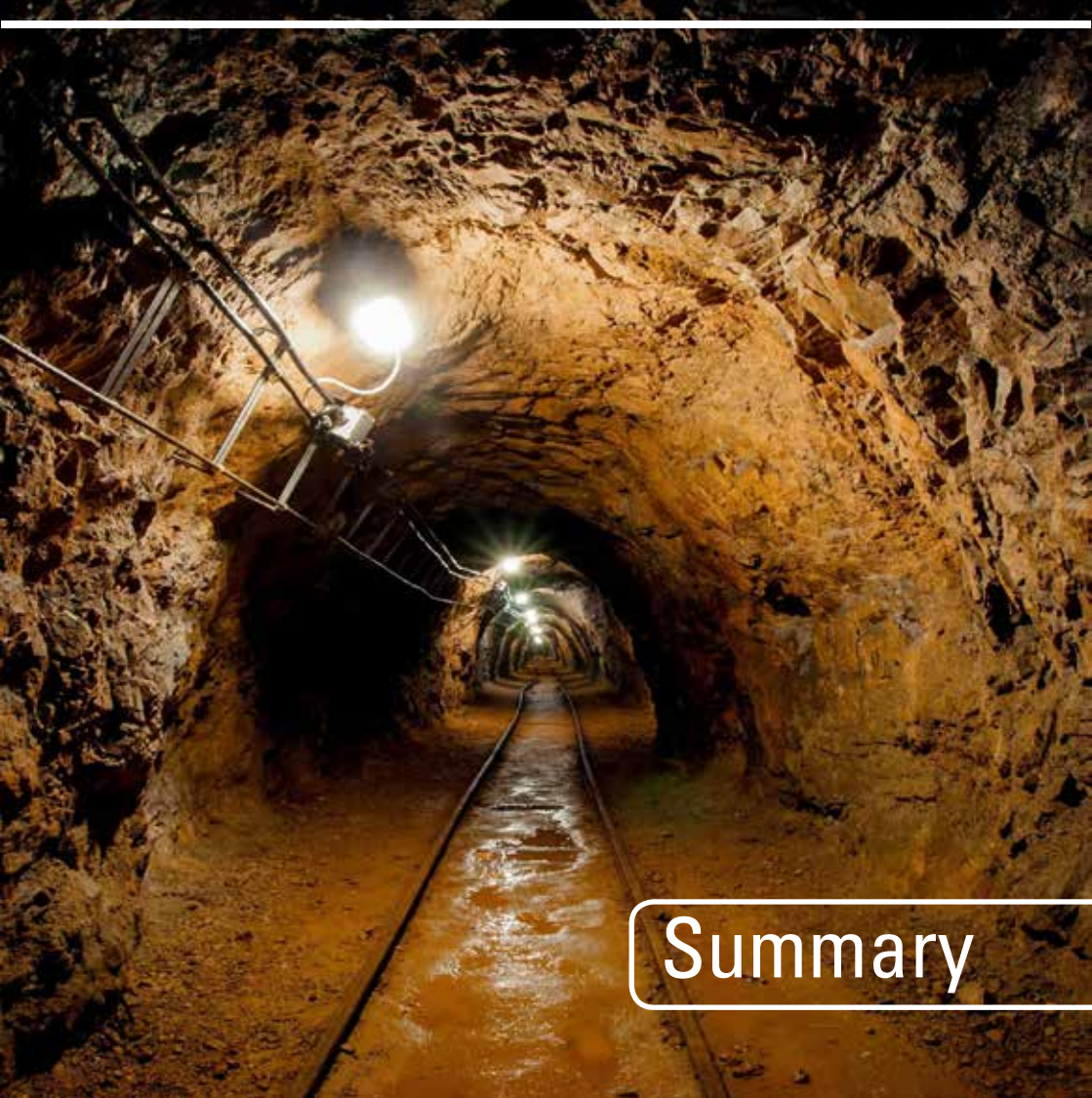


# Uganda

## Human Rights and Business

# Country Guide



Summary





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Cover Picture: Source, Uganda Chamber of Mines website

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# Foreword and Acknowledgements

It is with great pleasure that I present to you the abridged version of the business and human rights country guide for Uganda. This document is a summary of the country guide that was developed in January 2016 by Uganda Human Rights Commission (UHRC) in conjunction with the Danish Institute for Human Rights (DIHR) under the 2015/2016 business and human rights project. The Human Rights and Business Country Guide is the first free online resource for businesses, civil society, private sector, governments, multilateral institutions and all other relevant local and international actors, to enable these actors ensure that business fosters sustainable development in line with human rights standards in Uganda. The Country Guide aims at assisting stakeholders to identify, assess and seek human rights risks in law and practice specifically for Uganda, and presents human rights due diligence recommendations to address those risks. It is a comprehensive survey of publicly available information related to the human rights impacts of companies gathered from desk research, interviews and focus group discussions conducted with state and non state actors and sources from international and local NGOs, media reports, international institutions and national statistical agencies.

I would like to thank the UHRC-DIHR project team for their tireless efforts in developing this timely and important tool to promote the business and human rights agenda and debate in Uganda. Special gratitude goes to the UHRC team: Ms. Patricia Nduru, Ms. Ruth N. Ssekindi, Ms. Paula Biraaro and Ms. Diana Rutabingwa. I also acknowledge the financial and technical support from the Danish Institute for Human Rights, particularly Mr. Mike Baab and Mr. Dirk Hoffman whose expertise was invaluable in developing this guide.



**Med. S.K. Kaggwa**  
**CHAIRPERSON,**  
**UGANDA HUMAN RIGHTS COMMISSION**



# How to Use this Guide

This Human Rights and Business Country Guide contains information regarding the potential and actual human rights impacts of businesses operating in Uganda. The information in this Guide is gathered from publicly available sources, and is intended to help companies respect human rights and contribute to development in their own operations and those of their suppliers and business partners.

## About the Human Rights and Business Country Guide

The Human Rights and Business Country Guide provides country specific guidance to help companies or businesses respect human rights and contribute to development.

For companies to manage their potential human rights impacts they must have comprehensive information about the local human rights context in which they operate.

This Guide was produced through a systematic survey carried out by the Uganda Human Rights Commission (UHRC) and the Danish Institute for Human Rights (DIHR).

The aim of this Guide is to improve the human rights practices of companies operating in Uganda including through facts based dialogue regarding the issues presented here.

## How the Human Rights and Business Country Guide can be used by companies

- Develop company policies and procedures related to human rights issues in the local environment.
- Assess and track the potential human rights impacts of business operations, suppliers, partners and raise awareness among staff, suppliers and other business partners.
- Meaningful and participatory engagement with workers, potentially affected communities, consumers and other stakeholders whose human rights might be affected by business operations.
- Engage with civil society organizations, government bodies or international organizations on human rights related issues.

- Provide background information for auditors.
- Establish or collaborate with mechanisms for workers, communities and other stakeholders whose human rights might be affected by business operations.
- Contribute to development initiatives that align with human development needs and priorities in the local context.

## **How the Human Rights and Business Country Guide can be used by governments**

- Review and reform public policy, plans, strategies and legislation relevant to the human rights impacts of business, including in the areas of labour, environment, land, equal treatment, anti-corruption, taxation, consumer protection or corporate reporting.
- Ensure respect for human rights in the state's own business affairs such as state owned companies, sovereign wealth funds and other investments, public procurement, development assistance, export credit and other activities.
- Build awareness and capacity on human rights and business issues within relevant areas of public administration and governance.
- Provide targeted advice to domestic companies and potential investors.
- Inform the development of trade and fiscal policy, trade and investment agreements and trade and investment promotion.
- Improve effective access to judicial and non-judicial remedies for victims of business-related human rights abuses.
- Reinforce corporate accountability mechanisms (judicial and non-judicial) to adjudicate on business-related abuses and to provide redress to victims.
- Enhance the contribution of the private sector in national and regional development programmes and projects relevant to human rights.

## **How the Human Rights and Business Country Guide can be used by Civil Society Organizations (CSOs)**

- Inform human rights research, monitoring, investigations and reporting related to business operations.
- Work with affected workers and communities to define human rights and human development priorities related to the role of business.
- Provide capacity building to government, business and civil society stakeholders on human rights and business.

- Work with local and regional stakeholders to provide recommendations to business and government.
- Facilitate dialogue and engagement with, including multi stakeholder forums, with state agencies and businesses.
- Engage in human rights litigation or alternative dispute resolution avenues on corporate related abuses on behalf of the victims

The Country Guide aims to work with all stakeholders to promote, monitor and expand the activities described above. We request that all stakeholders who use the findings of the Country Guide in their work notify the Country Guide team of their activities and lessons learned. These experiences will be included in the Country Guide website, [www.HRBCountryGuide.org](http://www.HRBCountryGuide.org)

## Country Guide Process

The initial survey of publicly available, international sources was carried out from October to December 2014. The draft was then updated with information from local stakeholders and DIHR from April 2015 to April 2016. It should be noted that this summarised version contains additional and updated information that was obtained in the course of 2016 that is not included in the original guide.

The completed Country Guide aims to provide a comprehensive overview, on the basis of the information available, of the ways in which companies do or may impact human rights in Uganda. UHRC and DIHR seek further engagement with local stakeholders, and intend to update the Country Guide on that basis. This is a summary of the Country Guide.

## Country Guide Content

Each section of the Country Guide identifies areas for particular attention by businesses. The headline and risk description outlines the relevance of each issue for businesses. The text that follows the risk description presents the quantitative and qualitative information upon which this determination was based.

**Background & Context** gives an overview of economic, political and demographic characteristics.

**Rights Holders at Risk** identifies groups that may be vulnerable to workplace discrimination or community impacts.

**Labour Standards** identifies areas for attention related to employees and working conditions. This section includes child labour, forced labour, trade unions, occupational health & safety and working conditions

**Community Impacts** identifies areas for attention related to communities whose human rights may be affected by company operations. This section includes impacts related to environment, land and property, revenue transparency and management and security and conflict.

**Sector Profiles** identifies human rights and business impacts related to a particular industry sector, such as extractive operations, manufacturing or agriculture.

**Region Profiles** identifies regions of the country where the risk of adverse human rights impacts differs markedly from the national profile. This may include underdeveloped regions, export processing zones or conflict areas.

## About Uganda Human Rights Commission

Uganda Human Rights Commission (UHRC) was established under the 1995 Constitution of the Republic of Uganda. Article 52 (1) of the Constitution of the Republic of Uganda, 1995 mandates UHRC to:

- receive, initiate and investigate complaints of human rights violations;
- inspect places of detention to assess the conditions of the inmates and make recommendations;
- carry out research and education and information to enhance respect for human rights;
- recommend to Parliament effective measures to promote human rights;
- monitor the Government's compliance with international treaty and convention obligations on human rights.

UHRC has the power of a court to summon persons and record relevant to its investigations. If UHRC finds that a human rights violation has been committed, it may order the release of a detained person, payment of compensation or any other legal remedy or redress.

For more information, see [www.uhrc.ug](http://www.uhrc.ug)



## About the Danish Institute for Human Rights

The DIHR is a National Human Rights Institution accredited under the UN Paris Principles, and carries out human rights and development programmes in Denmark and around the world. Since 1999, the Danish Institute has worked closely with the business and human rights communities to develop tools and standards for better business practice.

For more information, see [www.humanrights.dk](http://www.humanrights.dk)



Source: Own work-Daryona

# Background & Context

## Overview of political and socio-economic conditions in which businesses operate.

### Demographics & Economy

<b>Population</b>	34,634,650 (National Population and Housing Census Report, 2014)
<b>Ethnic Groups</b>	Baganda 16.5 percent, Banyankole 9.6 percent, Basoga 8.8 percent, Bakiga 7.1 percent, Iteso 7.0 percent, Langi 6.3 percent, Acholi 4.4 percent, Bagisu 4.9 percent, Lugbara 3.3 percent, Other 32.1 percent
<b>Religious Groups</b>	Roman Catholic 39.3 percent, Anglicans 32 percent, Muslims 13.7 percent, Pentecostals/Born Again/Evangelical 11.1 percent, Seventh Day Adventists 1.7percent, 1.71.7 percent, Orthodox 0.1, Baptist 0.3 percent, Orthodox 0.1. percent, Traditional religion 0.1 percent, Others 1.4 percent, Non Religion 0.2 percent
<b>Languages</b>	English (official), Swahili, Local dialects: Bantu - Luganda (most widely used in Central region), Runyankole, Rukiga, Rutoro (West and South Western region), Lusoga, Lugisu, Lugwere (Eastern Region), Luo dialects: Ateso, Acholi, Alur and Akarimajong (Northern and North Eastern region)

## Political Context: Governance Structures and Political Developments

The Republic of Uganda, which had been a British Protectorate since 1894, gained independence on 9 October 1962. The political climate of the country from 1962 to 1986 was unstable and turbulent, resulting in the persistent occurrence of gross human rights violations. Since 1986, however, Uganda has made significant progress in rebuilding the country, increasing peace and security, promoting economic growth and further developing democracy amidst internal resistance especially in northern Uganda by the Lord's Resistance Army (LRA). The LRA was driven out of Uganda in 2005 and there have been no major security incidents since then. Economic activity has resumed in Northern Uganda, and most internally displaced persons have left the camps and returned to their homes.

The current 1995 Constitution initially created a non-party, all inclusive movement system but this was changed to a multi-party democracy in 2005 after a national referendum. The Constitution provides for elections by universal suffrage and reserves places in parliament and administration for marginalized groups including women, persons with disabilities and youth.

The first general elections under the new constitution were held in 1996 under a one party system and President Yoweri Museveni emerged as the winner of the presidential election. In 2001, Museveni returned as the President of Uganda in an election that was generally considered free and fair. In February 2006, multi-party elections were held for both the office of the president and Parliament. Museveni won the election as the leader of the National Resistance Movement (NRM).

To date, 29 political parties are registered with the Electoral Commission, though only six parties were represented in Parliament. These are: NRM, the Democratic Party (DP), Uganda People's Congress (UPC), Justice Forum (JEEMA), Conservative Party (CP) and the Forum for Democratic Change (FDC). President Museveni has been elected as President in subsequent elections in 2011 and 2016. The 2016 elections which were generally regarded by the Supreme Court of Uganda as being free, fair and peaceful although the Court as it did in 2006 also highlighted some electoral challenges.

Article 29 of the Constitution recognises freedom of conscience, expression, movement, religion, assembly and association. This entails rights and freedoms for the media. The right to personal liberty, privacy, fair hearing, property, movement, equality and non-discrimination, among others, are

explicitly stipulated under the Bill of Rights in the Constitution. Freedom from torture, cruel, inhuman and degrading punishment or treatment is also guaranteed under the Constitution and statute law. However, there have been numerous challenges in implementation of these rights.

The governing structures of Uganda are laid out in the 1995 Constitution of Uganda, and are established on principles of democracy, accountability, protection of human rights and national unity and stability. Governance is carried out through executive, legislative and judicial branches. According to the Constitution, executive power is exercised by the government headed by the President of Uganda. Ministries, departments, agencies and national bodies are set up to enable the implementation of mandates by the executive. The judiciary exercises its power through the courts of judicature. Article 128 of the Constitution provides for the independence of the judiciary, stating that the judiciary shall not be subject to the control or direction of any person or authority. Legislative powers lie predominantly with Parliament, which is composed of elected representatives. There are currently 458 newly elected MPs in the tenth Parliament of Uganda, with a five year term of office.

## Development Statistics

### Quantitative indicators, country rankings and ratings

Country Ratings and Rankings	2007	2010	2014	2016
Reporters Without Borders: Press Freedom Index (Where 1 indicates the highest degree of freedom)	96	96	104	32.58
Freedom House: Map of Freedom - Political Rights (On a scale of 1 through 7 where 1 indicates the highest level of freedom)	5	5	5	6
Freedom House: Map of Freedom - Civil Liberties (On a scale of 1 through 7 where 1 indicates the highest level of freedom)	4	4	4	5
Form of government	Republic			
Most recent general election	18th -19th February 2016			
Current head of state	President Yoweri Kaguta Museveni			
Ruling party	National Resistance Movement (NRM)			

#### Other major parties

- Conservative Party (CP)
- Democratic Party (DP)
- Forum for Democratic Change (FDC)
- Go Forward
- Inter-Party Co-operation (IPC)
- Justice Forum (JEEMA)
- Peoples Progressive Party (PPP)
- Ugandan People's Congress (UPC)
- Farmers' Party

## Socio-Economic Context: Human development indicators and trends

Uganda experienced GDP growth rate averaging 5.0 percent from 2009 to 2015, standing at 4.6 percent in FY 2015/2016. The discovery of oil in western Uganda, which has the potential to transform the economy, is expected to reach 200,000 barrels per day by 2020. Production is planned to start in 2017 or 2018. Uganda's Human Development Index (HDI) is 0.483, falling in the Low Human Development category. Uganda ranks 163 out of 188 countries.

## International Legal Commitments

Accession and ratification of international and regional human rights instruments

UN CONVENTIONS	
International Covenant on Economic, Social and Cultural Rights	<b>RATIFIED</b>
International Covenant on Civil and Political Rights	<b>RATIFIED</b>
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the Abolition of the Death Penalty	<b>NOT SIGNED</b>
Convention Against Corruption	<b>RATIFIED</b>
Convention Against Torture	
Convention on the Elimination of All Forms of Racial Discrimination	<b>RATIFIED</b>
Convention on the Elimination of All Forms of Discrimination Against Women	<b>RATIFIED</b>
Amendment to Article 20, paragraph 1 of the Convention on the Elimination of All Forms of Discrimination against Women (1995)	<b>NOT SIGNED</b>
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)	<b>NOT SIGNED</b>
Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity (1968)	<b>NOT SIGNED</b>



Convention on the Prevention and Punishment of the Crime of Genocide (1948)	<b>ACCEDED</b>
Amendment to Article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination (1992)	<b>NOT SIGNED</b>
Convention on the Rights of Persons with Disabilities	<b>RATIFIED</b>
Optional Protocol to the Convention on the Rights of Persons with Disabilities (2006)	<b>RATIFIED</b>
Convention on the Rights of the Child	<b>RATIFIED</b>
Amendment to Article 43 (2) of the Convention on the Rights of the Child (1995)	<b>ACCEDED</b>
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	<b>ACCEDED</b>
Optional Protocol on the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	<b>ACCEDED</b>
International Convention for the Protection of All Persons from Enforced Disappearance (2006)	<b>SIGNED</b>
International Convention on the Protection of All Migrant Workers and Members of Their Families	<b>ACCEDED</b>
Agreement establishing the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean (1992)	<b>NOT SIGNED</b>
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime	<b>SIGNED</b>
<b>ILO CONVENTIONS</b>	
ILO Hours of Work (Industry) Convention (C1, 1919)	<b>NOT RATIFIED</b>
ILO Forced Labour Convention (C29, 1930)	<b>RATIFIED</b>
ILO Hours of Work (Commerce and Offices) Convention (C30, 1930)	<b>NOT RATIFIED</b>
ILO Night Work of Young Persons (Non-Industrial Occupations) Convention (C79, 1946)	<b>NOT RATIFIED</b>
ILO Labour Inspectors Convention (C81, 1947)	<b>RATIFIED</b>
ILO Freedom of Association and Protection of the Right to Organise Convention (C87, 1948)	<b>RATIFIED</b>
ILO Night Work of Young Persons Employed in Industry Convention (C90, 1948)	<b>NOT RATIFIED</b>
ILO Protection of Wages Convention (C95, 1949)	<b>RATIFIED</b>
ILO Right to Organise and Collective Bargaining Convention (C98, 1949)	<b>RATIFIED</b>
ILO Equal Remuneration Convention (C100, 1951)	<b>RATIFIED</b>
ILO Social Security (Minimum Standards) Convention (C102, 1952)	<b>NOT RATIFIED</b>

ILO Abolition of Forced Labour Convention (C105, 1957)	<b>RATIFIED</b>
ILO Discrimination (Employment and Occupation) Convention (C111, 1958)	<b>RATIFIED</b>
ILO Social Policy (Basic Aims and Standards) Convention (C117, 1962)	<b>NOT RATIFIED</b>
ILO Equality of Treatment (Social Security) Convention (C118, 1962)	<b>NOT RATIFIED</b>
ILO Employment Policy Convention (C122, 1964)	<b>RATIFIED</b>
ILO Minimum Age (Underground Work) Convention (C123, 1965)	<b>RATIFIED</b>
ILO Medical Care and Sickness Benefits Convention (C130, 1969)	<b>NOT RATIFIED</b>
ILO Minimum Wage Fixing Convention (C131, 1970)	<b>NOT RATIFIED</b>
ILO Holidays with Pay (Revised) Convention (C132, 1970)	<b>NOT RATIFIED</b>
ILO Workers' Representatives Convention (C135 of 1971)	<b>NOT RATIFIED</b>
ILO Minimum Age Convention (C138, 1973)	<b>RATIFIED</b>
ILO Migrant Workers (Supplementary Provisions) Convention (C143, 1975)	<b>RATIFIED</b>
ILO Working Environment (Air Pollution, Noise and Vibration) Convention (C148, 1977)	<b>NOT RATIFIED</b>
ILO Occupational Safety and Health Convention (C155, 1981)	<b>NOT RATIFIED</b>
ILO Workers with Family Responsibilities Convention (C156, 1981)	<b>NOT RATIFIED</b>
ILO Termination of Employment Convention (C158, 1982)	<b>RATIFIED</b>
ILO Indigenous and Tribal Peoples Convention (C169, 1989)	<b>NOT RATIFIED</b>
ILO Night Work Convention (C171, 1990)	<b>NOT RATIFIED</b>
ILO Prevention of Major Industrial Accidents Convention (C174, 1993)	<b>NOT RATIFIED</b>
ILO Worst Forms of Child Labour Convention (C182, 1999)	<b>RATIFIED</b>
ILO Maternity Protection Convention (C183, 2000)	<b>NOT RATIFIED</b>
<b>ENVIRONMENTAL INSTRUMENTS</b>	
Stockholm Convention on Persistent Organic Pollutants (2001)	<b>ACCEDED</b>
Kyoto Protocol (1997)	<b>ACCEDED</b>
United Nations Convention on Biological Diversity	<b>SIGNED</b>
United Nations Framework Convention on Climate Change	<b>RATIFIED</b>
Montreal Protocol on Substances that Deplete the Ozone Layer, 1987	<b>RATIFIED</b>
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes, 1989	<b>ACCEDED</b>

## **OTHER INTERNATIONAL INSTRUMENTS**

Declaration on the Rights of Indigenous Peoples	<b>NOT RATIFIED</b>
Rome Statute of the International Criminal Court	<b>RATIFIED</b>
UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	<b>ACCEDED</b>

## **REGIONAL INSTRUMENTS**

African (Banjul) Charter on Human and Peoples Rights	<b>RATIFIED</b>
African Charter on the Rights and Welfare of the Child	<b>RATIFIED</b>
Protocol to the African Charter Human and Peoples' Rights on the Rights of Women (Maputo Protocol) (Reservation on Article 14)	<b>RATIFIED</b>
Convention Governing Specific Aspects of Refugee Problems in Africa	<b>RATIFIED</b>
African Union Convention on the Rights of Internally Displaced Persons	<b>RATIFIED</b>
African Charter on the Democracy, Elections and Good Governance	<b>NOT RATIFIED</b>
African Youth Charter	<b>RATIFIED</b>
Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court on Human and People's Rights	<b>RATIFIED</b>
Protocol to the African Charter on Human and People's Rights on Extending the Jurisdiction of the African Court on Human and People's Rights	<b>NOT RATIFIED</b>
International Conference on the Great Lakes Region Pact and 10 Protocols	<b>RATIFIED</b>
Treaty on the Establishment of the East African Treaty	<b>RATIFIED</b>



Source: <http://www.thepost.co.ls>

# Rights Holders at Risk in the Workplace

Societal groups vulnerable to private-sector human rights abuses of employment-related discrimination and poor labour conditions

OPERATING ENVIRONMENT		
	Uganda	Sub - Saharan Africa
<b>% age of workforce informally employed</b>	85.2 (2009)	63.5 (2012)
<b>HIV/AIDS prevalence</b>	7.07 (2015)	4.2 (2012)

<b>Female labour participation rate</b>	96 (2014)	63.5
<b>Labour force</b>	17.4 million (2013 est.)	
<b>Sectors contributing to GDP</b>	<ul style="list-style-type: none"> <li>• Services 50%</li> <li>• Industry 26.9%</li> <li>• Agriculture 23.1%</li> </ul>	
<b>Ethnic groups</b>	Baganda 16.5 percent, Banyankole 9.6 percent, Basoga 8.8 percent, Bakiga 7.1 percent, Iteso 7.0 percent, Langi 6.3 percent, Acholi 4.4 percent, Bagisu 4.9 percent, Lugbara 3.3 percent, Others 32.1 percent	
<b>Ethnic minorities</b>	Batwa Benet Ik Basongora	
<b>Major religious groups</b>	Roman Catholic 39.3 percent, Anglicans 32 percent, Muslims 13.7 percent, Pentecostals/Born Again/Evangelical 11.1 percent, Seventh Day Adventists 1.7 percent, 1.7 percent, Baptist 0.3 percent, Orthodox 0.1 percent, Traditional religion 0.1 percent, Other Christians 1.2 percent; Non-Christians 0.7 percent	
<b>Maternity leave</b>	60 days	
<b>Constitution prohibits</b>	Race, colour, sex, religion, political opinion, social standing or ethnic origin, HIV status or disability.	
<b>Relevant legislation</b>	<ul style="list-style-type: none"> <li>• Persons with Disabilities Act, 2006</li> <li>• Employment Act, 2006</li> <li>• Equal Opportunities Act, 2007</li> <li>• Refugee Act, 2006</li> <li>• Refugee Regulations, 2010</li> </ul>	
<b>Responsible agencies</b>	<ul style="list-style-type: none"> <li>• Ministry of Gender, Labour and Social Development</li> <li>• National Council for Persons with Disabilities</li> <li>• Industrial Court</li> <li>• Uganda Aids Commission</li> <li>• UHRC</li> <li>• Equal Opportunities Commission</li> <li>• Federation for Uganda Employers</li> <li>• Parliamentary Committee on Human Rights</li> <li>• Parliamentary Committee on Gender, Labour and Social Development</li> <li>• Parliamentary Committee on Social Services</li> </ul>	



### **Local NGOs addressing this issue**

- Uganda National Action on Physical Disability (UNAPD)
- Minority Rights Group International Uganda (MRG)
- Cross Cultural Foundation Uganda (CCFU)
- Forum for Women in Democracy (FOWODE)
- Federation for Uganda Employers (FUE)
- Federation for Women Lawyers in Uganda (FIDA)
- Uganda Women's Network (UWONET)
- Global Rights Alert (GRA)
- Platform for Labour Action (PLA)
- National Union for disabled Persons in Uganda (NUDIPU)
- Legal Action for Persons with Disabilities Uganda
- Uganda Aids Network (UGANET)
- Uganda Youth Network (UYN)
- Initiative for Social and Economic Rights (ISER)
- Legal Brains Trust

## **Country Context**

Uganda's 1995 Constitution recognises ethnic, religious, ideological, political and cultural diversity and stipulates that the state must take measures of affirmative action in order to redress imbalances suffered by marginalised groups. It recognises discrimination based on gender, age, disability or any other reason resulting from history, tradition or custom.

The Constitution and the Employment Act 2006 prohibit discrimination based on race, colour, sex, religion, political opinion, social standing, ethnic origin, HIV status or disability. Article 45 provides that other categories not explicitly mentioned in the constitution, namely language, opinion, property, birth or other status are not excluded, especially if are contained in international human right instruments ratified by Uganda.

Ministry of Gender, Labour and Social Development is responsible for implementing and enforcing labour laws. UHRC and the Equal Opportunities Commission are mandated to promote human rights and equality, including marginalized groups such as persons with disabilities and ethnic minorities. The Equal Opportunities Act 2007 aims to ensure affirmative action for all marginalized groups.

The following are specifically identified as marginalized groups:

- **Persons with Disabilities**
- **Persons Living with HIV/AIDS**
- **Ethnic Minorities and Indigenous Communities**
- **Women**

- Youth
- Migrant Workers

### Access to Remedy

Bodies to which victims of corporate human rights abuses can file grievances and seek redress.

- District Labour Office
- Industrial Court
- Centre for Alternative Dispute Resolution
- UHRC
- Equal Opportunities Commission
- African Court on Human and Peoples' Rights

### Media Reports

Business-related human rights abuses reported by local and international NGOs and media.

Date	Issue
August 2013	Uganda Workers' Education Association (UWEA): A study reveals that sexual harassment on Ugandan flower farms has persisted despite a campaign to stem it since 2005. The persistence of sexual harassment is attributed to: protection of the abusers by management and light punishment of offenders; among others.
May 2013	Friends of the Earth International,: Palm oil plantations on the islands of Kalangala District committed to providing employment for local communities but did not honour their commitment
2013	Uganda Radio Network, 2013: Over 4,000 refugees, including Ugandan, Congolese and Rwandan nationals, were reportedly forced to settle at Sango Bay. They were denied the opportunity to seek labour outside the camp, and did not have identification documents.

### Human Rights Guidance for Businesses

Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context.

### Due Diligence Library

The following recommendations have been developed by DIHR through research and engagement with companies

## Discrimination

Does the company ensure that employment - related decisions are based on relevant and objective criteria?

### The company:

- Identifies different types of discrimination, including those rooted in formal structures and cultural traditions.
- Has a policy to ensure that decisions concerning hiring, wages, promotion, training, discipline, retirement and termination are based only on unbiased and legal criteria, and are not linked to any of the discriminatory characteristics
- Has a written description for each job category stating the salary level and the qualifications required.
- Ensures that employment advertisements do not reference discriminatory criteria, such as race, gender or age (unless listed as part of a legal equal opportunities promotion).
- Ensures that job applicants are not asked to give information about pregnancy, intent to have children, number of dependents, or similar information that may lead to discriminatory hiring decisions.
- Ensures that all hiring managers and staff receive training regarding the company's non-discrimination policies.
- Has established a procedure, accessible and known to all workers, where workers can safely report incidents of workplace discrimination.
- Takes reasonable steps to enable qualified persons with disabilities or health conditions to gain employment opportunities with the company, for example by providing wheel chair access, flexible working hours, longer breaks etc.

## Fair Treatment

Does the company protect workers from workplace harassment including physical, verbal, sexual or psychological harassment, abuse, or threats?

### The company:

- Has a commitment to prevent workplace harassment.
- Actively informs workers of their obligations to refrain from violent, threatening or abusive conduct.
- Managers receive training on how to identify and deal with instances of harassment in the workplace.
- Investigates all complaints of workplace harassment and takes appropriate preventative and disciplinary action including reporting of criminal actions to the appropriate authorities.

## Privacy

Does the company respect the privacy of its employees whenever it gathers private information or monitors the workplace?

The company:

- Has a procedure stating which kinds of workplace monitoring are allowed; what kind of personal worker information is retained; where it is stored; who has access; and why the information is necessary.
- Workers are made aware of all workplace monitoring, including cameras and Internet or email monitoring, and the specific purpose of the monitoring.
- Obtains the worker's prior written consent before gaining information from an individual with whom the worker has a privileged relationship, including a former employer, doctor or lawyer.
- Workers have access to all personal data collected about them, including data concerning disciplinary decisions and data obtained through monitoring, but excluding confidential management specific information related to performance evaluations, salary negotiations, promotions, rotation and similar employment decisions.

## Standards & Guidance

NGO and institutional resources to enhance human rights due diligence efforts by businesses.

These resources are drawn from the Business & Human Rights Resource Centre

- International Labour Organization Core Labour Standards on Non-discrimination and the ILO Bureau for Gender Equality.
- Oxfam Australia: Women, Communities and Mining: The Gender Impacts of Mining and the Role of Gender Impact Assessment (2009)
- Women's Empowerment Principles (2010)

## Stakeholder Recommendation: Suggested due diligence steps from local actors

**Global Rights Alert:** Extractive companies should provide capacity building opportunities for women, including financial literacy, business skills, funding opportunities and budgeting, to help them gain employment in the oil industry.

**UHRC:** Employers should build their own capacity and that of their workers on the requisite labour laws, their roles, rights and responsibilities in the workplace. Internal company policies should be made in compliance with the law and made accessible to the employees. Furthermore, complaints mechanisms should be functioning and sensitive in addressing workers' needs and grievances.

**AAR (Member of UN Global Compact Local Network in Uganda):** Companies should respect employees' right to health, privacy and confidentiality and not demand their HIV/AIDS status from health insurance service providers. Healthcare providers should not cave in to the pressure of their customers and adhere to the principle of non-disclosure of patients' health status. Employers should pay more attention to the medical insurance packages and the adequacy of the coverage for their employees.

**UNAPD** recommends for the enforcement of Accessibility Standards 2010 by businesses in their place of operations such as ramps and lifts to enable access and employment of PWDs.

### **Company Initiatives**

Actions and priorities suggested by local and international stakeholders

### **Due Diligence Initiatives**

**Civil Society – Private Sector Forum:** In September 2012, the Foundation for Human Rights Initiative launched the forum to address cross-cutting challenges in Uganda and to enhance good governance and development through collaboration between civil society and the private sector. Actors in both sectors recognized the importance of the UN Guiding Principles as a framework for both the state and businesses to respect human rights.

**UN Global Compact Local Network Uganda:** This is a strategic policy initiative for a network of small, medium and large scale businesses committed to aligning their operations with the four pillars of the UN Global Compact: human rights, labour, environment and anti-corruption. With a membership of over 100 members, it is hosted by the Federation of Uganda Employers.

**National Conference on ESCR:** UHRC in partnership with Public Interest Law Clinic (PILAC) of the School of Law Makerere University, the Initiative for Social and Economic Rights (ISER), the Human Rights Network-Uganda (HURINET) and the Centre for Health, Human Rights and Development (CEHURD) have organised three annual national forums (2014, 2015 and 2016)



for promoting advocacy for the protection, promotion and enforcement of economic social and cultural rights (including business and human rights) in Uganda.

## Development Initiatives

**Tullow Oil:** The oil company supports Ugandan sends women to international training courses to help them gain skilled roles in the oil and gas sector.

**Cipla Quality Chemicals Industries Limited (QCIL)** has initiated, developed, and implemented youth promotion programs like the Nsindika Njake programme with the Central Broadcasting Station (CBS)

**Madhvani Foundation:** The company provides annual scholarship funds of over UGX 40 million (US\$15,907) to students pursuing scientific and technical education in undergraduate and postgraduate courses.

## Engagement Opportunities

Development initiatives by public and private actors that provide opportunities for companies to contribute to human development

### Public Sector Initiatives

- Business, Technical and Vocational Education and Training Strategic Plan 2011-2020
- Equal Opportunities Commission
- Youth Livelihood Programme (2013-2018)
- USAID/Uganda Supporting Access to Justice, Fostering Peace and Equity 2012-2017:



Source: commons.wikimedia.org

# Rights Holders at Risk in the Community

**Societal groups at particular risk of adverse human rights impacts by businesses or who may be excluded from benefits generated by businesses activities.**

## Country Context

Key human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.

The Constitution recognises the existence of ethnic, religious, ideological, political and cultural diversity. The Constitution affirms that the state must take measures of affirmative action in order to redress imbalances suffered by marginalized groups. It defines marginalised groups based on gender, age, disability or any other reason resulting from history, tradition or custom. Furthermore, Article 21 prohibits discrimination based on race,

colour, sex, religion, political opinion, social standing or ethnic origin, HIV status or disability.

UHRC and the Equal Opportunities Commission are mandated to promote human rights and equality, including those of minority groups. The Ministry of Gender, Labour and Social Development is responsible for the empowerment, protection and promotion of the rights and obligations of vulnerable groups, but is not specifically mandated to address the needs of ethnic minorities.

Groups identified as marginalized and needing protection include the following.

- Ethnic Minorities
- Persons with Disabilities
- People Living with HIV/AIDS
- Women
- Human Rights Defenders

## Access to Remedy

Bodies to which victims of corporate human rights abuses can file grievances and seek redress.

- Courts of law including Industrial Court
- Specialised Tribunals such as the Tax Appeals Tribunal
- UHRC
- EOC

## Human Rights Guidance for Businesses

Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context

## Due Diligence Library

The following recommendations have been developed by DIHR through research and engagement with companies

## Community Engagement

Does the company engage with local communities on the actual or potential human rights impacts of its operations?

The company:

- Has a commitment to engage openly with communities in and around its area of operations, prior to, during and after commencing activities that may negatively impact their access to resources (e.g. water, food, land) or livelihoods (e.g. fishing or hunting grounds).
- Communicates and consults with local communities prior to, during and after commencing activities to prevent, reduce and mitigate impacts.
- Takes steps to remedy the legitimate concerns of local communities regarding any negative impacts of the company's operations on the access to resources or livelihoods.

### Country Risk

Does the company seek to avoid involvement in human rights abuses owing to government or societal practices?

The company:

- If operating in a country or region with systematic human rights abuses seeks to become aware of and avoid the risk of contributing to, endorsing or benefiting from such abuses.
- Seeks to identify solutions through dialogue with other businesses, civil society organisations, experts and other relevant stakeholders, including where possible with the authorities where it risks involvement in systematic human rights abuses owing to government or societal practices,
- Ensures that it does not endorse any state imposed discriminatory limitations on the right to vote, and does not pass along information concerning religious, racial, political affiliations or other characteristics of employees which could be used by the government as a reason to restrict the right to vote.

### Standards & Guidance

**NGO and institutional resources to enhance human rights due diligence efforts by businesses.**

These resources are drawn from the Business & Human Rights Resource Centre

- The Forest Peoples Programme
- IFC Performance Standard 7: Indigenous Peoples (2012)
- International Council on Mining and Metals Good Practice Guide
- International Working Group for Indigenous Affairs (est. 1968)

- The Manila Declaration of the International Conference on Extractive Industries and Indigenous Peoples (2009)
- Tebtebba Foundation (Indigenous Peoples' International Centre for Policy Research and Education)
- UN Permanent Forum on Indigenous Issues (est. 2000)
- UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples (est. 2001)

## Stakeholder Recommendations: Suggested due diligence steps from local actors

- **International Alert** recommends that oil companies create systematic approaches for the delivery of corporate social responsibility projects in district development plans, and to further incorporate communities in the planning processes.
- **The Institute for Human Rights and Business** recommends that oil companies ensure their investment licences include comprehensive human rights based due diligence assessment, and ensure that their activities do not lead to the marginalisation of communities.
- **UNAPD** recommends for the enforcement of Accessibility Standards 2010 by businesses in their place of operations such as ramps and lifts to enable access and employment of PWDs.
- **Initiative for Social and Economic Rights (ISER)** suggested the use of non-state non judicial mechanisms such as social accountability mechanisms (audits, etc) as an alternative to improve access to justice for victims corporate related violations or abuses. However, challenges associated with using these mechanisms for instance informal nature, inadequate follow up and enforceability should be strengthened.

## Company Initiatives: Actions and priorities suggested by local and international stakeholders

### Due Diligence Initiatives

**CNOOC** engages with communities living near oil operations by holding monthly meetings with advisory committees. The advisory committees are made up of local leaders and representatives from the community. The aim of these meetings is to update the locals as to ongoing activities within the oil fields.



## Development Initiatives

**Quality Chemicals Industries:** It initiated, developed, and implemented youth promotion programs like the Nsindika Njake programme with the Central Broadcasting Station (CBS radio) which has been empowering youths with entrepreneurial skills for job creation and self-sustainability

**MTN Uganda:** The company implemented a six-month-long water project from September 2013 worth UGX 308 million (US\$119.3 million) along with the Uganda Red Cross. Ten boreholes were constructed to provide clean water for communities affected by landslides. The company aims to enhance development through basic necessities such as clean water and improved sanitation facilities.

**Tullow Oil:** In Buliisa District, the oil company invested US\$2 million into building a health facility including a maternal ward, operating theatre, nurses and doctors' residence and an outpatient department. The company also built two health facilities in Hoima District.

## Engagement Opportunities

**Development initiatives by public and private actors that provide opportunities for companies to contribute to human development**

### NGO Initiatives

**National Coalition of Human Rights Defenders:** In March 2013, the coalition was formed as an umbrella body bringing civil society organisations together to mobilise and protect them, as well as build their capacities.

**Cross Cultural Foundation:** The NGO has developed a program where it promotes the honey-selling livelihoods of the Ik women. Initiatives under this program include equipping Ik women with basic business skills, especially on how to add value to their product of honey.



Source: www.google.com

# Child Labour

Work that interferes with the health, development, education or family life of persons under the age of 18 years

## Country Context

Key human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations

The National Child Labour Policy provides the framework for the elimination of child labour. Major labour laws regulating child labour include the Employment Act 2006 and the Occupational Health and Safety Act 2006. Child labour legislation falls under the administration of the Ministry of Gender, Labour and Social Development.

The Employment Act establishes the minimum age of work at 14 years. Children under 12 years are prohibited from working, and children between 12 and 14 may engage only in light work that does not interfere with their

education. Children are prohibited from working between 7pm and 7am. This complies with international labour rights standards under the International Labour Organisation and the UN Convention on the Rights of the Child.

Child labour is legally defined according to age group and includes: children 5 to 11 who are engaged in work, children between 12 and 13 who engage in at least 14 hours of work per week, and children 14 to 17 who work more than 43 hours per week or at night or engage in hazardous work.

The National Council of Children, the Child and Family Protection Unit, the Industrial Court, and the Ministry of Gender, Labour and Social Development are responsible for implementing and enforcing child labour laws, coordinated through the National Steering Committee on Child Labour. Each of the 112 districts in the country is supposed to have a district labour officer responsible for addressing all labour issues, including child labour. However, training, funding, and logistical support for district labour officers is inadequate.

## Worst Forms of Child Labour

Under Article 34 of the Constitution, children shall not be employed or required to perform work likely to be hazardous or to interfere with their education or moral, spiritual, physical, mental or social development. The government has published a list of employment prohibited for children, defining hazardous work as that which is likely to expose children to harassment, heavy loads, physical and psychological abuse, sexual abuse or long hours.

## Education

Universal Primary Education is free until the completion of primary seven. The UN Educational, Scientific and Cultural Organisation (UNESCO) has estimated that 68% of children in Uganda who enroll in primary school are likely to drop out before finishing the prescribed seven years. UPE scheme faces a myriad of issues including gender concerns, child labour and poverty.

**Access to Remedy:** Bodies to which victims of corporate human rights abuses can file grievances and seek redress.

- The Child and Family Protection Unit (CFPU) of the Uganda Police Force
- Ministry of Justice and the Directorate for Public Prosecutions
- UHRC
- African Court on Human and Peoples' Rights

## Media Reports

Business-related human rights abuses reported by local and international NGOs and media

Date	Issue
July 2012	Uganda Radio Network: In the Kabarole District, over 300 children under 18 were employed in factories, tea plantations and as domestic house workers, receiving low wages and forced to work long hours every day.
January 2011	All Africa: A number of children were reported to be working in stone quarries crushing rocks in Mayuge District.
January 2011	Uganda Radio Network: Over 50 boys between 13 and 15 were found to be employed by a Chinese construction company digging trenches, sweeping roads and guiding traffic along the Fort Portal -Bundibugyo road.

## Human Rights Guidance for Businesses

Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context

### Due Diligence Library

The following recommendations have been developed by DIHR through research and engagement with companies

The company:

- Does not employ workers under 15 years of age for full-time work, 13 years of age for light work and 18 years of age for hazardous work (please see the question description for exceptions).
- If it employs minors below the age of 18, has a list of job functions that can safely be performed by minors.
- Is aware of local age-levels for completion of compulsory education and does not employ workers under that age for work that may interfere with such education.
- Has a reliable procedure to check the age of young job candidates by birth certificate, other official forms of identification, or by alternative means such as physical appearance or knowledge of historic events.
- Apprenticeship programmes do not constitute the main portion of the workforce, are limited in duration, are performed in conjunction with a school programme (or supervised by Labour Ministers or Labour Organisations), and do not interfere with the child's compulsory education.

- If it becomes aware that it is employing young workers below minimum age, it ensures that they are enrolled in education programme, and that their dependents are compensated for the resulting loss of income.

## Standards & Guidance

NGO and institutional resources to enhance human rights due diligence efforts by businesses.

These resources are drawn from the Business & Human Rights Resource Centre

- Business and Human Rights Resource Centre, Business & Children Portal
- Children's Rights and Business Principles (2012): Developed by UNICEF, UN Global Compact and Save the Children
- ILO Programme on the Elimination of Child Labour (est. 1992)
- UN Committee on the Rights of the Child General Comment No.16 on State obligations regarding the impact of the business sector on children's rights (2013)
- Children's Rights in Impact Assessment – A Tool For Companies (2013): Developed by UNICEF and the DIHR
- Better Work (ILO, IFC): Guidance Sheet on Child Labour (2009)

## Stakeholder Recommendations: Suggested due diligence steps from local actors

**The International Labour Organization** in Uganda recommends that companies looking to conduct operations in Uganda should:

- Conduct a survey to understand the situation of children in their sector.
- Identify and assess the situation of children in the supply chain.
- Work with the ILO and government on the issue of child labour.
- Build schools where the company operates. If these are lacking, work with the family unit.
- Devise a strategy on how to involve youths and adults in the process.

**Ministry of Gender, Labour and Social Development (Directorate for Labour Productivity and Industrial Relations)** recommended that the abovementioned directorate and district labour offices should be adequately facilitated with human, financial and capital resources (in all 112 districts) in order to effectively monitor businesses / places of employment and enforce labour laws.



## Company Initiatives

Actions and priorities suggested by local and international stakeholders

### Due Diligence Initiatives

Civil Society – Private Sector Forum

Implementation of Children’s Rights and Business Principles in Uganda by UNICEF, Global Compact Network in Uganda, Save the Children and the Private Sector Foundation Uganda under the theme: ‘Invest in Ugandan children: Realise Uganda’s Vision 2040.

### Development Initiatives

**Nile Breweries Uganda:** In 2011 the company selected the best pupils from rural schools in ten districts to study in top secondary schools across the country. The scholarship fund aims to provide benefits for the poor children of the rural farmers that supply the company with sorghum and barley.

**MTN Uganda:** The company awarded 21 scholarships to students in June 2013 who performed well an e-learning test. MTN aims to empower students through improved electronic educational content and provides free online access to educational material.

**Tullow Oil:** The company built two primary schools in Hoima District, investing over US\$2 million.

**CNOOC:** The company launched a one-year, US\$50,000 basic skills training programme in Hoima to sponsor 70 youths to receive vocational skills such as metal fabrication and welding.

### Engagement Opportunities

Development initiatives by public and private actors that provide opportunities for companies to contribute to human development

### Public Sector Initiatives

- Stop Child Labour Partners Forum
- National Steering Committee on the Elimination of Child Labour

### Development Priorities

- National Action Plan on the Elimination of the Worst Forms of Child Labour (2012/2013-2016/2017):
- National Development Plan (2010/2011-2014/2015)





Source:www.google.com

# Forced Labour

Debt bondage, human trafficking or other coercion that makes workers unable to freely leave employment

Operating Environment	Tier Placement
US Department of State-Office to monitor and combat Trafficking in Persons	Tier 2
<b>Relevant laws</b>	Constitution of the Republic of Uganda, 1995 <ul style="list-style-type: none"> <li>• Prevention of Trafficking in Persons Act 2009</li> <li>• Employment Act 2006 plus its regulations</li> <li>• Children’s Act Cap 59</li> <li>• Penal Code Act Cap 120</li> </ul>
<b>Responsible agencies</b>	Ministry of Gender, Labour and Social Development Ministry of Internal Affairs UHRC Uganda Police Force
<b>Local NGOs addressing this issue</b>	Platform for Labour Action HURINET

## Country Context

**Key human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.**

The Constitution prohibits slavery, servitude and forced labour. The Prevention of Trafficking in Persons Act 2009 further prohibits all forms of human trafficking with a maximum punishment of 15 years to life imprisonment. Prison labour is not considered as forced labour under Uganda's penal system and those committed to casual labour outside the prisons are entitled to their earnings. The 2015 Trafficking in Persons Report rated Uganda as a Tier 2 country, meaning that the government did not fully comply with the minimum standards to prevent trafficking but was making significant efforts to do so. Uganda is a source and destination country for women, children and men to be trafficked and subjected to forced labour.

**Access to Remedy:** Bodies to which victims of corporate human rights abuses can file grievances and seek redress.

- [Uganda Police Force](#)
- [Directorate of Public Prosecutions](#)
- [Magistrates Courts](#)
- [UHRC](#)
- [African Court on Human and Peoples Rights](#)

## Media Reports

Business-related human rights abuses reported by local and international NGOs and media

Date	Issue
August 2015	<b>The Monitor:</b> A group of 70 migrant workers from India were duped and trafficked to Uganda under the pretext that they were being taken to South Africa. They were later deported back to India.
August 2013	<b>The Sunday Times:</b> Six Rwandan women were rescued from forced prostitution in a rural town in western Uganda. The women were lured into the country under the promise of work in the hotel industry.
June 2012	<b>IRIN News:</b> A suspected human trafficker was released on bail from a Kampala magistrate's court. He was investigated for exploiting more than 50 people through an illegitimate labour recruitment agency

## Human Rights Guidance for Businesses

**Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context.**

### Due Diligence Library

The following recommendations have been developed by DIHR through research and engagement with companies

- Workers can give notice and leave employment within a reasonable length of time. This is clearly communicated to workers prior to starting employment.
- The company (or its recruitment agencies) ensures that it does not withhold wages or bonuses and that it pays them in a timely and regular manner.
- The company ensures it does not make deductions from wages for disciplinary measures or other deductions not authorised by national law.
- Within normal working hours workers are able to earn a living wage sufficient to meet the basic needs of themselves and their closest dependents.
- Overtime work is paid, voluntary and not compelled through threat of pay deductions, termination or other sanctions.
- The company (or its recruitment agencies) ensures that it does not retain identity cards, passports, travel documents or other personal items without which workers cannot leave employment. If letters of release or other documents are needed for the worker to leave employment, such letters are issued without delay.
- All workers are allowed to leave company premises during breaks and at the end of their shifts, and workers in company housing may freely enter and exit their accommodation at any time.
- The company (or its recruiting agencies) ensures that it does not require workers to pay recruitment fees or lodge money deposits.
- Loans or salary advancements to workers are based on fair terms that are clearly explained to the worker, are not granted to cover basic living expenses, are limited in size, and do not require the worker to remain with the company until repayment is completed.
- If the company uses prison labour it ensures that all prison workers have been convicted by a court of law, and that the work is voluntary and supervised by a public authority.
- The company ensures that it does not use labour from agencies or firms involved in human trafficking or other forms of bonded labour.

## Company Initiatives

Actions and priorities suggested by local and international stakeholders

## Due Diligence Initiatives

**Civil Society – Private Sector Forum:** In September 2012, the Foundation for Human Rights Initiative launched the forum to address cross-cutting challenges in Uganda and to enhance good governance and development through collaboration between civil society and the private sector. Actors in both sectors recognised the importance of the UN Guiding Principles as a framework for both the state and businesses to respect human rights.

## Engagement Opportunities

**Development initiatives by public and private actors that provide opportunities for companies to contribute to human development.**

## Public Sector Initiatives

Counter-Trafficking in Persons Office



Source:www.google.com

# Occupational Health & Safety

**Unsafe or unhealthy working conditions that expose workers to the risk of accidents or occupational illnesses.**

## Country Context

Key human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations

All employers are expected to ensure that their workers are employed in a safe and conducive environment to ensure the protection of workers in the course of their duty. The Occupational Safety and Health Act 2006 also makes it the duty of every worker to take reasonable care for their health and safety and of any other person who may be affected by his act or omission. The law covers foreign and migrant workers as well as local workers. The Department of Occupational Health and Safety within the Ministry of Gender, Labour and Social Development is responsible for enforcing occupational health and safety standards; developing national guidelines on labour



and safety; promoting awareness on health and safety in the workplace; and conducting inspections to ensure regulations are being met. It is also responsible for ensuring that workplaces have HIV/AIDS policies.

**Access to Remedy:** Bodies to which victims of corporate human rights abuses can file grievances and seek redress.

- [Commissioner for Labour](#)
- [Industrial Court](#)
- [Compliance Advisor Ombudsman](#)
- [UHRC](#)
- [African Court on Human and Peoples' Rights](#)

## Media Reports

### Business-related human rights abuses reported by local and international NGOs and media.

Date	Issue
April 2015	Monitor: Casual workers with Kampala Capital City Authority resolved to meet the Executive Director, in a bid to present their concerns over poor working conditions.
March 2015	New Vision: A fire engulfed Crest Form mattress factory storage and production facilities, killing 6 casual workers. It was required to compensate the bereaved families and injured victims. The factory had not put in place risk mitigation systems and had only one entrance and no emergency exits.
February 2015	New Vision: Ministry of Gender, Labour and Social Development listed over 300, 000 public and private institutions whose workplaces do not adhere to safety and health measures. Some of companies listed include Stanbic Bank, Gaz Fuel Service Station, Umeme Sub-stations, Kobil, Uganda Clays, Capital FM, Super FM.
October 2013	Monitor: A former worker of the Mukwano Group of Companies received UGX 1.1 million (US\$300) as compensation from an accident at work.
July 2013	A building under construction in Kampala collapsed, killing at least four construction workers.
2013	UHRC: At Novelty Tannery, workers raised complaints that the protective gear provided was inadequate. Some employees bought their own protective gear.
March 2011	CAO: Eleven former employees who worked in construction at the Bujagali Energy project on the Nile River filed a complaint with the International Financial Corporation's Compliance Advisor Ombudsman on behalf of themselves and 30 other former employees for non-compensation for sustaining injuries at the workplace.



## Human Rights Guidance for Businesses

**Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context.**

### Due Diligence Library

The following recommendations have been developed by DIHR through research and engagement with companies

Does the company ensure that its workers are provided safe, suitable and sanitary work facilities?

- Responsibilities for health and safety tasks are clearly defined.
- The company routinely monitors its production processes, machinery and equipment to ensure that they are safe and in good working order.
- Workers and managers are trained to respond to workplace emergencies; first aid kits and fire extinguishers are readily available; and escape exits are clearly marked and free from obstruction.
- The workplace is maintained to ensure clean and comfortable conditions including a suitable temperature, ventilation and lighting; suitable washing and sanitation areas appropriate for both genders.
- Residential or overnight facilities are safe and sanitary and meet the basic needs of workers including with regard to safety, space, temperature, lighting, ventilation, food, water, sanitary facilities, privacy, and affordability.
- The company provides safe drinking water for workers and facilities for clean and sanitary food storage and eating.
- Where relevant the company has put in place special health and safety precautions for pregnant women, employees with disabilities, night workers, young workers and other vulnerable groups.

Does the company ensure that workers are provided with the protective equipment and training necessary to perform their tasks safely?

- The company has a procedure to ensure that all workers are provided, free of charge or deposits, with the protective equipment necessary to safely perform their job functions.
- The company is committed to ensuring that workers use the protective equipment provided and understand why it is necessary to use the equipment.
- The company ensures that all workers have the necessary training to safely perform their job functions and keeps workers fully informed,

in a language and form understandable to them, of the health and safety procedures.

- An accurate record is kept of who has been trained and for what tasks.
- On a regular basis and when assigned to new tasks, workers receive training in the safe use of equipment and processes.
- A company function or member of staff is responsible for keeping informed of scientific and technological developments regarding health and safety risks and protective equipment.

Does the company actively involve workers in health and safety work?

- The company consults employees on health and safety issues either directly or through a freely elected safety representative(s) for relevant groups of employees.
- A health and safety committee has been established including employee safety representatives and representatives from management.
- Health and safety accidents are reported and investigated including involving the relevant worker(s), and actions are taken to prevent recurrences.
- Health and safety near-misses (accidents not resulting in injury) are reported and investigated to help improve safety.
- Health and safety accidents are monitored including hours lost as a result of injury or illness and e.g. compared to total hours worked (lost time injury frequency).

## Standards & Guidance

NGO and institutional resources to enhance human rights due diligence efforts by businesses.

These resources are drawn from the Business & Human Rights Resource Centre

- IFC Performance Standard 2: Labour and Working Conditions (2012)
- Portal for Responsible Supply Chain Management
- Ethical Trading Initiative Base Code (2012) and ETI Principles of Implementation (2009)

## Stakeholder Recommendations: Suggested due diligence steps from local actors

**Uganda National Bureau of Standards** calls for all employers to ensure that workplaces are free from hazardous substances, provide protective gear, establish health and safety management systems, ensure workers are

covered by medical insurance and provide compensation when workers are injured in the workplace.

**UHRC** recommends that all employers develop workplace policies that incorporate occupational health and safety requirements under the law, and provide routine training for all staff on occupational health and safety.

**Institute for Business and Human Rights** recommends enforcement of labour laws, in particular through redistribution of resources to labour inspection functions.

## Company Initiatives: Actions and priorities suggested by local and international stakeholders

### Due Diligence Initiatives

**Total:** The oil company developed 12 rules to improve workplace safety and ensure that all employees and external contractors were aware of safety rules within the company. The company also appointed a health and hygiene coordinator at each site to promote occupational health and ensure that preventive health care and protection systems were in place.

**Civil Society – Private Sector Forum:** In September 2012, the Foundation for Human Rights Initiative launched the forum to address cross-cutting challenges in Uganda and to enhance good governance and development through collaboration between civil society and the private sector. Actors in both sectors recognised the importance of the UN Guiding Principles as a framework for both the state and businesses to respect human rights.

### Development Initiatives

**Total:** The company employed a Safety Caravan to drive through Uganda to train local communities on the dangers of recovering fuel from overturned tank trucks.

**Unilever:** The company is a member of the Private Investors for Africa coalition, which aims to promoting healthy workforces through private sector action. The coalition developed an HIV/AIDS road map to monitor progress against the disease. The company supports eleven business coalitions on AIDS, including in Uganda.

## Engagement Opportunities

Development initiatives by public and private actors that provide opportunities for companies to contribute to human development

### Public Sector Initiatives

Safeguards, Safety and Health at Workplaces 2013/2014-2017/2018:



Source: [www.google.com](http://www.google.com)

# Trade Unions

Restrictions on the right of workers to collectively represent their interests.

## Country Context

Key human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations

Freedom of association as enshrined under Article 29 of the Constitution includes the right to form and join a trade union; the right to union recognition and collective bargaining; and the right to strike. Anti-union discrimination is prohibited, and it is a criminal offence for employers to interfere in workers' right to organise. The Labour Unions Act 2006 and the Labour Disputes (Arbitration and Mediation) Act 2006 regulate trade unions, collective bargaining and industrial relations.

According to the Labour Market Country Profile 2014, there were 40 unions registered in Uganda, with a membership of about 440,000, equivalent of 3%

of the labour force or 13% of workers in the formal sector. Trade unions are empowered to operate independently of the political system, with worker representatives filling five seats in parliament.

The Ministry of Gender, Labour and Social Development is the lead Ministry responsible for labour administration in the country. The two national trade union federations are the National Organisation of Trade Unions (NOTU) and the Confederation of Free Trade Unions (COFTU), with all trade unions required to join them. NOTU adopted a new constitution in 2012, including youth and women committees and informal sector associations.

A Labour Advisory Board was created in September 2011 as a forum to advise the government on labour legislation and policy. Currently, it is non-functional with the expiry of terms of its members. The Registrar of Labour Unions is responsible for ensuring compliance with the rights to join and form trade unions and can investigate employers for compliance with these rights.

In May 2013, a National Tripartite Charter on Labour Relations was signed by representatives from the Ministry of Gender, Labour and Social Development, the Federation of Uganda Employers, NOTU and the Central Organisation of Free Trade Unions. The Charter aims to improve labour relations and reduce employer-employee conflicts. The International Labour Organization welcomed the initiative and noted that, under the Charter, the government should provide mechanisms for dialogue, tripartite consultations and negotiations to help the parties to implement the terms of the Charter.

**Access to Remedy: Bodies to which victims of corporate human rights abuses can file grievances and seek redress.**

- Labour Officer
- Trade Unions
- Industrial Court
- Centre for Arbitration and Dispute Resolution
- UHRC
- African Court on Human and Peoples' Rights.

**Media Reports**

Business-related human rights abuses reported by local and international NGOs and media



Date	Issue
August 2015	Uganda Radio Network: Over 800 workers held a sit down strike at Kinyara Sugar Works demanding a raise from UGX 5,500 to UGX 10,000 (US\$1.30 to US\$ 2.60) per task and formal employment contracts, which would give them access to sugar coupons and medical services at Kinyara Health Centre. The striking workers set unspecified hectares of sugar plantations ablaze.
November 2014	U.S. Department of State: Farm workers at Wagaggai Flowers went on strike over low wages and poor working conditions. Twenty-five workers were reportedly dismissed due to their involvement in the strike.
October 2013	All Africa: Security guards went on strike, claiming their salary was too low and only paid in instalments.
December 2012	ITUC: The Uganda Nurses and Midwives Union were denied the chance to select a new leader at the Annual General Meeting. Rather, the Ministry of Gender, Labour and Social Development, interfered to appoint the secretary general.
April 2012	ITUC: Workers at Tembo Steels Uganda Limited organised a sit-down strike against poor working conditions, workplace accidents, ill treatment and sexual exploitation.
March 2012	ITUC: Officials of the National Organisation of Trade Unions were denied access to the premises of Tilda Uganda, a rice processor, to meet with workers over worker welfare. Anti-riot forces and police were deployed to deny them access.
August 2011	Daily Monitor, Thousands of workers in a flower firm in Entebbe went on strike over low wages and for not receiving payment for overtime work. The managers called police who fired teargas into the strikers to disperse them.

## Human Rights Guidance for Businesses

Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context

## Due Diligence Library

The following recommendations have been developed by DIHR through research and engagement with companies.

Does the company recognise the rights of its workers to freedom of association and to bargain collectively?

- The company has a commitment to recognise the rights of its workers to freedom of association and collective bargaining, including the

right to freely form and/or join independent trade unions, and this commitment is clearly communicated to all employees.

- The company recognises workers' organisations for collective bargaining purposes and has procedures in place to ensure regular collective bargaining with authorised worker representatives concerning all workplace related issues.
- The company allows worker representatives access to collective bargaining agreements, company premises, employees and other relevant documentation needed to fulfill their duties.
- The company prohibits discrimination or adverse actions against worker representatives or employees for participating or refraining to participate in lawful trade union activities.
- The company has agreed with workers' representatives about the requirements of a fair hearing to be followed in relation to all disciplinary cases and employee grievances.
- The company has a committee, with participation of employee-elected representatives, which is responsible for hearing, processing, and settling disciplinary cases and employee grievances.

If independent trade unions are either discouraged or restricted, does the company enable workers to gather independently to discuss work-related problems?

- The company allows employees to engage in regular employee-only meetings within normal working hours, where employees can discuss concerns regarding working conditions.
- Where allowed by local legislation, and if independent trade unions are not present, the company informs employees of their right to form independent collective representation at the workplace.
- Where allowed by local legislation, the company informs workers of their right to engage in regular collective bargaining concerning all workplace issues.
- Company management meets regularly with worker representatives to discuss work-related problems and any concerns/complaints employees may wish to raise.

## Company Initiatives

Actions and priorities suggested by local and international stakeholders

## Due Diligence Initiatives

Civil Society – Private Sector Forum



Source: www.google.com

# Working Conditions

Employment status, wages, working hours and social security.

## Country Context

Key human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations

Article 40 of the constitution articulates the protection of workers' rights, which includes the recognition of just and favourable conditions of work. Major legislation on working conditions in Uganda includes the Workers Compensation Act 2000 and the Employment Act 2006, which regulate employment conditions including wages, working hours, leave and termination of employment.

Uganda is party to the East African Community Free Trade Agreement, which contains labour provisions on gender equality, working conditions and discriminatory law and practices. In 2013 Uganda and Kenya concluded

a bilateral agreement to waive the work permit fees to allow for free movement of labour between the two countries. In 2014, Uganda promised to waive work permit fees for all EAC citizens, following Rwanda and Kenya. Key issues to note are:

- Wages-minimum wage to be implemented
- Working Hours-maximum is 48 hours and can be increased provided they do not exceed 10 hours and minimum weekly rest of 24 hours
- Maternity and paternity leave of two months and four days respectively
- Social Security for workers
- Informal sector employs most of the population including women and children

Access to Remedy: Bodies to which victims of corporate human rights abuses can file grievances and seek redress.

- Department of Labour
- Industrial Court
- UHRC
- Compliance Advisor Ombudsman (CAO),
- African Court on Human and Peoples' Rights

## Media Reports

Business-related human rights abuses reported by local and international NGOs and media

Date	Issue
April 2015	<b>Monitor:</b> Casual workers with Kampala Capital City Authority resolved to meet the Executive Director, in a bid to present their concerns over poor working conditions.
December 2013	<b>Acholi Times:</b> A widow of a worker at a Chinese construction company asked for compensation for her dead husband's salary and for transporting the body to be buried. The company stated that the man was not on duty when he died.
December 2013	<b>Acholi Times:</b> A workers union accused a Chinese firm of having paid daily wages of UGX 7,000 (US\$2.80) and UGX 2,000 (US\$0.10) for lunch allowance, and deducted fuel costs from an employee who was on duty.
May 2013	<b>Daily Monitor:</b> Over 300 workers at a Riley Packaging factory went on strike over poor working conditions and low pay.

April 2013	<b>CAO:</b> The chairman of an informal association of former Bujagali construction workers filed a complaint with the CAO on behalf of himself and 300 workers at the construction camp and dam site. The complaint concerned unpaid wages and benefits dating back to 2008. In November 2013 the parties agreed to engage in voluntary dispute resolution process facilitated by the CAO.
June 2012	<b>New Vision:</b> Workers at Uganda Clays called off a strike to protest low pay and poor working conditions, including harassment and insufficient health services, after grievances were resolved between workers and the managers.
June 2011	<b>Daily Monitor:</b> Tea factory workers in Kyenjojo District went on strike to protest against poor pay and maltreatment. Employers had reportedly not provided medical care for sick workers.

## Human Rights Guidance for Businesses

Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context

### Due Diligence Library

The following recommendations have been developed by DIHR through research and engagement with companies

#### Working hours

Does the company ensure that the workweek is limited to 48 hours; that overtime is infrequent and limited; and that workers are given reasonable breaks and rest periods?

- Normal company working hours are limited to 48 per week by both company policy and practice, or fewer if provided by national law, collective agreement or industry standards.
- Overtime is infrequent, remunerated at premium rate, and does not exceed 12 hours in any one week, or 36 hours per month.
- The company has a system to plan, record and monitor hours worked by each employee, and regularly evaluates whether the number of workers is sufficient to meet production targets without resorting to overtime.
- Where overtime per worker systematically exceeds 12 hours per week, the company increases its workforce to correspond to production targets, or puts in place measures to increase worker productivity and reduce overtime.



- Workers are allowed at least 24 consecutive hours of rest (or more if provided by national law or industry standards) in every seven day period.
- The company ensures that workers have no less than a 30-minute break for every 4 hours of work (or more if provided by national law or industry standards) and that workers are allowed to use toilet facilities whenever necessary and not just during designated breaks.
- Wages

Does the company provide a living wage that enables workers to meet the basic needs of themselves and their dependents?

- It is company policy to provide workers with a living wage sufficient to meet basic food, clothing and housing needs and provide some discretionary income for themselves and their dependents.
- The company is aware of whether the legal minimum wage in the country of operation meets the requirement for a living wage.
- If no national minimum wage is established, or if national minimum wage standards are insufficient to meet the basic needs of workers and their dependents, the company calculates a living wage based on the cost of living in its area of operation.
- Part-time workers receive wages and benefits that are proportionate to those of full-time workers, and receive overtime compensation at a minimum of 1.25 times their hourly salary.
- The company pays wages at regular intervals and does not take deductions from wages for disciplinary measures or other deductions not authorised by national law.
- Bonus and piece-rate payment systems are monitored to ensure that the total salary paid meets living wage requirements without resort to overtime.

## Leave

Does the company ensure that workers are paid holiday leave, sick leave, and parental leave in accordance with international minimum standards?

- Workers are granted at least three weeks of paid holiday leave per year or more if required by national law or collective agreements. Part-time and short-term workers are provided with paid holiday leave proportionate to the number of hours worked, at a rate equal to that of permanent full time employees.
- Workers are entitled to paid sick leave in accordance with the applicable national law. If sick leave is not provided for in national law, the company consults with union or worker representatives to



- establish alternative means of protection in case of illness or injury.
- The company ensures that sick leave is not deducted from workers' vacation time.
- Female workers are entitled to no less than twelve weeks of paid maternity leave per child.
- The company grants compassionate or parental leave to workers who have recently adopted a child or children, or have taken on the responsibility to care for foster children or other dependent children.

### **Employment status**

Does the company ensure that all workers have an official employment status?

- The company ensures that all employees receive employment contracts prior to starting work for the company, and that contracts are understood by each employee.
- Contracts detail each employee's rights and obligations of employment, including clear job description, bonus and salary systems, and reasonable notice periods.
- Reference to company handbooks or other relevant documents on employment terms are integrated into the contract.
- The company ensures that contractors provide workers operating within company premises with an official employment status in line with company standards.

### **Standards & Guidance**

NGO and institutional resources to enhance human rights due diligence efforts by businesses.

These resources are drawn from the Business & Human Rights Resource Centre

- Ethical Trading Initiative Base Code (2012) and ETI Principles of Implementation (2009)
- Institute for Human Rights and Business and Global Business Initiative on Human Rights, State of Play
- Portal for Responsible Supply Chain Management (est. 2008)
- IFC Performance Standard 2: Labour and Working Conditions (2012)
- International Labour Organisation
- OECD Guidelines for Multinational Enterprises (2011)

## Company Initiatives

Actions and priorities suggested by local and international stakeholders

### Due Diligence Initiatives

**SAB Miller:** The company has created a sustainability assessment tool where suppliers of the company are ranked according to their sustainability practices. The company hosts a supplier's day where they brief suppliers on CSR issues. It also conducts audits on suppliers.

**Civil Society – Private Sector Forum:** In September 2012, the Foundation for Human Rights Initiative launched the forum to address cross-cutting challenges in Uganda and to enhance good governance and development through collaboration between civil society and the private sector. Actors in both sectors recognised the importance of the UN Guiding Principles as a framework for both the state and businesses to respect human rights.

**Tullow Oil** won the Responsible Investor Award for its role in promoting education, health and infrastructural development, and has committed to train more locals to ensure they gain employment in the oil sector.

Engagement Opportunities: Development initiatives by public and private actors that provide opportunities for companies to contribute to human development.

### Public Sector Initiatives

#### The Expanding Social Protection Programme (2010-present)

NGO Initiatives

#### UN Global Compact Local Network Uganda



Source: www.google.com

# Environment

Company impacts on the environment that affects the health or livelihoods of local communities.

## Country Context

Key human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations

The Constitution and the National Environment Act (NEA) guarantee the right to a clean and healthy environment and obligate the state to protect the country's natural resources, including land, water, wetlands, oil, minerals, plants and animals. The Directorate of Environmental Monitoring and Compliance, under the National Environmental Management Authority (NEMA), is responsible for implementing and enforcing environmental regulations and laws. Environmental monitoring and management is done in consultation and partnership with relevant ministries, departments and agencies. As part of its mandate, NEMA interacts with small, medium, large

and multinational businesses. NEMA also reviews environmental impact assessments (EIAs). According to the law, EIAs should be conducted prior to the development of any business operation, though additional criteria related to the amount invested, potential impact on the environment, waste disposal and utilisation of natural resources require further assessments. The extractive sector has a range of environmental issues that are assessed and monitored at various stages of the investment process. The Environmental legislation and policies are currently undergoing a comprehensive reform process. In relation to the environment businesses have to pay special attention to the following:

- Citizen Participation & Access to Information in Environmental Impact Assessments
- Food & Livelihoods
- Deforestation
- Water

**Access to Remedy:** Bodies to which victims of corporate human rights abuses can file grievances and seek redress

- Courts of law
- Compliance Advisor Ombudsman (CAO)
- African Court on Human and Peoples' Rights

## Cases

Complaints of business-related human rights abuses filed with government bodies, the National Human Rights Institution or multilateral agencies.

**CEHURD v. Mukono District Local Administration, NEMA, China Communications Construction Company HCCS No. 189/2015:** In 2012, National Environmental Authority (NEMA) approved the China Communication Construction Company Ltd (CCCC) to commence stone quarrying in the villages of Bamutakudde and Kiryamuli located in Mukono Districts. As a result of the blasting, the natural water stream got contaminated, the landscape became inaccessible, and the people in the community suffered from health complications from inhaling the dust and drinking contaminated water. Case scheduled for hearing in October 2016.

**CEHURD v. NEMA & Executive Director NEMA Misc Cause No. 210/2015:** CEHURD and one applicant one Wakaabu Godfrey filed three access to information requests to the second appellant under the Access to Information Act, 2015 for an Environmental Impact Assessment Report,

an initial Environment Audit report and public comments received prior to issuing the Certificate of Approval of EIA No. NEMA//EIA/4505 to China Communication Construction Company Ltd (CCCC). Ruling fixed on October 2016.

**August, 2013, Greenwatch Uganda:** Four NGOs sued NEMA for the encroachment of a flower farm in Lutembe wetland. NEMA was accused of breaching Ugandans' right to a clean and healthy environment by granting a certificate of approval for an environmental impact assessment to expand the farm.

**May 2013:** A petition was made by residents of Kabaale Parish, Buseruka sub-county, Hoima District, to the Minister of Energy and Mineral Development alleging violations of human rights including environmental rights in the areas earmarked for the oil refinery.

**2013, UHRC:** In light of the oil exploration activities in the Albertine Graben, there were a number of complaints regarding environmental issues. For instance, people in Kasamene 1 Oil pad exploration area in Buliisa District complained of pollution from dust noise and a stench which affected peoples' health, especially pregnant women, children and older persons. They also reported waste containing large quantities of lead by one of the oil companies in Bugana, near River Zoria, where water was used for livestock and drinking water.

**2013, UHRC:** In Ondiek exploration area in Nebbi District, people complained that the machinery used in the exploration was heavy, caused vibrations and made a noise that affected their sleep. At Kikaya West Oil pad, women alleged the fumes from the machines caused their cassava to rot. When the roads were graded, reports of cough and flu increased, and ripened cotton pods were reportedly soiled from the dust and could not be sold. In Nwoya District, waste was dumped on private land. Community members allege that the owner consented to allowing the dumping without being fully informed of its impacts.

**2013:** NAPE, Green Watch, ANARDE and Nature Uganda filed a complaint against BIDCO, a landlord and OPUL on behalf of communities whose land was confiscated to establish a flower farm.

## Media Reports

Business-related human rights abuses reported by local and international NGOs and media



Date	Issue
July 2013	<b>Daily Monitor:</b> Tullow Oil Uganda said its sub-contractor had dumped two trucks of human waste in a village in Buliisa District, causing several village members to get sick. The company was previously accused of dumping toxic drilling waste in game parks and other occupied areas
May 2013	<b>Friends of the Earth International:</b> Oil Palm Uganda was accused of expanding its palm oil plantations on islands in the Kalangala region without an environmental impact assessment. The 40,000 hectares set aside for the project were intended to double the domestic production of vegetable oil, creating extra oil for exporting. Local communities said the plantations were encroaching onto their lands and had reduced their ability to obtain food.
May 2012	<b>The Observer:</b> Kampala City Council (KCCA) Law Enforcement Officers closed Mukwano Soap Factory for alleged pollution of the environment. Among other violations, the factory failed to comply with instructions to stop emission of heavy smoke and discharging liquid chemical effluent and sewerage into Nakivubo Channel and failed to put up proper sanitary facilities for its staff, thus becoming a public health nuisance. The factory was required to change its combustion system from biomass to another source that does not emit heavy smoke and to raise its chimney pipes to an appropriate height that does not emit smoke to levels that put the general public at risk.
May 2012	The Daily Monitor: MPs from Karamoja accused two companies of obtaining land without the consent of customary landowners.
August 2011	NAPE: A petition was delivered to the president by the National Association of Professional Environmentalists, the Save Mabira crusade and Friends of the Earth International arguing against the proposed giveaway of Mabira forest and other forest reserves.
August 2010	The East African: Complaints were made against HIMA and Tororo Cement over emissions from their production processes. They reportedly lacked modern equipment capable of high production volumes and low dust emissions, leading to significant environmental damage. Local residents complained of air pollution, respiratory diseases and crop destruction. The companies said they invested in more effective technology for reducing pollution, though it remains unclear if this has had a positive impact.



## Human Rights Guidance for Businesses

Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context

### Due Diligence Library

The following recommendations have been developed by DIHR through research and engagement with companies Precautionary Approach

Does the company support a precautionary approach to environmental issues?

- The company provides information to stakeholders about uncertainties and potential risks to workers, consumers, the public and the environment of the company's products and processes.
- The company identifies any soil and water contamination at its site or sites, assesses the environmental impacts and remedies any significant contamination.
- The company tries to avoid environmental damage by regular maintenance of production processes and environmental protection systems (air pollution control, waste water treatment systems etc.)
- The company conducts systematic risk assessments of materials used, products and processes to apply the precautionary approach.
- The company ensures transparency and engages in regular stakeholder dialogue with neighbours, civil society organisations and others with an interest in the company on critical environmental issues.
- If relevant, the company supports scientific research on environmental issues relating to the company's products and processes.

### Emergency Response

Does the company have emergency procedures in place to prevent and address accidents affecting the environment and human health?

- The company has identified the hazardous operations and the potential consequences on human health and the environment if an accident occurs.
- The company has detailed procedures, plans, equipment and training programmes to prevent accidents and emergencies.
- The company has detailed procedures, plans and equipment to effectively respond to accidents and emergencies if they occur.
- The company trains workers to respond to accidents and emergencies,

including carrying out emergency drills at least once a year involving all workers.

- Where there is significant risk of impacts on local communities, the company has a procedure that enables it to immediately notify affected local communities about industrial emergencies, and informs about emergency response, evacuation plans and medical response.

### **Energy Consumption and Climate Change**

Does the company take measures to reduce energy consumption and emissions of greenhouse gasses?

- The company complies with regulation regarding use of energy resources and emissions of greenhouse gasses.
- The company has a climate strategy that identifies opportunities to reduce the company's energy consumption and/or emissions of greenhouse gasses.
- The company has initiated practical activities to reduce energy consumption and/or greenhouse gas emissions.
- The company provides information and trains employees to implement energy reduction measures.
- The company monitors its energy consumption and/or emissions of greenhouse gasses.
- The company has defined a baseline for its greenhouse gas emissions, which includes a definition of the business operations and activities, and the greenhouse gases that are accounted for e.g. as described in the Greenhouse Gas Protocol.
- The company has targets for reducing its energy consumption and/or emissions of greenhouse gasses.
- The company engages with the government and civil society organisations to develop policies and measures that provide a framework for the business sector to contribute to building a low carbon economy.

### **Water and Waste Water**

Does the company take measures to reduce water consumption and treat waste water?

- The company has the necessary permits to extract water or obtain water from the public water supply and for any waste water discharges.
- The company treats waste water before discharge to reduce adverse environmental impacts. If waste water treatment takes place outside the company's premises, the company is aware of the effectiveness of the treatment.

- The company monitors waste water discharges, including types, limit values and quantities of pollutants in the waste water.
- The company has targets for reducing water consumption and/or increasing the amount of water reused or recycled in different business operations and activities.
- The company provides information and trains workers to implement measures to reduce water consumption and reduce the need for waste water treatment.
- The use of water by the company and its waste water discharges do not negatively affect the sustainability of water resources, the natural environment or the availability of water for drinking and sanitation purposes.
- The company engages with national, regional and local public authorities, and civil society organisations to address water sustainability issues related to affected water resources.

### **Waste Management**

Does the company take measures to prevent and reduce the production of waste and ensure responsible waste management?

- The company has the necessary permits for the handling, storage, recycling and disposal of waste, and, if relevant, complies with requirements for transporting hazardous waste across borders.
- The company has a strategy to manage waste responsibly and continuously attempts to prevent and reduce the production of waste.
- The company ensures that waste relevant for recycling is sorted and handed over to a recycling company.
- The company monitors the types and quantities of waste produced, including where and how waste is recycled, treated or disposed of.
- The company has targets for reducing waste production and/or increasing waste reused/recycled and measures its progress against these targets.
- The company provides information and trains workers on the safe handling, storage, transport and disposal of hazardous and special waste types.
- The company marks areas used for storage of waste, and properly labels all containers for storing waste, including a relevant symbol of danger for hazardous waste.
- The company requests recycling/treatment/disposal receipts from transport contractors.
- The company uses licensed contractors for the transport, recycling, treatment and disposal of hazardous waste.

## Air Emissions

Does the company prevent, reduce and treat air emissions?

- The company has the necessary permits for emissions to air, and complies with legal requirements (e.g. air pollution standards and limit values).
- The company provides information and trains workers on how to manage air emissions.
- The company monitors the types and quantities of relevant emissions to air.
- The company treats relevant pollutants before they are emitted to the atmosphere (e.g. by using filters).
- The company continuously attempts to prevent and reduce air emissions.

## Noise, Odour, Light and Vibrations

Does the company prevent and reduce impacts on the surrounding environment from noise, odour, light and vibrations?

- The company has the necessary permits for levels of noise, odour, light and vibrations, and complies with legal requirements (e.g. standards or procedures).
- The company provides information and trains workers to manage noise, odour, light and vibrations.
- The company monitors levels of noise, odour, light and vibrations on the surrounding environment.
- The company treats/minimises impacts to ensure that there are no significant levels of noise, odour, light and vibrations.
- The company continuously attempts to prevent and minimise the levels of noise, odour and light (e.g. enclosed production, shielding, etc.).
- Chemicals and Other Dangerous Substances
- Does the company minimise the use and ensure safe handling and storage of chemicals and other dangerous substances?
- The company has the necessary permits and complies with legal requirements for the handling, use and storage of chemicals and other dangerous substances.
- The company does not manufacture, trade and/or use chemicals and other dangerous substances subject to national or international bans or phase-outs.
- The company provides information and trains workers on the safe handling and use of chemicals and other dangerous substances.
- The company monitors the quantities of all chemicals and other dangerous substances used in production and maintenance.

- The company marks areas used for storage of chemical substances and products.
- The company properly labels all chemical substances and products including name of the chemical and a relevant symbol of danger.
- The company considers substitution important and continuously tries to use less harmful chemicals and substances.

### **Biodiversity**

Does the company prevent, minimise and remedy significant impacts on biodiversity?

- The company has the necessary permits to operate in or alter the natural environment, and complies with legal requirements.
- The company is committed to operating within the framework of international conventions addressing biodiversity (e.g. the Convention on Biological Diversity, Cartagena Protocol on Bio-safety and the CITES Convention).
- The company has assessed important positive and negative impacts of its operations and activities on the natural environment and biodiversity (e.g. IUCN's Red List of Threatened Species and no alien invasive species).
- The company has previously and/or is currently taking measures to prevent and reduce the impacts of its operations and activities on biodiversity.
- The company clearly labels products containing GMOs and indicates if GMOs have been used in the production process.
- The company ensures that it has not had any unintended releases of GMOs.
- The company documents that workers have been adequately trained to handle GMOs.

### **Natural Resources**

Does the company ensure that natural resources are used in a sustainable manner?

- The company has the necessary permits and complies with legal requirements regarding the cultivation, harvest, extraction and/or use of natural resources (e.g. wood, fish, metals, oil, coal etc).
- The company complies with legal requirements regarding the cultivation, harvest, extraction and/or use of natural resources (e.g. wood, fish, metals, oil, coal etc.).
- The company ensures that workers are trained in the sustainable cultivation, harvesting, extraction and/or use of natural resources.

- The company continuously attempts to prevent, minimise and remedy significant impacts on natural resources through environmentally friendly methods and alternative resource use.
- The company ensures that its use of renewable resources does not negatively affect the sustainability of the resource (i.e. the resource's ability to regenerate).
- The company demonstrates efforts to substitute non-renewable resources used in production with renewable resources.
- The company works with local and national public authorities as well as with international institutions to address sustainability issues related to natural resources (e.g. wood, water, fish, metals, oil etc.).

### **Environmentally Friendly Technologies**

Does the company encourage the development and use of environmentally friendly technologies?

- The company uses environmentally friendly technology.
- The company regularly evaluates its processes and technologies to see if there are more environmentally friendly alternatives.
- When developing new technologies and products, the company focuses on developing environmentally friendly technology e.g. by using life cycle assessments (LCA), design for sustainability or a cradle-to-cradle approach.
- When planning new investments in technology, the company considers the best available technology and stipulates minimum environmental criteria.
- When investing in new buildings, the company implements environmentally responsible and resource-efficient materials and/or technologies.
- The company makes information describing the environmental performance and benefits of using environmentally friendly technologies available to stakeholders.

### **Standards & Guidance**

NGO and institutional resources to enhance human rights due diligence efforts by businesses. These resources are drawn from the Business & Human Rights Resource Centre

- CEO Water Mandate (2011)
- IFC Performance Standards on Environmental and Social Sustainability (2012)
- Institute for Human Rights and Business, Business, Human Rights & the Right to Water-Challenges, Dilemmas and Opportunities



- ISO 14000 Standards on Environmental Management Systems: Developed by the International Organisation for Standardisation
- United Nations Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation (est. 2008):
- Global Water Tool (2007): Developed by the World Business Council for Sustainable Development

## Stakeholder Recommendations

Suggested due diligence steps from local actors

**International Alert** recommends that oil companies have the staff and equipment necessary for oil spills to provide immediate response. This includes water spills as well as during transport through pipelines, or by train or truck. Companies should also have in place a mechanism to determine financial liability for the loss of livelihoods of fishermen or farmers who are affected by pollution.

**Greenwatch Uganda** recommends that oil companies develop communications strategies to increase information accessible to communities, including in local languages; set up resource centres to provide information on the oil sector; and encourage public participation in debates about the oil sector.

**Civil Society Coalition on Oil and Gas** recommends for the renegotiation of existing contracts with oil companies to address concerns about the social and environmental impacts of oil extraction, including removing stabilization clauses that could impede the government's ability to pass future legislation that strengthens environmental and human rights protections.

**UHRC** recommends that:

- Businesses, including oil companies, should put in place a well-developed human rights policy and effectively implement it during all phases of the production process to guide on how to deal with emerging human rights and environmental issues.
- EIAs for extractive sector should also be conducted prior to commencement of activities.
- Corporate Social Responsibility should be demand driven and companies should consult with affected communities to come up with responsive programmes.

## Company Initiatives

Actions and priorities suggested by local and international stakeholders

### Due Diligence Initiatives

**Hima Cement Limited:** The Ugandan company installed a new bag filter technology to reduce dust emissions to almost zero, after consulting NEMA and international safety and environmental standards.

**Total:** The oil company has a code of conduct and a human rights guide to ensure the company acts ethically, and holds stakeholder forums to discuss its impacts, including on sustainable development.

**CNOOC** has a self-monitoring process, with progressive audits done by external consultants on social and environmental impacts and their mitigation. It has contracts with three registered companies that manage waste, in accordance with local laws and international standards. There is a decommissioning plan in place that looks at the restoration of drill sites.

**Civil Society – Private Sector Forum:** In September 2012, the Foundation for Human Rights Initiative launched the forum to address cross-cutting challenges in Uganda and to enhance good governance and development through collaboration between civil society and the private sector. Actors in both sectors recognised the importance of the UN Guiding Principles as a framework for both the state and businesses to respect human rights.

### Development Initiatives

**MTN Uganda:** The company implemented a six-month water project, beginning in September 2013, together with the Uganda Red Cross. Ten boreholes were constructed to provide clean and safe water for communities that were affected by landslides. The company aims to enhance development through basic necessities such as clean water and improved sanitation facilities.

**CNOOC** has access programs in hard-to-reach area that are viewed as part of their CSR. The program includes a top-up allowances for the civil servants posted in these areas. In addition, CNOOC has assisted the local primary school by buying school supplies. It has established medical camps and promotes sanitation and hygiene in the community. CNOOC also engages with the communities and the advisory committees. The advisory committees are engaged with CNOOC on a monthly basis, communities on a quarterly basis.

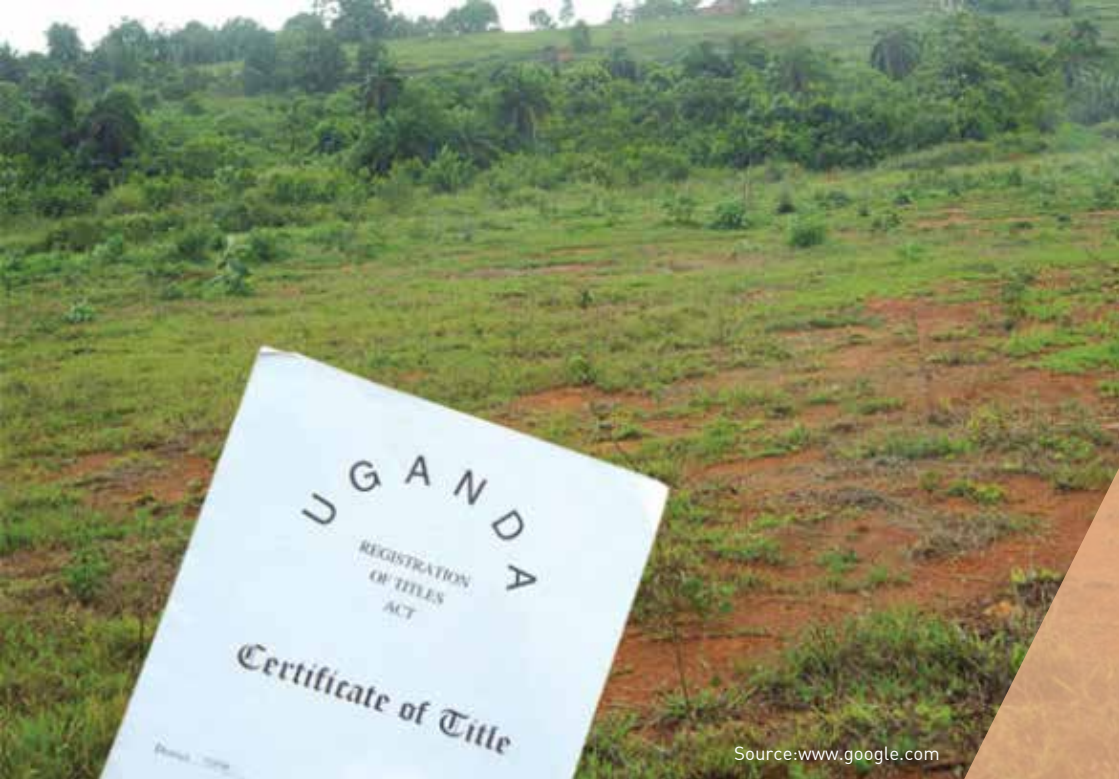
**Total E&P and Tullow Oil** established Community Liaison Officers in Nebbi and Hoima districts to ease communication and access to information between oil companies and community members.

## **Engagement Opportunities**

Development initiatives by public and private actors that provide opportunities for companies to contribute to human development

### **Public Sector Initiatives**

- Water, Sanitation and Hygiene (WASH) 2010-2014
- Albertine Rift Monitoring Program (2012-2017)
- Food Storage Program (2014)



Source: www.google.com

# Land & Property

Human rights impacts related to company acquisition, use and management of land

## Country Context

Key human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations

Existing land law vests land ownership in the citizens of Uganda. Article 26 of the Constitution states that every person has a right to own property individually or in association with others, and recognises the right to fair and adequate compensation in instances of compulsory land acquisition. Key for businesses to note are following:

- Land Administration & Distribution
- Land Acquisition
- Compensation
- Free, Prior & Informed Consent

## Rights Holders at Risk

- Women
- Ethnic minority groups

Access to Remedy: Bodies to which victims of corporate human rights abuses can file grievances and seek redress

- Local Council Court
- Magistrate Court
- High Court
- UHRC
- Compliance Advisor Ombudsman (CAO)
- African Court on Human and Peoples' Rights

## Cases

Complaints of business-related human rights abuses filed with government bodies, the National Human Rights Institution or multilateral agencies.

**Advocates for Natural Resources v. Attorney General & Anor Constitutional Petition No. 40 of 2013:** The Constitutional Court held that Section 7 of the Land Acquisition Act was nullified to the extent of its inconsistency with Article 26(2) of the Constitution with regards to compulsory acquisition of property prior to payment of compensation.

## Media Reports

Business-related human rights abuses reported by local and international NGOs and media

Date	Issue
October 2015	The Monitor: Supreme Court upheld a judgment of the Constitutional Court (Advocates for Natural Resources v. Attorney General & Anor Constitutional Petition No. 40 of 2013) that declared Section 7(1) of the Land Acquisition Act as unconstitutional and in contravention of Article 26 of the Constitution. The court nullified the section giving government powers to take possession of citizens' land before compensation citing violation of the right to property.
January 2014	The Observer: The oil company Total paid Nebbi residents compensation for land that was accessed during exploration during November 2012. The payment had been delayed due to disagreements over compensation rates.

December 2013	Oil in Uganda: Residents in Kabaale parish, Hoima district, were compensated and given a three-month ultimatum to vacate land to make way for the construction of a refinery.
July 2013	Land Portal: New Forests Company and the Mubende community reached an agreement concluding negotiations headed by the Office of Compliance Advisor-Ombudsman (CAO), through which the company will contribute funds for community-run cooperatives and development projects.
May 2013	Friends of the Earth International: In the Kalangala District, the Vegetable Oil Development Project attracted wealthy landlords who have reportedly tried to acquire land without respect to prior land tenure arrangements. The oil palm project extends over a 99-year lease and aims to plant 40,000 hectares of palm oil. As of May 2013 only 7,500 hectares had been planted, yet communities had been displaced with no compensation.
May 2011	CAO: Several community members living in the area affected by Bujagali Energy's construction project filed a complaint to the CAO. Their complaint concerned compensation for assets during the land acquisition process, damage to houses, impacts on health and compensation for loss of livelihood.
April 2011	Human Rights House: The German National Contact Point of the OECD Guidelines for Multinational Enterprises dismissed a case against a German coffee company accused of violating human rights by evicting local Ugandans for a coffee plantation without paying compensation.

## Human Rights Guidance for Businesses

Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context

## Due Diligence Library

The following recommendations have been developed by DIHR through research and engagement with companies

Before buying, renting, acquiring or otherwise accessing land or property, does the company ensure that all affected owners and users of the land or property, have been adequately consulted and compensated?

- Prior to buying, renting, acquiring or otherwise accessing land or property, whether directly or through a third party, the company



identifies all existing owners and users of the land or property, including information land users and customary owners.

- The company investigates the past usage and ownership of the land or property to ensure that past users and owners have not been wrongfully removed, and that any expropriations by the authorities have been conducted in accordance with international law.
- The company consults with affected users and owners of the land or property (including women, tenants, settlers, minorities and other vulnerable groups including indigenous peoples) and seeks their free, prior and informed consent before continuing to acquire or access the land or property.
- The company ensures that its lease or purchase of residential property and sourcing of food commodities does not considerably make housing and food scarce or too expensive for the local people.
- The company ensures that affected owners and users of the land or property are adequately compensated to help them restore their standards of living or livelihoods to the same or higher than before, and that the compensation standards are transparent and applied consistently to all communities and persons affected.

## Standards & Guidance

NGO and institutional resources to enhance human rights due diligence efforts by businesses. These resources are drawn from the Business & Human Rights Resource Centre

- [FAO Voluntary Guidelines on the Responsible Governance of Tenure \(2012\)](#)
- [IFC Performance Standard 5: Land Acquisition and Involuntary Resettlement, and IFC Handbook for](#)
- [Preparing a Resettlement Action Plan \(2002\)](#)
- [Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources \(2010\)](#)

## Stakeholder Recommendations

Suggested due diligence steps from local actors

**The Institute for Human Rights and Business** recommends that oil companies and the government work together to:

- [Address land conflict arising from oil production in Uganda;](#)
- [Ensure that investor practices will not lead to further conflicts or marginalisation, especially in the northern and north-eastern parts of the country;](#)

- Ensure that procedures for granting investment licences include a comprehensive human rights due diligence assessment.

**Human Rights Watch** recommends that companies

- Consult with indigenous peoples in Karamoja through local authorities to obtain free, prior and informed consent before commencing any exploration or mining operation;
- Ensure that community members are included in every step of the extractive process;
- Undertake human rights impact assessments and make results available to the public;
- Include marginalised groups in consultation processes, including informal caucuses of women and youth, along with councils of elders, and hold public meetings to involve communities in decision-making processes;
- Set up independent grievance mechanisms which allow community members to complain directly to senior management;
- Ensure that communities have the ability to approve or reject proposed projects before operations commence;
- Provide communities with independent information and advice, as well as independent legal advice;
- Ensure that communities reach decisions without force, manipulation, pressure or coercion.

## Company Initiatives

Actions and priorities suggested by local and international stakeholders  
Due Diligence Initiatives

**Strategic Friends International:** The consultancy firm conducted a Resettlement Action Plan without using any armed personnel and implemented a fully-fledged grievance handling mechanism for all affected persons to register complaints. They also implemented a Community Development Assistance Programme and sensitised host communities to ensure the quick restoration of livelihoods for relocated persons.

**Total:** The oil company has a code of conduct and a human rights guide to ensure the company acts ethically, and holds stakeholder forums to determine its impacts, including on land and property.

**Civil Society – Private Sector Forum:** In September 2012, the Foundation for Human Rights Initiative launched the forum to address cross-cutting

challenges in Uganda and to enhance good governance and development through collaboration between civil society and the private sector. Actors in both sectors recognised the importance of the UN Guiding Principles as a framework for both the state and businesses to respect human rights.

## Development Initiatives

**Tullow Oil:** In 2012, Tullow Oil held ‘closing-the-gap’ seminars in Uganda to train local companies to understand requirements of the oil and gas industry, and funded an Enterprise Centre to support small and medium sized businesses.

## Engagement Opportunities

Development initiatives by public and private actors that provide opportunities for companies to contribute to human development

### Public Sector Initiatives

**Land Registration Project May 2013-** Government

**Uganda Land Awareness Week November 2013-** Uganda Land Alliance, in partnership with the Ministry of Lands, Housing and Urban Development and Music Multimedia

**USAID/Uganda Supporting Access to Justice, Fostering Peace and Equity 2012-2017**

## NGO Initiatives

**Uganda Land Alliance (2010-present):** Women’s Land Rights Programme



Source:www.google.com

# Revenue Transparency & Management

Human rights impacts related to transparency of government revenues received from business and the distribution of such revenues.

## Country Context

Key human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations

**Anti-Corruption** – corruption is strictly punished including jail sentences of up to 10 years.

**Revenue Transparency** - The Uganda Revenue Authority (URA) was established for the important role of collecting taxes. Under the Public Finance Management Act 2015, the revenue collected from oil and gas is supposed to be deposited in a fund. The Ministry of Finance is responsible

for the spending of revenue collected. Income tax and capital gains tax are collected from oil and gas sector by URA.

**Revenue sharing**- is provided within the oil legislation under the mandate of the Ministry of Finance, Planning and Economic Development and the Ministry of Energy and Mineral Development.

**The Oil and Gas Unit at URA**- is fully operational and deals with registration, filing and payments and is responsible for providing input on matters of policy, as the tax body is a member of the National Petroleum Technical Committee.

**Taxes** - The Constitution and the Investment Code Act 1991 empower the Minister of Finance to grant tax breaks, and the Minister can pay taxes on behalf of an exempt company but the system has been criticised for not transparent and unaccountable. Currently, there are ongoing discussions on reforms to be made on the tax exemption regime, with amendments to Income Tax and VAT Amendment Acts and the Investment Code Act; reductions in exemptions given in the Income Tax and VAT Amendment laws. There are strict procedures on provision of tax holidays compared to the past where blanket exemptions were given to beneficiaries and the government will undertake to pay the taxes. Tax incentives are currently in place to encourage investment in the agriculture and energy sectors.

Public Procurement - Uganda was among the first countries in Africa to establish a procurement law, the 2003 Public Procurement and Disposal of Public Assets Act (PPDA). However, it is crucial for the Government to promote and ensure the respect of human rights in the procurement of goods and services especially in the supply chain by businesses.

**Revenue Sharing** - The Mining Act provides for royalties to be shared between the central government, local governments and the lawful owners of land; the government receives 80 percent, local governments 17 percent, and owners 3 percent.

**Public Private Partnerships**- government promotes and encourages public and private partnerships in all sectors of national development. Through a PPP the government of Uganda is able to retain ownership of some of its assets as opposed to privatization. However due to the limited or no government control over operations, this in turn leaves room for potential human rights violations.

## Access to Remedy: Bodies to which victims of corporate human rights abuses can file grievances and seek redress

The Anti-Corruption Division of the High Court, The Court of Appeal, which acts as the constitutional Court, URA Tax Appeals Tribunal, The Centre for Arbitration and Dispute Resolution, The Inspectorate of Government/Ombudsman, Compliance Advisor Ombudsman (CAO)

## Media Reports

Business-related human rights abuses reported by local and international NGOs and media

Date	Issue
January 2014	<b>New Vision:</b> Six road services companies were accused of unethical practices and presenting forged bid securities and certificates.
November 2012	<b>City Press:</b> The CEO and eight company directors of MTN were summoned to appear in court on charges of avoiding more than US\$10 million in taxes. The case was thrown out by the High Court in early 2013 due to lack of evidence.
November 2011	<b>Heritage v. Uganda Revenue Authority:</b> URA demanded 30 percent of the amount earned by oil company Heritage in transferring its assets to Tullow Oil in capital gains tax before the transaction was approved. The Tax Appeals Tribunal upheld that the transaction was taxable and the amount (US\$434.9 million) assessed by URA.
October 2011	<b>Business Anti-Corruption Portal:</b> An MP accused government officials of accepting millions of dollars in bribes from Tullow Oil. Tullow published its correspondence with Ugandan officials to clear its name and the investigation was dropped.

## Human Rights Guidance for Businesses

Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context

## Due Diligence Library

The following recommendations have been developed by DIHR through research and engagement with companies

## Signalling a Non-Corrupt Environment

Does the company take a clear stand against corruption?



- The CEO, Director or President of the Company has declared that the company will not engage in corruption at any time or in any form.
- The company has a policy rejecting corruption and requiring all directors, managers and workers worldwide to behave ethically and in conformity with the law.
- The company anti-corruption policy includes how to handle requests for facilitation payments, giving and receiving gifts, engaging in sponsorships, giving political contributions, and how to conduct responsible lobbying.
- The company has defined benchmarks and indicators regarding its anti-corruption initiatives and reports these to the public (e.g. in its annual CSR report)

## Anti-Corruption Risk Assessment

Does the company assess the risk of corruption when doing business?

- The company evaluates the potential areas of corruption including factors such as type of transaction, countries of operation, industries, and customers or business partners involved.
- The company evaluates the risk of corruption when workers, agents, intermediaries or consultants deal with public officials (including workers of state owned companies).
- The company evaluates the risk of internal and external conflicts of interest in relation to business partners.
- The company has developed an action plan to address the risk of corruption, and has defined responsibilities for each task, as a minimum for high-risk areas.
- The company has identified internal functions with the highest risk of corruption within the company and seeks to address these weaknesses.

## Awareness Raising

Does the company ensure that relevant workers are properly trained?

- The company informs all workers about its anti-corruption commitment.
- The company provides regular anti-corruption training for all relevant workers within the organisation e.g. procurement and sales staff.
- Information on disciplinary procedures for violations of company anti-corruption policies is available to workers.
- The company actively seeks worker feedback and dialogue on its anti-corruption initiatives.

- The company has and promotes a function by which workers can safely report suspicion of corruption related cases (e.g. hotline or mailbox) and allocates resources to systematically address the issues that are identified.

## Anti-Corruption Procedures

Do the company's internal procedures support its anti-corruption commitment?

- The company has assigned different individuals or departments to be responsible for handling contracts, placing orders, receiving goods, processing invoices and making payments.
- The company mentions 'anti-corruption' and/or 'ethical behaviour' in its contracts with business partners.
- The company prohibits informal employment and any 'off the books' record-keeping
- The company performs internal audits and has checks in place in connection with all anti-corruption commitments.
- The company's procurement, financial and internal audit personnel have clear instructions to look for and to identify alarms, report them to management, and follow-up counter measures.
- The company requests external auditors to maintain a critical eye and follow all alarms and irregularities.
- Any alarm or irregularity reported by external auditors is systematically addressed by management.
- The company monitors compliance and continuously identifies strengths and weaknesses in the anti-corruption initiatives to remain effective and up-to-date in addressing changing risks.

## Agents and Other Associates

Does the company's anti-corruption initiative cover agents, intermediaries and consultants?

- The company conducts an inquiry and/or attentiveness (e.g. financial, legal, labour, tax, IT, environment, market/commercial) on all agents, intermediaries and consultants.
- All agreements with agents, intermediaries and consultants are fully documented in written, signed contracts.
- The selection and terms of reference of agents, intermediaries or consultants are approved at the senior management level or at a level above that of the management involved in the operations for which the intermediary is hired.

- Contracts with agents, intermediaries and consultants include a section on anti-corruption and that the contract-holder must comply with all applicable laws and regulations.
- Agents, intermediaries and consultants are provided with information on the company's anti-corruption commitment, anti-corruption policies, training material on anti-corrupt behaviour and information on disciplinary procedures for violations of company anti-corruption policies.
- The company ensures that payment to agents, intermediaries and consultants are in line with standard payments for other service providers of similar ranking.
- The company only makes payments by bank transfer or check – never in cash – in the country of the agent, intermediary and consultant and never to a third party without prior examination.

## Communicate

Does the company communicate progress on the Global Compact principles with stakeholders?

- The company identifies stakeholders who affect or can be affected by the company's activities, products and services e.g. a person, group, organisation, authority.
- The company communicates progress openly about how issues covered by the Global Compact principles are managed, including performance results as well as forward-looking information on strategy and management approach, challenges, and dilemmas.
- The company regularly engages in dialogue with stakeholders to keep up-to-date with stakeholder expectations.
- The company communicates openly about how issues covered by the Global Compact principles are managed including challenges, dilemmas, success and failures.
- The company's communication on progress and other performance reporting on issues covered by the Global Compact principles is publicly available and communicated to external stakeholders e.g. via the company's and Global Compact website.

## Joint Actions

Does the company take joint actions with others to engage in and promote anti-corruption initiatives?

- The company shares experience, procedures and challenges of corruption with other organizations i.e. the local business community, sector initiatives, networks etc.

- The company has initiated or joined initiatives with other companies in the same sector for the purpose of promoting a fair business environment.
- The company stimulates multi-stakeholder dialogue on challenges of corruption.
- The company encourages the local business community and business partners to initiate cooperation to fight corruption.

## Standards & Guidance

NGO and institutional resources to enhance human rights due diligence efforts by businesses.

These resources are drawn from the Business & Human Rights Resource Centre

- Transparency International Business Principles for Countering Bribery
- The OECD Guidelines for Multinational Enterprises

## Stakeholder Recommendations: Suggested due diligence steps from local actors

**The Business Anti-Corruption Portal** advises companies considering bidding on public tenders in Uganda to use a specialised public procurement due diligence tool.

**Human Rights Watch** recommends that businesses sourcing minerals from the Karamoja region establish a thorough due diligence process and regularly monitor operations to ensure that indigenous peoples' rights are respected.

**Institute for Business and Human Rights** recommends that the Government works with oil companies to address potential and actual conflict (including land conflict and revenue distribution) arising in relation to oil production in the country by having a comprehensive human rights based due diligence assessment, among other things.

## Company Initiatives

Actions and priorities suggested by local and international stakeholders

## Due Diligence Initiatives

**Tullow Oil:** The company set up a whistle blowing telephone line to aid investigations and also provided a Code of Business Conduct awareness training.

**Total:** The oil company has a code of conduct and a human rights guide.

**Civil Society – Private Sector Forum:** Foundation for Human Rights Initiative launched the forum to address cross-cutting challenges in Uganda and to enhance good governance and development through collaboration between civil society and the private sector.





Source: www.google.com

# Security & Conflict

Human rights impacts related to company interaction with public and private security providers and related to the impact of business on societal conflict.

## Country Context

Key human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations

The Constitution mandates public security forces such as the Uganda Police Force, Uganda Peoples' Defence Forces (UPDF) and intelligence organs to preserve law and order and to prevent and detect crime. It guarantees the respect of freedom from torture, cruel and inhumane and degrading treatment or punishment, right to life, right to personal liberty, fair trial and other related liberties as the public and private security agents execute their respective mandates. Legislation seeking to explicitly define, criminalise and impose individual liability for acts of torture was enacted as the Prevention and Prohibition of Torture Act in 2012.



## Access to Remedy: Bodies to which victims of corporate human rights abuses can file grievances and seek redress

- Uganda Police Force
- Court of Appeal
- UHRC Tribunal
- African Court on Human and Peoples' Rights

## Media Reports

Business-related human rights abuses reported by local and international NGOs and media

Date	Issue
October 2013	UGO News: Four police officers were accused of torture of a worker, who was claiming compensation after he lost his fingers in the course of work, and were tried before the police disciplinary court.
October 2013	UGO News: A resident in Buzira Njovu, Mukono district was shot dead by a police officer over a land dispute who were allegedly siding with land purchasers in the area.
September 2013	UGO News: An Indian general manager at a company in Bunga was shot dead by a private security officer in an alleged argument over salary arrears

## Human Rights Guidance for Businesses

Actions and priorities suggested by local and international stakeholders as well as company initiatives to ensure company respect for human rights and contribute to human development in the local context

## Due Diligence Library

The following recommendations have been developed by DIHR through research and engagement with companies

Does the company take steps to ensure that company security arrangements are in accordance with international principles for law enforcement and the use of force?

- The company regularly conducts security risk assessments, and ensures that company security arrangements, including the

deployment of private guards or public security personnel, are proportionate to the security risk.

- Company security risk assessments include the risk of human rights abuses by private and public security personnel.
- The company selects private security firms based on information about professional ability, level of staff training, quality of equipment, past involvement in human rights abuses, links with political factions or organisations and other relevant criteria.
- Contracts with private security firms include requirements related to international human rights standards for law enforcement and use of force; require the investigation and discipline of any unlawful or abusive conduct by security guards; and allow for termination of the contract in case of such conduct.
- There is a manual defining the duties of security personnel, and all security personnel receive training on rules of conduct based on international human rights standards for law enforcement and the use of force.
- Where public security personnel are assigned to company facilities, the company seeks to ensure transparency concerning its interactions with public security agencies, and the company communicates to the relevant public security agencies its desire that security functions be conducted in accordance with international human rights standards for law enforcement and the use of force.
- The company has a procedure for recording security-related incidents, including a mechanism for handling complaints from staff or local communities related to the conduct of security personnel, and forwards credible allegations of human rights abuses to the relevant authorities.
- The company has a procedure for monitoring and evaluating its security arrangements, including the proportionality of the security arrangement; impact on local communities; impact on existing local tensions or conflicts; security incidents recorded; and credible allegations of human rights abuses by company security personnel. Representatives from the local community are consulted as part of the monitoring.

## Standards & Guidance

NGO and institutional resources to enhance human rights due diligence efforts by businesses.

These resources are drawn from the Business & Human Rights Resource Centre

- International Alert, *Conflict Sensitive Business Practices: Guidance for Extractive Industries* (2005)
- International Alert and Fafo Institute, *Red Flags: Liability Risks for Companies Operating in High-Risk Zones* (2008)
- International Commission of Jurists, *Report of the Expert Legal Panel on Corporate Complicity in International Crimes* (2008)
- The Dodd-Frank Wall Street Reform and Consumer Protection Act (2010)
- International Committee of the Red Cross, *Business and International Humanitarian Law* (2006)

### **Stakeholder Recommendation: Suggested due diligence steps from local actors**

**UHRC** recommends that businesses in the extractive sector implement the Voluntary Principles in their operations.

**The Institute for Human Rights and Business** recommends that oil companies ensure their investment licences include comprehensive human rights based due diligence assessments to ensure their activities do not trigger conflict.

### **Company Initiatives: Actions and priorities suggested by local and international stakeholders**

#### **Due Diligence Initiatives**

**Total:** The company has a code of conduct and a human rights guide to ensure the company acts ethically, and holds stakeholder forums to determine its impacts.

**Civil Society – Private Sector Forum:** In September 2012, the Foundation for Human Rights Initiative launched the forum to address cross-cutting challenges in Uganda and to enhance good governance and development through collaboration between civil society and the private sector. Actors in both sectors recognised the importance of the UN Guiding Principles as a framework for both the state and businesses to respect human rights.

**CNOOC** is part of the Working Group with key institutions (Human Rights Network Uganda, security organisations, Directorate of Oil and Gas in the Uganda Police Force, International Alert) formed to champion advocacy work on the Voluntary Principles.

**Tullow Oil** trains its staff on the Voluntary Principles of Security and Human Rights in high-risk areas.

## **Engagement Opportunities**

Development initiatives by public and private actors that provide opportunities for companies to contribute to human development

### **Public Sector Initiatives**

- UHRC- Human Rights Education for the Ugandan Police Force and UPDF
- USAID/Uganda Supporting Access to Justice, Fostering Peace and Equity 2012-2017



Source: [www.google.com](http://www.google.com)

# Sector Profiles

## Sector Profile: Agriculture & Fisheries

The agriculture sector, which is mainly subsistence, is the backbone of Uganda's economy and employs 66 percent of the labour force. Fifty-five percent of women are employed in agriculture. The sector is dominated by food crops (51.6 percent of agricultural production), forestry (18.2 percent) and livestock production (17.8 percent). Cash crops accounted for 7.2 percent, fishing 5.1 percent and agriculture support services accounted 0.1 percent. The agriculture sector is marked by a small scale farmers engaged in food and cash crops, horticulture, fishing and livestock farming. The goal of the government is to expedite the transformation of this sector from subsistence farming to viable commercial enterprises. Exports include coffee, tea, tobacco and cotton. Plantain, cassava, sweet potato and maize are the major subsistence crops. Livestock is also a significant source of food and livelihoods.

## Areas for Attention

- Land Acquisition



- Deforestation
- Child Labour
- Working Conditions
- Fishing Sector – vulnerability of communities to poor working conditions, child labour and to HIV and AIDs

## Rights Holders at Risk

- Women
- Children
- Informal/casual labour force

## Cases

Complaints of business-related human rights abuses filed with government bodies, the National Human Rights Institution or multilateral agencies.

**February 2015, The Observer:** Farmers in Uganda evicted by oil palm plantations filed a lawsuit against a joint venture co-owned by palm oil company Wilmar International. The farmers, with the support of Friends of the Earth Uganda, are demanding restitution and compensation for damages three years after their land was taken for plantation development.

**May 2014,** The Compliance Advisor Ombudsman, the independent accountability mechanism for the International Finance Corporation, part of the World Bank Group, is monitoring implementation of a mediated agreement between the Mubende community and New Forests Company (NFC) in Uganda.

**New Forest Company:** Under the mediated agreement with local communities in Kiboga and Mubende, both parties commit to a joint program of sustainable development, with NFC agreeing to work closely with the community to build more solid, mutually beneficial relations. The affected community, in turn, has agreed to respect NFC's legal rights and the boundaries of the government of Uganda's forest reserve and engage with the company to develop long term co-operation and cohabitation. As part of the mediation process, the affected community established a legally registered cooperative society with over 900 members which has, and will, receive financial and other support from NFC as part of the agreement. A joint development forum also created as part of the agreement facilitates



the identification of development projects for implementation by the company and/or the affected community.

March 2013, a judge ordered Kaweri Coffee Plantation, a subsidiary of Neumann Kaffee Gruppe, to pay compensation for benefitting from alleged forced evictions to clear land that was then used for the plantation. The plaintiffs had alleged that Kaweri was complicit in violent evictions, abuse of local residents and destruction of their houses by the Ugandan military. An appeal against the judgment is pending.

## **Sector Profile: Extractives**

Although Uganda's economy relies heavily on agriculture, the extractive industry is a nascent sector that the government has prioritised. Extractive activities so far have focused on minerals such as cobalt, gold, copper, iron ore, tungsten, steel and tin and industrial minerals such as limestone, sand, marble, salt and vermiculite. In 2006, Uganda discovered commercially viable oil deposits in the Albertine Graben in Western Uganda with an estimate of 2.5 billion barrels of oil. According to the Ministry of Foreign Affairs the country has discovered 21 oil fields, 120 exploration and appraisal wells drilled in the Albertine Graben to date and 106 wells have encountered oil and gas which indicates 85% drilling success worldwide. The Upstream capital investment in the industry reached a total US\$ 2.8 billion by the end of 2014 and is projected to go above the mark of US\$3billion in 2015.

The government has invested in infrastructure support, conducted assessments to ensure strict compliance with international best practice in exploration and has four active production agreements with Tullow Oil, CNOOC, and Total. Oil production could reach 200,000 barrels per day by 2020, though production is only expected to commence in 2017. The last 10 years have also seen increased artisanal, small scale, and large scale mining in the North, North Eastern, Central and South Western Uganda.

### **Areas for Attention**

- Access to Information & Participation
- Land Acquisition
- Prompt, fair and adequate compensation
- Environment
- Mining Licenses
- Working Conditions
- Occupational Health & Safety

## Rights Holders at Risk

- Persons with disabilities
- Chronically ill persons
- Older persons
- Women
- Children under 5 years
- Ethnic minorities.

## Other issues

- Human & Animal Conflict in National Parks
- Revenue Transparency & Sharing
- Security & Conflict

## Cases

Complaints of business-related human rights abuses filed with government bodies, the National Human Rights Institution or multilateral agencies.

**CEHURD v. Mukono District Local Administration, NEMA, China Communications Construction Company HCCS No. 189/2015:** In 2012, National Environmental Authority (NEMA) approved the China Communication Construction Company (CCCC) to commence stone quarrying in the villages of Bamutakudde and Kiryamuli located in Mukono Districts. As a result of the blasting, the natural water stream got contaminated, the landscape became inaccessible, and the people in the community suffered from health complications from inhaling the dust and drinking contaminated water. Case scheduled for hearing in October 2016.

**Advocates for Natural Resources v. Attorney General & Anor Constitutional Petition No. 40 of 2013:** The Constitutional Court held that Section 7 of the Land Acquisition Act was hereby nullified to the extent of its inconsistency with Article 26(2) of the Constitution with regards to compulsory acquisition of property prior to payment of compensation.

## Media Reports: Business-related human rights abuses reported by local and international NGOs and media

Date	Issue
January 2014, The Observer	The oil company Total paid Nebbi residents compensation for land that had been trampled during exploration activities in November 2012. The payments were delayed due to disagreements over compensation rates.
December 2013	Oil in Uganda: Residents in Kabaale parish, Hoima District, were compensated and given a three-month ultimatum to vacate land to make way for the construction of a refinery.

## Human Rights Guidance for Businesses

Actions and priorities suggested by local and international stakeholders for companies to respect human rights and support human development in the local context.

## Stakeholder Recommendations: Suggested due diligence steps from local actors

**UHRC** recommends that businesses in the extractive sector implement the Voluntary Principles on Security and Human Rights.

**The Institute for Human Rights and Business** recommends that oil companies ensure their investment licences include comprehensive human rights based due diligence assessments to ensure their activities do not trigger conflict.

**International Alert** recommends that oil companies have the staff and equipment necessary for oil spills to provide immediate response. This includes water spills as well as during transport through pipelines, or by train or truck. Companies should also have in place a mechanism to determine financial liability for the loss of livelihoods of fishermen or farmers who are affected by pollution.

**Greenwatch Uganda** recommends that oil companies develop communication strategies to increase the amount of information accessible to communities, including in local languages; set up resource centres to provide information on the oil sector; and encourage public participation in debates about the oil sector.

## Company Initiatives: Actions and priorities suggested by local and international stakeholders

### Due Diligence initiatives

**Total:** The oil company has a code of conduct and a human rights guide to ensure the company acts ethically, and holds stakeholder forums to determine its impacts on issues, including in regard to security.

**Civil Society – Private Sector Forum:** In September 2012, the Foundation for Human Rights Initiative launched the forum to address cross-cutting challenges in Uganda and to enhance good governance and development through collaboration between civil society and the private sector. Actors in both sectors recognised the importance of the UN Guiding Principles as a framework for both the state and businesses to respect human rights.

**Tullow Oil** provides training on the Voluntary Principles for its staff in high-risk areas. The company won the Responsible Investor Award for its role in promoting education, health and infrastructural development, and has committed to train more locals to ensure they gain employment in the oil sector.

**CNOOC** has access programs in hard-to-reach area that are viewed as part of their CSR. The program includes top-up allowances for the civil servants posted in these areas. In addition, CNOOC has assisted the local primary school by buying school supplies. It has established medical camps and promotes sanitation and hygiene in the community. CNOOC also engages with the communities and the advisory committees. The advisory committees are engaged with CNOOC on a monthly basis, and communities on a quarterly basis.

**Total E&P** and **Tullow Oil** established Community Liaison Officers in Nebbi and Hoima districts to ease communication and access to information between the companies and community members.

# UGANDA HUMAN RIGHTS COMMISSION OFFICES

## HEAD AND REGIONAL OFFICES

### **Uganda Human Rights Commission Head Office**

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P.O Box 4929 Kampala Tel: 041 348007/8

Fax 041 255261

Email: [uhrc@uhrc.ug](mailto:uhrc@uhrc.ug)

Web site: [www.uhrc.ug](http://www.uhrc.ug)

### **Arua Regional office**

Plot 70A Weather Park Head Lane Road

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Tel: 0476 420213

Fax: 0476 420214

Email : [uhrcarua@uhrc.ug](mailto:uhrcarua@uhrc.ug)

### **Central Regional Office**

Plot 98 Old Kira Road, Nsimbiziwome Zone

Next to Victory City Church, Ntinda

Before Shell Bukoto 2 Parish

P.O Box 4929 Kampala

Tel: 041 4232190/ 04144271847

Email: [uhrckampala@uhrc.ug](mailto:uhrckampala@uhrc.ug)

### **Fort Portal Regional Office**

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P.O Box 960 Fort Portal

Tel: 0483 423171

Fax 0483 22571

Email: [uhrcfortportal@uhrc.ug](mailto:uhrcfortportal@uhrc.ug)

### **Gulu Regional Office**

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### **Masaka Regional Office**

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### **Mbarara Regional Office**

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### **Moroto Regional Office**

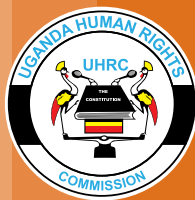
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