



# UGANDA HUMAN RIGHTS COMMISSION



## THE 25<sup>TH</sup> ANNUAL REPORT ON THE STATE OF HUMAN RIGHTS AND FREEDOMS IN UGANDA IN 2022

SUBMITTED TO THE PARLIAMENT OF THE REPUBLIC OF UGANDA



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# MAP OF UGANDA SHOWING LOCATION OF UGANDA HUMAN RIGHTS COMMISSION'S REGIONAL AND FIELD OFFICES



# FOREWORD

The Rt. Honourable Speaker of Parliament,  
Parliament of Uganda,  
P.O. Box 7178,  
Kampala.

Dear Madam,

## **UGANDA HUMAN RIGHTS COMMISSION 25<sup>th</sup> ANNUAL REPORT 2022 TO PARLIAMENT**

The Uganda Human Rights Commission has the pleasure and honour of presenting to the Parliament of the Republic of Uganda its 25<sup>th</sup> Annual Report 2022 in accordance with its constitutional and legal obligations.

The Uganda Human Rights Commission (UHRC) in accordance with Article 52 (2) of the Constitution of the Republic of Uganda, is mandated to publish periodic reports on its findings and submit annual reports to Parliament on the state of human rights and freedoms in the country. Therefore, it is in keeping and fulfilling this mandate that the Uganda Human Rights Commission has the honour and pleasure to present to you and the Parliament its 25<sup>th</sup> Annual Report.

This report comprises 11 chapters, with Chapters One to Seven dedicated to the general thematic issues and areas the Uganda Human Rights Commission monitored in the reporting period. Some of the emerging issues in 2022 included the long dry spell and famine in Karamoja, flooding, the Ebola outbreak, Bugoma Forest encroachment and related human rights concerns, and oil and gas mining and human rights implications. These issues are highlighted in Chapter Eight of this report.

The various interventions by the UHRC in accordance with our mandate of monitoring the Ugandan Government's compliance with international human rights standards are highlighted in Chapter Nine.

Chapter Ten considers the positions of bills and advisory to the Government, while Chapter Eleven considers updates on Uganda's reporting to inter-

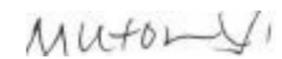
national and regional human rights mechanisms.

Our aim in presenting this Annual Report is to give the Parliament of Uganda, various Government departments, strategic partners and the general public an appraisal of the human rights situation in Uganda in the year 2022.

In the view of the UHRC, this Report presents a carefully conducted and useful assessment of the state of human rights in the country in 2022. This Report not only builds on the previously-identified challenges and recommendations but also takes note of the progress made in light of the previous reports.

It is our hope as the UHRC, that Parliament, the Executive, and all those organs to which recommendations have been made will give due attention to the respective issues. We are fully convinced that the implementation of the recommendations will greatly enhance the concept of good governance as well as the protection and promotion of human rights in our country.

For God and my Country,



**MARIAM WANGADYA**  
CHAIRPERSON,

UGANDA HUMAN RIGHTS COMMISSION

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# TABLE OF CONTENTS

ABBREVIATIONS AND ACRONYMS .....	x
ABOUT UGANDA HUMAN RIGHTS COMMISSION .....	xiv
ACKNOWLEDGEMENTS .....	xvi
UGANDA HUMAN RIGHTS COMMISSION ORGANOGRAM .....	xviii
EXECUTIVE SUMMARY .....	1

## CHAPTER ONE

### ESCALATING PRICES OF FUEL AND ESSENTIAL GOODS IN UGANDA IN 2022 ..... 8

1.1 INTRODUCTION .....	8
1.2 LEGAL AND POLICY FRAMEWORK .....	9
1.3 SITUATIONAL ANALYSIS .....	10
1.4 CAUSES OF HIGH PRICES IN FUEL AND ESSENTIAL GOODS .....	13
1.5 HUMAN RIGHTS CONCERNS ABOUT ESCALATING PRICES OF FUEL AND ESSENTIAL GOODS .....	18
1.6 GOVERNMENT INTERVENTIONS TO ADDRESS THE ESCALATING PRICES OF FUEL, COOKING OIL AND LAUNDRY BAR SOAP .....	24
1.7 CHALLENGES IN ADDRESSING THE ESCALATING PRICES OF ESSENTIAL COMMODITIES .....	24
1.8 RECOMMENDATIONS .....	25
1.9 CONCLUSION .....	25

## CHAPTER TWO

### ENVIRONMENTAL DEGRADATION AND THE HUMAN RIGHTS IMPLICATIONS ..... 26

2.1 INTRODUCTION .....	26
2.2 LEGAL AND POLICY FRAMEWORK .....	27
2.3 TYPES OF ENVIRONMENTAL DEGRADATION .....	28
2.4 CAUSES OF ENVIRONMENTAL DEGRADATION .....	29
2.5 SITUATIONAL ANALYSIS .....	29
2.6 HUMAN RIGHTS CONCERNS .....	41
2.7 GOVERNMENT'S INTERVENTIONS .....	44
2.8 RECOMMENDATIONS .....	45
2.9 CONCLUSION .....	45

## CHAPTER THREE

### WATER BODY MISUSE: THE HUMAN RIGHTS CONCERNS ..... 46

3.1 INTRODUCTION .....	46
3.2 LEGAL AND POLICY FRAMEWORK .....	46
3.3 WATER BODY USAGE .....	48
3.4 SITUATIONAL ANALYSIS .....	49
3.5 INSTITUTIONS RESPONSIBLE FOR WATER BODY MANAGEMENT .....	55
3.6 WATER BODY MISUSE AND THE ATTENDANT HUMAN RIGHTS CONCERNS .....	57
3.7 RECOMMENDATIONS .....	58
3.8 CONCLUSION .....	58

## CHAPTER FOUR

### THE RIGHT TO SOCIAL SECURITY IN UGANDA AND THE HUMAN RIGHTS CONCERNS IN 2022 ..... 59

4.1 INTRODUCTION .....	59
4.2 LEGAL AND POLICY FRAMEWORK .....	59
4.3 NORMATIVE CONTENT OF THE RIGHT TO SOCIAL SECURITY .....	60
4.4 SITUATIONAL ANALYSIS .....	62
4.5 RECOMMENDATIONS .....	75
4.6 CONCLUSION .....	75

## CHAPTER FIVE

### WOMEN EMPOWERMENT IN UGANDA: ARE WE THERE YET? ..... 76

5.1 INTRODUCTION .....	76
5.2 LEGAL AND POLICY FRAMEWORK .....	76
5.3 SITUATIONAL ANALYSIS .....	79
5.4 HUMAN RIGHTS CONCERNS .....	88
5.5 RECOMMENDATIONS .....	94
5.6 CONCLUSION .....	94

## CHAPTER SIX

### RELIGIOUS FREEDOMS IN UGANDA AND THE HUMAN RIGHTS IMPLICATIONS ..... 95

6.1 INTRODUCTION .....	95
6.2 LEGAL AND POLICY FRAMEWORK .....	96
6.3 POSITIVE ATTRIBUTES OF RELIGION .....	97
6.4 ELEMENTS OF THE RIGHT TO RELIGION .....	98
6.5 SITUATIONAL ANALYSIS .....	101
6.6 HUMAN RIGHTS CONCERNS .....	107
6.7 RECOMMENDATIONS .....	114
6.8 CONCLUSION .....	114

## CHAPTER SEVEN

### WORKING CONDITIONS OF PUBLIC SERVANTS IN UGANDA ..... 115

7.1 INTRODUCTION .....	115
7.2 LEGAL AND POLICY FRAMEWORK .....	115
7.3 SITUATIONAL ANALYSIS .....	118
7.4 HUMAN RIGHTS CONCERNS .....	124
7.5 GOVERNMENT INTERVENTIONS .....	128
7.6 RECOMMENDATIONS .....	129
7.7 CONCLUSION .....	129

**CHAPTER EIGHT**  
**EMERGING HUMAN RIGHTS ISSUES IN 2022 ..... 130**

8.1 LONG DRY SPELL AND FAMINE IN KARAMOJA ..... 130  
 8.2 BUGOMA FOREST ..... 151  
 8.3 UGANDA EBOLA OUTBREAK ..... 162  
 8.4 OIL AND GAS ..... 173  
 8.5 FLOODS ..... 190

**CHAPTER NINE**  
**HIGHLIGHTS OF THE UHRC'S INTERVENTIONS IN 2022 ..... 200**

9.1 COMPLAINTS MANAGEMENT ..... 200  
 9.2 CONDITIONS IN PLACES OF DETENTION ..... 211  
 9.3 HUMAN RIGHTS AND CIVIC EDUCATION IN 2022 ..... 234  
 9.4 FINANCE AND ADMINISTRATION IN THE FINANCIAL YEAR 2021/2022 ..... 257

**CHAPTER TEN**  
**THE UHRC'S POSITIONS ON BILLS AND ITS ADVISORY ROLE TO THE UGANDAN GOVERNMENT ..... 265**

10.1 INTRODUCTION ..... 265  
 10.2 UHRC'S POSITION ON THE COMPETITION BILL, 2022 ..... 265  
 10.3 THE UHRC'S POSITION ON THE HUMAN ORGAN TRANSPLANT AND DONATION BILL ..... 269

**CHAPTER ELEVEN**  
**UPDATES ON UGANDA'S REPORTING TO INTERNATIONAL AND REGIONAL HUMAN RIGHTS MECHANISMS ..... 274**

11.1 INTRODUCTION ..... 274  
 11.2 RATIFICATION PROCESS IN UGANDA ..... 274  
 11.3 DOMESTICATION ..... 276  
 11.4 TREATY BODY REPORTING PROCESS ..... 280  
 11.5 UGANDA'S REPORTING STATUS IN 2022 ..... 280  
 11.6 UN SPECIAL PROCEDURES MANDATE HOLDERS ..... 281  
 11.7 CHALLENGES OF TREATY BODY REPORTING AND IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS ..... 282  
 11.8 RECOMMENDATIONS ..... 282  
 11.9 CONCLUSION ..... 282

**LIST OF FIGURES**

**Figure 1:** Trends of national average retail prices of petrol in 2022 ..... 12  
**Figure 2:** Trends in the price of refined cooking oil in January-May 2022 ..... 12  
**Figure 3:** National average prices of laundry bar soap January-May 2022 ..... 13  
**Figure 4:** Trends of annual consumer price index and inflation rates in 2022 ..... 16  
**Figure 5:** Forms of environmental degradation and frequency ..... 30  
**Figure 6:** Perpetrators of environmental degradation and frequency ..... 30  
**Figure 7:** Top five areas with tree loss cover in Uganda ..... 32  
**Figure 8:** Urban population data by census and year ..... 40  
**Figure 9:** Licensed entities and service providers of social security by 2021 ..... 63  
**Figure 10:** Percentage coverage of the social security sector in Uganda, 2022 ..... 64  
**Figure 11:** The positive trend in NSSF membership over five years (2017-2022) ..... 65  
**Figure 12:** Global Gender Gap Report 2022 ..... 80  
**Figure 13:** district Women MPs 1996-2021 ..... 81  
**Figure 14:** Illustration of Members of Parliament by gender ..... 81  
**Figure 15:** Factors that motivated workers to join the public service ..... 121  
**Figure 16:** Projected acute food insecurity in Karamoja August 2022-February 2023 ..... 132  
**Figure 17:** Map of Bugoma Forest indicating the area of encroachment and grassland ..... 151  
**Figure 18:** A copy of the Bugoma Forest Restoration Order ..... 157  
**Figure 19:** Distribution of Ebola virus disease outbreaks in Uganda, 2000-2012 ..... 164  
**Figure 20:** Ministry of Health Ebola daily case incidence ..... 167  
**Figure 21:** Organisation of Ebola responses at the national level ..... 170  
**Figure 22:** Oil second licensing round ..... 175  
**Figure 23:** East African Crude Oil Pipeline ..... 179  
**Figure 24:** East African Crude Oil Pipeline map ..... 181  
**Figure 25:** Tabulation of agreements signed with PAPs ..... 182  
**Figure 26:** Petroleum Prospectivity ..... 183  
**Figure 27:** Contractor and supplier rights presentation by Total Energies ..... 184  
**Figure 28:** Refined Products Pipeline Project ..... 186  
**Figure 29:** Complainants disaggregated by gender per regional office ..... 201  
**Figure 30:** Percentage of complainants by age category ..... 202  
**Figure 31:** Percentage of complainants who called the UHRC toll-free lines by gender ..... 205  
**Figure 32:** Nature of violations registered at UHRC ..... 206  
**Figure 33:** Composition of the prison population ..... 213  
**Figure 34:** Trends of convicts, remands, and debtors in 2022 ..... 214  
**Figure 35:** Monthly population trends of prisoners in 2022 ..... 216  
**Figure 36:** Participants reached per regional office disaggregated by gender during the roadshows ..... 238  
**Figure 37:** Call-ins on radio talk shows by gender per UHRC office in 2022 ..... 247  
**Figure 38:** Trend analysis of spot messages, 2018-2022 ..... 248  
**Figure 39:** Funding contribution by GoU and development partners ..... 258

## LIST OF TABLES

<b>Table 1:</b> Sampled districts according to traditional sub-regions.....	9	<b>Table 42:</b> Police monthly crime statistical summary (January-December 2022) .....	218
<b>Table 2:</b> Multi-tier social security sector coverage by 2021 .....	62	<b>Table 43:</b> National coverage of police stations and police posts.....	218
<b>Table 3:</b> Number of beneficiaries by social security schemes in 2022.....	64	<b>Table 44:</b> Dilapidated police facilities.....	220
<b>Table 4:</b> NSSF membership for the last five years .....	68	<b>Table 45:</b> Mortality rates per region in 2022.....	230
<b>Table 5:</b> Uganda’s population by age group at mid-year 2021.....	79	<b>Table 46:</b> Prison service staff capacity .....	232
<b>Table 6:</b> Global Gender Gap Index in some East African Countries .....	80	<b>Table 47:</b> Number of participants who attended the baraza disaggregated by gender per UHRC regional office .....	235
<b>Table 7:</b> Number of women MPs by mode of designation.....	81	<b>Table 48:</b> Contributions from development partners .....	257
<b>Table 8:</b> Working age population characteristics .....	84	<b>Table 49:</b> GoU and external funding to the UHRC over the last five years .....	258
<b>Table 9:</b> Literacy rate for the population aged ten years and above, 2009-2017 .....	85	<b>Table 50:</b> Staffing levels for the year ending December 2022.....	258
<b>Table 10:</b> Percentage distribution of the population by religion.....	101	<b>Table 51:</b> Recruitment and exit of staff in 2022 .....	259
<b>Table 11:</b> Staff positions with corresponding salaries among selected ministries, departments and agencies.....	120	<b>Table 52:</b> Training programmes conducted by the UHRC .....	259
<b>Table 12:</b> Type of abuse reported by public officers.....	125	<b>Table 53:</b> Coverage of UHRC regional and field offices.....	260
<b>Table 13:</b> Statistics from Karenga District Local Government .....	133	<b>Table 54:</b> Status of UHRC fleet .....	261
<b>Table 14:</b> Number of deaths in Kaabong district per age.....	133	<b>Table 55:</b> Open days and corporate social responsibility .....	263
<b>Table 15:</b> Number of deaths in each sub-county in Kaabong district .....	134	<b>Table 56:</b> Observations and recommendations on the Competition Bill.....	267
<b>Table 16:</b> Statistics from Kaabong District Local Government .....	134	<b>Table 57:</b> Ratification status for Uganda as at 10 February 2023.....	275
<b>Table 17:</b> Registered deaths in Napak district.....	140	<b>Table 58:</b> Provisions of the ICCPR domesticated into national law in Uganda .....	276
<b>Table 18:</b> Statistics from Moroto District Local Government.....	141		
<b>Table 19:</b> Statistics from Kotido District Local Government .....	142		
<b>Table 20:</b> Case fatality rate of Ebola virus disease, 2000-2022 .....	163		
<b>Table 21:</b> Previous Ebola outbreaks in Uganda .....	165		
<b>Table 22:</b> Number of complaints received by the UHRC regional offices in 2022 .....	200		
<b>Table 23:</b> Number of complaints registered by the UHRC regional offices in 2022 .....	201		
<b>Table 24:</b> Number of complainants disaggregated by gender per regional office .....	201		
<b>Table 25:</b> Complainants disaggregated by age .....	202		
<b>Table 26:</b> Complaints disaggregated by age per regional office .....	202		
<b>Table 27:</b> Mobile complaints-handling clinics conducted in 2022.....	203		
<b>Table 28:</b> Number of toll-free line callers disaggregated by gender per regional office in 2022 .....	205		
<b>Table 29:</b> Violations registered at the UHRC regional offices in 2022 .....	206		
<b>Table 30:</b> Categorisation of respondents by regional office and number of complaints registered against each respondent .....	207		
<b>Table 31:</b> Complaints investigated per regional office.....	207		
<b>Table 32:</b> Investigations initiated by the UHRC per regional office .....	208		
<b>Table 33:</b> Number of complaints referred per regional office.....	209		
<b>Table 34:</b> Complaints handled through mediation per regional office .....	209		
<b>Table 35:</b> Complaints disposed of by UHRC Tribunal .....	209		
<b>Table 36:</b> The nature of complaints total compensation amounts awarded by the Tribunal in 2022 .....	210		
<b>Table 37:</b> Summary of caseload per regional office for matters partially heard and pending hearing.....	210		
<b>Table 38:</b> Number of detention facilities inspected by UHRC in 2022.....	212		
<b>Table 39:</b> Prison population on 31 December 2022.....	213		
<b>Table 40:</b> Police national coverage.....	214		
<b>Table 41:</b> Regional population of prisoners .....	217		

# ABBREVIATIONS AND ACRONYMS

**ABSA** Amalgamated Banks of South Africa Limited

**ACHPR** African Charter on Human and People's Rights

**ACHPR** African Commission on Human and Peoples' Rights

**ACME** African Centre for Media Excellence

**ACRWC** African Charter on the Rights and Welfare of the Child

**ACTV** African Centre for Treatment and Rehabilitation of Torture Victims

**ADB** African Development Bank

**AEL** Armour Energy Limited

**AFI** Acute Food Insecurity

**AFIEGO** Africa Institute for Energy Governance

**AGRC** Albertine Graben Refinery Consortium

**AIDS** Acquired Immunodeficiency Syndrome

**ANC** Antenatal care

**App** Application

**ARVs** Antiretroviral treatments

**BOU** Bank of Uganda

**BSFP** Blanket Supplementary Feeding Programme

**C/ASP** Cadet/Assistant Superintendent of Police

**Cap** Chapter

**CAT** Convention Against Torture and Other Cruel, Inhuman Degrading Treatment or Punishment

**CBA** Collective Bargain Agreement

**CBR** Central bank rate

**CDO** Community Development Officer

**CEDAW** Convention on the Elimination of all forms of Discrimination Against Women

**CAO** Chief Administrative Officer

**CERD** Convention on the Elimination of All Forms of Racial Discrimination

**CEFROHT** Center for Food and Adequate Living Rights

**CESCR** Committee of Economic, Social and Cultural Rights

**CFR** Central forest reserve

**CIPESA** Collaboration on International ICT Policy for East and Southern Africa

**CIPS** Chartered Institute of Procurement and Supply

**CITES** Convention on International Trade in Endangered Species

**CMI** Chieftaincy of Military Intelligence

**CMS** Church Missionary Society

**CNOOC** China National Offshore Oil Corporation

**COMESA** Common Market for Eastern and Southern Africa

**COVID-19** Coronavirus disease (2019)

**CPA** Certified public accountants

**CPF** Central Processing Facility

**CPI** Consumer Price Index

**CPO** Crude palm oil

**CPS** Central Police Station

**CRC** Convention on the Rights of the Child

**CRR** Cash reserve requirement

**CSA** Crude supply agreement

**CSOs** Civil society organisations

**CUUL** Consortium of Uganda University Libraries

**DEA** Directorate of Environmental Affairs

**DESSS** Department of Environment Sector Support Services

**DFID** The Department for International Development

**DGF** Democratic Governance Facility

**DIS** Direct income support

**DLG** District local government

**DOB** Date of birth

**Dr** Doctor

**DRC** Democratic Republic of Congo

**DRDIP** Development Response to Displacement Impact Project

**DWD** Directorate of Water Development

**DWRM** Directorate of Water Resources Management

**E&P** Exploration and production

**EAC** East African Community

**EACOP** East African Crude Oil Pipeline

**E-books** Electronic books

**EC** Electoral Commission

**EMTCT** Elimination of mother-to-child transmission

**EOC** Equal Opportunities Commission

**E-resources** Electronic resources

**ESCRs** Economic, Social and Cultural Rights

**ESIA** Environmental and Social Impact Assessment

**EU** European Union

**EVD** Ebola virus disease

**F** Female

**FAO** Food and Agricultural Organization

**FEED** Front-End Engineering Design

**FEWSNET** Famine Early Warning Systems Network

**FGM** Female genital mutilation

**FIAN** Foodfirst Information and Action Network

**FID** Final Investment Decision

**FIEFOC** Farm Income Enhancement and Forestry Conservation

**FPU** Fisheries Protection Unit

**FSSD** Forestry Sector Support Department

**FY** Financial year

**GAM** Global acute malnutrition

**GBV** Gender-based violence

**GDP** Gross domestic product

**GEC** Gender and Equity Certificate

**GIZ** German Agency for International Cooperation

**GKMA** Greater Kampala Metropolitan Area

**GoU** Government of Uganda

**GSP** Governance and Security Programme

**H.E.** His Excellency

**HAART** Highly active antiretroviral therapy

**HEP** Hydroelectric power

**HGAs** Host government agreements

**HIV** Human Immunodeficiency Virus

**Hon.** Honourable

**HRBA** Human rights-based approach

**HRO** Human Rights Officer

**HRPC** Human Rights and Peace Clubs

**HSDP** Health Sector Development Plan

**HSE** Health, safety and environment

**IA** Implementation agreement

**ICCPR** International Covenant on Civil and Political Rights

**ICESCR** International Covenant on Economic, Social and Cultural Rights

**ICT** Information and communication technology

**IDA** International Development Association

**IDs** Identity cards

**IEC** Information, education and communication

**IESCR** International Covenant on Economic, Social and Cultural Rights

**IFRC** International Federation of Red Cross

**IGG** Inspector General of Government

**ILO** International Labour Organization

**IMC** Inter-Ministerial Committee

**IPC** Integrated Food Security Phase Classification

**IPPS** Integrated Personnel and Payroll System

**IPT** Intermittent preventive treatment

<b>ISER</b>	Institute for Social Economic Rights	<b>NFA</b>	National Forestry Authority	<b>RWCs</b>	Refugee Welfare Councils	<b>UNMA</b>	Uganda National Meteorological Authority
<b>JLOS</b>	Justice, Law and Order Sector	<b>NGO</b>	Non-governmental organisation	<b>SACCO</b>	Savings and Credit Cooperative Organisation	<b>UNOC</b>	Uganda National Oil Company
<b>KCCA</b>	Kampala Capital City Authority	<b>NIRA</b>	National Identification and Registration Authority	<b>SAGE</b>	Social Assistance Grants for Empowerment	<b>UPDF</b>	Uganda People's Defence Forces
<b>KFM</b>	Kampala frequency modulation	<b>NOGTR</b>	National Oil and Gas Talent Register	<b>SCG</b>	Senior Citizens Grant	<b>UPE</b>	Universal Primary Education
<b>LC III</b>	Local council three	<b>NRM</b>	National Resistance Movement	<b>SDG</b>	Sustainable Development Goal	<b>UPF</b>	Uganda Police Force
<b>LDC</b>	Law Development Centre	<b>NSD</b>	National Supplier Database	<b>SGBV</b>	Sexual gender-based violence	<b>UPPC</b>	Uganda Printing and Publishing Corporation
<b>LGBTI</b>	Lesbian, gay, bisexual, transgender and intersex	<b>NSSF</b>	National Social Security Fund	<b>SHA</b>	Shareholders agreement	<b>UPR</b>	Universal Periodic Review
<b>LGs</b>	Local governments	<b>NTR</b>	Non-tax-revenue	<b>SSS</b>	Senior secondary school	<b>UPS</b>	Uganda Prisons Service
<b>LOA</b>	Letter of acceptance	<b>NUP</b>	National Unity Platform	<b>STEM</b>	Science, technology, engineering and maths	<b>UPSCBP</b>	Capacity Building Plan for the Uganda Public Service
<b>LRC</b>	Law Reform Commission	<b>NUSAF</b>	Northern Uganda Social Action Fund	<b>T/C</b>	Trading centre	<b>UPSTU</b>	Uganda Professional Science Teachers' Union
<b>M</b>	Male	<b>NWP</b>	National Water Policy	<b>TEPU</b>	Total Exploration and Production Uganda Ltd	<b>URA</b>	Uganda Revenue Authority
<b>MRV</b>	Measurement reporting and verification	<b>NWSC</b>	National Water and Sewerage Corporation	<b>TOT</b>	Training of trainers	<b>URBRA</b>	Uganda Retirement Benefits Regulatory Authority
<b>MDAs</b>	Ministries, departments and agencies	<b>O/C</b>	Officer-in-charge	<b>TPDC</b>	Tanzania Petroleum Development Corporation	<b>USD</b>	United States Dollars
<b>MDGs</b>	Millennium Development Goals	<b>ODPP</b>	Office of the Director of Public Prosecutions	<b>TTA</b>	Transport and Tariff Agreement	<b>USE</b>	Universal Secondary Education
<b>MFCA</b>	Murchison Falls Conservation Area	<b>OGTAU</b>	Oil and Gas Trainers Association of Uganda	<b>UBOS</b>	Uganda Bureau of Statistics	<b>UWA</b>	Uganda Wildlife Authority
<b>MoAAIF</b>	Minister of Agriculture, Animal Industry and Fisheries	<b>OPEC</b>	Organization of Petroleum Exporting Countries	<b>UDHR</b>	Universal Declaration of Human Rights	<b>UWEP</b>	Uganda Women Entrepreneurship Programme
<b>MoEMD</b>	Ministry of Energy and Mineral Development	<b>OPM</b>	Office of the Prime Minister	<b>UGX</b>	Uganda shillings	<b>VR</b>	Virtual reality
<b>MoES</b>	Ministry of Education and Sports	<b>PAPs</b>	Project affected persons	<b>UHRC</b>	Uganda Human Rights Commission	<b>WDD</b>	Water Development Department
<b>MoFPED</b>	Ministry of Finance, Planning and Economic Development	<b>PAU</b>	Petroleum Authority of Uganda	<b>UIA</b>	Uganda Investment Authority	<b>WFP</b>	World Food Programme
<b>MoGLSD</b>	Ministry of Gender, Labour and Social Development	<b>PAYE</b>	Pay As You Earn	<b>UMSWG</b>	Uganda Media Sector Working Group	<b>WHO</b>	World Health Organization
<b>MoJCA</b>	Ministry of Justice and Constitutional Affairs	<b>PDM</b>	Parish Development Model	<b>UMWA</b>	Uganda Media Women's Association	<b>WHRDN-U</b>	Women Human Rights Defenders Network-Uganda
<b>MoWE</b>	Ministry of Water and Environment	<b>PFA</b>	Project Framework Agreement	<b>UN</b>	United Nations	<b>WSDSP</b>	Workforce Skills Development Strategy and Plan
<b>MoWT</b>	Ministry of Works and Transport	<b>PFMA</b>	Public Finance Management Act	<b>UNATU</b>	Uganda National Teachers' Union	<b>YLP</b>	Youth Livelihood Programme
<b>MPs</b>	Members of Parliament	<b>PGD</b>	Post Graduate Diploma	<b>UNHRC</b>	United Nations Human Rights Council		
<b>Mt</b>	Mountain	<b>PM</b>	Prime Minister	<b>UNDP</b>	United Nations Development Programme		
<b>MUBS</b>	Makerere University Business School	<b>POA</b>	Power of attorney	<b>UNEB</b>	Uganda National Examinations Board		
<b>MURBS</b>	Makerere University Retirement Benefits Scheme	<b>POMA</b>	Public Order Management Act 2013	<b>UNFCCC</b>	United Nations Framework Convention on Climate Change		
<b>MW</b>	Megawatt	<b>PRI</b>	Penal Reform International	<b>UNFPA</b>	United Nations Population Fund		
<b>NAADS</b>	National Agricultural Advisory Services	<b>PSAs</b>	Production sharing agreements	<b>UNGA</b>	United Nations General Assembly		
<b>NBCBN</b>	Nile Basin Capacity Building Network	<b>PSPS</b>	Public Service Pension Scheme	<b>UNHCR</b>	Office of the United Nations High Commissioner for Refugees		
<b>NCCP</b>	National Climate Change Policy	<b>PSRRC</b>	Public Service Review and Re-organisation Commission	<b>UNHS</b>	Uganda National Household Survey		
<b>NCS</b>	National Council of Sports	<b>PST</b>	Public sector	<b>UNICEF</b>	United Nations Children's Fund		
<b>NDP</b>	National Development Plan	<b>PWDs</b>	Persons with disabilities				
<b>NEMA</b>	National Environment Management Authority	<b>RAPEX</b>	European Rapid Alert system for dangerous products				
		<b>RCC</b>	Resident City Commissioner				
		<b>REA</b>	Rural Electrification Agency				
		<b>RLP</b>	Refugee Law Project				

# ABOUT UGANDA HUMAN RIGHTS COMMISSION

## WHO WE ARE

### Our Vision

A SOCIETY THAT RESPECTS HUMAN RIGHTS AND FULFILS CIVIC OBLIGATIONS.

## WHAT WE ASPIRE TO DO

### Mission Statement

TO PROTECT AND PROMOTE FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS IN UGANDA FOR SUSTAINABLE DEVELOPMENT.

### Our Corporate Values

- Integrity, transparency and accountability
- Fairness in the execution of functions and mandate
- Dignity of the person is central
- Independence, credibility and reliability as a national human rights institution
- Quality of service delivery
- Non-discrimination

### Mandate

The functions of UHRC as per Article 52 (1) of the Constitution of the Republic of Uganda, 1995, are as follows:

- To investigate, at its own initiative or on a complaint made by any person or group of persons against the violation of any human right;
- To visit jails, prisons, and places of detention or related facilities with a view of assessing and inspecting conditions of the inmates and make recommendations;
- To establish a continuing programme of research, education and information to enhance respect of human rights;
- To recommend to Parliament effective measures to promote human rights including provision of compensation to victims of violations of human rights, or their families;
- To create and sustain within society the awareness of the provisions of this Constitution as the fundamental law of the people of Uganda;
- To educate and encourage the public to defend this Constitution at all times against all forms of abuse and violation;

- To formulate, implement, and oversee programmes intended to inculcate in the citizens of Uganda awareness of their civic responsibilities and an appreciation of their rights and obligations as free people;
- To monitor the Government's compliance with international treaty and convention obligations on human rights; and
- To perform such other functions as may be provided by law.

Article 52(2) requires UHRC to publish periodic reports and submit annual reports to Parliament on the State of human rights and freedoms in the country.

Article 52(3) states that in the performance of its functions, the Uganda Human Rights Commission shall:

- Establish its operational guidelines and rules of procedure;
- Request the assistance of any department, bureau, office, agency or person in the performance of its functions; and
- Observe the rules of natural justice.

Furthermore, Article 48 (1) of the Constitution grants UHRC an intervention role in situations where a State of Emergency has been declared: "The Uganda Human Rights Commission shall review the case of any person who is restricted or detained under emergency laws".

### POWERS OF THE UHRC

Under Article 53(1), UHRC has powers:

- To issue summons or other orders requiring the attendance of any person before UHRC and the production of any document or record relevant to any investigation by UHRC;
- To question any person in respect of any subject matter under investigation before UHRC;

- To require any person to disclose any information within his/her knowledge relevant to any investigation by UHRC; and
- To commit persons for contempt of its orders.

The UHRC may, if satisfied that there has been an infringement of a human right or freedom, order:

- The release of a detained or restricted person;
- Payment of compensation; or
- Any other legal remedy or redress.

### INDEPENDENCE OF THE UHRC

Article 54 states that UHRC shall be independent and shall not, in the performance of its duties, be subject to the direction or control of any person or authority.

### EXPENSES OF THE UHRC

Article 55 provides that UHRC shall be self-accounting and all the administrative expenses, including salaries, allowances and pensions payable to persons serving with UHRC, shall be charged on the Consolidated Fund.

The Chairperson and other members of UHRC shall be paid such salaries and allowances as Parliament may prescribe.

### REMOVAL OF A MEMBER OF UHRC

Under Article 56, the provisions of the Constitution relating to the removal of a judge of the High Court from office shall, with the necessary modifications, apply to the removal from office of a member of UHRC.

### STAFF OF UHRC

UHRC appoints officers and other employees in consultation with the Public Service Commission.

### OTHER LAWS GOVERNING UHRC

The laws that regulate and facilitate the performance of the functions of UHRC are the Uganda Human Rights Commission Act, 1997 and Uganda Human Rights Commission Rules of Procedures, 1998.

# ACKNOWLEDGEMENTS

The Uganda Human Rights Commission (UHRC) has come to the end of yet another year of execution of its constitutional mandate. The complex mandate that revolves, majorly, around the protection and promotion of human rights involves many processes, including stakeholder and public engagements, research and complaints handling, all in an effort to reach out and protect the rights of mostly the vulnerable, those that require protection because of, among others, their age, disability, social, political and economic positioning.

Critical topics that relate to human rights concerns identified by UHRC for the 25<sup>th</sup> Annual Report are as follows: high fuel and commodity prices, water body misuse and pollution, environmental degradation, the right to social security in Uganda and women's empowerment in Uganda, working conditions of public servants in Uganda. The report also contains emerging issues, highlights of UHRC's interventions in 2022, updates on Uganda's reporting to international and regional human rights mechanisms and the Ugandan Government's compliance with UHRC's recommendations.

The Uganda Human Rights Commission acknowledges the technical and financial support of the Government of Uganda (GoU), development partners and civil society in the execution of her mandate. Special appreciation goes to the Governments of France and Germany (GIZ); the Justice, Law and Order Sector (JLOS), now called Governance and Security; the United Nations Development Programme (UNDP); the United Nations Children's Fund (UNICEF); the United Nations Fund for Population Activities (UNFPA) and the United Nations Office of the High Commissioner for Human Rights (UNOHCHR) for all the support extended to UHRC for the successful production of this Report.

The Chairperson, Hon. Mariam Wangadya and honorary members of UHRC in the reporting period are acknowledged in a special way for providing political leadership, policy guidance and strategic direction that steered the process leading to the production of this report.

Special gratitude goes to the Members of the Editorial Board, in particular, Hon. Crispin Kaheru (Member of UHRC); Hon. Jacklet Atuhaire (Member of UHRC); Hon. Shifra Lukwago (Member of UHRC); Hon. Omara Apitta Lamex (Member of UHRC); Hon. Col (Rtd) Stephen Basaliza (Member of UHRC); Hon. Simeo Nsubuga (Member of UHRC); Margaret Lucy Ejang (Ag. Secretary); as well as Directors Ms Ruth Ssekindi, Mr Christopher Turigye, Ms Ida Nakiganda, Mr Kamadi Byonabye and Ms Sarah Nakhumitsa; Mr Mukasa Charles, the UHRC planner; Ms Pauline Nansamba and Ms Priscilla Nyarugoye.

The Report was also greatly facilitated by the drafting Committee members' expertise, skills and knowledge, including directors Ms Ruth Ssekindi, Mr Christopher Turigye, Ms Ida Nakiganda, Mr Kamadi Byonabye, and Ms Sarah Nakhumista. The other drafters included Ms Sarah Birungi, Ms Josephine Akello, Mr Farouk Nyende, Ms Diana Akampereza, Ms Phiona Opoka, Ms Betty Enangu, Mr Bosco Okurut, Ms Sheila Bwebare, Ms Pauline Nansamba, Mr Nicholas Ogwang, Ms Daisy Kurukuru, Ms Nanyonjo Rebecca, Ms Roselyn Amayo, Ms Jennifer Namuyanja, Ms Twembi Theopista, Mr Paul Piramoe, Ms Veronica Nabasinga, Ms Hope Bagote, Ms Dorcus Musmenta, Ms Asha Nakiwate, Ms Immaculate Akullu, Mr Charles Mukasa, Ms Jashmin Kasuja, Ms Vicky Auma, Ms Ester Juuko, Ms Dora Namaganda, Ms Akello Ann Grace and Ms Priscilla Nyarugoye.

The UHRC further acknowledges the work done by its Directorate of Monitoring and Inspections, in Particular by Director Ms Ruth Ssekindi and her team Ms Priscilla Nyarugoye, Ms Hope Bagota, Ms Sarah Birungi, Ms Diana Akampereza and Ms Timat Anna Grace for coordination, preparation and compilation of this report.

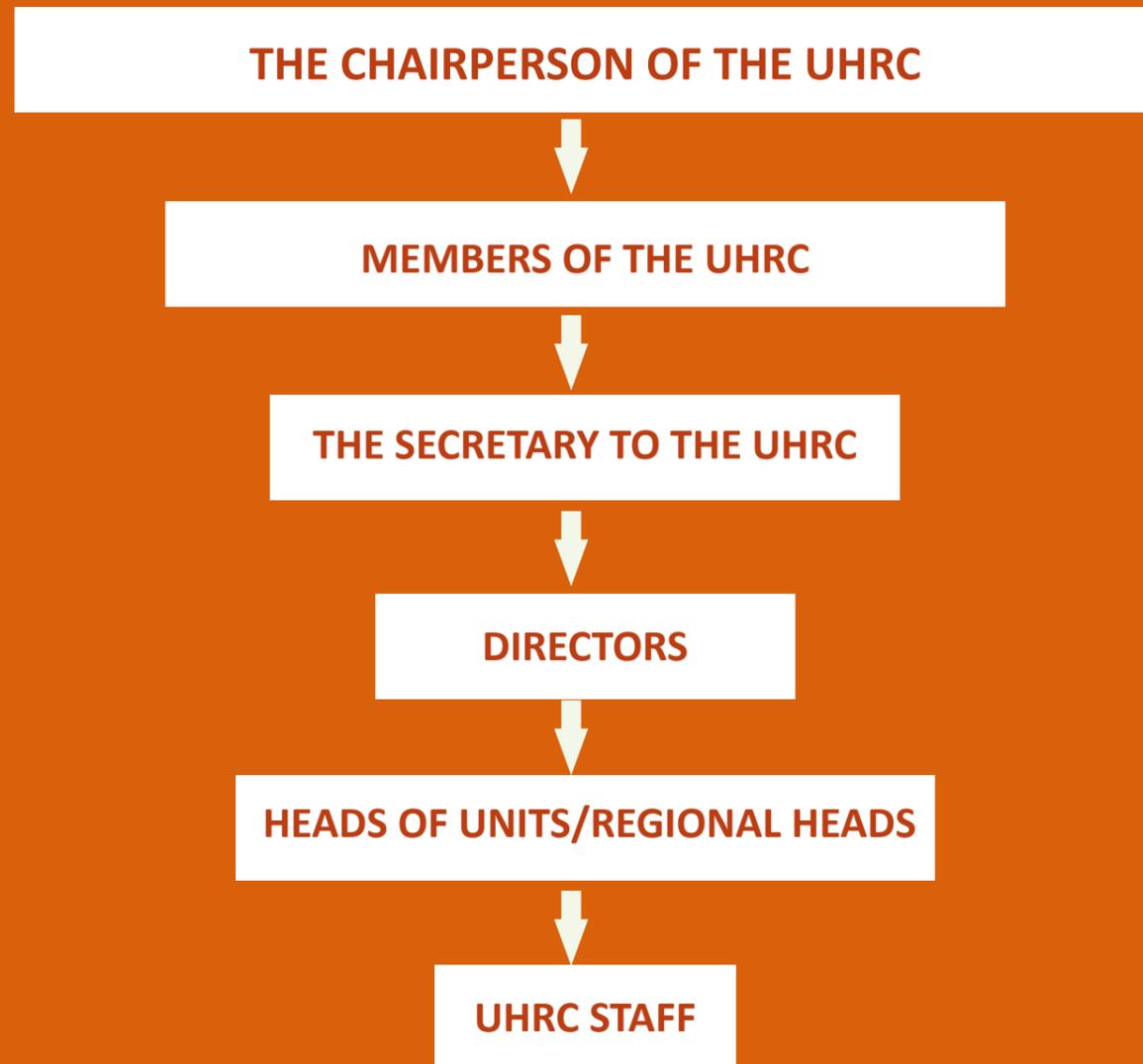
The UHRC further acknowledges and appreciates the contributions made by individuals and organisations during the consultative process including: Mr Eron Kiiza, Chief Executive Director, the Environmental Shield, Mr Lukungu Bashir, Head Research Monitoring and Evaluation, Lt Col Henry Kyobe Bosa, Incident Commander Ministry of Health, Mr John Robert Turyakira Deputy Executive Director, The Environmental Shield, Dr, Pastor, Martin Ssempe Makerere Community Church, Mr Twesigye Bashir Chairperson, Civil Society Coalition on Oil and Gas, Mr Dickens Kamugisha Chief Executive Officer AFIEGO, Ms, Caroline Bunga Idembe Team Leader Legal/Policy Advocacy Partnerships, Inter-Religious Council of Uganda, Mr Tebanyanga Emmanuel Policy Analyst Karamoja Energy and Mineral Development, Atori Elizabeth Legal Officer Initiative for Social Economic Rights (ISER), Mr. Brain O Kabalega Ministry of Energy and Mineral Development, Mr Bazira Henry Executive Director Water Governance Institute, Ms Firmina Acuba Senior

Sociologist Ministry of Water and Environment, Mr Gilbert Sendugwa Chief Executive Officer Africa Freedom of Information Center (AFIC), Hon. Dr Miria Matembe Senior Citizen and Former Minister for Ethics and Integrity, Ms Brenda Akankunda Coordinator SEATINI, Ms Anne Nakafeero Senior District Support Officer, Mr Moses Bekabye Technical Advisor Ministry of Finance Planning and Economic Development, Mr Anthony Masake Ag. Executive Director Chapter Four Uganda, Dr Livingstone Sewanyana Executive Director Foundation for Human Rights Initiatives, Ms Daphine Nyaduri Senior Secretary Ministry of Foreign Affairs, Ms Grace Pelly Deputy Country Representative Office of High Commissioner for Human Rights, and Ms Rita Aciro Executive Director Uganda Women's Network (UWONET).



**MARGARET LUCY EJANG**  
SECRETARY, UGANDA HUMAN RIGHTS COMMISSION

# UGANDA HUMAN RIGHTS COMMISSION ORGANOGRAM



## EXECUTIVE SUMMARY

The 25<sup>th</sup> Annual Report of the Uganda Human Rights Commission (UHRC) presents Uganda’s human rights and freedoms situation in 2022. The Report covers both the activities the UHRC carried out and an assessment of human rights in the country in 2022. It is based on the UHRC’s monitoring and documenting throughout the reporting year, complaints of human rights violations and research on thematic human rights areas conducted in 2022. In each chapter, the UHRC makes recommendations to relevant authorities to improve the human rights situation under review.

The Report comprises 11 chapters, with the first eight covering thematic issues and the subsequent three presenting highlights of the interventions undertaken by the UHRC in 2022. The last chapter focuses on Uganda’s reporting to international and regional treaty bodies. The human rights implications for the following thematic issues were covered: fuel prices and essential goods in Uganda in 2022; environmental degradation; water body misuse and human rights concerns; the right to social security; women empowerment in Uganda (are we there yet?); religious freedoms in Uganda; and working conditions of public servants in

Uganda.

Some human-right-related emerging issues from 2022 captured in Chapter Eight include long dry spells and famine in Karamoja, the encroachment of Bugoma forest, the Ebola outbreak, the oil and gas sector and flooding.

In Chapter Nine, UHRC highlights its interventions in complaints management, including investigations and tribunals; monitoring and inspections; human rights education; as well as finance and administration. Chapter 10 captures the UHRC’s position on Bills that were introduced before the Parliament of Uganda in 2022. Chapter 11 presents Uganda’s performance in reporting to international and regional human rights treaty bodies.

In the compilation of the Report, the UHRC utilised findings during monitoring and inspections and issues identified during human rights education activities; information provided during interviews, focus group discussions and the UHRC’s stakeholder engagements; and, where relevant, reference to secondary information was made. Below are the recommendations for each of the 11 chapters.

### CHAPTER ONE

#### THE HUMAN RIGHTS IMPLICATIONS OF ESCALATING PRICES OF FUEL AND ESSENTIAL GOODS IN UGANDA IN 2022

1. The Ministry of Finance, Planning and Economic Development should prioritise support for the Kalangala Palm Oil project to boost domestic production of palm oil and its alternatives to reduce the country’s dependence on imports.
2. The Government of Uganda should also reconsider its regulatory role as a liberalised economy to protect its citizens from exploitation by businesses.
3. The Ministry of Energy and Mineral Development should provide strategic fuel reserves which can supply fuel, especially in periods of acute shortage, to prevent exponential prices increase.
4. The Ministry of Finance, Planning and Economic Development, Ministry of Works and Transport, as well as the Ministry of Science and Technology, should, as a long-term measure, fast-track investment in electric transport means to reduce dependency on fuel.
5. The Ministry of Works and Transport should fast-track the construction of the Standard Gauge Railway to diversify transportation.

## CHAPTER TWO

### ENVIRONMENTAL DEGRADATION AND THE HUMAN RIGHTS IMPLICATIONS

1. The National Environment Authority and the Ministry of Water and Environment should strengthen the implementation and efficiency of environmental policies.
2. The Ministry of Water and Environment should ensure better coordination of central and local government efforts to implement environmental and land use policies (for example, classified facilities, water management, space and species management).
3. The Ministry of Finance should avail sufficient funding in all districts so that they can adequately respond to environmental crises.
4. The National Environment Authority and the Ministry of Water and Environment should promote wetland and river basin management in all districts, municipalities and cities.
5. The Ministry of Water and Environment should adopt the Kyoto Protocol Targets by integrating climate change objectives into energy, construction and transport policies.
6. The Ugandan Government should invest in renewable and solar energy as alternative sources of fuel to help curb the use of charcoal for cooking.

## CHAPTER THREE

### WATER BODY MISUSE: THE HUMAN RIGHTS CONCERNS

1. The Ministries of Water and Environment and Trade and Industry should ensure that all development projects around waterbodies are preceded by undertaking full and comprehensive Environmental Impact Assessments.
2. The Ministry of Water and Environment should review the National Wetland Policy and develop a Wetland Resource Bill to address the challenges and issues of wetland management.
3. City, Municipal and Town Council authorities should construct refuse bunkers in their areas and enforce physical planning guidelines to ensure that new infrastructures consider refuse management.
4. Before releasing waste into water bodies, industries and municipal corporations must mandate treatment and management to nullify the hazardous properties of the disposed materials.

## CHAPTER FOUR

### THE RIGHT TO SOCIAL SECURITY IN UGANDA AND THE HUMAN RIGHTS CONCERNS IN 2022

1. The Ministry of Gender, Labour and Social Development should develop and systematically implement strategies for comprehensive and effective expansion of National Social Security Fund services to the informal sector, including better data collection and information management systems.
2. The National Social Security Fund should conduct accelerated mass sensitisation programmes to raise awareness about the right to social security as a prerequisite for the effective inclusion of the informal sector.
3. The Ministry of Finance, Planning and Economic Development should allocate and release adequate financial resources to clear the pending pension arrears and regularly allocate and release adequate finances to the Public Service Pension Scheme going forward.
4. The Ministry of Gender, Labour and Social Development and the Ministry of Finance, Planning and Economic Development should

universalise the Senior Citizen Grant by reducing the age of eligibility to 65 years.

5. The Ministry of Gender, Labour and Social Development and the Ministry of Finance, Planning and Economic Development should increase the Senior Citizen Grant value to boost its purchasing power.
6. The Ministry of Gender, Labour and Social Development should further decentralise payment centres to parish levels and devise appropriate measures to ensure that sickly beneficiaries do not miss out due to ailments and inability to reach the disbursement centres.

## CHAPTER FIVE

### WOMEN EMPOWERMENT IN UGANDA: ARE WE THERE YET?

1. The Ministry of Health should increase the budgetary allocation for the health sector in line with the Abuja Declaration to improve the health needs of all citizens, including women.
2. The Ministry of Finance, Planning and Economic Development should ensure that all ministries, departments, agencies and local governments have specific budgets for gender equality and social inclusion, including women's empowerment, per the Public Finance Management Act 2015.
3. The Uganda Bureau of Statistics should invest in generating and disseminating gender-responsive national statistics to inform evidence-based planning, monitoring, evaluation and reporting on gender equality and women's empowerment.
4. Parliament needs to expedite and pass the Marriage Bill, Sexual Offences Bill and Legal Aid Bill.
5. The Ministry of Gender, Labour and Social Development should deliberately involve and engage men in the efforts geared towards women's empowerment through consistent sensitisation on issues regarding gender equality and specifically targeting the correction of existing misconceptions.
6. The Uganda Police Force should be trained to quickly recognize defilement cases and take steps to get timely examination reports and evidence.

## CHAPTER SIX

### RELIGIOUS FREEDOMS IN UGANDA AND THE HUMAN RIGHTS IMPLICATIONS

1. The Ugandan Government should put a regulatory framework for religious institutions in place to curb the abuse, manipulation, exploitation and extortion of followers.
2. The Ugandan Government should ensure that economic empowerment programmes targeting the youth are equitably distributed to prevent religious extremism in the country.
3. The Ugandan Government should embark on awareness programmes to prevent the exploitation and abuse of people exercising their freedom of religion.

## CHAPTER SEVEN

### WORKING CONDITIONS OF PUBLIC SERVANTS IN UGANDA

1. The Ministry of Public Service should harmonise public servants' salaries across all areas to improve the standard of living and cure the salary discrepancies. This should be based on the principle of equity and fairness so that those with the same qualifications earn within the same salary scale.
2. The Ugandan Government should establish a salaries and remuneration body to harmonise salaries for public servants.
3. The Ministry of Public Service should expedite RAPEX in order to review the structures of affected ministries, departments, agencies and local governments to create an efficient, effective and sustainable public service.
4. The Office of the Prime Minister should make it a policy for public servants to benefit from developmental programmes such as Parish Development Model and *Emyooga*.
5. The Ministry of Public Service should increase the retirement package and gratuity to cater for post-retirement needs and challenges.
6. The Ministry of Public Service should streamline the pension payment system to enable easy access by retired employees.

## CHAPTER EIGHT

### EMERGING HUMAN RIGHTS ISSUES IN 2022

#### Long Dry Spell and Famine In Karamoja, 2022

1. The Ministry of Disaster Preparedness and Refugees should prioritise the Drought Early Warning Signs to mitigate the effects of disasters on the Ugandan population.
2. The Parliament of Uganda should pass the National Food and Nutrition Bill, which will inter alia provide for the respect of the right to food by the duty bearers and refrain from actions that undermine access to food, directly addressing issues like malnutrition.
3. The Ministry of Defence and the Uganda Police Force should continue to provide security for the kraals where the animals are kept and pacify the region through continued disarmament.
4. The Minister of Agriculture Animal Industry and Fisheries should enhance agricultural extension services by training farmers on modern agronomy practices, including climate-smart agriculture technologies.
5. The Minister of Agriculture, Animal, Industry and Fisheries and the Ministry of Water and Environment should prioritise water expansion for regional production facilities to support livestock farming and small-scale irrigation.
6. The Ministry of Agriculture, Animal Industry and Fisheries should apply the ecology principles to agricultural systems and practices (cultural values/traditional knowledge/area history).
7. The Ministry of Agriculture, Animal Industry and Fisheries should champion sustainable production with innovative approaches, mechanization and stronger regulations for greater environmental and social responsibility (modernisation of agriculture).
8. The Ministry of Finance Planning and Social Development should prioritise budgetary allocation to the Ministry of Agriculture, Animal Industry and Fisheries to ensure sufficient investment in agriculture to help with information gathering and research, thereby contributing to reduced poverty levels in the country.

#### Bugoma Forest: Human Rights Concerns

1. The National Environment Management Authority should fast-track the implementation of its restoration order of the eco-system in Bugoma Forest by Hoima Sugar Limited, and routine audits should be undertaken for the same.

2. The Bunyoro Kitara Kingdom, National Environmental Management Authority, National Forestry Authority and the Uganda Police Force under its Environment Police should put in place proper enforcement mechanisms to protect the remaining forest cover from destruction.
3. Kikuube and Hoima District Local Governments should work hand in hand with other stakeholders through advocacy for the preservation of the forest.
4. Hoima Sugar Limited should duly adhere to the provisions of the Environmental and Social Impact Report.

#### Uganda's Ebola Outbreak in 2022

5. The Ministry of Health should revamp and build its epidemiological interventions for early detection and management of future outbreaks. Applying a range of interventions, including case management, monitoring, contact tracing, a top-notch laboratory service, safe burials, and societal mobilisation, is essential for controlling outbreaks.
6. The Ministry of Health should also prioritise community education on various notorious outbreaks. For outbreaks to be successfully controlled, community involvement is essential. Reduced human transmission can be achieved by increasing knowledge of the risk factors for Ebola infection and preventative interventions (such as immunisation) that people can adopt.

#### Oil and Gas: The Human Rights Implications

1. The Ugandan Government should adopt and facilitate a clean, renewable energy policy alongside oil and gas to ensure sustainable development.
2. The Petroleum Fund should be operationalised to ensure that the benefits of oil and gas are enjoyed equitably across the country.
3. The Ministry of Education and Sports should work with UNOC and PAU to develop a comprehensive framework to enable Ugandans to benefit from the opportunities in the oil and gas sector.
4. The Uganda National Oil Company and the Petroleum Authority of Uganda should disag-

gregate the data related to age, sex and regional representation in the oil and gas sector to enable planning that ensures equal opportunities for all Ugandans.

5. The regulators like the Petroleum Authority of Uganda and the Uganda National Oil Company should develop harmonised complaints management mechanisms with clear appeal mechanisms to facilitate the speedy conclusion of complaints arising in the oil and gas sector.
6. The Ugandan Government should continuously monitor environmental efforts to mitigate the environmental effects of infrastructure development.

#### Floods in 2022

1. The Ministry of Finance and Economic Development should provide adequate funding to the National Environment Management Authority to maintain and sustain warning systems where applicable.
2. The National Environment Management Authority should track and monitor the implementation of this action plan.
3. The Office of the Prime Minister and the National Environment Management Authority should enhance Uganda's adaptive capacity by continuing investment in weather stations, expanding the country's national hydro-meteorological monitoring system, and improving networking for measuring climate parameters.
4. The Ministry of Works and Transport should review all the existing infrastructure to restructure and reconstruct the same considering the changing climate.
5. The National Environment Management Authority should enforce adherence to the rule of law which will address challenges of corruption and people settling on lakeshores, river banks, river beds, wetlands, hilltops, valleys, and forests.
6. The Office of the Prime Minister and the Ministry of Agriculture, Animal Industry and Fisheries should strengthen their technical capacity to integrate climate-smart agriculture and climate change risk management into farmers and the wider agricultural sector.

## CHAPTER NINE

### HIGHLIGHTS OF UHRC'S INTERVENTIONS IN 2022

#### Complaints Management

1. The Ministry of Finance should ensure adequate funding for the Ugandan Human Rights Commission to execute its constitutional mandate to investigate complaints of alleged human rights violations.
2. The Ministry of Justice and Constitutional Affairs should streamline the process of decentralising payment of Tribunal awards by the ministries, departments and agencies and follow up with the concerned ministries, departments and agencies to ensure that payments are made to victims of human rights violations in a timely manner.
3. The Uganda Police Force, Uganda Peoples Defence Forces, Uganda Prisons Service and other government ministries, departments and agencies should specifically budget for payment of compensation awards in line with the decentralisation of payment of Court and Tribunal awards policy. This will ensure that compensation orders are progressively paid, and the accumulation of arrears will be minimised.
4. The Ministry of Health should conduct specialised training for health workers to build their capacity to effectively document cases of alleged torture victims who report to them for treatment.

#### Conditions in Places of Detention

1. The Ministry of Finance, Planning and Economic Development should increase funding to the Uganda Prisons Service and the Uganda Police Force to enable them to build better structures to have facilities suitable for human habitation and stop overcrowding.
2. The Ministry of Internal Affairs and the Ministry of Gender Labour and Social Development should ensure that juveniles are separated from adult offenders in all detention facilities.
3. Uganda Prisons Service and Uganda Police Force should completely phase out the bucket waste disposal system.

4. The Uganda Police Force should adequately facilitate all its stations and posts with the necessary stationary, equipment and transportation to enable officers to do their policing work.
5. The Uganda Police Force should provide adequate facilitation to the police to enable them to feed suspects.
6. The Ministry of Finance should increase funding to provide accommodation for police officers adequately.
7. The Ministry of Finance and the Ministry of Gender, Labour and Social Development should effectively fund the remand homes.

#### Human Rights and Civic Education in 2022

1. The Ministry of Finance, Planning and Economic Development should increase and prioritise funding the UHRC to ensure adequate civic and human rights education, which is critical for sustainable development.
2. The Office of the Director of Public Prosecutions and the Judiciary should extend their services to every district to correspond with Uganda Police Services for easy access to justice for all to create an enabling environment for the observance of human rights.
3. As recommended in the previous annual reports, the Ministry of Justice and Constitutional Affairs should fast-track Cabinet's approval of the draft Civic Education Policy.

#### Finance And Administration in the Financial Year 2021/2022

1. The Uganda Human Rights Commission should stop depending on donor funding for core activities.
2. The Uganda Human Rights Commission should have sufficient funding from the Ministry of Finance, Planning and Economic Development to pay competitive wages to staff to address the challenge of high staff turnover.

3. The Uganda Human Rights Commission should be allocated the funds to acquire at least 43 new vehicles and maintain the existing fleet.
4. The Uganda Human Rights Commission should be allocated the funds to acquire speedboats for the two field offices (Buvuma and Kalangala) based on the islands.
5. The Ministry of Finance, Planning and Economic Development should make budgetary provisions for capital development to construct the Ugandan Human Rights Commission headquarters and regional office premises.
6. The Ministry of Finance, Planning and Economic Development should provide adequate funding for the Uganda Human Rights Commission to invest significantly in information, communica-

tion and technology. This includes affordable internet of appropriate speed, equipment, software and apps to support case management, human rights education, and monitoring.

7. The Ministry of Finance, Planning and Economic Development should allow budget allocations to build the capacity of staff in information, communication and technology and digital management to acquire skills to be effective in the new reality of digital migration. The Ugandan Human Rights Commission staff require skills to effectively implement the digital media and communication programmes that are currently the global communications channels, defend rights and freedoms online, and participate in internet-assisted innovations to protect and promote human rights.

## CHAPTER TEN

### THE UHRC'S POSITIONS ON BILLS AND ADVISORY ROLE TO THE UGANDAN GOVERNMENT

The UHRC reviewed the following bills and advisories, with multiple recommendations for each that can be found in the relevant section of the chapter.

1. The Competition Bill, 2022.
2. The Uganda Human Organ and Transplant Bill, 2022.

## CHAPTER ELLEVEN

### UPDATES ON UGANDA'S REPORTING TO INTERNATIONAL AND REGIONAL HUMAN RIGHTS MECHANISMS

1. The Ugandan Government should consider issuing standing invitations to UN Special Procedures Mandate Holders for Persons with Albinism for food security. It should also accept requests of special mandate holders to enhance its efforts in protecting and promoting human rights.
2. As earlier reported, the Ugandan Government should urgently ratify pending treaties, especially those signed, for example, the Optional Protocol to the Convention against Torture and

the International Convention for the Protection of all Persons from Enforced Disappearance, 2006 and the Optional Protocol to the ICCPR regarding the abolition of the death penalty.

3. The Ministry of Foreign Affairs, the Ministry of Gender, Labour and Social Development and the Ministry of Justice and Constitutional Affairs should follow up on the implementation of pending voluntary pledges like the National Action Plan on Human Rights and recommendations made by treaty bodies.

# ESCALATING PRICES OF FUEL AND ESSENTIAL GOODS IN UGANDA IN 2022

## 1.1 INTRODUCTION

In 2022, Uganda faced unprecedented increases in commodity prices. This was mainly attributed to the effects of the war in Ukraine, which triggered a surge in commodity prices worldwide. In the weeks after its onset, oil prices rose by over 30% and natural gas prices by more than 60%. Food and metals prices also spiked. These increases came on top of substantial price gains in 2021, moving prices well above pre-pandemic levels.

Essential goods are needed for basic livelihood and are a supporting factor in public welfare.<sup>1</sup> For many Ugandans, essential goods or commodities include laundry soap, salt, cooking oil, sugar, fuel and food such as maize flour (posho), rice, beans and matooke. In 2022, the cost of these went very high. In particular, the prices of cooking oil, laundry bar soap, fuel (petrol and diesel) and services such as transport fares and education increased, resulting in distress and anguish among the general population.

The escalating fuel prices pushed up transportation costs, further increasing prices of essential goods and services, thereby increasing the cost of living that left many people, especially vulnerable populations, impoverished. The right to food was affected, with many households having only two meals or one meal as opposed to the standard three. Some children dropped out of school due to their parent's inability to afford school dues, while some people were forced out of their businesses owing to increased costs hence losing their source of livelihood. In addition, the escalating prices

of essential goods and services in the country resulted in high inflation, affecting the tax base and constraining the Government's interventions. According to the Uganda Bureau of Statistics (UBOS), the inflation rate was highest at 10.7% in October 2022, up from 2.7% in January 2022. The unprecedented increase in the prices of fuel, laundry bar soap and cooking oil was attributed to both external and internal factors that included the effects of coronavirus 2019 (COVID-19) restrictions across the world that had disrupted the supply chains. This led to higher transport costs, a shortage in intermediate raw materials used in production, an increase in the price of crude palm oil and the introduction of import duty on crude palm oil.

This chapter focuses on the high petrol, diesel, laundry soap and cooking oil prices. The UHRC monitored escalating prices of fuel, laundry soap and cooking oil and their human rights implications in selected districts in the country in 2022 in a bid to establish factors responsible for the escalation in prices as well its human rights implications on general living conditions and particular for vulnerable populations. Other aspects monitored included the effect of the escalating prices on the right to health, education and food. The UHRC further sought to establish interventions made by the government to mitigate the effects on the welfare of the people to make informed recommendations to the Government of Uganda (GoU). A total of 52 districts from 15 sub-regions were sampled, as indicated in the table 1.

TABLE 1: SAMPLED DISTRICTS ACCORDING TO TRADITIONAL SUB-REGIONS

SUB-REGION	DISTRICTS
Acholi	Kitgum, Pader
Ankole	Kazo, Mbarara
Bukedi	Busia, Kibuku, Butaleja, Tororo
Buganda	Kampala, Kayunga, Masaka, Wakiso
Bugisu	Bulambuli
Bunyoro	Masindi, Kikuube, Buliisa, Hoima
Busoga	Jinja, Iganga, Kamuli, Bugiri, Namayingo, Mayuge
Karamoja	Moroto, Kotido, Kaabong, Abim, Karenga, Napak, Nakapiripirit, Nabilatuk, Amudat
Kigezi	Rubanda, Kabale
Lango	Lira, Dokolo, Kwana, Alebtong, Kole
Rwenzori	Kasese
Sebei	Kween, Kapchorwa
Teso	Bukedea, Kalaki, Kaberamaido, Soroti
Tooro	Kabarole, Bunyangabu
West Nile	Zombo, Nebbi, Pakwach, Yumbe

The respondents interviewed included petty traders, business operators including fuel station proprietors, civil servants, officials from the District Local Government (DLG), officials from civil society organisations (CSOs), health workers, people in the transportation sector, vulnerable populations like single mothers, urban poor, persons with disabilities and food vendors. Community members were interviewed as well.

## 1.2 LEGAL AND POLICY FRAMEWORK

The escalating prices of fuel and essential goods had implications on several human rights, such as access to food, education, health and an adequate standard of living due to their interrelatedness. Therefore the legal framework under this section relates to these human rights and human rights instruments that protect the welfare of the people that Uganda has ratified.

### 1.2.1 International legal framework

Uganda has fully embraced the principles for sustainable development as stipulated in the 2030 Agenda and was one of the first countries globally to integrate the Agenda into its national planning frameworks. Sustainable Development Goals (SDGs) aspire to "leave no one behind", and states are called upon to implement effective economic and social reforms to ensure that the benefits of growth are equitably distributed to all segments

of the population in order to reduce inequalities and achieve the fulfilment of human rights. SDGs 3 and 4 provide inclusive good health and well-being and equitable quality education, respectively, while SDG 7.1 refers to access to affordable, reliable, sustainable, and clean energy. In fact, all the 17 SDGs are tightly interconnected with social, economic, and environmental goals embedded in human rights. In addition, household consumption of soap and cooking oil is directly linked with SDGs 6 and 2, respectively. Accordingly, Target 6.1 aims to achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying particular attention to the needs of women, girls, and those in vulnerable situations.

Furthermore, Indicator 6.2.1 monitors the proportion of the population using safely managed sanitation services, including a hand-washing facility with soap and water. SGD 2, Target 2.2 aims to end all forms of malnutrition and wasting in children under five years of age and addresses the nutritional needs of adolescent girls, pregnant and lactating women and older persons.

In addition, the Universal Declaration of Human Rights (UDHR) under Article 25 states that everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services. One of the obligations of states that have ratified the International

<sup>1</sup> <https://www.lawinsider.com/dictionary/basic-goods-> Last visited on 13 February 2023.

Convention on Economic, Social and Cultural Rights (ICESCR) is the prohibition of discrimination. Respecting the principle of non-discrimination requires specific measures to ensure the protection of the rights of marginalized populations as a priority. Even when resources are limited, the State has a duty to adopt measures to protect those most at risk. Such measures may include taxation and social transfers to mitigate inequalities that arise or are exacerbated in times of crisis.<sup>2</sup>

The socio-economic goals contained in the ICESCR cannot be achieved without access to affordable fuel and other essential goods. Articles 6 and 7 of the same Covenant recognise the right to work; most employment possibilities require access to affordable means of transport, while Articles 12 and 13 of the Covenant provide for the right to health and education, respectively.<sup>3</sup> Other international human rights instruments that Uganda has ratified that protect the welfare of the people include the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).

### 1.2.2 Regional legal framework

Article 16 of the African Charter on Human and People's Rights (ACHPR) provides all individuals with the right to enjoy the best attainable State of physical and mental health, meaning State parties should take the necessary measures to protect the health of their people. Article 17 provides for every individual to have the right to education. The availability and fair pricing of commodities aid in the promotion of the health and education of people in a community. The Charter also underscores the importance of the Human Rights Based Approach (HRBA) to governance by member states. The HRBA principles of participation, accountability, non-discrimination, empowerment and linkage to human rights, as well as the emphasis on paying special attention to vulnerable populations, enhance the protection of the welfare of all persons.

### 1.2.3 National legal and policy framework

National Objective XIV (b) of the Constitution of the Republic of Uganda, 1995, as amended, requires the State to ensure that all Ugandans enjoy rights and opportunities and access to education, health services, clean and safe water, work, decent shelter, adequate clothing, and food security. Objective XVIII sub-section (ii) asserts that the State shall take appropriate measures to afford every citizen equal opportunity to attain the highest educational standard possible. Article 30 provides for a right to education for all persons. Achievement of these objectives by the State can be greatly burdened by the high cost of living triggered by high fuel and essential goods prices.

The Petroleum Act 2013, Petroleum Supply Act and Petroleum Supply regulations 2009 are the primary laws of Uganda which ensure that the petroleum supply in Uganda is adequate, reliable, efficient and economical. The Petroleum Supply Act under section 30 empowers the minister to take action on errant fuel suppliers. The available policy framework includes Vision 2040, the National Social Protection Policy and the third National Development Plan (NDP III) that has incorporated SDS and prescribes HRBA as one of its implementation strategies. The NDP III also highlights social protection as one of the key strategies for transforming Uganda from a peasant society to a modern and prosperous country,<sup>4</sup> while the Uganda Vision 2040 underscores the importance of social protection to address risks and vulnerabilities.<sup>5</sup>

## 1.3 SITUATIONAL ANALYSIS

The rising commodity prices in 2022 went hand in hand with the threat of major supply disruptions. Russia and Ukraine are significant in many commodity markets. Together, they account for over 10% of global wheat and oil production and more than 20% of the world's natural gas. The war that broke out between Russia and Ukraine disrupted agricultural supply chains due to the destruction of crops and physical infrastructure, while additional sanctions on Russia further cramped the supply of energy commodities in

many markets. High and volatile commodity prices affected the global economy. The effects were felt on both inflation and growth and affected many countries across the globe, depending on whether they were exporters or importers of affected commodities and how higher prices affect household and corporate income.

Uganda is a liberalised economy, and as such, prices of goods and services are determined by forces of demand and supply obtained at a particular time. According to a Ministry of Finance, Planning and Economic Development (MoFPED) press statement in March 2022, the prices of some essential goods, particularly fuel (petrol and diesel), cooking oil, laundry soap and services such as education and transportation, had increased and caused discomfort among the public.<sup>6</sup> According to UBOS, cooking oil registered the highest rise at 21% from December 2021 to February 2022 and 77.6% in the past year. The price of laundry soap increased by 20% from December 2021 to February and 47.8% in the past year, while the price of fuel rose by 15.3% in three months and 34% in the past year. The rise in prices in Uganda was reportedly caused by events outside the country, given that Uganda is a net importer of intermediate raw materials used in manufacturing laundry soap and cooking oil.<sup>7</sup>

An unprecedented rise in fuel prices began in July 2021 from Uganda shillings (UGX) 3,700 for petrol and UGX 3,200 for diesel. By December 2021, a litre of petrol was costing UGX 4,580. It should be noted that in the financial year (FY) 2021/22, the government increased excise duty on fuel imports (petrol and diesel) by UGX 100. The government also attributed the increase in fuel prices to the tension between Russia and Ukraine, which limited oil exploitation and led to the rise in the cost per barrel of oil, thus pushing fuel prices. This price rise automatically increased the cost of doing business and the general prices of essential goods nationwide.<sup>8</sup> By 31 April 2022, the average price of some basic goods was as follows: a kilogram of laundry bar soap at UGX 7,798, a litre of cooking oil at UGX 11,110 and a litre of petrol at UGX 5,209.



Fuel prices in June 2022



Fuel prices in June 2022

The figure 1 shows the high rise in petrol prices throughout 2022. It should be noted that the price of petrol increased drastically from UGX 4,886 in January 2022 to UGX 6,563 in August 2022. A slight reduction in the price of petrol was observed in the last months of the year (November and December).

2 <https://www.ohchr.org/en/human-rights/economic-social-cultural-rights>.

3 Articles 12 and 13 of the Covenant on Economic, Social and Cultural Rights.

4 The National Development Plan.

5 Vision 2040.

6 <https://www.finance.go.ug/sites/default/files/press/PRESS%20STATEMENT%20ON%20THE%20RISING%20PRICES%20OF%20ESSENTIAL%20COMMODITIES.pdf>- Last visited on 14 February 2023.

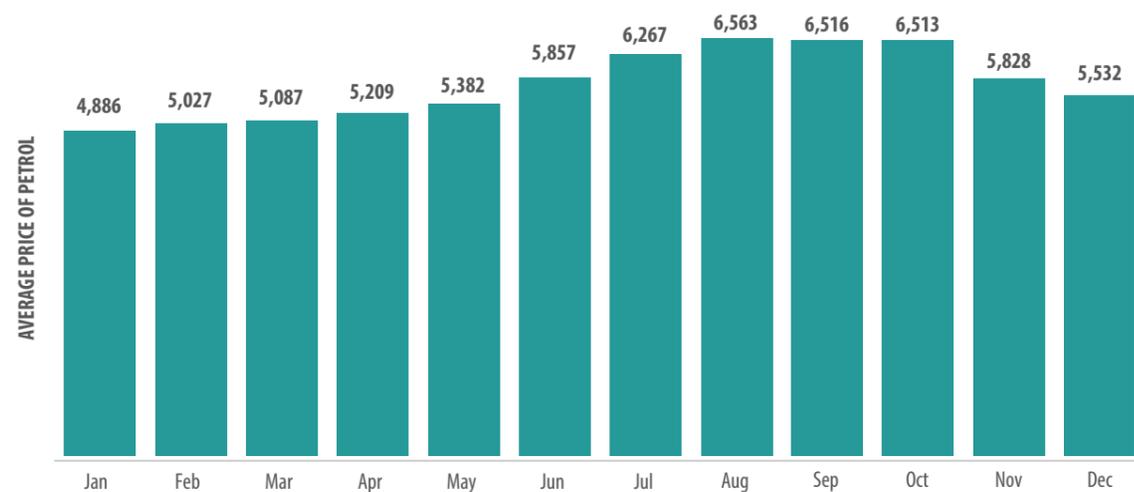
7 Paper on Government interrelation on high fuel and commodity prices, challenges and recommendations by Mr. Bekabye, Ministry of Finance, Planning and Economic Development (MoFPED), presented during the UHRC Annual Report consultative meeting in January 2023.

8 <https://observer.ug/viewpoint/73837-is-uganda-s-govt-out-of-options-on-current-fuel-prices>- Last visited on 16 February 2023.

Prices of food and essential non-food goods continued to increase, straining household purchasing power. Fuel prices were a major driver; between June and July 2022, petrol and diesel prices increased by 7.6% and 4.8%, respectively. The annual inflation rate for diesel in June 2022 was 65.4% compared to 71.5% in July, while the annual inflation of petrol increased from 45.9% in June 2022 to 56.1% in July.

Similarly, the country's annual inflation rate, as measured by the Consumer Price Index (CPI), increased from 4.9% in April 2022 to 6.3% in May 2022, then to 7.9% in July 2022, from 6.8% in June 2022.<sup>9</sup> The CPI measures the average change in prices paid by consumers over a period of time for a basket of goods.<sup>10</sup> The figure 2 shows that the price of one litre of cooking oil increased steadily from January to May 2022.

**FIGURE 1: TRENDS OF NATIONAL AVERAGE RETAIL PRICES OF PETROL IN 2022**



Source: UBOS, Consumer price indices and inflation rates

**FIGURE 2: TRENDS IN THE PRICE OF REFINED COOKING OIL IN JANUARY-MAY 2022**

**NATIONAL AVERAGE RETAIL PRICE FOR COOKING OIL BY MONTH IN 2022**



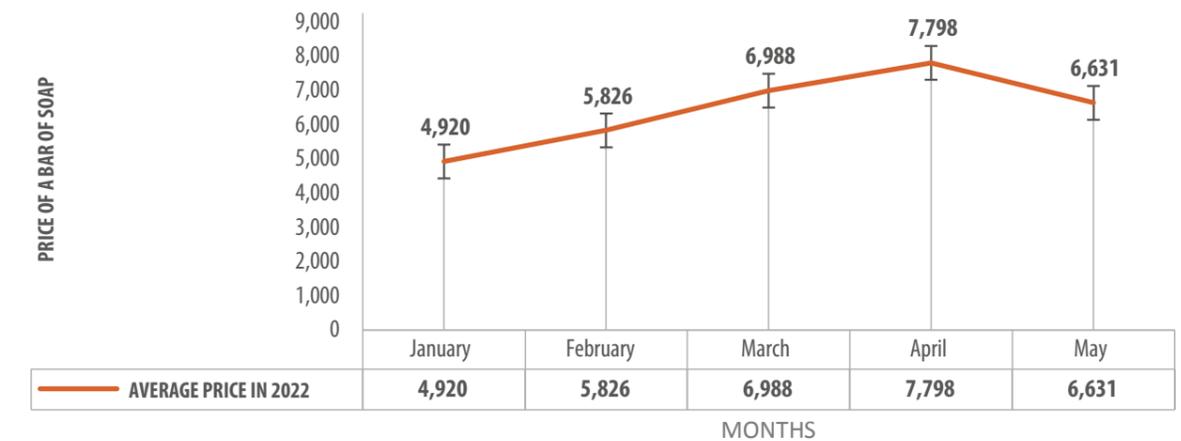
Source: UBOS, Consumer price indices and inflation rates

<sup>9</sup> <https://fews.net/east-africa/uganda/food-security-outlook-update/august-2022/> - Last visited on 16 February 2023.

<sup>10</sup> <https://www.investopedia.com/terms/c/consumerpriceindex.asp> - Last visited on 14 February 2023.

The figure 3 highlights the national average retail price for laundry soap. The price of bar soap increased from UGX 4,920 in January to UGX 7,798 in April. There was a slight decrease in the price of bar soap from UGX 7,798 to UGX 6,631 in the month of May.

**FIGURE 3: NATIONAL AVERAGE PRICES OF LAUNDRY BAR SOAP JANUARY-MAY 2022**



Source: UBOS, Consumer price indices and inflation rates

## 1.4 CAUSES OF HIGH PRICES IN FUEL AND ESSENTIAL GOODS

Both external and internal factors caused the high prices of fuel and essential goods in the country. The external factors included the effects of the COVID-19 pandemic that disrupted the supply chain, the Russia-Ukraine conflict, the increase in the price of Crude Palm Oil (CPO) by Malaysia and Indonesia, the country's biggest exporters as well as the latter's imposition of an exportation ban on CPO, among others. The internal drivers included the imposition of import duty on CPO, together with an infrastructure levy, an excise duty on refined cooking oil and an increase in exercise duty on fuel that increased the cost of doing business.

2022.<sup>11</sup> It should be noted that about 70% of crude palm oil used as an input in the production of these two commodities was imported. The CPO was mainly imported from Malaysia and Indonesia, the two world's leading surplus palm oil producers. In 2021, the two countries accounted for 84% of palm oil exports, with Indonesia registering 59% and Malaysia 25%, respectively.<sup>12</sup> The price of CPO in the past two years was reported to have almost doubled, owing mainly to the following factors:

1. There was an increased demand for CPO, driven by the growing importation by China and India, which were the two largest buyers of palm oil globally following the full re-opening of the economy after COVID-19 restrictions.
2. There was a severe labour shortage in Malaysia due to Covid-19 containment measures that banned mass gatherings. This was in addition to border closures that reduced the supply of foreign workers in the country's oil palm estates who had returned to their home countries. This left the Malaysian palm oil estates

### 1.4.1 Importation of intermediate raw materials

Uganda is a net importer of intermediate raw materials used to produce consumer goods, including refined cooking oil and laundry bar soap. It was revealed that the prices of laundry bar soap and refined cooking oil rose mainly due to the rising price of CPO in international markets, rising by 41% per metric tonne from American dollars (USD) 1,345 in January 2022 to USD 1,900 in March

<sup>11</sup> [file:///C:/Users/Director%20RS/Downloads/What\\_explains\\_Ugandas\\_surge\\_in\\_laundry\\_soap\\_and\\_cooking\\_oil\\_prices\\_in\\_202122.pdf](file:///C:/Users/Director%20RS/Downloads/What_explains_Ugandas_surge_in_laundry_soap_and_cooking_oil_prices_in_202122.pdf) - Last visited on 5 March 2023.

<sup>12</sup> Paper on Government interrelation on high fuel and commodity prices, challenges and recommendations presented by Mr. Bekabye, MoFPED presented during the UHRC Annual Report consultative meeting in January 2023.

short of foreign workers, mainly from Indonesia and Bangladesh, forming 80% of the workforce needed to maintain trees and harvest fruit bunches. Despite the lift on a COVID-19 freeze on recruitment of foreign workers in February 2022, the country reportedly had not realised a significant return of migrant workers due to slow government approvals and concerns over Indonesian workers' protection.<sup>13</sup> Consequently, Malaysia's CPO production volumes were reduced by 26.7% from 1,710,356 tonnes in August 2021 to 1,137,448 in February 2022.<sup>14</sup>

3. Export restrictions that were introduced in Malaysia and Indonesia limited the export of crude palm oil. In February 2022, Indonesia further caused global supply disruptions of CPO, resulting from export restrictions such as charging a higher tax on CPO exports (USD 200 per metric tonne) and requiring all exporters to obtain export permits for all palm oil products. The tax on palm oil export aimed at supporting the expansion of Indonesia's palm biodiesel programme, which proposed using more palm oil for blending transport fuels to reduce energy imports. In addition, companies were obliged to sell 20% of their planned exports to the domestic market at a capped price as a requirement for obtaining the export permit. This was followed by a ban on the exportation of CPO in April 2022,<sup>15</sup> which was later lifted in May 2022, although the restrictions were maintained.<sup>16</sup>

4. There were extreme weather conditions in Malaysia and Brazil, which affected palm oil production.<sup>17</sup> This resulted in the low production of edible oils and wheat, consequently raising the demand for CPO, exceeding supply. Studies show that rainfall and temperature are significantly related to oil palm yield. It was observed that high temperatures/severe drought, heavy rain rainfall and floods nega-

tively affected palm oil production on the Western coast of Malaysia and Brazil. These extreme weather conditions specifically affected the palm oil during fruit ripening, thereby lowering its quality, culminating in lower yields, which ultimately impacted the volume of crude palm oil produced.<sup>18</sup>

#### 1.4.2 Decrease in production of other substitutes to crude palm oil

The UHRC noted that the decrease in the global production and export of sunflower and soybean oil, the close or alternative substitutes of crude palm oil from Brazil, Peru and Argentina because of prolonged dry weather contributed to the high demand for palm oil and related products thereby raising the prices. The reduction in the supply of these close substitutes of CPO increased its global demand and propped up the prices of palm oil and related products.<sup>19</sup> Apart from the decrease in production and exportation of the two alternatives, it is worth noting that there was increasing emphasis on biofuels from the US, Brazil and Argentina, where soybean oil was used as the main feedstock in the production of biodiesel, thus squeezing its availability as an edible oil for major importers like India and China. The increased demand further tightened the vegetable oil supply, especially soybean oil, which was already squeezed due to COVID-19 measures<sup>20</sup> and contributed to high prices.

#### 1.4.3 The Russia-Ukraine war

The ongoing geopolitical tensions between Russia and Ukraine were found to be one of the drivers of high prices of fuel, refined cooking oil and laundry bar soap. This was attributed to the fact that the two nations were the world's leading exporters, collectively accounting for 75 % of the global export supply of sunflower oil, yet their exports were heavily reduced because of the outbreak of

war in February 2022.<sup>21</sup> Therefore the reduction in the exportation of sunflower oil, which is a substitute for palm oil, further exacerbated the global shortages resulting in higher prices of raw materials. In addition, Russia and Ukraine were major sources of some of the key commodities, such as wheat, in many countries, including Uganda, which imports 73% of its wheat from Ukraine. By 2020, Uganda's imports from Russia amounted to USD 78.67 million, out of which cereals accounted for USD 50.57 million.<sup>22</sup> Therefore, the reduction in supply attributed to the war between Russia and Ukraine culminated in imported inflation, which in turn caused a significant rise in domestic prices.<sup>23</sup>

#### 1.4.4 COVID-19 restrictions

The effect of COVID-19 restrictions that included a ban on mass gatherings, lockdowns and closure of international borders across the world from 2020 to 2021 disrupted supply chains leading to higher transport costs and a shortage of intermediate raw materials used to produce laundry bar soap and cooking oil among others. This led to reduced production by industries which eventually stopped altogether at the peak of the pandemic. The industries were further affected when the global transportation system came to a halt, preventing or delaying the transport of raw materials to manufacturers, and finished products to consumers.<sup>24</sup>

The UHRC observed that during the COVID-19-induced lockdowns, many businesses lost their heavy machinery due to the high cost of maintenance. Furthermore, as lockdowns were being lifted and a global economic recovery gathered pace, consumer demand increased sharply. Supply chains that were disrupted during the crisis continued to face significant challenges as they struggled to bounce back and could not meet increased demand.<sup>25</sup> The situation was compounded by high shipping costs as a result of a shortage of shipping containers and higher fuel prices that led to supply shortages

globally. Moreover, the full opening of economies globally in 2022 following the relative containment of COVID-19 led to a rapid rise in aggregate demand for a number of fast-moving goods, beginning with oil, yet COVID-19 restrictions had constrained production levels. This, therefore, led to an increase in prices everywhere in the world, including in Uganda.<sup>26</sup>

In addition, it was revealed that the supply of raw materials was further affected by increasing logistics and transport costs. For example, the shipping cost per 20-foot container from Shanghai to Mombasa increased from USD 3,050 (UGX 10.9 million) in 2020 to USD 6,100 (UGX 21.9 million) in 2022. Consequently, transport and logistics providers increased their prices to meet the growing demand for their services following the full re-opening of most economies in the second half of 2021 and early 2022. In a bid to offset the logistics and transport-related costs, manufacturers passed these costs to the final consumers, increasing prices of goods that included refined cooking oil and laundry bar soap.<sup>27</sup>

#### 1.4.5 Inflation

The UHRC established that in 2022, the country was faced with the weakening of the Uganda shilling, which caused a substantial rise in the marginal costs of production and imported inflation coupled with widespread dry weather conditions in the country, resulting in the rapid rise in domestic inflation. According to the Bank of Uganda Monetary Policy Report of June 2022, the annual inflation rose to 6.3% in May 2022 from 2.7 % in January 2022. The prices of essential commodities such as cooking oil and soap, food, fuel, and transportation rose sharply; for example, liquid fuel prices went up by 35% in May 2022, representing a pass-through of 55% from international crude oil prices. Cooking oil prices rose by 43% in May 2022, representing a pass-through of 76% from the global palm oil

13 <https://oec.world/en/profile/country/uga?yearSelector1=exportGrowthYear21> Last visited on 11 February 2023.

14 [file:///C:/Users/Director%20RS/Downloads/What\\_explains\\_Ugandas\\_surge\\_in\\_laundry\\_soap\\_and\\_cooking\\_oil\\_prices\\_in\\_202122.pdf](file:///C:/Users/Director%20RS/Downloads/What_explains_Ugandas_surge_in_laundry_soap_and_cooking_oil_prices_in_202122.pdf) - Last visited on 5 March 2023.

15 <https://www.squirepattonboggs.com/en/insights/publications/2022/05/indonesias-palm-oil-export-ban-> Last visited on 5 March 2023.

16 <https://www.mondaq.com/international-trade-investment/1223538/minister-of-trade-regulation-no-30-of-2022-lifting-the-ban-of-crude-palm-oil-cpo-and-its-derivatives-exports-> Last visited on 5 March 2023.

17 Paper on government interrelation on high fuel and commodity prices by Mr. Bekabye, MoFPED presented during the UHRC Annual Report consultative meeting in January 2023.

18 <https://oec.world/en/profile/country/uga?yearSelector1=exportGrowthYear21-Last> Last visited on 11 February 2023.

19 [file:///C:/Users/Director%20RS/Downloads/What\\_explains\\_Ugandas\\_surge\\_in\\_laundry\\_soap\\_and\\_cooking\\_oil\\_prices\\_in\\_202122.pdf](file:///C:/Users/Director%20RS/Downloads/What_explains_Ugandas_surge_in_laundry_soap_and_cooking_oil_prices_in_202122.pdf) - Last visited on 5 March 2023.

20 <https://oec.world/en/profile/country/uga?yearSelector1=exportGrowthYear21> Last visited on 11 February 2023.

21 [file:///C:/Users/Director%20RS/Downloads/What\\_explains\\_Ugandas\\_surge\\_in\\_laundry\\_soap\\_and\\_cooking\\_oil\\_prices\\_in\\_202122.pdf](file:///C:/Users/Director%20RS/Downloads/What_explains_Ugandas_surge_in_laundry_soap_and_cooking_oil_prices_in_202122.pdf) - Last visited on 5 March 2023.

22 <https://tradingeconomics.com/uganda/imports/russia-> Last visited on 8 March 2023.

23 <https://www.finance.go.ug/sites/default/files/press/PRESS%20STATEMENT%20ON%20THE%20RISING%20PRICES%20OF%20ESSENTIAL%20COMMODITIES.pdf> - Last visited on 14 February 2023.

24 <https://infomineo.com/the-continuing-impact-of-covid-19-on-the-global-supply-chain/>. Last visited on 7 March 2023.

25 <https://infomineo.com/the-continuing-impact-of-covid-19-on-the-global-supply-chain/>. Last visited on 7 March 2023.

26 Paper on Government intervention on high fuel and commodity prices, challenges and recommendations presented by Mr. Bekabye, MoFPED at the UHRC Annual Report consultative meeting in January 2023.

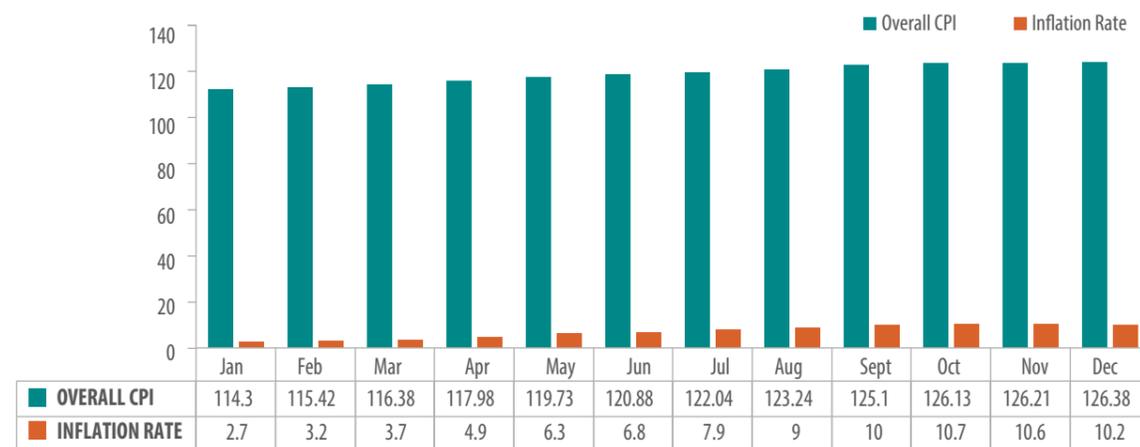
27 Paper on Government intervention on high fuel and commodity prices, challenges and recommendations presented by Mr. Bekabye, MoFPED at the UHRC Annual Report consultative meeting in January 2023.

prices.<sup>28</sup> It was further observed that the annual inflation continued to rise, and by July 2022, the annual inflation rate was at 7.9%, up from 6.8% in June 2022.<sup>29</sup> According to Herbert Jaluun, a business analyst, the free market system caused damage to citizens in Uganda: *“The government should have the capacity or the interest or the will to be able to dictate some of these things because once you leave everything to market forces, then you are leaving everything to the business people or the private sector.”*<sup>30</sup>

Relatedly, the UHRC established from its monitoring that food crop harvest had been poor for three consecutive seasons resulting in a low supply of food, yet the demand remained high. Consequently, the prices of foodstuffs like maize flour (posho), beans and matooke increased along with other essential goods like refined cooking oil, sugar and laundry bar soap.

The figure 4 shows that the overall CPI and inflation rate increased throughout the year, reflecting how the cost of living in the country strained household purchasing power.

**FIGURE 4: TRENDS OF ANNUAL CONSUMER PRICE INDEX AND INFLATION RATES IN 2022**



Source: UBOS, Consumer price indices and inflation rates

#### 1.4.6 Increase in international fuel prices and changes in transportation arrangements

The UHRC established that fuel prices in the country increased considerably, mainly due to an increase in international oil prices and changes in transportation arrangements. There was reportedly an increase in international oil prices by over 112% between January 2021 and March 2022, which passed through to domestic pump prices.<sup>31</sup> Furthermore, it was revealed that the global fuel energy price index stood at 259.86 index points in October 2022, up from 100 in the base year

2016, with the figures increasing six-fold between summer 2020 and summer 2022 as a result of an energy supply shortage that was exacerbated by the Russia-Ukraine war.<sup>32</sup> By March 2022, slightly over one week after the Russia-Ukraine conflict began, a barrel of crude oil reportedly skyrocketed to over USD 110, reflecting a 10% increase from USD 100 before the start of the conflict. This was brought about by the disruption in the supply chain as a result of the conflict, given that aside from the US that banned the importation of oil from Russia, sanctions on Russia never extended

to energy exports. Furthermore, global oil prices soared to more than 120 a barrel amid speculations of a shortfall in global supplies from Russia, the world’s second-biggest producer of crude oil.<sup>33</sup>

In October 2022, the Organisation of the Petroleum Exporting Countries (OPEC) cut its output by two million barrels a day, claiming a weakening global economy due to interest rate hikes. The move by OPEC, although short-lived, drove the price of oil back above USD 90 per barrel. As a result, the normal distribution of oil was disrupted and caused prices to spike across the globe.<sup>34</sup> It should be noted that fuel is a commodity subject to the rocket and feather theory. Hence when oil prices rise, gas prices quickly follow, shooting up like a rocket, yet when oil prices fall, fuel prices slowly come down like falling feathers.<sup>35</sup> High fuel prices were passed on to consumers at the pump, contributing to increased costs of virtually all goods and services through increased production and operational costs, respectively, further fuelling inflation.<sup>36</sup>

The UHRC further established that there were changes in the transportation arrangements of petrol and diesel from Kenya to Uganda, where 60% of the oil stock of oil marketing companies was localized in the Kenya market, and only 40% was allowed to be transported beyond Kenya. This was reported to have reduced and delayed the supply of especially petrol and diesel in Uganda against the backdrop of high demand, which culminated in high fuel prices in the country. It was further indicated that the rise in domestic fuel prices had partly contributed to the increase in the distribution costs for the manufacturers since they relied on trucks to transport both raw materials and final products to markets, thereby exacerbating the cost of production, culminating in high prices of essential goods.<sup>37</sup>

#### 1.4.7 Introduction of taxes on crude palm oil, refined cooking oil and fuel

The government introduced a 10% import duty on CPO and UGX 200 as an excise duty per litre of refined cooking oil in July 2021 in a bid to stimulate domestic production. This was in addition to a USD 70 (UGX 244,665) tax on each metric tonne of plastic and a 1.5% infrastructure levy. It was established that following the introduction of the 10% import duty, it was no longer tenable to import and then refine CPO. As such, manufacturers opted to import palm oil, a refined version of CPO. It was further revealed that whereas previously laundry bar soap was produced as a byproduct in the manufacture of cooking oil using CPO, this was no longer possible, and therefore, manufacturers had to import palm stearine and palm fatty acid to manufacture cleaning products like soap.<sup>38</sup>

It was established that processing of CPO yields 70% cooking oil, 29% fat (soap stock), and 1% palm fatty acid distillate; however, while processing palm oil fractions (oilen, fatty acid and stearine), there is a yield of 80% cooking oil, 19% fat (soap stock) and 1% palm fatty acid distillate. Hence manufacturers obtained less fat for making soap and, to circumvent the high CPO prices, increased the importation of relatively less costly palm oil fractions. Indeed, it was observed that import volumes of CPO, the critical raw material in the manufacture of laundry bar soap and cooking oil, drastically declined from 26 million tonnes to about 1,280 tonnes in November 2021 after the introduction of the import duty.<sup>39</sup> It was revealed that the prices of bar soap, other cleaning products and vegetable oil exponentially increased following the introduction of the taxes that made manufacturing and packaging more costly.<sup>40</sup>

28 [https://www.bou.or.ug/bou/bouwebsite/bouwebsitecontent/MonetaryPolicy/Monetary\\_Policy\\_Reports/2022/Jun/June-2022-Monetary-Policy-Report-Final.pdf](https://www.bou.or.ug/bou/bouwebsite/bouwebsitecontent/MonetaryPolicy/Monetary_Policy_Reports/2022/Jun/June-2022-Monetary-Policy-Report-Final.pdf)- Last visited on 11 February 2023.  
 29 <https://fewes.net/east-africa/uganda/food-security-outlook-update/august-2022/>- Last visited on 16 February 2023.  
 30 <https://www.africanews.com/2022/05/02/increasing-prices-for-basic-commodities-hit-ugandans/>- Last visited on 13 February 2023.  
 31 Paper on Government intervention on high fuel and commodity prices, challenges and recommendations presented by Mr. Bekabye, MoFPED at the UHRC Annual Report consultative meeting in January 2023.  
 32 <https://www.statista.com/statistics/1302801/monthly-fuel-energy-price-index-worldwide/>- Last visited on 14 February 2023.

33 <https://www.bbc.com/news/business-63855030> - Last visited on 4 March 2023.  
 34 <https://www.forbes.com/sites/qai/2022/12/02/gas-prices-december-2022-latest-winners-and-losers-from-recent-gas-price-trends/?sh=3650310976ad>- Last visited on 14 February 2023.  
 35 <https://www.wral.com/rockets-and-feathers-help-explain-gas-prices/20188646/>- Last visited on 18 February 2023.  
 36 <https://www.weforum.org/agenda/2022/03/how-does-the-war-in-ukraine-affect-oil-prices/>- Last visited on 4 March 2023.  
 37 Paper on Government intervention on high fuel and commodity prices, challenges and recommendations presented by Mr. Bekabye, MoFPED at the UHRC Annual Report consultative meeting in January 2023.  
 38 <https://www.mainstreamug.com/economy/2022/02/manufacturers-blame-ill-timed-tax-as-prices-of-bar-soap-shoot-through-the-roof.html>- last visited on the 15 February 2022.  
 39 [file:///C:/Users/Director%20RS/Downloads/What\\_explains\\_Ugandas\\_surge\\_in\\_laundry\\_soap\\_and\\_cooking\\_oil\\_prices\\_in\\_202122.pdf](file:///C:/Users/Director%20RS/Downloads/What_explains_Ugandas_surge_in_laundry_soap_and_cooking_oil_prices_in_202122.pdf) - Last visited on 5 March 2023.  
 40 <https://www.mainstreamug.com/economy/2022/02/manufacturers-blame-ill-timed-tax-as-prices-of-bar-soap-shoot-through-the-roof.html>- Last visited on 15 February 2022.

The UHRC findings further established that in FY 2021/22, the government increased excise duty on fuel imports by UGX 100 per litre for petrol and diesel. This was said to have sparked the beginning of the fuel price increase in the country along with other factors (a litre of petrol and diesel rose from UGX 3,700 and UGX 3,200 in July 2021 to UGX 4,580 and UGX 4,100 in December 2021, respectively).<sup>41</sup> The UHRC noted that the price of fuel peaked slightly above UGX 6,000 in October 2022, with diesel costing more than petrol per litre, which was unprecedented. This was attributed to the increase in exercise duty, compounded by an increase in international oil prices by over 112% between January 2021 and March 2022.<sup>42</sup>

## 1.5 HUMAN RIGHTS CONCERNS ABOUT ESCALATING PRICES OF FUEL AND ESSENTIAL GOODS

The UHRC observed that an increase in the cost of production of goods is often passed on to consumers in the form of the price, which is noticed most by consumers for products that they frequently purchase, such as grocery items and fuel for vehicles,<sup>43</sup> thereby causing discomfort among the public.<sup>44</sup> The high costs compromised people's access to health services, disrupted children's access to education, and exacerbated food insecurity amongst the population. The UHRC further established during its monitoring that this had negatively affected the general well-being of the population in Uganda, especially vulnerable populations and low-income earners, through increased cost of living. The situation was compounded by the fact that most of the population had not yet fully recovered from the devastating effects of the COVID-19 pandemic that ravaged the world and the country for nearly two years. The increase in prices of fuel and other essential goods affected the proper functioning of the economy and constrained

the government's interventions geared towards relieving the population of the negative effects.

### 1.5.1 Macro-economic instability

According to the Bank of Uganda (BOU) State of Economy Report for June 2022, the economy grew at 4.6% during the financial year 2022, faster than had been anticipated due to a slight increase in activity after the economy reopened in January 2022 from the COVID-19 pandemic restrictions. It was established that services and industry were the main drivers of economic growth. This was in addition to a strong recovery in wholesale and retail trade, real estate and education, as well as construction and manufacturing industries. It was, however, revealed that owing to higher prices and policy tightening, growth in real consumption slowed, possibly because of reduced purchasing power, limited credit growth, and unemployment resulting from job losses. Furthermore, employment was reported to have fallen after the second lockdown in June 2021 and remained at the same level by July 2022.<sup>45</sup>

The UHRC established that in a bid to control inflation, the BOU increased the Central Lending Rate (CLR) by 1% to 7.5% in June 2022. This was followed by BOU's increase of the cash reserve requirement (CRR) from 8% to 10% of the total deposits of commercial banks in the same month.<sup>46</sup> The UHRC also observed that in as much as this monetary action was well intended to control inflation and mitigate its effects on the economy, it reduced liquidity among the population who had already suffered low purchasing power due to inflation.

In addition, the country experienced revenue shortfalls largely due to underperformance in domestic taxes, majorly attributed to increased cost of production and operations as a result of increased prices in raw materials and transportation costs

that had forced some businesses to close. The revenue shortfalls reportedly constrained the fiscal operations of the government. The situation was compounded by the heightened depreciation of the Uganda Shilling to the US dollar, which peaked at UGX 3,898.68 in August 2022.<sup>47</sup> This resulted in a deficit in the balance of trade, further constraining the economy.<sup>48</sup> Notably, the increase in prices of fuel, refined cooking oil and laundry bar soap could have reversed the country's gains towards SDGs 2 and 6 with respect to zero hunger and good sanitation, respectively.

### 1.5.2 General living conditions of the population

The increased cost of living attributed to high fuel and essential goods prices in the country reportedly resulted in a poor standard of living among the population. In their research, the UHRC met Higenyi Mark, a landlord in Wakiso district, who observed that thefts were more likely to increase if the situation persisted.<sup>49</sup> Mirembe Patricia, a stationer in Kayunga town, stated that the situation had reduced some people to live a life of "beggars."<sup>50</sup> Many people's livelihoods were reported to have been negatively affected.

According to Ms Aliziki K Lubega, the UBOS Director for Economic Statistics, beyond a surge in commodity prices, there was a rise in transport inflation, which during August increased from 7.3% to 8.7% due to a spike in long-distance bus fares that increased to -9.5% from -27.8%. She stated that inflation for short-distance taxi fares, which cover less than 50 kilometres, also increased to 5% from 4.1%.<sup>51</sup> The UHRC monitoring established that the high fuel price had an impact on journey fares, which had negatively affected employees travelling to work, students travelling to school, and people travelling to seek medical attention.

It was also observed that low-fuel consuming cars such as those between 1000cc-1800cc had previ-



High fuel prices in 2022

ously required approximately UGX 170,000 to fill up a fuel tank, but when a litre of petrol cost UGX 4,350, it took UGX 340,000 to fill up the same tank.<sup>52</sup> Consequently, some people who previously drove to work opted for public transport because they could hardly afford fuel for their cars. Mukwaya, a resident of Namugongo in Kira Municipality Wakiso district, noted, "Previously I needed UGX 20,000 to fuel my car to go town to work and back, but now with the same amount what I get can only take me to Nakawa and back. The best option for me now is to use public means unless I have an emergency like taking a family member to hospital." The UHRC also noted that many people who previously used commuter taxis, especially in Kampala, Mukono and Wakiso, opted to use bodabodas, where two passengers rode on one. This was corroborated by respondents in the transport sector who stated that due to passengers' inability to afford transport fares, they had resorted to overloading passengers and working overtime as a coping mechanism.

41 <https://observer.ug/viewpoint/73837-is-uganda-s-govt-out-of-options-on-current-fuel-prices> Last visited on 18 February 2023.

42 UHRC official's interactions with fuel operators in Buliisa district in January 2023.

43 [https://www.google.com/search?client=firefox-b-d&sxsrf=AJOqlzWWXl8PXuajw1aZxXer1I51bZb9uA:1676296337060&q=commodity+prices+meaning&spell=1&sa=X&ved=2ahUKewj1rdW90pL9AhX\\_TKQEHcnXD40QirwEKAB6BAgMEAE&biw=1280&bih=587&dpr=1.5](https://www.google.com/search?client=firefox-b-d&sxsrf=AJOqlzWWXl8PXuajw1aZxXer1I51bZb9uA:1676296337060&q=commodity+prices+meaning&spell=1&sa=X&ved=2ahUKewj1rdW90pL9AhX_TKQEHcnXD40QirwEKAB6BAgMEAE&biw=1280&bih=587&dpr=1.5) Last visited on 13 February 2023.

44 <https://www.finance.go.ug/sites/default/files/press/PRESS%20STATEMENT%20ON%20THE%20RISING%20PRICES%20OF%20ESSENTIAL%20COMMODITIES.pdf> Last visited on 14 February 2023.

45 Bank of Uganda State of Economy Report on June 2022 available at <https://www.bou.or.ug/bouwebsite/bouwebsitecontent/publications/QuarterlyStateofEconomy/publications/Quarterly-Economic-Reports/2022/Jun/SOE-report-June-2022-Final.pdf> Last visited on 8 March 2023.

46 Bank of Uganda State of Economy Report on June 2022 available at <https://www.bou.or.ug/bouwebsite/bouwebsitecontent/publications/QuarterlyStateofEconomy/publications/Quarterly-Economic-Reports/2022/Jun/SOE-report-June-2022-Final.pdf> Last visited on 8 March 2023.

47 [https://www.exchangerates.org.uk/USD-UGX-06\\_08\\_2022-exchange-rate-history.html](https://www.exchangerates.org.uk/USD-UGX-06_08_2022-exchange-rate-history.html) Last visited on 8 March 2023.

48 Bank of Uganda State of Economy Report, June 2022 available at <https://www.bou.or.ug/bouwebsite/bouwebsitecontent/publications/QuarterlyStateofEconomy/publications/Quarterly-Economic-Reports/2022/Jun/SOE-report-June-2022-Final.pdf> Last visited on 8 March 2023.

49 UHRC's interaction with Mr. Higenyi Mark in Wakiso town in January 2023.

50 UHRC's interaction with MS Mirembe Patricia in Kayunga town in February 2023.

51 <https://www.monitor.co.ug/uganda/business/markets/rise-in-food-fuel-prices-exerts-pressure-on-inflation-3933522> Last visited on 16 February 2023.

52 <https://observer.ug/viewpoint/74414-will-uganda-s-fuel-prices-drop> Last visited on 17 February 2023.



UHRC officials interacting with boat users at Lake Bunyonyi in Rubanda district

Ultimately people, especially low-income earners, limited their movements by foregoing travels for social reasons like visiting relatives and attending burial ceremonies. It was also revealed that some people resorted to walking to their respective destinations, including to work, school and health centres, while some people whose businesses required movement from one place to another abandoned them, thus leading to loss of livelihoods.

### 1.5.3 Effect on living conditions of vulnerable populations

The dramatic rise in the prices of key commodities mostly affected the poor Ugandans, compared to the middle class and upper class, because the foods whose prices increased, such as maize flour, laundry soap, and cooking oil, are heavily consumed by the poor. According to UBOS, 2021, the poor spend disproportionately a higher share of their total household expenditures (over 40%) on food. It is therefore anticipated that the increase in prices of essential goods and services and the resultant increased cost of living pushed more people into poverty (poverty line USD 1.90 a day) by undermining the government's poverty reduction efforts.

The UHRC noted that the poor households' welfare dropped, with many cutting down on the consump-

tion of commodities due to the significant increase in prices. This was because the poor have less ability to absorb inflation and fewer options for substitution. As such, any price changes mainly affect the poor, who have no option but to reduce their dietary intake or consumption. Analysis showed that the poor cut consumption of key commodities by an average of 2.7%, while the well-off families only cut consumption by just 0.2%.<sup>53</sup>

The UHRC further noted that due to their lack of resilience and ability to manage shocks, vulnerable populations, including single mothers, market and street vendors, older persons and the urban poor, were more affected by the escalation of prices of fuel, cooking oil and laundry bar soap (one kilogram of laundry bar soap rose to UGX 7,000 and a litre of vegetable cooking oil to UGX 10,000 in 2022 from UGX 3,500 and UGX 5,000 in mid-2021 respectively).<sup>54</sup>

This further reduced consumption patterns, especially for the poor, depriving them of access to essential items such as soap and food. Susan Wasige, a Kampala resident earning a meagre salary of USD 5 per day, reported she could not support her family of three children as she could no longer afford soap at USD 2 or cooking oil at USD 4. She reportedly could barely buy anything, fed her children food boiled in only water and gave up buying sugar because everything was very expensive.<sup>55</sup>

53 The Economic Policy Research Centre Director of Research, Dr Ibrahim Kasirye.

54 <https://www.mainstreamug.com/economy/2022/02/manufacturers-blame-ill-timed-tax-as-prices-of-bar-soap-shoot-through-the-roof.html>- Last visited on 15 February 2023.

55 <https://www.africanews.com/2022/05/02/increasing-prices-for-basic-commodities-hit-ugandans/>- Last visited on 13 February 2023.



Food prices in 2022

The UHRC identified vulnerable populations who could not afford transport fares and walked long distances to access medical services. Muthundi Nason, categorised as an urban poor, gave this account: *"I am married with one wife and two children. At the beginning of this year my wife went into labour and we had to walk about 5 km to access a health centre for her delivery because we could not afford hiring a car. Moreover given her condition, she could not use a boda boda. She was admitted and upon delivery, we were required to pay a Bill of UGX 540,000 which I could not afford. I was forced to obtain a loan which I could hardly pay back but eventually I finished paying."*

### 1.5.4 Effect on traders or business operators

The cut in consumption had macroeconomic implications. Manufacturers of different goods and services witnessed less demand as Ugandans attempted to be frugal and manage the situation. The Economic Policy Research Centre (EPRC) Business Climate Index<sup>56</sup> indicated that nine in every ten businesses reported a decline in the demand for their goods and services. This consequently affected employment and government revenues and raised serious questions about business sustainability. UHRC monitoring established that the increase in prices lowered consumer purchases and negatively affected traders' profit margins. It was also noted that some businesses were severely affected and closed down due to failure to afford rent and other operational costs. As such, with fuel being one of the major economic drivers, the

country experienced rampant closure and collapse of many businesses, especially small or emerging businesses.

The increasing fuel prices also made the public transport business unaffordable and unsustainable. Consequently, people in the transport service sector opted for alternative sources of income, which were also said to be unfavourable since the entire economy was not doing well.<sup>57</sup> Ssemakula Musa, a boda boda rider in Wakiso town, stated that he had parked his motorcycle because he could not afford the cost of repairing it, affecting his livelihood. It was stated that the amount of money which would previously buy ten litres of petrol could buy only six litres. Indeed according to UBOS Consumer Price Indices of July 2022, inflation in the motorcycle transportation sector increased from 1.7% in June 2022 to 4.6% in July 2022. One male respondent, a boda rider in Dokolo town, decried the high cost of fuel and other commodities, saying, *"I am making serious losses as our customers do not want to pay what is commensurate with the cost of fuel, besides they also don't have money."*<sup>58</sup> One chapati vendor in Dokolo lamented, *"We have lost many customers because they are not willing to pay higher prices resulting from the high cost of production on our part; my profits have reduced so much affecting my standard of living because this is my only source of livelihood."* This was reechoed by the management of Dokolo FM in Dokolo district, which revealed that the expenses on fuel for the generator to run

56 The Economic Policy Research Centre (EPRC).

57 The Observer of 19 July 2022 accessed at <https://observer.ug/viewpoint/74414-will-uganda-s-fuel-prices-drop>- Last visited on 17 February 2023.

58 UHRC interactions with boda boda operator in Dokolo district.

the station had tremendously increased the cost of doing business. All fuel station operators that the UHRC interacted with during the monitoring agreed that their sales had reduced at the peak of high fuel prices from May to July 2022, thereby lowering their profit margin. For instance, the manager of Golden Gas Fuel station in Kwanja said the demand for fuel went down because cyclists had stopped purchasing fuel on the grounds that they were not making any profits.<sup>59</sup>

### 1.5.5 Disruption in school attendance

UHRC monitoring established that some schools hiked school fees in order to cope with increased prices of essential goods upon opening in January 2022 after COVID-19 imposed lockdowns. It was also revealed that the education sector struggled to keep afloat after the reopening. Most of the private schools were reportedly financing loans, and the escalation in prices of fuel and essential goods compounded the matter; hence they increased school fees in addition to acquiring more loans in order to remain in operation.

For instance, the prices of beans, maize flour, tomatoes and laundry bar soap which are some of the basic goods needed in schools, cost as high as UGX 5,000, UGX 4,000, UGX 3,000 and UGX 7,000, respectively. Some schools cut down on foods like beef which are necessary for the dietary needs of the learners in order to keep within their budgets, while others improvised by closing before the school calendar, thereby shortening the learners' period of being in school, which could have compromised their grades. It should be noted that parents had to bear the burden of buying school requirements and personal effects for their children in addition to paying school fees. It was further established that with the increase in school fees, some parents, especially from vulnerable populations, could not afford to keep their children in school. Consequently, some children were reported to have dropped out of school and hence did not access their right to education as provided for under Article 13 (1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Article 30 of the Constitution which protect every person's right to education.<sup>60</sup> One respondent said that whereas he had four school-

going children, he decided only to pay fees for the ones in candidate classes of Primary Seven (P7) and Senior Four (S4) so they would not miss their final examinations and left the others home to re-enrol in 2023. Some children were moved to more affordable schools because their parents could no longer take them to schools of their choice. A farmer in Kwanja District had this to say about the non-affordability of the right to education due to the increased cost of living attributed to increased fuel prices and essential goods: *"I can't afford most basics needs now. How then can my children study in the good schools around? I wonder whether Government really cares about us."*<sup>61</sup>

It is important to note that while the Government strives to make education affordable through the provision of Universal Primary Education (UPE) and Universal Secondary Education (USE) as provided for under Article 13 (2) (a&b) with respect to the provision of free, compulsory primary education for all and secondary education which is accessible to all, parents remain with the responsibility to provide for other scholastic materials like uniform, meals and books for their children as provided for under Article 32 (2) of the Constitution. Besides, the available schools that provide UPE and USE cannot absorb all the school-going population in the country. This implies that some children either attended private or government-aided schools that were not under the UPE and USE programmes.

It was also revealed during the UHRC monitoring that some day scholars who needed fare to travel to school resorted to walking to school because their parents could not afford the fare given that they prioritised spending on other basic goods like soap and food. It was reported that, as a result, some children reached school late and missed some lessons, which ultimately affected their grades.

### 1.5.6 Access to health services and hygiene

It was established during the UHRC monitoring that high fuel and essential goods prices had negatively affected the population's ability to access health care, medications as well as adequate nutrition, all of which are necessary for the enjoyment of the right to health. It was observed that the escalation of prices of fuel and essential goods led to

increased transport fares that made it difficult for some people to travel to health centres to access medical care and health services. The situation was compounded by the fact that even those who were able to get to the health facilities often never got the desired services because of drug stock-outs. Consequently, some people sought medication from drug shops and pharmacies, yet due to the high inflation rate, medicine in private facilities had become too expensive to afford.

The high price of laundry bar soap made hygiene untenable, which is necessary for the enjoyment of the right to health. It was established that soap had no close substitute, unlike cooking oil, which could be substituted when the prices went so high, so people's ability to care for their hygiene needs was hampered.

In addition, it is generally known that there is hardly adequate fuel in government hospitals to run ambulances and that caretakers of patients are required to contribute. It was accordingly found during the UHRC's monitoring that patients from rural areas in Karamoja could not afford to fuel the ambulances as the norm owing to high prices, which made it very difficult for them to access health facilities to attain medical care and other health services.

### 1.5.6 Food insecurity

It was observed that half of the population in the country was already moderately food insecure as a result of increased prices of foodstuffs. Households, particularly the poorest ones, felt a negative impact from increased prices, either by being unable to access food products or buying them in desired amounts.<sup>62</sup> In urban areas, food security among poor households continued to be increasingly strained by rising prices of food and non-food commodities. As such, most poor households had difficulty obtaining food and were unable to afford essential non-food items. For example, in Karamoja, the intermittent harvest provided households with limited food from their own production. Moreover, due to significantly high food prices juxtaposed with low income coupled with three consecu-

tive seasons of low food production, poor and better-off households faced reduced purchasing power and constrained access to food from market purchases.<sup>63</sup>

It was further established that although both the well-to-do and the low-income earners suffered insecurity in food as a result of the escalation in prices of fuel and other essential goods, the latter suffered more. The low-income earners, especially those in rural areas, heavily depended on their harvest, which was poor. Their situation was exacerbated by their low financial ability to procure food in markets, let alone their inability to access the markets due to hiked transport fares owing to high prices of fuel. As a result, the UHRC found that some vulnerable populations were relying on less preferred, cheaper foods and on collecting wild fruits and vegetables. While some had reduced quantities of food, others had only one or two meals a day as opposed to the standard of three meals a day and their dietary nutritional needs were hardly met. Ms Kyomugisha Imelda, a resident of Rubanda district, had this to say: *"I am a widow with four children aged 8 to 16 years. Two of them are in a boarding secondary school where I have not completed paying school fees and the other two are in primary in a day school. The three of us only eat once because we neither have food nor money to buy it. I bought 25 kilograms of posho at UGX 85,000 at the beginning of October 2022 and I always economize by preparing porridge which we take as supper so that at least it can push us for two months."*<sup>64</sup>

In addition, according to Center for Food and Adequate Living Rights (CEFROTH) there were sections of the population in Uganda who were being forced to eat wild poisonous roots, especially in Karamoja.

It was reported that the food security stress had already caused malnutrition, especially among children, the elderly and adults with underlying conditions. Unless a durable solution is found, it is expected that high levels of acute malnutrition have increased in several areas.<sup>65</sup>

59 UHRC official's interaction with the manager of Golden Gas Fuel Station in Dokolo in January 2023.

60 <https://en.wikipedia.org/wiki/Education>- Last visited on 15 February 2023.

61 UHRC official's interaction with a respondent in Kwanja district in October 2023.

62 <https://www.worldbank.org/en/country/uganda/overview>- Last visited on 8 March 2023.

63 <https://fews.net/east-africa/uganda/food-security-outlook-update/august-2022>- Last visited on 16 February 2023.

64 UHRC Official's interaction with MS Kyomugisha in Rubanda district, November 2022.

65 <https://fews.net/east-africa/uganda/food-security-outlook-update/august-2022>- Last visited on 16 February 2023.

## 1.6 GOVERNMENT INTERVENTIONS TO ADDRESS THE ESCALATING PRICES OF FUEL, COOKING OIL AND LAUNDRY BAR SOAP

The main factors for the escalation in prices of fuel, refined cooking oil and laundry bar soap were external and thus beyond the ability of the government of Uganda to deal with directly solely. Therefore the Government had no interventions that were directly aimed at reducing prices. The interventions focused on addressing the challenges that affected the supply of essential goods and fuel. It should be noted that GoU made it clear right from the onset, as a matter of principle, that it would leave it to the market forces to re-balance the prices. These aimed at implementing sustainable policies to ensure continued supply in the short, medium and long-term as indicated below:

1. In 2022, the Government supported manufacturers and small and medium enterprises to increase local production and import replacement of goods and services that could be produced locally through initiatives such as the Youth Livelihood Program, Emyooga and the Parish Development Model to facilitate the socio-economic transformation of the average household from subsistence production to the money economy and market-oriented production to enable the beneficiaries to escape from poverty.
2. The Government continued to encourage the local farmers to increase the production of alternatives such as sunflower and soybeans to supply the manufacturing industry.<sup>66</sup> According to the Uganda Investment Authority (UIA) Report 2021<sup>67</sup>, the annual production capacity of edible oils in Uganda is 40,000 metric tonnes, with aggregate demand of 120,000 metric tonnes, presenting a deficit of 80,000 metric tonnes.
3. The Government made efforts to control inflation through close coordination between fiscal and monetary policies. Public exchange was constrained through the raising of interest

rates by BOU to control inflation and to prevent a rapid depreciation of the Uganda shilling.

4. The Government instituted measures through National Agricultural Advisory Services (NAADS) and Operation Wealth Creation to support farmers to grow more food and vegetable seeds and cereals to ensure sufficient domestic supply as well as take advantage of the rising global and regional prices to boost their export earnings.
5. The Government is fast-tracking the implementation of the Parish Development Model (PDM), which targets an increase in the production of strategic commodities for domestic consumption and export. This will also support the 39% of the households in subsistence to join the money economy and build the capacity to withstand shocks such as price hikes.
6. The Ministry of Energy and Mineral Development (MoEMD) stepped up its regulatory role on the domestic fuel market to ensure that fuel price movements were a true reflection of the economic environment, and the Uganda National Oil Company directly imported fuel to help address the monopoly in the oil market and to ensure that the resource is exploited in a sustainable manner.

## 1.7 CHALLENGES IN ADDRESSING THE ESCALATING PRICES OF ESSENTIAL COMMODITIES

As indicated above, the Government's interventions were largely geared towards increasing the local supply of essential goods. As such, there were no direct interventions in the reduction of essential goods prices. For the indirect interventions, the UHRC noted that despite the fact that the introduction of a 10% import duty on CPO was meant to boost local production, the government-initiated palm oil project, which started 20 years ago in Kalangala, produced only 41 metric tonnes of CPO, which accounts for only 33% of the country's demand.

The UHRC also noted that although tax waivers on essential goods would have translated into lower prices and hence relieved the burden on consumers, this would have negatively affected FY2022/23 budget. Therefore, the medium-term fiscal programmes would have been disruptive to the implementation of the Government's overall development programmes as resources would have been severely constrained. For instance, the revenue foregone by the removal of excise duty from refined cooking oil, laundry bar soap and fuel would be UGX 3,069.06 billion.

## 1.8 RECOMMENDATIONS

Despite interventions made by the government, prices of fuel and essential goods, specifically refined cooking oil and laundry bar soap, as well as essential services like education, remain high. There are also challenges in the oil and soap manufacturing industries in the country that need to be dealt with. There is, therefore, a need for further intervention, as indicated below.

1. The Ministry of Finance, Planning and Economic Development should prioritise support for the Kalangala Palm Oil project to boost domestic production of palm oil and its alternatives to reduce the country's dependence on imports.
2. The Government of Uganda should also reconsider its regulatory role as a liberalised economy to protect its citizens from exploitation by businesses.

3. The Ministry of Energy and Mineral Development should provide strategic fuel reserves which can supply fuel, especially in periods of acute shortage, to prevent exponential prices increase.
4. The Ministry of Finance, Planning and Economic Development, Ministry of Works and Transport, as well as the Ministry of Science and Technology, should, as a long-term measure, fast-track investment in electric transport means to reduce dependency on fuel.
5. The Ministry of Works and Transport should fast-track the construction of the Standard Gauge Railway to diversify transportation.

## 1.9 CONCLUSION

The escalation in prices of fuel, refined cooking oil, and laundry bar soap, along with other essential goods and services, disrupt consumption patterns and negatively impacts the standard of living of the population, especially vulnerable populations. If no durable solutions are found, the government's interventions to lift people out of a subsistence economy to a money economy shall be frustrated. More people shall slide below the poverty line in addition to the 25% already living in poverty. There is, therefore, need for a multi-sectoral approach utilising human rights-based approaches in addressing the problem.

<sup>66</sup> Available at: <https://www.finance.go.ug/sites/default/files/press/PRESS%20STATEMENT%20ON%20THE%20RISING%20PRICES%20OF%20ESSENTIAL%20COMMODITIES.pdf> Last visited on 14 February 2023.

<sup>67</sup> Available at: [https://www.acode-u.org/newsletter/content/issue14\\_A1.pdf](https://www.acode-u.org/newsletter/content/issue14_A1.pdf) authored by Nuwaha Elizabeth & David Walakira.

# ENVIRONMENTAL DEGRADATION AND THE HUMAN RIGHTS IMPLICATIONS

## 2.1 INTRODUCTION

The environment is the natural world that includes land, water, air and living things and can be affected by human activity. The environment can also be described as the sum total of the surroundings and resources, including both biotic resources (i.e. living creatures such as plants and animals) and abiotic resources (i.e. non-living things, such as air, water and land), which affect our existence and quality of life.

Environmental degradation is the deterioration of the environment through the depletion of resources such as air, water and soil; the destruction of ecosystems; habitat destruction; the extinction of wildlife; and pollution. It is also defined as any change or disturbance to the environment perceived as deleterious or undesirable. The United Nations, in its International Strategy for Disaster Reduction, defines environmental degradation as the reduction of the environment's capacity to meet social and ecological objectives and needs.<sup>68</sup> The ecological effect or degradation is often created by the consolidation of an effectively substantial and expanding human populace, constantly expanding monetary development or per capita fortune and the application of asset-exhausting and polluting technology. It occurs when the earth's natural resources are depleted, and the environment is compromised in the form of extinction of species, pollution in the air, water and soil, and rapid population growth.

Human rights and the environment are intrinsically intertwined, with all human beings dependent on the environment in which they live. A safe, clean, healthy and sustainable environment is integral to the full enjoyment of a wide range of human rights, including the rights to life, health, food, culture, religion, water and sanitation. Without a healthy environment, we are unable to fulfil our aspirations. The human rights framework provides an unassailable moral and legal justification for immediate and urgent action to protect the environment for the benefit of all persons. Environmental sustainability and the promotion, protection and fulfilment of human rights are complementary objectives at the core of sustainable development. Ecosystems and the services they provide directly contribute to the full enjoyment of human rights.

Uganda is well endowed with many natural resources in the form of forests, wetlands, wildlife reserves and water resources. It is no secret that natural resource exploitation and extraction is a fast-growing industry in resourceful Uganda, with adverse results for communities living in or around project-affected areas. Activities carried out by communities for daily survival as well as various actors involved in natural resource exploitation and extraction have, in many instances, contributed to environmental degradation.

States have clear human rights obligations to prevent the adverse impacts of environmental degradation on the enjoyment of human rights.<sup>69</sup>

Additionally, businesses are responsible for respecting human rights, doing no harm, and exercising due diligence in carrying out their activities. In the event that environmental and human rights harms occur, States, individuals, and businesses have obligations to ensure access to effective remedies. As Robert Turiyakira, an environmental human rights defender, stated, *"Nature doesn't owe us anything. It is not there for us to 'control' and 'manage' it either. We were born to live in harmony with it because we are a big part of it. And we certainly don't have the right to exploit and destroy it without thinking about the future generations of humans and other biodiversity."*

In 2022, the UHRC carried out fact-finding activities on environmental degradation and the resultant human rights implications. This chapter assesses the impact of both human and natural activities on the environment. It makes an analysis of the situation, assesses the human rights implications, highlights mitigation measures at the national level and suggests appropriate recommendations with a concluding opinion.

## 2.2 LEGAL AND POLICY FRAMEWORK

### 2.2.1 International framework

Uganda is a State party to a number of international instruments aimed at combating environmental degradation. The United Nations (UN) Charter<sup>70</sup> provides for environmental rights through the economic, social and cultural rights arena, which are dependent on a healthy environment for their realisation. Article 55(a) of the UN Charter requires states to promote higher standards of living. The Charter also articulates procedural rights fundamental to the protection of all human rights as well as environmental interests.<sup>71</sup> The UN Framework Convention on Climate Change (UNFCCC),<sup>72</sup> which has the goal of stabilising greenhouse concentration in the atmosphere at a level that prevents dangerous anthropogenic interference with the climate system, also calls on State parties to carry out scientific research and future policy agreements to allow ecosystems to adapt naturally to

climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

Article 12(2) (b) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) requires states to take necessary steps for the improvement of all aspects of environmental and industrial hygiene. The Convention on the Rights of the Child (CRC) also promotes children's rights to a healthy and sustainable environment. CRC specifically refers to the environment in connection with the child's right to health and adequate food. It recognises a child's right to enjoy the highest attainable standard of health in order to combat diseases and Malnutrition through inter alia "the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution" (Article 24(2)(c)). The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) recognises that environmental degradation affects women and girls differently and disproportionately.

### 2.2.2 Regional legal framework

The African Convention on the Conservation of Nature and Natural Resources 1968 recognises the duty of states to adopt measures necessary to ensure the conservation, utilisation and development of soil, water, flora and faunal resources in accordance with scientific principles and with due regard to the best interests of the people. Under Article 24 of the African Charter on Human and Peoples' Rights, all peoples have a right to a satisfactory environment favourable to their development.<sup>73</sup> Article 21 states that "all peoples shall freely dispose of their wealth and natural resources" and that this right shall be exercised in the "exclusive interest of the people." The Protocol on the Environment and Natural Resources Management<sup>74</sup> further recognises that development activities can lead to environmental degradation. It, therefore, urges States to observe the fundamental right of people to live in a clean and healthy environment.

68 United Nations, in its International Strategy for Disaster Reduction, defines environmental degradation.

69 OHCHR - Ian Fry, the UN Special Rapporteur on human rights and climate change urge States to "take drastic action and accelerate climate ambitions without delay, in line with recommendations by the IPCC."

70 United Nations, *Charter of the United Nations*, 1945, 1 UNTS XVI.

71 Right to an effective remedy for acts violating the fundamental rights (Article 8), a right to a fair and public hearing (Article 10), the freedom to seek, receive, and impart information and ideas (Article 19), and the right to take part in government (Article 21).

72 UN Framework Convention on Climate Change, May 9 1992, 1771 U.N.T.S 108.

73 SERAC v. Nigeria, Decision, Comm. 155/96 (ACHPR, October 27 2001).

74 Signed between Uganda and Tanzania on 30 November 1999; the parties recognise that development activities can lead to environment degradation.

### 2.2.3 National framework

In order to address environmental degradation, Uganda has enacted and reviewed sectoral policies and laws to reduce environmental loss. The 1995 Constitution makes provisions for the protection of the environment and natural resources. Objective XIII of the National Objectives and Directive Principles of State Policy and Article 237(2) (b) of the Constitution pronounces the public trust doctrine where Government is a public trustee of Uganda's natural resources. Article 39 of the Constitution further provides for the right to a clean and healthy environment.

The National Environmental Act of 2019<sup>75</sup> provides for the protective framework and mechanisms for the environment in Uganda. The Act provides for emerging environmental issues such as climate change, hazardous chemicals and biodiversity offsets, among others. It also provides for an institution, the National Environmental Management Authority (NEMA), to continuously manage environmental issues and as the watchdog of all environmental concerns. It establishes a specialised unit, the Environmental Protection Force, to handle enforcement and creates offences and penalties in monetary fines and custodial sentences.

The National Forestry and Tree Planting Act<sup>76</sup> provides for the preservation and conservation of tree cover in Uganda. In addition, the National Climate Change Act 2021 governs Uganda's national response to climate change. It gives effect to the UN Framework Convention on Climate Change, the Kyoto Protocol, and the Paris Agreement.<sup>77</sup> The Act mandates the creation of a Framework Strategy on Climate Change, a National Climate Action Plan and district Climate Action Plans. It also contains a series of provisions establishing a transparency framework and Measurement Reporting and Verification (MRV) system.

### 2.2.4 Policy and institutional frameworks

The National Environment Management Authority (NEMA) is charged with guiding, coordinating, supervising and monitoring all aspects of environmental management. In addition, entities such as

the Uganda Wildlife Authority (UWA), the National Forest Authority, and the Environmental Police were also established to handle environmental-related matters regarding complaints receipt and management. At the national level, environmental issues have also been integrated into key national policies and programmes, such as Vision 2025 which is a long-term national development plan whose aim is to make Uganda have prosperous people and be a harmonious nation and beautiful country. The main objectives of the vision are sustainability, conservation and regeneration of both man-made and natural resources.

At the district (local government) level, every district has a district Environment Committee under the Department of Natural Resources, which advises the district Council on environmental issues. This has enabled the integration of ecological concerns into district development plans. All these are guiding efforts relating to the environment in addition to the ordinances, by-laws and good practices at the local government levels to address specific environmental issues at the local levels.

## 2.3 TYPES OF ENVIRONMENTAL DEGRADATION

Environmental degradation is one of the largest threats that are being looked at in the world today. The United Nations International Strategy for Disaster Reduction has characterised environmental degradation as lessening the earth's limit to meet social and environmental destinations and needs. The thirteenth and fifteenth Sustainable Development Goals encourage all states to take urgent action to combat climate change and its impacts to protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and reverse land degradation and biodiversity loss. The negative effects of any human activity on the environment include both biological and physical features of the environment. The types of environmental degradation include:

1. **Land and soil degradation:** Degradation of soil quality from poor farming practices, deforestation, excessive use of fertilizers and pesticides, leakage from landfills etc.

2. **Water degradation:** Water pollution from trash dumped in oceans, illegal dumping, disposal of large amounts of industrial waste into nearby rivers or lakes etc.
3. **Atmospheric degradation:** This includes air degradation, particle pollution and the depletion of the ozone layer.
4. **Several other kinds of pollution:** Apart from land, water and atmospheric degradation, many other kinds of pollution, such as noise pollution and light pollution, are part of environmental degradation.

## 2.4 CAUSES OF ENVIRONMENTAL DEGRADATION

### 2.4.1 Land disturbance

A fundamental cause of environmental degradation is land damage. Numerous weedy plant species, such as garlic and mustard, are foreign and obtrusive. A rupture in the environmental surroundings provides them with a chance to start growing and spreading. These plants can assume control over nature, eliminating the local greenery. The result is a territory with a solitary predominant plant that doesn't give satisfactory food to all the environmental life. Thus the whole environment can be destroyed because of these invasive species.

### 2.4.2 Pollution

Pollution, in whatever form, whether it is air, water, land or noise, is harmful to the environment. Air pollution pollutes the air that we breathe, which causes health issues. Water pollution degrades the quality of water that we use for drinking purposes. Land pollution results in the degradation of the earth's surface due to human activities. Noise pollution can cause irreparable damage to our ears when exposed to continuous large sounds like the honking of vehicles on a busy road or machines producing large noise in a factory or a mill.

### 2.4.3 Landfills

Landfills pollute the environment and destroy the beauty of the city. Landfills come within the city due to the large amount of waste that gets

generated by households, industries, factories and hospitals. Landfills pose a great risk to the health of the environment and the people who live there. Landfills produce a foul smell when burned and cause substantial environmental degradation.

### 2.4.4 Natural causes

Things like avalanches, earthquakes, tidal waves, storms, and wildfires can totally crush nearby animal and plant groups to the point where they can no longer survive in those areas. This can either come to fruition through physical demolition due to a specific disaster or by the long-term degradation of assets by presenting an obtrusive foreign species to the environment. The latter frequently happens after tidal waves, when reptiles and bugs are washed ashore. Earth itself causes ecological issues, as well. While environmental degradation is most normally connected with what people do, the truth is that the environment is always changing. With or without the effect of human exercises, a few biological systems degrade to the point where they can't help the life that is supposed to live there.

## 2.5 SITUATIONAL ANALYSIS

The vast majority of Uganda's population is dependent on natural resources. This means that the livelihoods of many Ugandans are tied to the environment, which acts both as a source of subsistence at household level requirements, medical care and a basis for production. According to the NEMA report (2019), human survival, security and the well-being of most Ugandans are supported by the State of the environment and its ecosystems, such as land and its various types of vegetation cover and water sources.<sup>78</sup> Some environmental life species require substantial areas to help provide food, living space, and other different assets. As such, environmental degradation is a major threat to food security in Uganda and is responsible for the siltation and pollution of lakes, rivers and open water sources, affecting livelihoods. Environmental resources such as land, water, air and minerals are vital to the economic sector of the production of goods and services and act as a sink for emissions and waste products.

<sup>75</sup> Repealed the National Environmental Act Cap 153.

<sup>76</sup> Act 8 Cap 153 of 2003.

<sup>77</sup> Section 4 of the Climate Change Act, 2012.

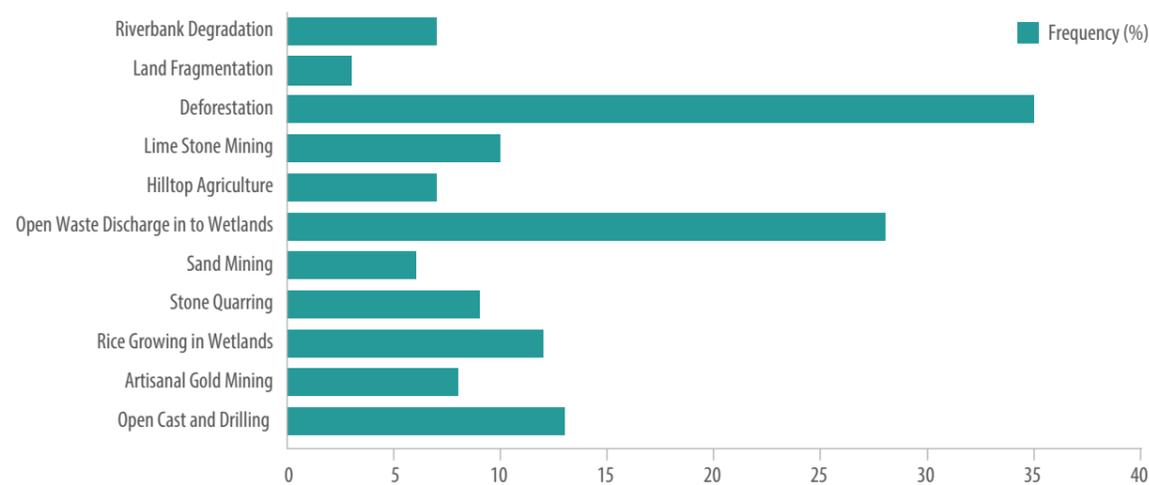
<sup>78</sup> NEMA (n.1 above). 4

As can be seen in figure 5, top among the nature of environmental degradation activities includes deforestation, wetland encroachment, biodiversity loss, plastic, water and air pollution, wildlife crimes, landfills, mining for gold, copper, limestone, stones, marbles and sand extractions, open cast mining and drilling, whereby land is left open.

The UHRC found out that despite the mitigation measures at the national and local government

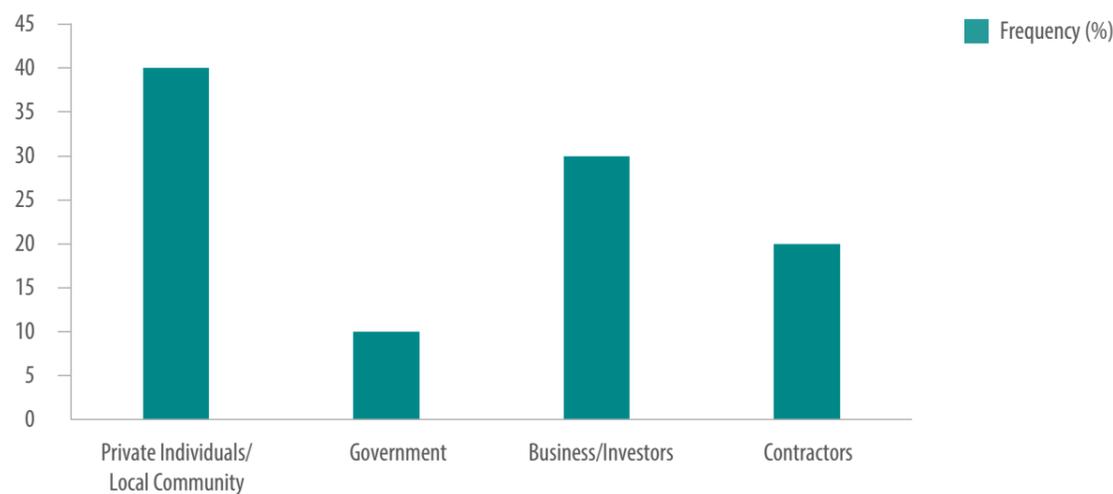
levels, the level of restoration or conservation of the environment was not commensurate with the degradation at all. And the worst perpetrators were stated by all the respondents to be individuals and community members. Other perpetrators cited were businesses/companies, especially those dealing in timber and minerals, foreign investors and the government. The perpetration reasons stated ranged from survival to economic production. These are illustrated in figure 6.

**FIGURE 5: FORMS OF ENVIRONMENTAL DEGRADATION AND FREQUENCY**



Source: UHRC findings

**FIGURE 6: PERPETRATORS OF ENVIRONMENTAL DEGRADATION AND FREQUENCY**



Source: UHRC findings

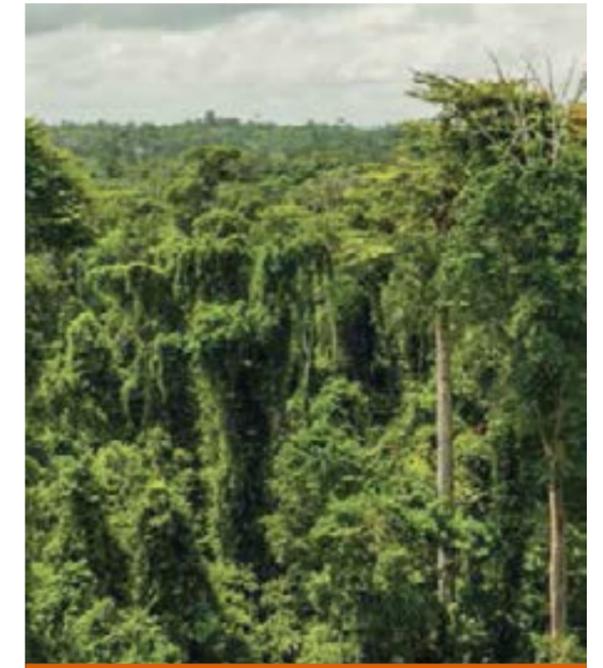
### 2.5.1 Deforestation and land use

Deforestation refers to the practice where trees are cut down indiscriminately without replanting others, mostly by local community members, for various reasons, including the use of forest land for agriculture, animal grazing, harvest for fuelwood and logging. Illegal logging and timber harvesting have been a major challenge in Uganda since the 1970s. By the end of the 1980s and into the mid-1990s, illicit harvesting of forests and encroachment were the major forest protection issues. Apart from timber, many other forest products are often illegally removed from forests for commercial and subsistence purposes. They include charcoal, firewood, rattan, sand, clay, and poles. Illegal charcoal burning is widespread across the country, especially in forest reserves within 50 kilometres of the main urban areas where there is high demand.

Charcoal burning is more destructive than timber harvesting as it entails the collection of saplings and juveniles of plants, irrespective of the species. The exorbitant cost of modern cooking appliances and high electricity tariffs and gas are the major cause of the high demand for charcoal. Bioenergy, through biomass and biogas, is Uganda's most commonly used energy source, accounting for up to 94 % of the country's total energy consumption. Out of the biomass options, charcoal is most commonly used in urban areas, while firewood, agro-residues and wood wastes are generally used in rural areas.

Over the years, Uganda's vegetation cover has changed and suffered degradation through land conversion from natural vegetation such as forests and wetlands to agricultural fields. There are also poor land management practices such as poor waste disposals, pollution, poor practices such as open cast mining and drilling activities, land fragmentation, overgrazing and cultivation, urbanisation and infrastructure development. In many parts of Uganda, land has also had its component of soil suffer serious degradation in terms of its quality due to population growth coupled with poor land and soil management practices such as overgrazing in the cattle corridor areas, low use of fertilizers and organic manure, land fragmentation, over cultivation and soil erosion. This has affected food production and vegetation cover. In 2022, the UHRC established that soil erosion and

landslides had been experienced in many parts of the country, and the effect was more felt in high-land areas such as Kisoro, Kasese, Bulambuli and Bududa due to the steep nature of the land and loss of vegetation cover.



Tropical forest cover in Mabira Forest



Deforestation involving tree cutting and burning of vegetation

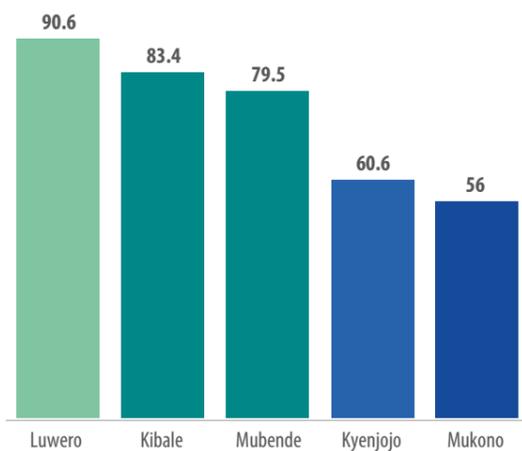


Charcoal confiscated in 2022 from Natapar-Arengan village, Pian county, in Nabilatuk district, during an operation on illegal charcoal burning by the police and forest department



Charcoal confiscated from Natapar-Arengan village, in Nabilatuk district, Karamoja sub-region, during an operation on illegal charcoal burning by the Police and Forest Department

**FIGURE 7: TOP FIVE AREAS WITH TREE LOSS COVER IN UGANDA**



79 NEMA (n.1 above) 17.

80 As above.

Uganda's forest ecosystem has been affected by charcoal burning and wood harvesting. A forest ecosystem is a combination of plant, animal and micro-organism communities usually interacting as a functional unit, with the trees dominating the system. In 2010, Uganda had 6.93 Million Hectares (Mha) of tree cover, extending over 29% of its land area. In 2021, it lost 49.2kha of tree cover, equivalent to 23.5Mt of CO<sub>2</sub> emissions. From 2002 to 2021, Uganda lost 71.6 kilo hectares (Kha) of humid primary forest, making up 7.6% of its total tree cover loss, and the total area of humid primary forest in Uganda decreased by 14%.

Forests in Uganda fall under four major categories: central forest reserves, local forest reserves, community forests and private forests. They are important catchment areas ensuring the availability of water for agricultural production and are habitats for forest biodiversity. Trees also suck up large volumes of carbon dioxide, thus cleaning up the air that we breathe and providing forest goods like timber, herbal medicines and food to the people of Uganda. Forests are equally national assets that add to the country's natural beauty, thereby attracting tourism revenue for the national funds.

Due to many factors, such as population growth and the effects of manmade activities such as deforestation for agricultural land, settlements, fuelwood sources, illegal logging and public infrastructural development, forest cover has been declining from 23.8% (4.8 million ha) in 1990 to about 9.9% (2 million ha).<sup>79</sup> Natural forests have reportedly experienced a decline in the past decades, while plantation forests have registered an increment between 2010 and 2017 from 3% to 8%.<sup>80</sup> From 2001 to 2021, 3.9% of tree cover loss occurred in areas where the dominant drivers of loss resulted in deforestation.

The top five regions responsible for Uganda's 54% total loss of tree cover between 2001 and 2021 include Luwero, Kibale, Mubende, Kyenjojo and Mukono. Luwero had the most tree cover loss at 90.6kha compared to an average of 16.7kha as can be seen in the figure 7.



The abattoir market in Moroto district littered with plastic and polythene bags which degrades the environment

### 2.5.2 Overpopulation

The rapid population growth puts strain on natural resources, which results in the degradation of the environment. Over the years, the population of Uganda has increased to 44 million, which has led to a high dependence on the environment. Currently, Uganda's life expectancy rate is at 64.85 years, which means that the mortality rate has decreased due to better medical facilities, resulting in an increased lifespan. More population simply means more demand for food, clothes and shelter. This has resulted in deforestation, land fragmentation, wetland degradation, increased environmental degradation and displacement of people. As the human population keeps increasing, there is a lot of pressure on the utilisation of natural resources, especially land for food production and settlement as well increase in pollution, including garbage disposal.

A high population growth simply means more demand for food and more space to grow food and provide homes to millions of people. This often causes over-exploitation of natural resources such as forests through deforestation for agricultural land, settlements, fuelwood sources and illegal logging. According to the National State of the Environment Report by NEMA, forest cover in Uganda has been declining, from 23.8% (4.8 million ha) in

1990 to about 9.9% (2 million ha),<sup>81</sup> with natural forests having experienced the highest decline in the past decades.<sup>82</sup> In the Karamoja sub-region, deforestation and land pollution in the form of indiscriminate tree cutting for charcoal burning and firewood as a fuel source were cited as common, coupled with poor disposal of waste and plastics, respectively, especially buvera (plastic bags).

### 2.5.3 Wetland encroachment

Wetlands are prerequisites for social and economic development as they provide incomes and employment for over 4.4 million Ugandans in the formal and informal sectors. It is also estimated that approximately five million people in rural areas get their daily fresh water supply from wetlands, and economic values are estimated at USD 25 million per year. However, these natural resources have come under a lot of pressure due to the increasing human population and weak enforcement of the laws on wetlands. Over the last two decades, Uganda has lost about 40% of its wetlands due to the country's rising population and the need for new farmland or to create space for industrial expansion.<sup>83</sup> This has caused serious consequences, including prolonged droughts and drying up of water sources as a result of the degradation of catchment areas.

81 NEMA (n.1 above) 17.

82 As above.

83 Ministry of Water and Environment.

According to a report by the Ministry of Water and Environment (MoWE) presented to Parliament in September 2021, the area of Uganda covered in wetlands had fallen from 16% in 1994 to 9% in 2016, which was the last year losses were estimated. Uganda will be left with only 1.6% of wetlands cover by 2040 if the destruction trend is not reversed by deliberate and dedicated restoration programmes nationwide. Statistics showed that countrywide wetland coverage had dropped from 37,346.3 Sq.Km in 1994 (15.5%) to 21,526.3 Sq.Km (8.9%) of the total national surface area. In 1994, the wetland coverage was 15.5% of Uganda's land cover, but by 2016. According to Beatrice Anywar, State Minister for Environment, "the rate of loss and degradation of wetlands is accelerating in all regions of the country and not matching up with wetland restoration targets and resources."<sup>84</sup> The report showed that Eastern Uganda was the most degraded at 46%, while Northern Uganda registered the lowest degraded area at 21%. Degradation levels in the central and western regions stood at 29% and 28%, respectively. Wetland degradation is majorly due to the expansion of subsistence agriculture, industrial developments and settlements. Mbale district has the most degraded wetlands in Uganda, with 99% of its wetlands under threat, while Ntoroko has the lowest, with 98% of its wetlands intact. The UHRC noted that communities had invaded wetlands in many places to grow highly priced crops such as rice, sugarcane and maize for economic gains. This was reported in the districts of Butaleja and Budaka in the Bukedi sub-region, Bugiri, Kamuli in the Busoga sub-region

and the Kigezi sub-region.

Like the forests, the major threats to wetlands were conversion to small-scale agriculture, housing settlements in urban areas, illegal industrial developments, and public infrastructural developments. According to NEMA in their national State of Environment Report (2018-2019), as of 2019, wetlands had been greatly affected, reducing their coverage from 15.5% in 1994 to 13% in 2017. Out of the remaining wetlands, 8.9% were still intact, while 4.1% were degraded. Using the cover at drainage basin level parameter, NEMA established that wetland degradation was highest in Lake Kyoga and Edward basins at 42% and 34%, respectively and lowest in the Kidepo and Aswa basins at 1% each.

The UHRC findings revealed that Kyoga basin degradation was mainly attributed to converting intact wetlands to subsistence cultivation of crops such as rice, yams, sugarcane and maize. In the Victoria Nile and Albert Nile zones, wetland loss was mainly due to conversion into built-up areas and landfills, leading to biodiversity and habitat destruction and deterioration of water quality. This has hampered natural drainage patterns leading to frequent floods and landslides in most parts of the country like in the districts of Kasese, Kabale, Kisoro, Nebbi, Katakwi, Amuria, Butaleja, Tororo, Sironko, Bududa, Manafwa and Bulambuli. All the above disasters resulted from man's bad practices of deforestation and wetland encroachment, often resulting in loss of lives, livestock, and properties and massive displacement of people.



UHRC staff visiting a flooded community at Kasenyi village, Ngwedo sub-county, Buliisa district

Flooding of River Manafwa in Manafwa district in 2022

84 Brief on the Status of Wetlands in Uganda by the Minister of State for Environment to the Tenth Parliament of Uganda.

## 2.5.4 Threats to biodiversity

Biodiversity consists of different kinds of life in one area working together or interacting with each other in an ecosystem to maintain and support life. In this particular context of the environment, they include a variety of animals, plants, fungi and microorganisms like bacteria that make up our natural world. The air we breathe, the water we drink and the food we eat all rely on the interplay of the different ecosystems (biodiversity).<sup>85</sup> For example, humans get oxygen from plants, as plants get carbon dioxide from humans. Likewise, without the bees, pollination would not occur for humans and animals to get fruits and other foods. According to NEMA's National State of the Environmental Report 2019, threats to biodiversity involve a range of issues. These include conversion and degradation of the natural ecosystem, invasive species, excessive harvesting of flora and fauna, illegal wildlife trade, poaching, disease outbreaks, plastic waste and pollution of water bodies.<sup>86</sup> The increase in human population has resulted in communities settling close to areas of high wildlife populations resulting in crop raiding, the spread of zoonotic diseases, loss of property and attacks on humans, often resulting in retaliatory killing of wildlife.

As of 2019, the number of reported cases of human-wildlife conflicts (HWC) had increased, with Murchison Falls Conservation Area (MFCA) registering the highest number at 7342 cases.<sup>87</sup> Species often associated with these conflicts, as confirmed by UHRC findings, were elephants, lions, hippopotami, baboons and monkeys. These conflicts have cross-cutting impacts on human livelihoods, biodiversity conservation and the economy.

## 2.5.5 Mineral resources and extractives

The mineral resources sector contributes 0.3% to the gross domestic product (GDP) per annum.<sup>88</sup> As of 2019, the value of mineral resources produced was worth UGX 158.75 billion.<sup>89</sup> The increased mining activities have, however, impacted the environment through the excessive release of mercury into the air, water and land by artisanal and small-scale gold mining and leaving large burrow pits that collect water resulting in increased malaria

cases and soil degradation. Related to the above, oil and gas exploration in the country has impacted the environment. This is mainly through vegetation clearing for infrastructure construction such as roads, electricity power lines and the airport in the Hoima basin. Furthermore, infrastructure such as the Masindi-Paara and the Kabaale-Kiziranfumbi roads opened up highly biodiverse areas but also hosted threatened and endemic species in the country.<sup>90</sup>

Through interactions with the sub-county Chief and Community Development Officer (CDO) Ngwedo Sub County Buliisa district, it was noted that Ngwedo Sub County in Buliisa hosts the Central Processing Facility (CPF) and different oil wells. As a result of clearing the village of Kasenyi, which is now an industrial area, there is a lot of dust and air pollution arising from the heavy earth-moving equipment used in the industrial area, and this poses a health threat to the residents of the villages of Kasenyi and Kisomere. The leaders also noted that constant spraying of the cleared area with water had not helped much in reducing the dust. To make matters worse, poor water drainage from the CPF was causing flooding in peoples' gardens in the village of Kasenyi. The project-affected persons raised concerns that their crops were destroyed by water from the CPF, which flows into their gardens.

## 2.5.6 Atmospheric degradation/air pollution

Another important factor of the environment is air because clean air is essential for the sustainability of all forms of life on earth. Pollution remains the world's largest environmental threat to human health, and in 2017 was responsible for 15% of all deaths globally, according to a report by the Global Alliance on Health and Pollution (GAHP). Emissions from human activities such as the open burning of wastes, emissions from vehicles, and unpaved roads are some of the key contributors to changes in air composition or quality, with consequences on both human health and the environment.

According to the 2021 World Air Quality Report, Kampala, Uganda's capital and home to two million people, ranks among the world's most polluted cities, with pollution levels up to seven times

85 The Guardian "What's biodiversity and why does it matter to us?" available at www.theguardian.com Last accessed on 19 March 2023.

86 NEMA Report (n 1 above).

87 NEMA Report (n 17 ) 48.

88 NEMA Report (n 17 above) 70-72.

89 As above.

90 UHRC findings.

higher than the World Health Organization (WHO) safety standards. According to NEMA, the particulate matter and nitrogen dioxide in Uganda's urban areas were above the WHO-recommended levels, with the central business district of Kampala Capital City being the most affected. The report also reflected seasonal variations with higher pollutant levels recorded during the dry months of June, July, August and September and lower pollutant levels during the wet season months of March, April and May. The pollutant levels were also higher in the early mornings (05:00 to 09:00) and late evenings (17:30 to 00:30).<sup>91</sup> Globally, Uganda was ranked 17<sup>th</sup> among the countries with the worst air quality in 2022.<sup>92</sup>

As the economy continues to grow, there is a subsequent rise in the population number and an increase in urbanisation, infrastructure and industrial facilities. This has led to increased levels of air quality due to increased industrial activity and a rise in anthropogenic activity. This, in turn, has led to some highly polluting practices occurring within the country due to a lack of stringent measures to protect against environmental issues and a lack of adequate enforcement for major infractions that threaten the quality of air and pollution of the soil and water.<sup>93</sup>

In 2019, Kampala was recorded as having an Atmospheric Particulate Matter (PM) - PM2.5 reading of 29.1 µg/m<sup>3</sup> as its yearly average, a reading that placed it into the higher end of the 'moderate' pollution bracket, which requires a PM2.5 reading of anywhere between 12.1 to 35.4 µg/m<sup>3</sup> to be classified as such.<sup>94</sup> This placed Kampala in 465<sup>th</sup> of all cities ranked worldwide in the pollution bracket. This is an extremely poor placing which shows that Kampala is sitting in the upper echelons of the most polluted cities around the world.

Particulate matter (PM) is a mixture of solid and liquid particles that are suspended in the air. These are categorized into coarse, fine and ultrafine. PM2.5 are fine particles that have a diameter of fewer than 2.5 micrometres (more than 100 times thinner than a human hair) and remain suspended in the air for longer durations. The health risk with

PM2.5 is that it can travel deep into the respiratory tract, reaching the lungs and entering the bloodstream. PM2.5 is used when describing outdoor and indoor pollutant levels, where health impact from exposure considers the amount of PM2.5 over a 24-hour period. PM2.5 at or below 12 µg/m<sup>3</sup> is considered healthy with little to no risk from exposure.

If the level goes to or above 35 µg/m<sup>3</sup> during a 24-hour period, the air is considered unhealthy and can cause issues for people with existing breathing issues such as asthma. Prolonged exposure to levels above 50 µg/m<sup>3</sup> can lead to serious health issues and premature mortality. Exposure to fine particles can also affect lung function and worsen medical conditions such as asthma and heart disease. Scientific studies have linked increases in daily PM2.5 exposure with increased respiratory and cardiovascular hospital admissions, emergency department visits and deaths. This incredibly small size, coupled with the constituents of what make up fine particulate matter, make it incredibly dangerous to human health when respired. This has caused PM2.5 to be used as one of the major components in calculating the overall quality of air, along with other prominent pollutants such as PM10, ozone and nitrogen dioxide.<sup>95</sup>

Some of the causes of air pollution include vehicles which emit chemical compounds such as nitrogen dioxide (NO<sub>2</sub>) and sulfur dioxide (SO<sub>2</sub>), both of which can cause irritation to the lining of the lungs and respiratory tract, as well as contribute to instances of acid rain. As such, areas with a high volume of traffic will almost always have a high level of nitrogen dioxide in the air. Other pollutants include ozone (O<sub>3</sub>), or smog, as it is better known when it accumulates in large quantities. This is formed from the various oxides of nitrogen (NO<sub>x</sub>), which can undergo a chemical reaction and form ozone when exposed to solar radiation via sunlight. Whilst this is a vital component of the upper atmosphere when on the ground level, it is a highly dangerous pollutant that can cause chest pain, severe coughing, throat inflammation and damage to the lung tissue.<sup>96</sup>



Kampala has a very high ranking for pollution



Car pollution is a major challenge in Kampala City



Pollution is majorly driven by emissions from automobiles and industries and smoke

Other pollutants include black carbon and volatile organic compounds (VOCs), both of which originate in the incomplete combustion of fossil fuels and organic material. VOCs can be found in a number of household products that contain varnish or adhesives, but in terms of the ones that are released from the combustion of certain materials, prominent ones include chemicals such as methane, propane, ethylene, methanol, benzene, formaldehyde and toluene. Construction or demolition sites, road repairs, and poorly maintained roads also play their part in releasing dangerous particulate matter (PM2.5 or PM10). These can include finely ground gravel, soil and silica dust, with silica dust being a known carcinogen when inhaled. Other pollutants released from construction or industrial areas include heavy metals such as lead, mercury or cadmium.<sup>97</sup>

Other dangerous pollutants, such as polynuclear aromatic hydrocarbons and polychlorinated biphenyls, can be released from open burn sites, often where synthetic material is thrown into fires. These are some of the pollutants found in the air across Uganda, all with wide-reaching effects on an individual's health, the environment, and the ecosystem.<sup>98</sup>

### 2.5.7 Water pollution

Water is a necessity for all living beings, and access to safe water is a basic human right. However, the stress of economic growth over the last two decades in Uganda has put an enormous strain on the land and its resources. Approximately 19% of Ugandans only have access to streams, ponds and unprotected hand-dug wells as sources of drinking water. Unfortunately, some of these water sources are contaminated with human waste, soil sediments, fertilizers and mud. This is mainly attributed to the widespread absence of proper toilets and showers, as well as the lack of adequate filtration systems and the loss of vegetation, which acts as a natural filtration system.

With many people settling on the banks of the rivers, lakes and swamps, there has been an increase in land use activities and practices, some of which have affected the ecological situation, posing a risk of degradation. The UHRC noted that many water bodies were littered with plastics, glass and

91 NEMA Report (n 17 above) 61.

92 2022 Air quality index (AQI) country ranking, <https://www.iqair.com/uganda>.

93 2022 Air quality index (AQI) Country ranking - <https://www.iqair.com/uganda>.

94 2022 Air quality index (AQI) Country ranking - <https://www.iqair.com/uganda>.

95 2022 Air quality index (AQI) Country ranking - <https://www.iqair.com/uganda>.

96 2022 Air quality index (AQI) Country ranking - <https://www.iqair.com/uganda>.

97 2022 Air quality index (AQI) Country ranking - <https://www.iqair.com/uganda>.

98 2022 Air quality index (AQI) Country ranking - <https://www.iqair.com/uganda>.

human waste material. There was also encroachment on wetlands and runoff from degraded hills due to poor agricultural practices have also accelerated the disposal of soil into the river, leading to silting up and reduced water volume. Farming, bricklaying, open defecation and littering along Rwizi's banks have extensively polluted the river and caused clogging. Rivers whose pollution levels were increasing water demand for both production and domestic purposes yet were also increasing were River Rwizi, River Mpanga and River Nyamwamba. NEMA said about 60% of the Rwizi River catchment has been degraded, resulting in reduced water volumes. River Nyamwamba suffers pollution from poor management of industrial waste disposal from Kilembe mines.<sup>99</sup>

### 2.5.8 Refugee situation

Uganda currently hosts more than 1.5 million and is Africa's largest refugee host country and the fourth largest in the world. Unfortunately, Uganda has lost considerable natural vegetation cover in the refugee settlements and buffer zones for the last three decades due to the high demand for wood fuel and timber. According to the UN High Commissioner for Refugees (UNHCR), Uganda's refugees consume at least 1.1 million tonnes of firewood every year, as fuelwood is the primary source of energy security. The wood is used to prepare food and build homes. Each individual in the refugee community is estimated to consume up to 1.6kg of firewood per day, compared with host community members who consume up to 2.1kg per day.

The UHRC established that due to the need for wood and other natural resources, refugees had encroached on protected areas and fragile ecosystems like the forests, wetlands, river banks and lake shores for both food production and other livelihood and economic activities, including sand mining, stone quarrying, timber and charcoal production. Other challenges in the camps included inadequate water supply, poor waste disposal and management, low latrine coverage, pollution and health impacts. The highest impacts on the environment were reported in the Kyangwali refugee settlement.

The UHRC findings indicate that the major sources of wood fuel were firewood, charcoal, briquettes,

and biomass fuels. The major refugee choices that determined wood-fuel collection included the family size of the household, culture, method of cooking, type of food cooked, high poverty levels, and availability of family labour. Currently, a household in the refugee settlement has an average of six people, while the size of the allocated land is 30 by 30 meters, which is inadequate for supporting household livelihood and agricultural needs. The refugees have thus encroached on protected areas and fragile ecosystems like the forests, wetlands, riverbanks and lake shores for both food production and other livelihood and economic activities, including sand mining, stone quarrying, timber and charcoal production. With attendant challenges in the camps of inadequate water supply, poor waste disposal and management, low latrine coverage, pollution and health impacts.

In Hoima, the UHRC established that the refugee communities had higher impacts on the natural resources like forests, wetlands, river banks and lake shores for both food production and other livelihood and economic activities, including sand mining, stone quarrying, timber and charcoal production with associated challenges in the camps of inadequate water supply, poor waste disposal and management, low latrine coverage, pollution and health impacts. These were also reported in Kyangwali, Bidi bidi and Rwamwanja refugee settlements. The same situation was reported in the Oruchinga settlement in Isingiro district.

In addition, the impact of all these activities is not only environmental but has also fueled increased competition over natural resources between refugees and the Ugandan host community. The scarcity of resources has also had an acute impact on women and girls who are responsible for the day-to-day collection of firewood and grass for thatched roofs. While the Ugandan host communities continue to show considerable generosity in hosting refugees, they are concerned about the competition for natural resources such as trees, grass and water sources. As scarcity increases, so do tensions over access to and management of natural resources. Violent incidents affecting both refugees and Ugandans have already occurred, as documented in research done in Lamwo, Adjumani and Arua by International Refugee Rights Initiative (IRRI).

The government has embarked on a tree-planting programme. However, the UHRC noted that though the tree planting in and around the refugee sites has been significant, a lot still needs to be done. Environmental protection has been identified as a key priority for Uganda's refugee response. The Ugandan Government has therefore developed a water and environment response plan to address environmental degradation in refugee-hosting areas under the Comprehensive Refugee Response Framework (CRRF) and supported by the humanitarian response led by the Office of the Prime Minister (OPM) and UNHCR.

### 2.5.9 Poor farming practices

The agricultural sector is vulnerable to both environmental degradation and climate change. Productivity in the sector is threatened by poor farming practices and soil erosion. Land, one of the key factors of the environment, provides enormous support to man economically and for subsistence in many forms. The agriculture sector heavily depends on land and its vegetation cover of both savannah grass and woodlands, and forests in Uganda employ over 66% of the population, with 80% composed of women and 63% of youth. According to NEMA, the average size of arable land holding per household engaged in farming had increased from 1.10ha per household in 2008 to about 1.35 ha per household in 2019. Of these, the crop sub-sector constituted 15.4%, of which 2.4% of cash crops and 13% of food crops contributed to Uganda's GDP.

Deforestation and forest degradation, mainly due to conversion to agricultural fields, have led to the loss of large areas of forest cover and the degradation of forest land in Uganda. Many forests in the central region, Masindi, Hoima and Amuru districts, have been turned into farmlands due to their perceived fertile soils and the enticement of high returns from investments in agriculture. This contributed to the adverse effects on the environment and the population living in the areas such as Amuru, Masindi and Hoima districts that had suffered forest loss mainly due to the clearing of vegetation cover to pave the way for sugarcane plantations. In Atiak sub-county in Amuru district alone, over 33.7 KM2 of vegetation had been lost to sugarcane growing.

Intensive agricultural practices such as bush following/fires, where trees and grass or vegetation cover are burnt during the dry season to prepare gardens for cultivation, and hunting wild meat for consumption, are practised by pastoral communities in Northern Uganda, especially in the districts of Kaabong, Karenga, Moroto, Napak, Nakapiripirit and Masindi, greatly degraded the environment. It is important to note that some fires that occur are uncontrolled and non-intentional such as the burning of domestic waste that can spread and affect big chunks of land. Bush fires have also resulted in the displacement of people, destruction of crops, settlements, vegetation, and livestock, loss of lives, destruction of infrastructure, migration and death of animals.

The other bad practices are over-cultivation and grazing. Cultivating on mountains or their slopes without terracing has led to a decline in the quality of most of our natural environments. Most farmers also resort to converting forests and grasslands to crop and grazing lands, reducing the quality of natural forests and vegetation cover. The pressure to convert lands into resource areas for producing priced food, crops, and livestock rearing has increasingly led to the depreciation of natural environments such as forests, wildlife and fertile lands. The overuse of chemicals has affected indigenous crops in Africa and soil fertility. The UHRC established that places such as those around Mt. Rwenzori in Kasese district and Kabale in the Kigezi sub-region had experienced this form of environmental degradation.

### 2.5.10 Increasing urbanisation

Every year, many young people from rural areas move to trading centres, towns and cities. According to the World Bank, Uganda's urban population was reported at 24.95% in 2020. The Uganda Bureau of Statistics projected an urban population of 11.8 million in 2021.<sup>100</sup> It also indicated that Uganda is currently experiencing rapid urbanisation and that by 2050, it will be among the most urbanised countries in Africa. The urban population constitutes 15% of the population, growing at 5.1% per annum. Kampala city has a population of about 2 million people, constituting 40% of the urban population. The growth in urban population is mainly driven by creating new districts and subsequently gazetting new urban areas (town councils

99 UHRC findings.

100 Uganda Bureau of Statistics report 2022.

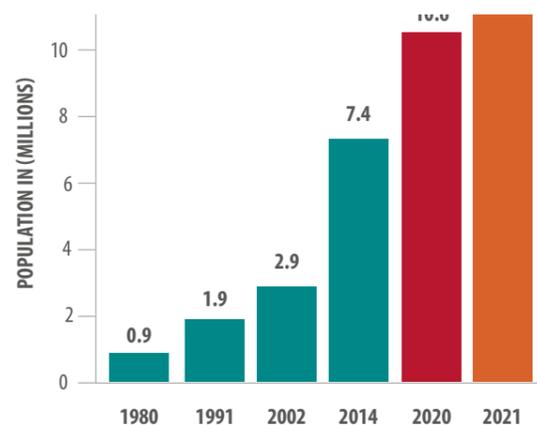
and municipalities) within the new districts. The recent approval by Parliament of 15 new cities is further anticipated to lead to more growth in the urban population.<sup>101</sup>

Sand mining and brick-making around major urban areas cause serious damage to the land when done illegally because it does not provide restoration work after extraction. Some of these activities are found in urban areas, particularly around Kampala, Entebbe, Jinja and Mbarara.

Until 2019, Kampala was Uganda’s only city; however, the reclassification of nine municipalities of Jinja, Mbale, Soroti, Gulu, Mbarara, Fort Portal, Arua, Masaka and Hoima as regional cities offer new prospects. However, these are accompanied by expanding infrastructure such as paved roads, power distribution, water and sanitation services, airport and waste management, all of which, if not managed well by a proper land use plan, can negatively impact the environment and natural resources. The figure below shows urban population data.<sup>102</sup>

Investments and infrastructure developments impact poor people who are usually chased away from urban areas and end up settling in gazetted places such as wetlands in makeshift houses, thereby leading to pollution and degradation of natural habitats and ecosystems. Many young

**FIGURE 8: URBAN POPULATION DATA BY CENSUS AND YEAR**



Source: Uganda Bureau of Statistics

101 Uganda Bureau of Statistics report 2022.  
102 Uganda Bureau of Statistics.  
103 NEMA Report.

people who move to urban areas cannot afford decent houses, so they settle in specific places such as slums with high pollution rates. Equally, the unplanned conversion of lands into urban settings, mining areas, housing development projects, office spaces, shopping malls, industrial sites, parking areas, and road networks have led to environmental pollution and degradation of natural habitats and ecosystems, especially in the business centre and other urban towns.

### 2.5.11 Mineral and extractive activities

According to NEMA, the mineral resources sector contributes 0.3% of GDP annually. By 2019, the value of mineral resources produced was worth UGX 158.75 billion. The increased mining activities have impacted the environment through the excessive release of mercury and other toxic material into the air, water and land by artisanal and small-scale gold mining. Often, large burrow pits are left open, which end up collecting dirty water in which mosquitoes reside, increasing the prevalence of malaria. Although positive developments to counter the effect were taken in 2018 when the President assented to a new mining and mineral policy for Uganda.<sup>103</sup> Implementation is yet to be seen as this was rampant in Busia, Mubende, Hoima, Kikuube and Karamoja, where the UHRC carried out data collection activity with the attendant effects visible.



Portions of cleared land due to open cast mining activities in Atiira sub-county in Busia district

### 2.5.12 Natural causes

Despite the fact that environmental degradation is under normal circumstances associated with human activities, natural causes are also contributors. Natural events such as tremors, landslides, storms and earthquakes can lower the survival grade of local animal communities and plant life in a region where they have occurred. These disasters can also destroy or alter the nature of the landscape rendering it unable to support life forms on it. Besides, occurrences such as flooding wash or force the migration of invasive species into foreign environments, which can lead to their eventual degradation.

## 2.6 HUMAN RIGHTS CONCERNS

As indicated in the background and situational analysis, many concerns about environmental degradation impact the enjoyment of human rights, as follows.

### 2.6.1 Impact on human health

Human health is affected by environmental degradation in all its forms, including poor waste management, pollution, and misuse of water bodies violates these provisions. Air is an atmospheric resource for human well-being, of which a key factor is its quality; however, air pollution from the emission of gases such as nitrogen oxides, sulphur oxides, methane and black carbon from motor vehicles, unpaved roads, burning of waste, industries, domestic emission and construction activities adversely affects the environment. Poor air quality has a resultant effect on poor human health, characterised by respiratory diseases such as asthma and lung cancer, among others.<sup>104</sup> Areas exposed to toxic air pollutants can cause respiratory problems like pneumonia and asthma. In addition, poor waste management, such as open defecation, ends up in water bodies which, if consumed, causes diseases such as dysentery, diarrhoea and typhoid.

The UHRC also noted through interactions with the sub-county Chief and Community Development Officer (CDO) Ngwedo Sub-county in Buliisa district that the sub-county hosts the Central Processing

104 NEMA report.  
105 Repealed the National Environmental Act Cap 153.  
106 UHRC findings.

Facility (CPF) and different oil wells. As a result of clearing the village of Kasenyi, now an industrial area, there was a lot of dust and air pollution arising from the heavy earth-moving equipment, posing a health threat to the residents of the villages of Kasenyi and Kisomere. The leaders also noted that constant spraying of the cleared area with water had not helped in reducing the dust. To make matters worse, poor water drainage from the CPF was flooding peoples’ gardens in the village of Kasenyi.

### 2.6.2 Deprivation of the right to a clean and healthy environment

The international, regional and national legal frameworks provide for a right to a clean and healthy environment. Specifically, Article 12(2)(b) ICESCR requires governments to take necessary steps for the improvement of all aspects of environmental and industrial hygiene. Article 39 of the 1995 Constitution of Uganda and Section 3 of the National Environmental Act 2019<sup>105</sup> further provide for a right to a clean and healthy environment. All the respondents interviewed stated that, in 2022, a cross-section of communities, especially those in the surrounding areas of the factories, experienced violations of their right to a healthy and hygienic environment. A case in point is the communities around the sugar factory in Kamuli district, where industrial waste dumping was mismanaged, affecting the neighbouring communities.

Poor waste management pollutes the environment when human waste is not treated in a gazetted area. Landfills come within the city due to the large amount of waste that gets generated by households, industries, factories and hospitals. An example of a landfill facing significant environmental and sustainability challenges in Uganda is the Kiteezi landfill in the central region, where solid wastes such as broken furniture, hospital and market wastes, obsolete electronic products, plastics and glass are dumped.<sup>106</sup> The waste from mechanical garages and factories also pollutes the soil and destroys its quality and the plant cover, while the oils also flow downstream into various water streams. Landfills further pollute the environment and destroy the soil.

### 2.6.3 Loss of biodiversity

Biodiversity is important for maintaining the balance of the ecosystem by combating pollution, restoring nutrients, protecting water sources and stabilising the climate. Deforestation, global warming, overpopulation and pollution are a few major causes of biodiversity loss. The other disastrous environmental degradation practice affects a clean and healthy environment in landfills. This is a bad practice of destruction of the environment together with its ecosystems through the discharge of various kinds of chemicals on the land adjacent to wetlands, forests, various natural habitats, and water systems such as underground and surface water, makes the environment unappealing to the survival of trees, vegetation, animal and humans. For example, between 2001 to 2022, Mubende lost 79.5kha of relative tree cover, equivalent to a 100% decrease since 2000. The practice also interferes with the animals' interactive food chains because the chemicals contaminate plants and water which the animals consume. Besides, the foul smell from the landfills and periodic burning of the wastes makes living in such environments unbearable.

### 2.6.4 Ozone layer depletion

The ozone layer is responsible for protecting the earth from harmful ultraviolet rays. The presence of chlorofluorocarbons and hydro chlorofluorocarbons in the atmosphere is causing the ozone layer to deplete. As it depletes, it will emit harmful radiation back to the earth. According to Hon. Sam Cheptoris, the Minister for Water and Environment: *"Carbon is building up every day in the atmosphere causing global warming, drought, floods and many diseases as we have recently witnessed with the flooding of Lake Victoria. Unless we commit ourselves and channel all our efforts towards restoration of Uganda's wetlands, the future is very oblique for us."*

### 2.6.5 Loss for the tourism industry

The deterioration of the environment can be a huge setback for the tourism industry, which relies on tourists for their daily livelihood. Environmental damage in the form of loss of green cover, loss of biodiversity, huge landfills, and increased air and water pollution can be a big turn-off for most tourists.

### 2.6.6 Economic impact

The huge cost that a country may have due to environmental degradation can have a significant economic impact in terms of restoration of green cover, cleaning up of landfills and protecting endangered species. The economic impact can also be in terms of the loss of the tourism industry.

### 2.6.7 Plant and animal extinction

The natural environment provides essential life support services of air, water and food, all of which are essential for health. Deforestation, being the indiscriminate and illegal cutting or clearing of vegetation and forests, depletes the forest ecosystem to the extent of causing the extinction of medical plants and food, especially for ethnic minorities that rely on forest products for food, medicine and their general livelihoods. In addition, the destruction of homes for animals like the forests, savannah grass and woodlands has increased human-animal conflict and contact between wildlife and humans, resulting in disease outbreaks such as Ebola.



A water channel from Kilembe mines to the waters of River Nyamwamba is believed to have components of copper and copper tailings

### 2.6.8 Deprivation of the right to culture

Environmental degradation greatly impacts the right to culture. This is experienced through the loss of natural sites and ecosystems, which form part of cultural identity or perform an important cultural role. This leads to a compromise of future generations to use and access natural resources such as medicinal plants, fruits, vegetables and plants of cultural value.<sup>107</sup>

Displacement as a result of environmental disasters could also implicate the right to culture. The International Covenant on Civil and Political Rights (ICCPR) protects civil and political rights, inter alia, the right to be free from inhuman or degrading treatment (Art 7), which can be impacted by environmental degradation through displacement, causing significant mental anguish and suffering. In 2022, the UHRC established that the communities around Bugoma Forest in Hoima district were most affected as Bugoma Forest, a traditional hunting ground, host to the kingdom's aspects and traditional herbal trees native to the culture of the Banyoro, suffered deforestation to create land for sugarcane growing by Hoima Sugar Factory.

### 2.6.9 Loss of life

Article 3 of the UDHR, Article 4 of the Banjul Charter and Article 22 of the 1995 Constitution provide for a person's right to life, integrity and security, with the State being the primary duty bearer to respect, protect and fulfil its obligations under them. A clean and healthy environment facilitates man's livelihood and enjoyment of many rights, including the right to life. A degraded environment, on the other hand, affects man's quality of life, safety and survival.

The UHRC established in 2022 that due to adverse impacts on the environment caused by manufactured factors and natural causes, the general environment and its inhabitants lost life resulting from harsh weather conditions such as floods, landslides, and long dry spells that affected food production. Deaths from uncovered gold mine pits, especially in Mubende and Busia, conflicts with animals, encroachment on wetlands, and sometimes famine and disease infections affected the right to life. For example, in the Karamoja sub-region, approximately 1,600 people in Karamoja died due to famine-related effects. Other disasters, such as landslides and floods in places like Bududa, Manafwa, Bulisa and Kasese, resulted in the loss of human lives, livestock, properties and displacement. This has been attributed to Environmental degradation activities such as deforestation, mostly practised by local community members for timber selling, fencing and charcoal burning. The respondents said deforestation had left most areas and slopes of the mountains bare and unable to sustain life where in difficult situations, loss of human lives, livestock and properties was experienced.

### 2.6.10 Deprivation of the right to food

The UHRC also noted that environmental degradation affected the right to food as most people suffered high food insecurity at the household level because of low crop production, inadequate pasture for animals and inadequate water supply due to dry spells and the fall armyworms that attacked the crops as a result of climate change. Climate change is also a result of man's adverse impacts on the environment, such as deforestation and overgrazing practices. The UHRC noted that approximately 1600 people died in 2022 in Kotido district due to famine.<sup>108</sup> The period also witnessed intensified theft and insecurity in the areas of Karamoja due to food shortages leaving many dead. There were continuous threats to the lives of human rights defenders/activists, yet the work they do is very crucial to the sustainable economic growth of Uganda as an agricultural country.

### 2.6.11 Impact on the rights of vulnerable groups

The Convention on the Rights of the Child (CRC) promotes children's rights to a healthy and sustainable environment. CRC specifically refers to the environment in connection with the child's right to health and adequate food. It recognises a child's right to enjoy the highest attainable standard of health in order to combat diseases and Malnutrition through inter alia "the provision of adequate nutritious foods and clean drinking water while taking into consideration the dangers and risks of environmental pollution" (Article 24(2) (c)). The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) recognises that environmental degradation affects women and girls differently and disproportionately.

Environmental degradation impacts, especially climate change in terms of too much sunshine or too much rain, with a shift in planting seasons affects vulnerable groups disproportionately, with women being the worst hit because they are the majority that provides food for the family in the rural areas or is engaged in substance agriculture. Cold weather, also associated with diseases such as cough and flu, impacts women who have taken their children for medication and take care of them during morbidity. It must be noted that poor and ethnically marginalised communities are also the other category of vulnerable groups likely

<sup>107</sup> Forestry Officers in Nabilatuk, Arua, Kabale, Gulu, Hoima, Masaka, Jinja, Fort Portal, Kotido, Kitgum, Pader, Rukungiri etc.

<sup>108</sup> Environment Officers in Kotido Arua, Kabale, Gulu, Hoima, Masaka, Jinja, Fort Portal, Kotido, Kitgum, Pader, Rukungiri etc.

to disproportionately bear the burden of environmental degradation, especially when the environmental resources that they rely on are depleted.

## 2.7 GOVERNMENT'S INTERVENTIONS

The respondents with whom the UHRC interacted and secondary data sources indicated that despite a lot of negative impacts on the environment, there were mitigation measures at the national and local levels to conserve the environment. The district Officers under the Natural Resources and Environment Department, with whom the UHRC interacted, stated that the National Environment Management Authority (NEMA) was a national body in charge of protecting and preserving the environment. The mandate of NEMA includes creating, establishing and maintaining efficient mechanisms for sustainable environmental and natural resources management at the national, district and community levels, which role it executed through the structures at the local government level. Therefore the mitigation measures being undertaken as guided by the national body included:

1. The conduct of environmental impact assessments, especially on prospective development projects, to avoid adverse effects on the environment and human rights in line with Section 38 of the National Forestry and Tree Planting Act and Section 19 combined with Schedule 3 of the National Environment Act. In addition, issuing a certificate of compliance was also done from the national to local levels to enhance adherence to environmental conservation principles when executing any project that had impacts on the environment.
2. To counter the negative impacts of mineral resource extraction and improve control of the mining sector, in 2018, the President assented to a new mining and mineral policy for Uganda, including demarcating suspected mineral areas and ensuring compensation of the project-affected people.
3. To counter challenges related to refugees, respondents said several strategies were developed and were being implemented at the

local levels. These included a Refugee and Host Population Empowerment (ReHoPE) strategy that was developed in 2017, the Development Response to Displacement Impact Project (DRDIP) and Northern Uganda Social Action Fund (NUSAF) that implement infrastructure, environment, livelihoods and project management activities related to refugees.

4. For wetlands with the dream of conserving them for future generations, efforts included demarcating and gazetted wetland reserves and increasing restoration efforts to directly work with communities to conserve wetlands within a specific area.
5. For pollution-related impacts, some practices include wet crashing to avoid air pollution, notification of blasting so that people move far away during that time and enforcement of policies, bye-laws and laws to address environmental degradation and its impact on the environment. These include the Mining Act and Regulations thereunder, the 1995 Constitution of Uganda, the NEMA Act and the Police Act.
6. There are established desks at the natural resource departments in all local government structures to handle and manage complaints of environmental-related cases, including constitutionally established institutions such as the Uganda Human Rights Commission and Equal Opportunity Commission.
7. Implementation of accountability mechanisms from the local to the national level in the form of reporting and dialogues or meetings
8. Issuing of cautions, injunctions, compensations and or resettlement of affected persons.
9. Sensitisation of the communities to create awareness of environmental issues and the dangers of environmental loss.
10. Implementation of regulation 33 of the Statutory Instrument (SI) NO. 49 of 2020 on no littering

## 2.8 RECOMMENDATIONS

1. The National Environment Authority and the Ministry of Water and Environment should strengthen the implementation and efficiency of environmental policies.
2. The Ministry of Water and Environment should ensure better coordination of central and local government efforts to implement environmental and land use policies (for example, classified facilities, water management, space and species management).
3. The Ministry of Finance should avail sufficient funding in all districts so that they can adequately respond to environmental crises.
4. The National Environment Authority and the Ministry of Water and Environment should promote wetland and river basin management in all districts, municipalities and cities.
5. The Ministry of Water and Environment should adopt the Kyoto Protocol Targets by integrating climate change objectives into energy, construction and transport policies.

6. The Ugandan Government should invest in renewable and solar energy as alternative sources of fuel to help curb the use of charcoal for cooking.

## 2.9 CONCLUSION

Environmental degradation is one of the most urgent global concerns and is in the third position of priority of the UN high-level panel on ten threats, challenges and change that the world is facing where urgent action is required to endure peace and security. Article 39 of the 1995 Constitution of Uganda, as amended, provides that every Ugandan has a right to a clean and healthy environment; however, this is curtailed by issues like environmental degradation. Therefore there is a need to address issues of environmental degradation and its' human rights implications. All individuals, city planners, industry, and resource managers must consider the long-term effects of their development activities on the environment. With sound planning, public awareness and community participation, future environmental degradation can be prevented.

# WATER BODY MISUSE: THE HUMAN RIGHTS CONCERNS

## 3.1 INTRODUCTION

Water is an essential commodity for sustaining human and other life forms.<sup>109</sup> To meet its domestic, industrial, and ecosystem purposes, adequate attention is required to regulate water usage, address environmental degradation and combat pollution and contamination. Uganda is gifted with several water bodies ranging from lakes, rivers, natural ponds, groundwater and natural streams. Water bodies have become prone to misuse and pollution due to the ever-increasing pressure arising out of urbanisation, industrialisation and population growth, wanton degradation of wetlands, poor waste management and disposal, lax enforcement of conservation standards, and the absence of physical plans for upcoming cities, municipalities and town councils.

Water pollution is the contamination of water bodies such as oceans, seas, lakes, rivers, groundwater, and aquifers by pollutants. The contaminants can end up in the water through direct or indirect application. It is the second most prevalent type of environmental pollution after air pollution.<sup>110</sup> Pollution of water bodies poses a great threat to humans and the aquatic ecosystem, while marked population increase catalyzes climatic changes.<sup>111</sup> For instance, various human activities and the release of greenhouse gases by industries greatly contribute to global warming, planet temperature enhancement, and lowering atmospheric air quality.

The United Nations (UN) has determined that access to clean water and sanitation facilities is a basic human right. It is one of 17 Sustainable Development Goals established by the United Nations General Assembly in 2015; the official wording is: “Ensure availability and sustainable management of water and sanitation for all.”<sup>112</sup> The drive for sustainable development must bring along water pollution prevention techniques. Effective wastewater treatment before their eventual discharge is one way to drive water pollution prevention.

Sustainable development must consider social progress and equality, environmental protection, conservation of natural resources, and stable economic growth.<sup>113</sup> The chapter examines water misuse and the attendant human rights concerns arising. The chapter will specifically look at the legal and policy framework, the extent of water misuse in Uganda, the available structures dealing with the water sector and the human rights concerns.

## 3.2 LEGAL AND POLICY FRAMEWORK

### 3.2.1 International legal frameworks

Access to water is a fundamental human right implicitly and explicitly supported by international law, declarations and State practice. It is also a precondition to other rights, such as the right to life and health enshrined in the main international instruments on the protection of fundamental human rights. The right to water is mentioned as

a component that, together with other elements, characterises rights such as the right of women living in rural areas to “enjoy adequate living conditions” and the rights of children and PWDs to social protection.

The Covenant on Economic, Social and Cultural Rights 1966 (ESCR) specifies a number of rights emanating from and indispensable for the realisation of the right to an adequate standard of living “including adequate food, clothing and housing”. General Comment 15 of the Committee on Economic, Social and Cultural Rights defines the right to water as emanating from an indispensable realisation of the right to an adequate standard of living. According to the Committee, “the use of the word ‘including’ indicates that this catalogue of rights was not intended to be exhaustive. Therefore, the right to water falls within the category of guarantees essential for securing an adequate standard of living.”<sup>114</sup> The Committee also stated that the right to water “entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use. An adequate amount of safe water is necessary to prevent death from dehydration, to reduce the risk of water-related disease and to provide for consumption, cooking, personal and domestic hygienic requirements.”

The Convention on the Elimination of All Forms of Discrimination against Women 1981 (CEDAW) stipulates that states parties shall ensure women the right to “enjoy adequate living conditions, particularly in relation to water supply.”<sup>115</sup> The Convention on the Rights of the Child (CRC) 1989 requires state parties to combat disease and malnutrition “through the provision of adequate nutritious foods and clean drinking water.”<sup>116</sup> The Convention on the Rights of Persons with Disabilities (PWD) 2008 (CRPD) stipulates that states parties shall ensure equal access by PWDs to clean water services and appropriate and affordable services, devices and other assistance for disability-related

needs.<sup>117</sup> The common feature of the three treaties is that they oblige state parties to guarantee access to water to specific categories of people, including children under eighteen, PWDs and women living in rural areas. Sustainable Development Goal (SDG) No.6 requires states to ensure the availability and sustainable management of water and sanitation for all.<sup>118</sup>

### 3.2.2 Regional legal framework

The right to water is not among the rights directly protected in The African Charter on Human and People’s Rights, but it is implied in the protection of a number of those rights, including the right to life, dignity, work, and health, economic, social and cultural development and a satisfactory environment.<sup>119</sup> The African Charter on the Rights and Welfare of the Child stipulates that every child shall have the right to enjoy the best attainable standard of physical, mental and spiritual health and that State parties shall take necessary measures to ensure the provision of adequate nutrition and safe drinking water.<sup>120</sup> The African Charter on Human and Peoples’ Rights and the Maputo Protocol also provide access to water for all.

### 3.2.3 National legal and policy framework

The National Objectives and Directive Principles of State Policy and Articles 39 and 245 of the Constitution provide the right to a clean and healthy environment with a big connection to water. Objective XIV provides that the State shall, in particular, ensure that all Ugandans enjoy access to clean and safe water.<sup>121</sup> In addition, Objective XXI provides for clean and safe water and that the State shall take all practical measures to promote a good water management system at all levels.<sup>122</sup>

The Water Act<sup>123</sup> provides for the use, protection and management of water resources and supply; the composition of water and sewerage authorities; and facilitates the devolution of water supply

109 Jackline, A., 2021. Public water and waste management in Uganda: the legal framework, obstacles and challenges. *KAS African Law Study Library*, 7 (4), pp. 642-65.

110 Lorenz, A. Types and effects of water pollution, Fair Planet. Available at: <https://www.fairplanet.org/story/types-and-effects-of-water-pollution/> Last visited December 1 2022.

111 Palmate SS, Pandey A, Kumar D, Pandey RP, Mishra SK. Climate change impact on forest cover and vegetation in Betwa Basin, India. *Applied Water Science*. 2017; 7:1-12.

112 WWAP (UNESCO World Water Assessment Programme). 2019. The United Nations World Water Development Report 2019: Leaving No One Behind. Paris, UNESCO.”

113 Ilin I, Kalinina O, Iliashenko O, Levina A. Sustainable urban development as a driver of safety system development of the urban underground. *Procedia Engineering*. 2016;165:1673-1682.

114 Article 11, paragraph 1, of the international Covenant on Economic, Social and Cultural Rights.

115 Article 14, paragraph 2, of CEDAW.

116 Article 24, paragraph 2, of the United Nations Convention on the Rights of the Child.

117 Article 28 of the CRPD.

118 2015 United Nations Sustainable Development Goals.

119 ACHPR Principles and Guidelines on the implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples Rights.

120 Article 14(1) and 2(c) of the African Charter on the Rights and Welfare of the Child.

121 Ibid.

122 The Constitution of the Republic of Uganda.

123 Cap 152.

and sewerage undertakings. The objectives of the Act are to promote the rational management and use of the waters of Uganda and to promote the provision of a clean, safe and sufficient supply of water for domestic purposes to all persons. It also prohibits the pollution of water by making it an offence for any person to attempt or pollute a water source.<sup>124</sup>

The National Water Policy (NWP), 1999 provides the overall policy framework for the water subsector and emphasises the importance of inclusion. It states that the involvement of all categories of people (including women, youth, older persons and PWDs) in the design, construction, operation and maintenance of improved water supply and sanitation facilities should be supported through training. The policy also provides for the participation of women by specifying that women and men should have equal opportunities to participate fully in all aspects of community-based management.

### 3.3 WATER BODY USAGE

For as long as they have existed, water bodies in Uganda have served a number of purposes, including domestic, social and economic or commercial use as follows.

#### 3.3.1 Water for agriculture/irrigation

Rain-fed agriculture is the most practised land use method in Uganda. Currently, this practice is threatened by climatic variability and a fast-growing population, impacting food security levels. As a result, national policy on agriculture aims at increasing agricultural production per unit area through more efficient use of land and water resources which will improve food security. The increase in population has increased the need to raise crops in areas that do not get enough rainfall, hence requiring irrigation.

#### 3.3.2 Water for power

Most water power is used to generate Hydro-Electric Power (HEP), which lights homes and runs

factories. A study by Nile Basin Capacity Building Network (NBCBN) in 2005 estimated that hydrological resources have a power production potential of over 2,500 MW, of which over 2,000 MW is mainly concentrated on the river Nile, and the rest is scattered throughout the country. By 2005, less than 10% of this potential was exploited.<sup>125</sup> Of the 2,000 MW potential along the river Nile, 630 MW (31.5%) have been tapped, and the unexploited potential is well over 1,300 MW.<sup>126</sup> Installed capacity stands at 872 MW, including thermal and hydropower plants, of which HEP contributes 621.5 MW. This shows that the power supply of Uganda is almost dependent on hydropower.

#### 3.3.3 Water for industry

The role of water in the industrial sector contributed 24.2% in 2008/2009 to the total GDP and increased to 26.9% in 2010/2011.<sup>127</sup> Water is highly consumed in the construction industry,<sup>128</sup> especially when the country is developing infrastructure. These activities (construction, manufacturing, mining and quarrying) that consume much water contributed 12.3%, 7.5%, and 0.3% of the total GDP in 2008/09, respectively. Water will be in even higher demand in future, given the trend of economic growth.

#### 3.3.4 Water for transport

People depend on water transport to carry goods for use and trade from one region to another, using boats, ferries and ships. Water transport links Ugandans living on islands with the mainland and also those involved in trade across borders towards the Democratic Republic of Congo (DRC), Tanzania and Kenya. Transport as an activity though not fully developed, has an impact on the quality of water resources, which requires further study.

#### 3.3.5 Water for recreation and tourism

The development of tourism in Uganda is a high-priority area and depends on the natural beauty and quality of the environment, including wetlands, range lands, lakes, rivers and the associated sceneries like waterfalls, beaches and rare

fauna species. Most recreational places in Uganda provide water sports, such as swimming, fishing, water rafting and sailing. The business community in Uganda has built recreational areas along the lakes, such as Entebbe, Lutembe, Sesse-Kalangala, Kigo, and Jinja, where local tourism is flourishing. These touristic facilities generate huge financial and socio-economic benefits.

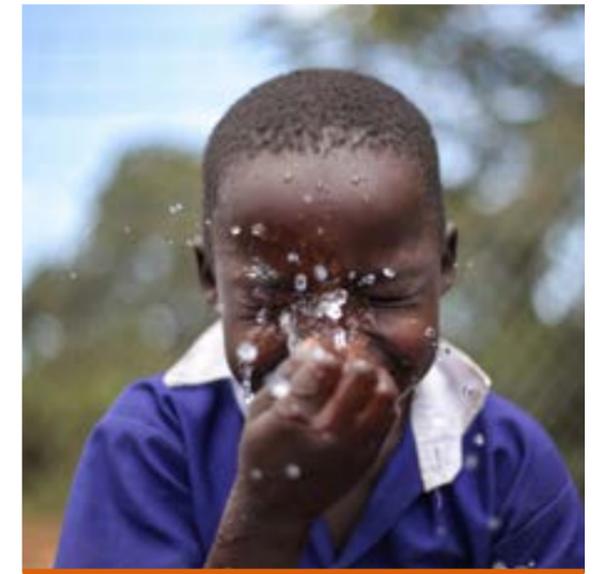
#### 3.3.6 Water for sanitation

This is a field of public health necessary for controlling and preventing disease. It includes personal cleanliness, sewerage treatments, waste disposal systems, water treatment, etc. Sanitation deteriorates where water conditions are poor and uncertain, directly affecting communities' well-being. Likewise, sewerage and sanitation service requirements increase in step with improvements in water supplies and have important health implications. Because water, health and sanitation were set targets for 2015 MDGs, African Development Bank (ADB) financed water and sanitation projects in small towns and rural areas in Uganda to USD 28 million and USD 60 million, respectively.<sup>129</sup>

#### 3.3.7 Water for domestic use

Water is used for indoor and outdoor household purposes like cooking, cleaning, laundry, personal hygiene, farming, and home appliances like air coolers. According to Mayo Clinic,<sup>130</sup> water is the body's principal chemical component, making up about 50% to 70% of human body weight. The body, therefore, depends on water to survive because every cell, tissue and organ requires water to work properly.

Water is equally important in the human body to get rid of wastes through urination, perspiration and bowel movements. It is also important to keep the temperature normal, lubricates and cushion joints, and protect sensitive tissues.<sup>131</sup> Scientists<sup>132</sup> have recommended that the adequate daily fluid intake is about 15.5 cups (3.7 litres) of fluids a day for men and about 11.5 cups (2.7 litres) of fluids a day for women. These recommendations cover fluids from water, other beverages and food.



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## 3.4 SITUATIONAL ANALYSIS

Uganda has abundant freshwater sources, including lakes, rivers, wetlands and widespread groundwater. Freshwater sources cover a third of Uganda's surface area, with large active storage capacity flowing into lakes. Water resources in Uganda comprise large lakes like Lake Victoria, Kyoga, Albert, George and Edward; wetlands and rivers, such as the Nile, Katonga, Semliki and Malaba; rainfall, surface water runoff and groundwater. Uganda has a vast network of rivers that connect to the various lakes; Lake Victoria is the source of the river Nile whose flow exceeds 25 cubic kilometres per year.

However, Uganda continues to witness issues around sand mining, plastic pollution, land reclamation in lakes and rivers, illegal fishing of young fish, and other misuse and pollution. Many societies take access to water for drinking, sanitation and irrigation for granted. In 2010, the UN enshrined water as a human right. United Nations Environment Programme (UNEP) research shows that plastic pollution leakage into aquatic ecosystems has risen sharply in recent years and is projected to more than double by 2030.

124 Section 13(1) of the Water Act, 1997.

125 NBCBN (2005) Small Scale Hydropower for Rural Development. Hydropower Development Research Cluster, Group 1, Nile Basin Capacity Building Network NBCBN-RE.

126 RA (2009) Development and Investment Opportunities in Renewable Energy Resources in Uganda. Electricity Regulatory Authority, Kampala.

127 MOFPED (2011) Annual Economic Performance Report 2010/11. Directorate of Economic Affairs, Ministry of Finance, Planning and Economic Development, Kampala.

128 BOS (2009) Uganda Bureau of Statistics, 2009 Statistical Abstracts, Kampala. [www.ubos.org](http://www.ubos.org).

129 African Development Bank (2010) The African Development Bank in Action, Activities in the Water and Sanitation Sector in Uganda: Overview and Key Elements of Interventions. Water and Sanitation Department of the African Development Bank. [http://www.afdb.org/fileadmin/uploads/afdb/documents/Projects-and-Operations/9\\_AFDB\\_watsan\\_UG](http://www.afdb.org/fileadmin/uploads/afdb/documents/Projects-and-Operations/9_AFDB_watsan_UG).

130 Mayo Clinic - <https://www.mayoclinic.org/healthy-lifestyle/nutrition-and-healthy-eating/in-depth/water/art-20044256>

131 Ibid.

132 U.S. National Academies of Sciences, Engineering, and Medicine.

The conservation and sustainable use of the water bodies and marine resources (SDG 14) has acquired renewed urgency, especially in light of the 2017 United Nations Ocean Conference, which highlighted deteriorating marine resources and a range of human rights issues pertinent to the fisheries sector. In October 2021, the UN Human Rights Council recognised for the first time that a clean, healthy, and sustainable environment is a human right, a landmark move in the fight against the triple planetary crisis of climate change, nature and biodiversity loss and pollution and waste.

### 3.4.1 The extent of water body misuse in Uganda: pollution

Both developing and developed countries experience the problem of water pollution. Human activities give rise to water pollution by introducing various categories of substances or waste into a water body. The sustainable management and development of Uganda's water bodies have been hampered by increasing pressure due to rapid population growth, increased urbanisation and industrialisation, and uncontrolled environmental degradation.

#### 3.4.1.1 Industrial pollution

Uganda's 2030 vision to industrialise for economic transformation, recover its economic status lost in the 1970s and attain a middle-income status has presented numerous environmental challenges. Industries are generating volumetric wastes discharged without treatment into nearby water bodies, potentially degrading their water quality. Most industries in Uganda use outdated manufacturing technologies and do not have functional effluent treatment plants. Therefore, raw and harmful wastes are discharged into the surrounding water bodies.

The UHRC noted that wastewater from industries and sewage spillages from burst pipes in urban centres in Uganda continues to be released into streams and wetlands, which finally discharge into Lake Victoria. With the prevailing hard economic

situation in the country, most of the trade waste effluents are also released into the environment untreated or partially treated. Industrialists have adopted substandard treatment methods that only partially treat or do not treat at all. A study carried out by the Management of Industrial and Municipal Effluents and Urban Run-off component of the Lake Victoria Environmental Management Project<sup>133</sup> indicated that most factories in Uganda do not have effluent treatment plants and that even where they exist, they are poorly designed and constructed.

Industries produce and use a multitude of synthetic substances, a great many of which are non-biodegradable or degrade extremely slowly. Such recalcitrant substances persist in the environment for prolonged periods and may therefore become progressively more concentrated.<sup>134</sup> Lake Victoria is threatened by the catastrophic effects of pollution from decades of unsustainable production, irresponsible consumption, and insufficient waste disposal. In Uganda, this pollution takes the form of waste, such as plastics and fishing gear, and nutrients from agricultural run-off, degrading ecosystem services and threatening the health and livelihoods of its communities.

#### 3.4.1.2 Plastic and solid waste

Plastic is one of the major water pollutants, yet it can stay for hundreds of years. About one in five of the fish in Lake Victoria had ingested plastic, according to a recent study titled, "First evidence of microplastics in the African Great Lakes: Recovery from Lake Victoria Nile perch and Nile tilapia." The research was published in 2015 in the Journal of Great Lakes Research. Another study titled "Microplastic pollution in surface water of Lake Victoria," published in June 2022, recorded microplastic levels in the lake.

Mbarara City generates 36 metric tonnes of municipal solid waste per month; of this, 1.6 metric tonnes is plastic waste.<sup>135</sup> In Fort Portal City, a large volume of plastic waste, primarily used soft drink bottles,

drains into River Mpanga, a source of domestic water for over 60,000 dwellers of Fort Portal City and neighbouring areas.<sup>136</sup> Despite Mbarara and Fort Portal having official waste dumping sites, the waste is discarded into the environment due to weak waste management and regulatory practices. The UHRC noted that human waste, soil sediments, fertilizers and mud run into drinking water sources due to the widespread absence of proper toilets and showers. Additionally, the lack of adequate filtration systems and the loss of vegetation, which acts as a natural filtration system, lead to various health problems.

NEMA indicated that about 60% of the Rwizi River catchment had been degraded, reducing water volumes. Jeconious Musingwire, Mbarara's NEMA senior environment support officer, notes: "Encroachment on wetlands and runoff from degraded hills due to poor agricultural practices have accelerated disposal of soil into the river, leading to silting up and reduced water volume."

### 3.4.2 Encroachment on water bodies

The encroachment and abuse of wetlands and lake shores not only reduce the size of the wetlands and lakes but negatively affects fish breeding sites, reducing the fish available in the wetlands, rivers and lakes, thus undermining food, income and livelihood security. Wetland reclamation has been intense in urban centres, especially in Kampala City, due to several factors, including rural-urban migration that has led to reclaimed wetlands. All the seasonal wetlands in and around Kampala have been reclaimed, including Munyonyo, Kinawataka, Nakivubo and Kansanga wetlands. Nakivubo wetland, for example, which had an original area of wetland vegetation mainly composed of papyrus on an area of 4.4 km, was degraded and reduced to 2.8 km in 1991, to 1.9km in 1995 and to 1.3km in 2000. The current estimates have indicated that the size of the wetland has been reduced to 1 km.

Lubigi wetland in Kampala is another wetland that has been severely affected by encroachment, yet it is an important water catchment area serving Kampala City and the surrounding areas of Wakiso district. According to a Ministry of Water and Environment report, Uganda will have only 1.6% of wetlands cover left by 2040 if the nationwide delib

<sup>136</sup> Ibid.



Plastic is one of the major water pollutants, yet it can stay for hundreds of years. Source: [www.sunrise.ug](http://www.sunrise.ug)



Rwizi River in western Uganda polluted with waste

erate and dedicated restoration programmes do not reverse the destruction trend. Statistics show that countrywide wetland coverage has dropped from 37,346.3 Sq.Km in 1994 (15.5%) to 21,526.3 Sq.Km (8.9%) of the total national surface area. In 1994, the wetland coverage was 15.5% of Uganda's land cover, but by 2016, wetland coverage had reduced to only 8.9%, and it is projected to be only 8.4% by 2019. According to the MoWE, wetlands' loss and degradation rate is accelerating in all regions of the country and not matching up with wetland restoration targets and resources.

Humans have encroached on waterbodies in the Greater Masaka region for settlement purposes. Some people have obtained land titles and established houses, washing bays and waste disposal sites among other activities such as cultivation, bricklaying and sand mining. Some of the destroyed wetlands in Masaka include Kajjansembe, Kassooka, and Ssenya, located in the Kimanya-Kabonera division. They are connected and feed into the Nabajjuzi swamp, the main water source for Masaka City and the nearby townships.

<sup>133</sup> Lake Victoria Environment Report - Uganda Water Quality and Ecosystems Status (2020) Ministry of Water and Environment. Available at: <https://mwe.go.ug/> Last accessed on December 12 2022.

<sup>134</sup> Criteria for and Approaches to Water Quality Management in Developing Countries: Natural Resources Water series No.20, United Nations, New York.

<sup>135</sup> Mugira, F. (2022) River Nile, a freeway of plastics from African Great Lakes to Mediterranean Sea, Water Journalists Africa. Available at: <https://waterjournalistsafrica.com/2022/08/river-nile-a-plastics-freeway-from-african-great-lakes-to-mediterranean-sea/> Last accessed on December 13 2022.



Kinawataka wetland that has been filled with soil



A picture showing a degraded wetland in Uganda

According to MoWE, Eastern Uganda is the most degraded at 46%, while Northern Uganda registered the lowest degraded area at 21%. Degradation levels in the central and western regions stand at 29% and 28%, respectively. The UHRC established that wetland degradation had been majorly due to the expansion of subsistence agriculture, industrial developments and settlements.

### 3.4.3 Sand mining

For centuries, sand and gravel have been used to construct roads and buildings. Today, demand for sand and gravel continues to increase. Lake Victoria Basin is endowed with alluvial depositions that contain sand, which is highly sought by the construction industry. The deposits of sand in the

basin are deeper in the west, especially around Lwera and Bukatata. It is not surprising that out of all permitted sand mining projects, over 80% of them are based in the west of the Lake Victoria basin, wholly in Lwera. In Lwera, commercial sand mines are recent, and their emergence is wholly attributed to a growing demand for clean sand. The situation now contrasts with the olden days when sand was mined using local tools, such as hoes and spades. During that time, large-scale mining in Uganda was limited to Bukakata in the 1960s, where the sand was mined to support glass making by the East African Glass Works Limited. With mining comes impacts, and Lwera has not been spared.

A traditional fishing village, Kamaliba, which three mining companies surround, has been ravaged by the activities of these miners. The village has lost shelter, toilets, access roads, recreation land and land for cultivation as some of the developers have expanded their mines beyond the permitted boundaries. Further, land originally used for grazing and cultivation has been reduced to pits and ponds that threaten humans and cattle, let alone being unsuitable for cultivation. The open pits resulting from sand mining are a habitat for disease-carrying vectors, such as mosquitoes. They are also habitats for invasive aquatic plants like the water hyacinth and Kariba weed.

The UHRC notes that sand is being extracted in vast amounts to meet soaring demands from the construction industry. In Mayuge district, sand mining is a lucrative business, with several trucks often seen ferrying sand from Namoni and Bwondha landing sites in Mayuge district and Masese in Jinja City. The miners, operating without authorisation from NEMA, set up illegal landing sites at the different parts of the lake, interfering with fish breeding areas along the shoreline, thereby affecting fish stocks in the lake. The UHRC noted that the Lake Victoria shoreline in the areas of Bwondha had progressed 300 meters above the shoreline. This was due to sand mining activities where the lake had expanded its banks. The sand mining activities had weakened the soil holding particles on the shoreline, forcing it to spread out to the surrounding communities.

Unsustainable sand mining could result in riverbank collapse, deepening of river beds, sinking deltas

and coastal erosion, and biodiversity loss. Excessive instream sand-and-gravel mining also causes the degradation of rivers. Instream mining lowers the stream bottom, which may lead to bank erosion. Depletion of sand in the streambed and along river banks and lakeshore areas causes the deepening of rivers and estuaries and the enlargement of river mouths and coastal inlets. It may also lead to saline-water intrusion from the nearby water body. The effect of water level rise compounds the effect of mining. Illegal sand mining in most parts of Uganda also degrades and destroys wetlands, which are water sources for residents and aquatic animal habitats.

Sand mining also reduces the wetlands' natural water-filtering function, harming aquatic life. One of miners' most harmful methods is digging channels to drain water from wetland areas where they want to mine sand. According to the Amended National Environment Act of Uganda, 2019, the approved uses of wetland resources include harvesting papyrus, medicinal plants, trees and reeds; fishing using traps, spears, and baskets or other methods and water collection for domestic use or hunting subject to the provisions of the Uganda Wildlife Act. Activities like sand and clay mining require the developer to apply for a user permit from NEMA and require the developer to undertake an Environmental and Social Impact Assessment (ESIA).

The National Environment Act 2019, under "Management and Utilisation of Wetlands" Section 3 (a), states that the wetland resources shall be utilised sustainably compatible with the continued presence of wetlands and their hydrological functions and service. The same act, under "Restrictions on the Use of Wetlands," states that a person shall not, without the written approval of the relevant lead agency, given in consultation with the Authority, reclaim or drain any wetland or disturb any wetland by drilling or tunnelling in a manner that has or is likely to harm the wetland.

In the Kakumiro district, several people involved in sand mining in the wetlands have no ESIA report as the law requires.<sup>137</sup> According to NEMA and wetland user guidelines, the sand miners should acquire wetland user permits and restore the site's environment to its original shape or support other



Sand mining in Mayuge



Sand mining in Kakumiro

environmentally-friendly activities, such as fish farming in the mine pits. However, in most cases, there is noncompliance with the law and site restoration has rarely been done. The UHRC established that if mine pits are not restored, they fill with water, thus becoming safety hazards.

### 3.4.4 Causes of water body pollution

#### 3.4.4.1 Industrial waste

Industries produce a tremendous amount of waste containing toxic chemicals and pollutants, causing air pollution and environmental damage. Most industrial waste contains harmful chemicals, including lead, mercury, sulfur, nitrates, asbestos, etc. In Kikuube district, whereas Hoima Sugar Ltd was found to be managing its waste and

<sup>137</sup> Illegal sand mining in Uganda puts human, aquatic lives at risk | Earth Journalism Network Last accessed on 22 February 2023.

effluent within the sugarcane estate, the respondents with whom the UHRC interacted accused the factory of releasing part of its effluent in Muziranduuru stream, which joins River Kafu and joins River Nile. Many industries, not having a proper waste management system, drain the waste into the freshwater, which goes into canals, rivers, and lakes. The toxic chemicals may change the water's colour and temperature and pose a severe hazard to water organisms. According to MoWE, the average compliance levels to national effluence discharge standards stood at 33.4% against a target of 68%,<sup>138</sup> which is still low to ensure sustainable environmental protection.

#### 3.4.4.2 Sewage and wastewater

A small leakage from the sewer lines can contaminate the underground water and make it unfit for people to drink. Also, when not repaired on time, the leaking water can come onto the surface and become a breeding ground for insects and mosquitoes. Data obtained from the field by the UHRC was to the effect that any meaningful physical planning guidelines did not guide the development of the most upcoming town councils, municipalities and cities. As such, there are no sound sewer management systems in place. It is always a common sight in urban centres whenever it rains to see sewerage flowing alongside rainwater, emitting a foul stench.

The sewage and wastewater produced in each household are treated chemically and released into water bodies and fresh water. The sewage water carries pathogens, typical water pollutants, other harmful bacteria, and chemicals that can cause serious health problems. Microorganisms in water are known to cause some deadly diseases and become the breeding grounds for creatures that act as carriers. These carriers inflict these diseases onto an individual via various contact forms, e.g. malaria.

#### 3.4.4.3 Mining activities

Mining is the process of crushing rock and extracting coal and other minerals from the underground. When extracted in raw form, these elements contain

harmful chemicals and can increase the number of toxic elements when mixed up with water, which may result in health problems. Mining activities emit a large amount of metal waste and sulfides from the rocks, which is harmful to the water.

#### 3.4.4.4 Chemical fertilizers and pesticides

Farmers use chemical fertilizers and pesticides to protect crops from insects and bacteria and are useful for the plant's growth. However, when these chemicals are mixed with water, they produce harmful pollutants for plants and animals. When it rains, the chemicals mix with rainwater and flow into rivers and canals, damaging aquatic animals.

#### 3.4.4.5 Population growth and urbanisation

As the population has grown exponentially, so has the demand for housing, food, and clothes. As more cities and towns develop, this leads to the increased use of fertilisers to produce more food, soil erosion due to deforestation, a rise in construction activities, inadequate sewer collection and treatment, more landfills as more garbage is produced, and an increase in chemicals from industries to produce more materials. Most of these occurrences impact the quality through encroachment on wetlands and leakages of wastes into water sources.

#### 3.4.4.6 Animal waste

Animal waste often washes away into rivers when it rains. It then gets mixed with other harmful chemicals and causes water-borne diseases like cholera, diarrhoea, dysentery, jaundice, and typhoid.

#### 3.4.4.7 Overfishing and use of illegal fishing gear

Overfishing and the use of illegal fishing gear are other forms of waterbody misuse. The consequence has been the declining fish stocks in the waters, adversely impacting the fish industry. It was against the above background that, in 2017, the government instituted the Fisheries Protection Unit (FPU) to crack down on illegal fishing on Lake Victoria, which had been blamed for the declining fish stocks.<sup>139</sup>

## 3.5 INSTITUTIONS RESPONSIBLE FOR WATER BODY MANAGEMENT

This section looks at the available infrastructure for managing water bodies and their capacity to respond to challenges impacting water body usage.

### 3.5.1 Ministry of Water and Environment

The Ministry of Water and Environment (MoWE) was established in 2007, from the then Ministry of Water, Lands and Environment, following the cabinet decision taken on 15 April 2007. It is responsible for developing, managing, and regulating water and Environment resources in Uganda. The mandate of the Ministry is derived from the Constitution and the Local Government Act. It includes initiating legislation, policy formulation, setting standards, inspections, monitoring, coordination and backing up technical support concerning water and environment sub-sectors. The Ministry of Water and Environment is responsible for setting national policies and standards, managing and regulating water resources, and determining water development and management priorities. It also monitors and evaluates sector development programs to keep track of their performance, efficiency and effectiveness in service delivery. MWE has three directorates: the Directorate of Water Resources Management (DWRM), the Directorate of Water Development (DWD) and the Directorate of Environmental Affairs (DEA).

The Ministry develops legislation, policies and standards for managing water and environmental resources and functions to provide sustainable and safe water supply and sanitation facilities in rural areas. The ministry's rural water supply and sanitation department is the lead department that ensures availability and access to safe and clean water plus hygienic sanitation in rural areas. The rural water supply and sanitation department is tasked to provide water and sanitation infrastructure in all rural communities and is charged with the responsibility of increasing the provision, functionality and effective utilisation of existing water facilities. The department provides overall technical oversight for the planning, implementation supervision and capacity development and other support services to Local Governments, private

operators and other service providers for the delivery of rural water and sanitation services.

The MoWE approves budgets and work plans for programmes implemented through District Local Governments. For instance, the district Water and Sanitation Development Conditional Grants finance the construction of water supply and sanitation facilities, community sensitisation and mobilization in rural areas. Furthermore, the ministry provides viable water supply and sewerage/sanitation systems for domestic, industrial and commercial use in urban areas. The Ministry ensures the provision of water for production in agriculture, rural industries, tourism and other uses. The Ministry coordinates the national development of Water for Production (WFP), which refers to developing and utilising water resources for productive use in crop irrigation, livestock, aquaculture, rural industries, energy and other commercial uses.

The MoWE undertakes several programmes to provide WFP facilities to improve the livelihoods of the people in rural areas. It constructs and rehabilitates earth dams and valley tanks, mainly in the cattle corridor that stretches from Isingiro in South West to Karamoja in North East. MoWE is constructing small-scale irrigation schemes countrywide with GoU funding as well as medium-scale irrigation schemes under the Farm Income Enhancement and Forestry Conservation (FIEFOC) Project II. MoWE also operates and manages earth-moving equipment for the construction of valley tanks, hired out to individual farmers at subsidised rates. The Department of Environment Sector Support Services (DESSS) is mandated to carry out policy making, standard setting, national planning, regulation, coordination, inspection, monitoring, resource mobilisation and backup technical support relating to the environment. DESSS aims to ensure a sustainable, productive environment, a natural resource base, and a healthy environment. In the 2019/20 financial year, DESSS planned to prepare guidelines for mainstreaming the environment in high-impact sectors and restore 80 hectares of degraded sections of Mabira Central Forest Reserves, demarcate 100 km of the river Nile and integrate the mountain strategy in district Development Plans in eight districts.

138 Natural Resources, Environment, Climate Change, Land and Water Management Programme Performance Report 2022.

139 <https://www.monitor.co.ug/uganda/news/national/parliament-halts-updf-fisheries-operations-1865750> Last accessed on 14 February 2023.

### 3.5.2 The National Environment Management Authority (NEMA)

NEMA is responsible for the regulatory functions and activities that focus on compliance and enforcement of Uganda's existing legal and institutional frameworks on environmental management. NEMA's mandate covers both green and brown issues of environmental management. It oversees the implementation of all environment conservation programmes and activities of the relevant agencies at the national and local government levels, advises GOU, and spearheads the development of environmental policies, laws, regulations, standards, and guidelines for sound environmental management.

NEMA builds the environment management capacity of government MDAs and other stakeholders. It supports GoU's main goal of ensuring sustainable development through the National Vision, the NDP, and regional and global commitments on sustainable development like the SDGs. Its development objective is to create, establish, and maintain an efficient mechanism for sustainable environmental and natural resources management at the national, district, and community levels. As a regulatory agency, NEMA draws authority embedded in the National Environment Act No. 5, 2019.<sup>140</sup> The Government has made efforts through NEMA to help protect and save the natural environment from degrading human activities by implementing and enforcing Environment Impact Assessments. However, natural environmental degradation in the Greater Kampala Metropolitan Area (GKMA) has continued to increase, and this has been attributed to various development practices which have taken place.

### 3.5.3 The National Water and Sewerage Corporation (NWSC)

NWSC is a utility parastatal 100% owned by GoU. It was established in 1972 under decree No: 34, following a recommendation by WHO. The mandate of the Corporation, as defined in the National Water & Sewerage Corporation Statute of 1995, Section 5 (1), is to operate and provide water and sewerage services in areas entrusted to it on a sound, commercial and viable basis. The NWSC operations were initially in three towns of Kampala, Jinja, and Entebbe. In 1988, four additional towns of Mbale, Tororo, Masaka, and Mbarara were handed over to NWSC by the

then Water Development Department, WDD, now known as the Directorate of Water Development (DWD). This was after the completion of the International Development Association (IDA)-financed rehabilitation programme. In November 1995, the Corporation was re-established under the NWSC Statute. In 1997, the towns of Kasese and Fort Portal were handed over to NWSC following a successful rehabilitation financed by the German government. In April 1999, the town of Kabale was handed over to the NWSC as a prerequisite to the rehabilitation and expansion work due to being carried out with funding from the German government. Seventeen towns, the major urban centres, are currently served by the NWSC: Kampala, Jinja/Njeru, Entebbe, Tororo, Mbale, Masaka, Mbarara, Gulu, Lira, Fort Portal, Kasese, Kabale, Soroti, Bushenyi, Arua, Malaba and Mukono.

### 3.5.4 Local government structures

Section 32 (1) of the Local Government Act 1997 delegates central government ministry functions, powers and responsibilities to local government councils. Clause 2 (2) of the section provides that 'adequate resources are made available for the exercise of those functions, powers, services and responsibilities'. Within local government structures, MoWE is represented by Natural Resources Officer and Water Officer. However, in light of the demands and challenges of enforcing and monitoring environmental protection standards, the structure does not live up to the challenges. The Natural Resources Officers with whom the UHRC interacted said that moving into the field was rare.

### 3.5.5 Environmental Protection Police Unit

In 2011, in further efforts geared at environmental protection, MOWE established the Environmental Protection Police Unit to enforce environmental laws and prevent the degradation of protected areas.<sup>141</sup> The unit was tasked with policing lakes, forests and wetlands threatened by encroachment. The unit would also conduct sensitizations of the members of the public on environmental laws. However, the frequent transfers of police officers and resignation to serve other police roles have rendered the unit ineffective in performing the intended purpose. The lack of a specific budget to facilitate the unit further inhibits the performance of its functions.

## 3.6 WATER BODY MISUSE AND THE ATTENDANT HUMAN RIGHTS CONCERNS

Misuse of water resources can have far-reaching effects on the enjoyment of human rights. This section looks at some human rights concerns arising from water body misuse in the country.

### 3.6.1 Health concerns arising out of unsafe drinking water

Access to safe water and sanitation is a basic human right recognised by the United Nations General Assembly in 2010,<sup>142</sup> reflecting the fundamental nature of these basic needs in every person's life. The CRC enjoins State parties 'to combat disease and malnutrition, including within the framework of primary health care, though inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water.'<sup>143</sup>

The national standard and SDG 6.1.1 recommends zero E. coli in drinking water. However, drinking water in urban and rural areas continues to contain traces of E.coli. According to MoWE<sup>144</sup>, rural water supply compliance to E.coli by technology option stood as follows; deep wells (71.6%), protected springs (54.8%), shallow wells (43.8%), rainwater harvesting (34.1%) and open water (19.4%). Urban water compliance to E.coli by technology option was piped water systems (80.3%) and gravity flow systems (48.9%). Whereas overall, 77.2% of urban water supply met the national standards of potable drinking water quality, the quality of drinking water in rural settings remains an issue of concern.

### 3.6.2 Economic concerns

Fishing is a major economic activity in Uganda's waterbodies employing thousands of people and also a source of revenue and foreign exchange to the Government by exporting fish products. The use of illegal fishing gear, overfishing, and contamination of the water sources spell a bleak picture for the fishing industry, affecting livelihoods and revenue collection. The European Union, one

of the key destinations of Uganda's fish exports, imposed embargoes on fish exports from Uganda multiple times in the late 1990s.<sup>145</sup> Concerns about the quality of fish exports from Uganda were noted by the Daily Monitor in 2021: "Uganda could lose an estimated 280m earned from fish exports if the EU puts a ban on Uganda's fish stemming from poor quality of fish exported and management."<sup>146</sup>

### 3.6.3 Loss of lives

As noted, data collected by the UHRC indicates encroachment is taking place at almost all major waterbodies in the country. Encroachment on wetlands, rivers, lakes, and swamps poses a serious danger to human lives, resulting from loss of water, food, and flooding. In the past, flooding in and around Kampala has resulted in the loss of life.



Flooding in Mbale in July 2022, which left at least ten dead and hundreds homeless after heavy rain caused rivers to overflow

140 <http://www.nema.go.ug/>.

141 <https://ugandaradionetwork.com/story/environmental-police-struggles-to-enforce-laws> Last accessed on 15 February 2023.

142 World Health Organization (WHO), 2010.

143 CRC, article 24(2)(c).

144 Natural Resources, Environment, Climate Change, Land and Water Management Programme Performance Report 2022.

145 Ponte, S. Bans, tests, and alchemy: Food safety regulation and the Uganda fish export industry. *Agric Hum Values* 24, 179–193 (2007). <https://doi.org/10.1007/s10460-006-9046-9>.

146 21 January 2021 Daily Monitor updated article, Last accessed on 12 February 2023.

### 3.6.4 Education concerns

Water and education are intimately connected in so many ways and play an important role in students' daily lives. Too often, students use valuable class time to fetch water long distances from school. Water and education are also linked to school absence. According to the report by UNICEF,<sup>147</sup> about 443 million school days are lost each year due to water-related illness. Unsafe water leads to severe outbreaks of diarrheal disease, one of the most deadly diseases for children in the developing world. Improper waste disposal and lack of water for proper handwashing perpetuate diseases such as cholera, typhoid, trachoma, and hepatitis. These outbreaks force school closures, making education impossible in some rural areas. According to the UNICEF report,<sup>148</sup> many girls cannot attend school because their main responsibility for the family, collecting water, requires hours of walking each day. In many cases, young women drop out of school when they reach puberty because of a lack of privacy or separate female facilities. Over half of the girls in sub-Saharan Africa who drop out of primary school do so because of poor water and sanitation facilities. Improved latrines and adequate access to safe water, can significantly improve school attendance, especially for girls.

### 3.6.5 Gender-based violence

The most common manifestation of the relationship between water insecurity and gender-based violence was an **increased risk of sexual and physical violence for women who walked long distances to access water**. This was followed by intimate partner violence sparked by the inability to meet domestic obligations due to household water inadequacy. Globally, women and girls bear the brunt of water acquisition, distribution, and related household tasks.

## 3.7 RECOMMENDATIONS

1. The Ministries of Water and Environment and Trade and Industry should ensure that all development projects around waterbodies are preceded by undertaking full and comprehensive Environmental Impact Assessments.
2. The Ministry of Water and Environment should review the National Wetland Policy and develop a Wetland Resource Bill to address the challenges and issues of wetland management.
3. City, Municipal and Town Council authorities should construct refuse bunkers in their areas and enforce physical planning guidelines to ensure that new infrastructures consider refuse management.
4. Before releasing waste into water bodies, industries and municipal corporations must mandate treatment and management to nullify the hazardous properties of the disposed materials.

## 3.8 CONCLUSION

Uganda is abundantly gifted with water bodies that offer various socio-economic and environmental benefits. However, for reasons including laxity in enforcing the laws and policies on effective environment management practices; poorly regulated industrialisation; population growth exerting excessive pressure on the available arable land, and unethical practices like open defecation, Uganda's water bodies are increasingly coming under threat due to encroachment, pollution and contamination. Through its line ministries, the Government should take every possible measure and address the causes that are leading to the abuse of water bodies in particular and the environment in general.

## CHAPTER FOUR

# THE RIGHT TO SOCIAL SECURITY IN UGANDA AND THE HUMAN RIGHTS CONCERNS IN 2022

## 4.1 INTRODUCTION

Every Ugandan, whether employed or not, needs a guarantee for social security. The need for social security is driven by the fact that irrespective of one's socio-economic status, all persons are faced with various risks and vulnerabilities at certain times, and may have limited capacity to meet their basic needs of life, such as food, clothing, housing, health care and education.<sup>149</sup>

Over the past two years, the COVID-19 pandemic shed light on the profound fragilities of social and economic systems in Uganda, where millions of Ugandans, primarily women, children, persons with disabilities and older persons, lost the capacity to afford the basic necessity of life. The unprecedented social-economic vulnerability experienced during and after the pandemic outweighed the protective capacity of Uganda's formal-sector-dominated social security systems. Thus, the Government responded by expanding social assistance through temporary cash transfers to the most affected persons, especially those who lost businesses or earnings due to the pandemic.

The COVID-19 social-economic experiences accelerated the social security reforms in Uganda to provide responsive measures to the prevailing shock and establish safeguards for the comprehensive and inclusive protection of all Ugandans at all times. By 2022, several legal reforms had been underscored and implemented by the country's various social protection schemes and service providers. Against this background, the UHRC monitored the enjoyment of Uganda's right to social security in 2022. In so doing, the UHRC interacted with respondents from 40 districts

of Sironko, Bulambuli, Mbale, Kapchorwa, Jinja, Kamuli, Bugiri, Tororo, Namiyango, Busia, Masindi, Kikuube, Bulisa, Hoima, Pakwach, Nebbi, Zombo, Yumbe, Arua, Lira, Dokolo, Kwanja, Alebtong, Lira City, Bushenyi, Moroto, Nakapiripirit, Napak, Kabarole, Banyangabo, Kasese, Kampala, Wakiso, Gulu, Kitgum, Nwoya, Pader, Agago, Kabale and Masaka. The UHRC also strategically consulted and obtained information from the Ministry of Gender, Labour and Social Development (MoGLSD) and the Institute for Social Economic Rights (ISER) and information from secondary based sources. This chapter discusses the right to social security in Uganda, highlighting the legal framework, the social security schemes and service providers, the major achievements of each scheme, and highlights each scheme's specific human rights concerns and recommendations.

## 4.2 LEGAL AND POLICY FRAMEWORK

The right to social security is protected internationally, regionally and domestically in a number of Uganda's legislative and policy frameworks.

### 4.2.1 International level

The right to social protection is also universal declared under Articles 22 and 25 of the Universal Declaration of Human Rights (UDHR). This right is reiterated in Article 9 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), Articles 15, 16 and 17 of the African Charter on Human and Peoples' Rights and International Labour Organisation (ILO) Convention 102 on Social Security. The ILO defines "social protection

147 UNICEF and WSSCC, "Women, Water and Hygiene Are Key to Change in Africa", Joint Press Release, Sept. 14, 2005, [http://www.unicef.org/media/media\\_28260.html](http://www.unicef.org/media/media_28260.html).

148 UNICEF and WSSCC, "Women, Water and Hygiene Are Key to Change in Africa", Joint Press Release, Sept. 14, 2005, [http://www.unicef.org/media/media\\_28260.html](http://www.unicef.org/media/media_28260.html).

149 The Uganda National Social Protection Policy, 2015 page 2.

as the protection which society provides for its members, against the economic and social distress that otherwise would be caused by the stoppage or substantial reduction of earnings resulting from sickness, maternity, injury employment and occupational diseases, unemployment, invalidity, old age and death.” Additionally, the ILO Convention 102, as well as the UN General Comment No 19 of the Committee on Economic Social and Cultural Rights, endorses nine social risks and contingencies or benefits relating to (1) Medical care, (2) Sickness, (3) Unemployment, (4) Old age, (5) employment injury, (6) Family support, (7) Maternity, (8) Invalidity, and (9) Survivors/death benefits.

#### 4.2.2 Regional level

The East African Common Market Protocol (2010) permits workers to move freely within the territories of the partner states for employment and guarantees them the rights and benefits of social security as accorded to the workers of the host partner State. Uganda endorsed the Ouagadougou Declaration and Plan of Action on Employment and Poverty Alleviation in Africa (2004). The Plan calls for improvement and strengthening of the existing social protection schemes and extending them to workers and their families currently excluded. Uganda is also a signatory to the Livingstone Call to Action (2006), which obliges African states to put in place costed plans for implementing Direct Income Support (DIS) programmes. The African Union Social Policy Framework (2008) calls on member states to recognise that social protection is a State obligation, with provisions in national legislation.

#### 4.2.3 National level

The right to social security is entrenched in the Constitution of the Republic of Uganda, 1995, under the National Objectives and Directives of State Policies as well as in the substantive provisions of the Constitution. Objective VII: mandates “the State to make reasonable provision for the welfare and maintenance of the aged.” Objective XIV states, “All Ugandans shall enjoy rights and opportunities and access to education, health services, clean and safe water, work, decent shelter, adequate clothing, food security and pension and retirement benefits.” The entire Chapter Four of the Constitution is dedicated to protecting and promoting fundamental human rights and free-

doms. In particular, Article 34 enjoins the State to take affirmative action in favour of marginalised groups, protect women’s unique and natural maternal function, the rights of children, persons with disabilities, and ethnic minorities and the economic rights of every Ugandan. The Constitution further provides that a public officer shall, upon, receive a pension commensurate with his or her rank, salary and length of service.

Besides the Constitution, specific laws provide for various aspects of social security in Uganda: The Pensions Act, Cap. 286, and Pension Amendment Act, 2021, which provides for granting and regulating pensions, gratuities and other allowances regarding the public service of officers under the Government of Uganda; The National Social Security Fund Act, Cap. 222 and The National Social Security (Amendment) Act, 2022, which provides for social security benefits for employees in the private sector; and The Uganda Retirement Benefits Regulatory Authority Act, (2011), which provides for an institution to regulate the establishment, management and operation of benefits schemes in Uganda in both the private and public sectors. Other laws include the Workers Compensation Act Cap. 225; the Employment Act No. 6 of 2006; the Persons with Disability Act 2006; the Minimum Wages Board and Wages Councils Act, Cap 221; the Occupational Safety and Health Act No. 9 (2006); the Children’s Act (Cap 59); the Succession Act (Cap 162); The Land Act (Cap 227) and the Birth and Death Registration Act (Cap 309).

The policy frameworks that promote the right to social security in Uganda include The Uganda National Social Protection Policy of 2015; The National Orphans and Other Vulnerable Children Policy (2004); The National Child Labour Policy (2006); The National Policy on Disability (2006); The National Policy for Older Persons (2009); The National Health Policy (2010) and The National Food and Nutrition Policy (2003).<sup>150</sup>

### 4.3 NORMATIVE CONTENT OF THE RIGHT TO SOCIAL SECURITY

Social protection is a broader term which refers to public and private interventions to address risks and vulnerabilities that expose individuals to income insecurity and social deprivation, leading

to undignified lives.<sup>151</sup>In the Ugandan context, the social protection system comprises social security and social care and support services. Social security refers to protective and preventive interventions to mitigate factors that lead to income shocks and affect consumption. Social care and support services provide care, support, protection and empowerment to vulnerable individuals who cannot fully care for themselves.<sup>152</sup>Therefore, social protection is wider than social security and, as such, the latter is a component of the former. In view of this topic, this discussion will be restricted to social security as an aspect of social protection.

Social security consists of direct income support and social insurance. Direct Income Support is non-contributory regular, predictable cash or in-kind transfers that provide relief from deprivation to the most vulnerable individuals and households in society, while social insurance are contributory arrangements to mitigate livelihood risks and shocks such as retirement, loss of employment, work-related disability and ill health.

The right to social security is of central importance in guaranteeing human dignity for all persons when faced with circumstances that deprive them of their capacity to fully realise their human rights.<sup>153</sup> It encompasses the right to access and maintain benefits, whether in cash or kind, without discrimination to secure protection, inter alia, from (a) lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age, or death of a family member; (b) unaffordable access to health care; (c) insufficient family support, particularly for children and adult dependents.<sup>154</sup> It includes the right not to be subject to arbitrary and unreasonable restrictions of existing social security coverage, whether obtained publicly or privately, as well as the right to equal enjoyment of adequate protection from social risks and contingencies.

The right to social security is assessed on the basis of 4 As (availability, accessibility, affordability and adequacy).

**1. Availability:** A social security system should be established under domestic law to ensure that

public authority effectively administers and supervises benefits. The schemes should also be sustainable in order to ensure that the right can be realised for present and future generations.

**2. Adequacy:** The benefits, whether in cash or in kind, must be sufficient in quantity and duration so that everyone may realise his or her rights to family protection and assistance, a reasonable standard of living and access to health care. The adequacy criteria should be monitored regularly to ensure that beneficiaries are able to afford the goods and services they require to realise their rights.

**3. Affordability:** In the case of contributory schemes, the costs and charges associated with contributions to social security must be economical for all and must not compromise the realisation of other rights.

**4. Accessibility:** A social security system should cover all persons, especially those belonging to the most disadvantaged and marginalised groups, without discrimination. Benefits should also be physically accessible and should be provided in a timely manner. Particular attention should be paid in this regard to persons with disabilities. Qualifying conditions for benefits must be reasonable, proportionate and transparent.

Furthermore, if a social security scheme requires contributions, those contributions should be stipulated in advance. The direct and indirect costs and charges associated with making contributions must be affordable for all and not compromise the realisation of other Covenant rights. Therefore, the social security system should be as comprehensive as possible to embrace all the aforementioned elements without any variations. As such, states are obliged to ensure effective and efficient provision of social security services to make beneficiaries meet their basic needs, build resilience, access opportunities and improve life chances.

150 The Uganda National Social Protection Policy 2015 Pages 10 and 11.

151 Ibid.

152 The Uganda National Social Protection Policy 2015.

153 <https://www.ohchr.org/en/social-security/about-right-social-security-and-human-rights>.

154 General Comment No. 19, the right to social security, adopted on 23 November 2007 by the Committee on Economic Social and Cultural rights.

## 4.4 SITUATION ANALYSIS

Uganda operates a multi-tier social security system model comprising non-contributory direct income support schemes, mandatory contributory social insurance schemes and voluntary private social security schemes, some of which are supplementary.<sup>155</sup> The Uganda Public Service Pension Scheme (PSPS), which covers all public sector-pensionable employees and the National Social Security Fund (NSSF), covering private and non-pensionable public workers, are the largest social secu-

rity in Uganda. Other social insurance schemes include health insurance, workers' compensation, and social assistance arrangements such as direct income support schemes, including the senior citizens and vulnerable family grants under the Social Assistance Grant for Empowerment (SAGE). The Uganda Retirement Benefits Regulatory Authority (URBRA) 2021 Annual Report clarifies the Multi-Tier system model of social security in Uganda as seen in table 2.<sup>156</sup>

**TABLE 2: MULTI-TIER SOCIAL SECURITY SECTOR COVERAGE BY 2021**

RETIREMENT BENEFIT ARRANGEMENTS	NUMBER OF MEMBERS
<b>Tier 1: Social Assistance Grant for Empowerment (SAGE)</b>	
Senior Citizens Grant as of Dec 2020	304,155
<b>Tier 2: National Mandatory Scheme</b>	
National Social Security Fund (NSSF) as of June 2020	2,054,933
<b>Tier 3: Mandatory Employer-Based Pension Schemes</b>	
Parliamentary Pension Scheme as of Dec 2020	989
Public Service Pension Scheme as of June 2020	408,119
<b>Tier 4: Supplementary Voluntary Occupational Scheme</b>	
Voluntary Segregated Occupational Schemes as of Dec 2020	35,681
Umbrella Schemes as of Dec 2020	15,723
<b>Tier 5: Supplementary Voluntary Individual Scheme</b>	
Supplementary voluntary individual schemes as of June 2020	2,310

According to URBRA, Uganda's social security sector consists of 90 social security arrangements comprising 65 retirement schemes and 25 service providers.<sup>157</sup> The 25 service providers consist of ten administrators, six fund managers, five custodians and four corporate trustees.

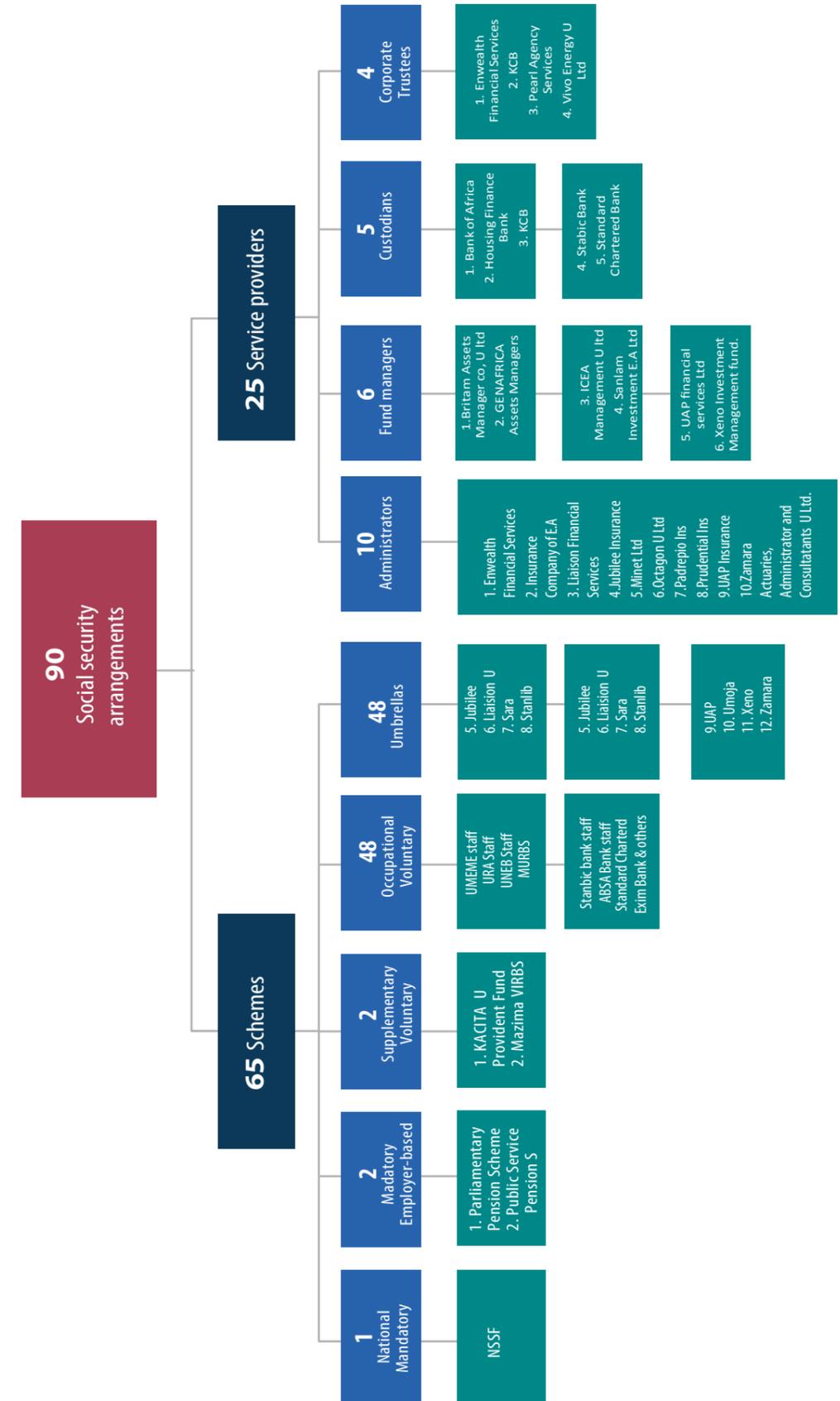
Additionally, there are 48 voluntary occupational schemes, including staff schemes for URA and Uganda National Examination Board (UNEb), bank schemes such as ABSA Bank and Standard Chartered Bank and 12 Umbrellas consisting mainly of Insurance Companies, as seen in figure 9.

<sup>155</sup> Paul Bakuluki and John Bosco Mubiru, The Status of Social Security systems in Uganda; Challenges and Opportunities, November 2014, Page 61.

<sup>156</sup> Ibid, Page 23.

<sup>157</sup> The Pension Digest 2021, Page 13 by Uganda Retirement Benefit Regulatory Authority.

**FIGURE 9: LICENSED ENTITIES AND SERVICE PROVIDERS OF SOCIAL SECURITY BY 2021**



#### 4.4.1 Social security coverage in Uganda in 2022

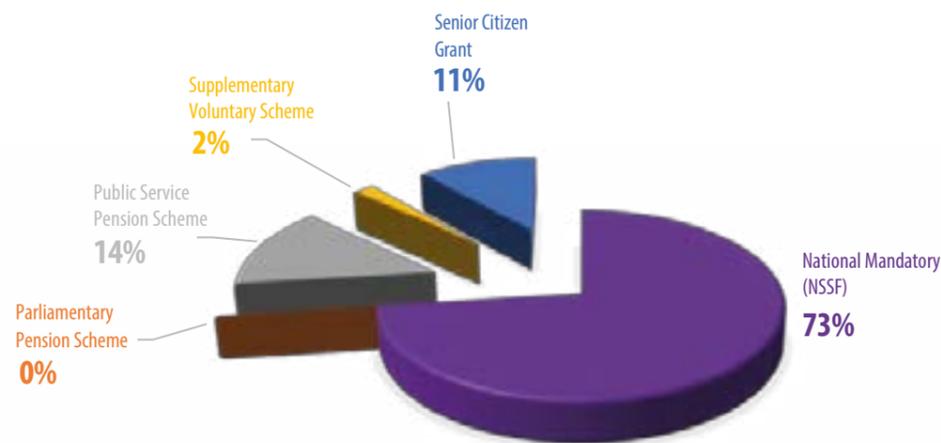
Uganda has a total population of 41 million people, of which 74% (aged 14-65 years), equivalent to 30,750,000 people, constitutes the working population.<sup>158</sup> A total of 52% of the working population in Uganda are employed, as 47% are engaged in subsistence agriculture.<sup>159</sup> According to the URBRA in its 2021 Pension Digest report, Uganda's retirement sector covers 2,950,523 persons across the 90 arrangements. Accordingly, only 7.2% of Uganda's population access some form of social security, implying that 92.8% is unsecured. The NSSF is the largest scheme covering 2,150,721, representing 73%, followed by the Public Service Pension scheme at 410,000 (14%), Senior Citizen Grant at 11% and supplementary

voluntary schemes combined at 2%.<sup>160</sup>

**TABLE 3: NUMBER OF BENEFICIARIES BY SOCIAL SECURITY SCHEMES IN 2022**

MAIN SOCIAL SECURITY SCHEMES	NUMBER OF MEMBERS
National Mandatory (NSSF)	2,150,721
<b>Mandatory Employer-Based schemes</b>	
Parliamentary Pension Scheme	1,199
Public Service Pension Scheme	410,000
Supplementary Voluntary Scheme	55,810
Senior Citizen Grant	332,793
<b>Total</b>	<b>2,950,523</b>

**FIGURE 10: PERCENTAGE COVERAGE OF THE SOCIAL SECURITY SECTOR IN UGANDA, 2022**



Source: URBRA Report, 2022

#### 4.4.2 Analysis of major social security schemes in Uganda and the human rights concerns

This part of the chapter discusses how much the social security system in Uganda complies with applicable human rights standards by analysing the NSSF, Public Service Pension Scheme, SAGE, and Parliamentary Schemes.

##### 4.4.2.1 The National Social Security Fund (NSSF)

The National Social Security Fund (NSSF) is a quasi-government agency established to provide social security services to employees in Uganda.<sup>161</sup> It is a national provident scheme responsible for the collection, safe custody, responsible investment, and distribution of retirement benefits. The

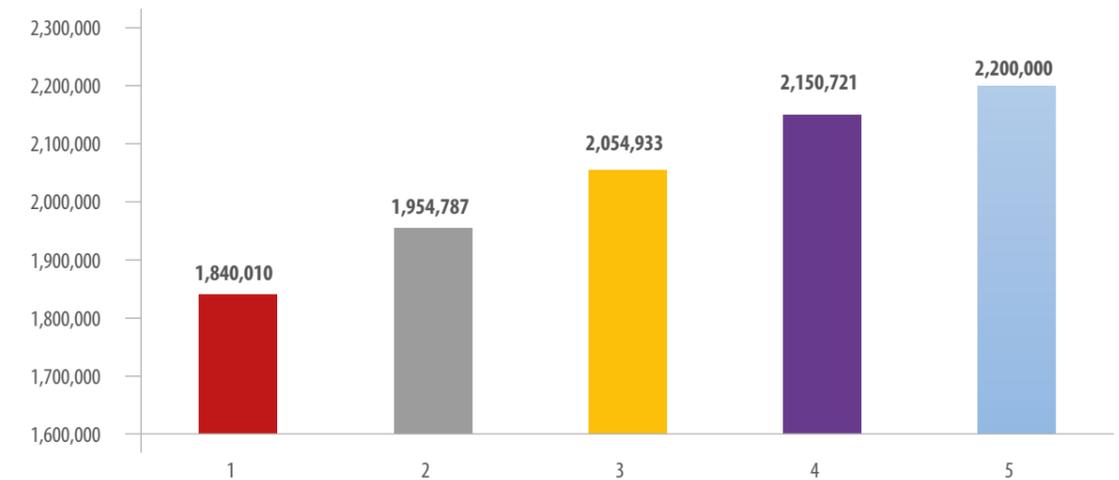
fund's primary objective is to protect employees against the uncertainties of social and economic circumstances in life. NSSF is the national mandatory contributory scheme where both employees and employers pay a total equivalent of 15% of the employee's gross monthly wages, with the former contributing 5% and 10% of the latter, respectively.

##### • The NSSF in 2022

The NSSF registered 2.2 million members in 2022.<sup>162</sup> Membership to the fund has consistently and consecutively grown over the years, with a significant number of new enrolments every year.

The report by the URBRA indicates that NSSF registered a positive trajectory in membership over the last five years<sup>163</sup> as seen by the table below.<sup>164</sup>

**FIGURE 11: THE POSITIVE TREND IN NSSF MEMBERSHIP OVER FIVE YEARS (2017-2022)**



Source: URBRA 2021 Pension Digest Report

##### • Sex disaggregation of NSSF membership

According to URBRA, male members constitute the highest percentage of members at 74%, while female members account for 26%.<sup>165</sup> In terms of average saving balance for each sex group, the URBRA reports that in 2021, the average balance for female members of NSSF stood at UGX 10.7 million, higher than the average balance for male counterparts at UGX 6.6 million in 2021.<sup>166</sup>

##### • NSSF contribution and income status in 2022

NSSF's total contribution increased in 2022 from UGX 1.471 trillion in FY 2020/21 to UGX 1.49 trillion in FY 2021/22. The total annual income grew

to UGX 1.77 trillion in FY 2021/22 from 15.55 with the corresponding increase in asset value by 11% from 15.559 billion in FY 2020/21 to UGX 17.225 billion in 2021/22.<sup>167</sup> In 2022, NSSF declared a total income of UGX 1.77 trillion at the end of the financial year 2022, which translated into 9.65% interest on member's savings amounting to UGX 1,380 billion in FY 2021/22 compared to 12.15% in FY 2020/21 that fetched UGX 1,516 billion.<sup>168</sup> NSSF explained that the decline in the return was because of the reduction in the funds available for long-term investment following increased benefits pay-outs from mid-term access and lower returns earned from undertaking shorter-term investments to meet the mid-term access obligations.

158 The Uganda National Household Survey 2019/20.

159 Ibid.

160 URBRA report 2022.

161 Section 2 of the National Social Security Fund Act as Amended, Cap 222.

162 The Integrated NSSF Report 2021/22.

163 The Pension Digest 2021, report by Uganda Retirement Benefits Regulatory Authority.

164 Graph generated by the UHRC from statistics obtained from URBRA 2021 Pension Digest Report.

165 The Pension Digest, 2021, Report by Uganda Retirement Benefits Regulatory Authority

166 Ibid.

167 NSSF 2020 Integrated report 2021/2022.

168 Ibid.

- **NSSF benefits payable to members**

To enable NSSF to meet the social and economic needs of its members, the fund pays out the following lumpsum benefits covering nine principal branches of social security prescribed by the UN General Comment No.19 on the right to social security.

1. **Old age benefit:** is payable to a member who has reached the retirement age of 55 years.
2. **Withdrawal benefit:** is payable to a member who has attained the age of 50 years and is out of regular employment for one year.
3. **Invalidity benefit:** is payable to a member who, because of illness or any occurrence, develops incapacity to engage in gainful employment. In this case, a medical practitioner's report is required to ascertain the condition.
4. **Survivors benefit:** is payable to a dependent survivor(s) in the unfortunate event of a member's death.
5. **Exempted employment benefit:** This is payable to members who join employment that provides alternative social security schemes recognised under the existing law and exempted from contributing to the NSSF.
6. **Emigration benefit:** is payable to a member (Ugandan or expatriate) who is leaving Uganda for good.

In 2022, the number of members who accessed their benefits mostly under the mid-term access increased. By May 2022, it was reported that over 21,603 claims had been submitted by eligible members, 18,000 of whom had already accessed their benefits in a 12-day turn-around time.<sup>169</sup> Beneficiaries of NSSF mid-term access described it as phenomenal and life-changing, especially in the post-pandemic economic situation. The UHRC could not obtain the total sum of benefits paid out to members under mid-term access by June 2022. Access to benefits was either by the physical or online system, save for persons with disability who were physically required for examination as proof of disability.



Official update on mid-term access to NSSF benefits by May 2022<sup>170</sup>



NSSF beneficiaries line up at Workers' House in Kampala to apply for the 20% mid-term access to their savings on 7 March 2022

- **Key NSSF interventions/achievements in 2022**

The NSSF gained significant breakthrough achievements in 2022, which cultivated optimism among current and prospective scheme members. These milestones were part of the broader government efforts to reform social security in the country in line with internationally binding obligations; as such, they may not be solely attributable to NSSF.

1. The President assented to the enactment of the National Social Security Fund (Amendment) Act 2022 in December 2021 on 2 January 2022. The amendment fundamentally enhanced inclusiveness in the scheme by liberalising eligibility criteria, thereby extending coverage to all categories of workers, including the self-employed and workers in the informal sector who had been excluded under the previous legal regime.
2. Additionally, the legal reform ensured mid-term access to benefits by members, a 'dream come true' for most members. Previously, access to old age benefits was subject to the attainment of 55 years. Now, members who are forty-five years of age and above, or who are 40 years of age in case of PWDs, and who have made contributions to the fund for at least ten years, can access their benefits of a sum not exceeding 20% or 50% respectively one's accrued benefits.<sup>171</sup>

- **Human rights concerns arising out of NSSF**

The right to social security constitutes normative standards which must be observed as discussed in part 4.2 of this chapter; therefore, every social security scheme must conform to the standards and recognised best practices. The following are the human rights concerns of the NSSF.

1. **Exclusion of the informal sector:** The restriction of NSSF membership to the formal sector under the old legal regime led to the exclusion of 75% (14,250,000) of employees in the informal sector and self-employed persons. This undermined the principle of equality and non-discrimination, which states are obliged to promote in providing social security services. Article 20 of the Constitution also prohibits discrimination in the enjoyment of human rights. In addition, hitherto, the amendment only covered employees in formal employment that engaged more than five workers, implying that workers

in enterprises with lower numbers could not access the scheme. The disenfranchisement based on a minimum number of employees tends to contravene the requirement of Article 22 of the UDHR, which requires 'every member' of the society to be protected from social risks. It is thus important to stress that while legal exclusion has been reformed by removing the restriction, the significant impact of protracted exclusion cannot be underrated.

2. **Non or intermittent remittance of benefits:** Non or intermittent remittance of benefits by some employers tends to deprive members of their savings power, ultimately undermining the adequacy of benefits. The UHRC observed that non-remittance rate was very high at 49%, as evidenced by many complaints lodged with NSSF offices, courts of law and other institutions by affected members who sought redress. Accordingly, by December 2022, a total of 420 cases of non-remittance by employees had been reported to NSSF offices by whistleblowers<sup>172</sup>. Furthermore, 213 cases worth UGX 200 billion in unremitted contributions by defaulting employers were reportedly filed at the different Magistrates Courts, with 65% of the cases filed in the Central Region, 15% in the Northern Region, and 20% in the Eastern and Western Regions.<sup>173</sup> Additionally, over 20 cases were reported to be pending in courts against NSSF, where members are seeking recovery from their later contributions not remitted by the employers. Within the UHRC, 23 cases of non-remittance or intermittent remittance of NSSF benefits were reported in 2022 and referred to the respective NSSF offices.

3. **The high number of inactive members:** The UHRC observes that despite the increasing number of memberships, overall, the number of inactive members outweighs the active ones. According to the URBRA Pension Digest 2021 report, only 51% of the registered NSSF members were active in 2021, while 49% were inactive due to unexplained reasons. These could include deceased members, lack of job security leading to loss of employment, or non-remittance by employers. The total number of inactive and active members can be seen in table 4.

169 The NSSF 2022 Integrated Report, 2021/22.

170 Chat obtained from NSSF official website.

171 The National Social Security (Amendment) Act 22.

172 Ibid.

173 Ibid.

**TABLE 4: NSSF MEMBERSHIP FOR THE LAST FIVE YEARS**

	MEMBERSHIP STATUS	
	INACTIVE	ACTIVE
2017	1,214,248	574,628
2018	945,765	894,245
2019	1,286,250	668, 537
2020	1,243,234	811,699
2021	1,044,851	1,105, 870

- 4. Unemployment:** The high level of unemployment in the country undermines the capacity of eligible members to enrol and save their benefits, given that savings under the scheme are calculated based on gross monthly earnings. Additionally, unemployment affects members' financial capacity to contribute sustainably to the scheme. According to UBOS, Uganda National Household Survey (UNHS),<sup>174</sup> Uganda has a working population of 19 million, of which 78.8%, accounting for 15 million, are working; 39.5% are engaged in subsistence agriculture, and 22.5% translating to 0.9 million were unemployed.
- 5. Obsolete minimum wage:** The obsolete minimum wage in Uganda ultimately affects the adequacy of social security. The minimum wage is the lowest amount of money a worker can legally pay for their work. In January 1984, the Government set a minimum wage of UGX 6,000 (equivalent to USD 1.73) per month for all workers under the Minimum Wages Advisory Board and Wages Council Act. In 2019, the Parliament of Uganda passed the Minimum Wage Bill 2015, which revised the minimum wage to UGX 120,000, but the President rejected the Bill. Therefore, maintaining an outdated minimum wage is likely to compromise an employee's gross monthly salary, which forms the basis for contribution by the employee and employer to the National Social Security Fund. This tends to compromise the adequacy of social security hence a human rights concern.
- 6. Lumpsum payment of benefits:** The lumpsum payment tends to undermine the duration of social protection for each member. Currently, NSSF pays out entitlements as a lump sum

rather than an annual pension income (annuities), reducing the level of security provided to members. The UN General Comment No.19 requires that social security be adequate in amount and duration. While lump sum benefits encourage investments, such payment will likely expose members to social risks and vulnerability, especially after the benefits are exhausted in one payment.

- 7. Physical inaccessibility of some NSSF offices by people with disabilities (PWDs):** The UHRC established that physical access to some NSSF offices by PWDs posed significant access challenges to PWDs, especially during mid-term access. Unlike other applicants who had the option of online access, PWDs were required to physically present themselves for physical verification of their status as required by the guidelines. This exposed some PWDs to unfriendly NSSF facilities, such as using steps Worker's House, contrary to the principle of physical accessibility of social security elaborated under the UN General Comments No. 19.
- 8. Mismanagement and corruption:** Mismanagement of NSSF funds and corruption tendencies tend to discourage prospective members from saving with the scheme, especially with the introduction of voluntary saving. Additionally, corruption has an overall effect of denying beneficiaries their rightful benefits. In 2022, the Anti-Corruption Court tried the former Relations Manager NSSF, Mr Sooka Joseph, for allegations of embezzling UGX 152.7 million from the suspense account<sup>175</sup> through forgery and uttering false documents in the names of Sifiso Simela Biyomo, Njagi Timothy, Din Kamaldin and Kaloga Inah.<sup>176</sup> By the time of this report, the court process was still ongoing.
- 9. Unallocated members benefit from the suspense account:** The practice of holding members' savings in the suspense accounts, not allocated to individual members, can affect benefits in the long run. According to Auditor General, NSSF savings amounting to Ugx 140 billion disaggregated as 38.21 billion in 2020, 45 billion in 2021, and 57 billion in 2022 were at risk of corruption as they were held in suspense accounts.

- 10. Limited awareness of the right to social security:** Inadequate awareness of the general public on the right to social security and their duties and responsibilities undermine accessibility of the fund. According to UHRC data, only three out of ten Ugandans knew about some form of social protection in Uganda.

#### 4.4.2.2 The Public Service Pension Scheme (PSPS)

The Public Service Pension Scheme (PSPS) is the oldest and one of the main retirement benefit schemes in Uganda. It was established in 1946 to provide social security benefits to public civil servants in both central and local governments. The Public service pension scheme is established and regulated by the Pensions Act Cap 286. The PSPS regulates the arrangements of pensions for traditional civil servants, including primary and secondary school teachers, police officers, prison officers, doctors and public employees in the judiciary and also covers civil servants in local authorities.

According to the URBRA CEO, Mr Nsubuga A. Martin, by 2020, the scheme had coverage of 391,376 beneficiaries<sup>177</sup> and increased to 410,000 beneficiaries in 2021.<sup>178</sup> The UHRC was not able to obtain the updated number of pensioners in 2022. The Scheme follows pacifications and retirement rules, including minimum and maximum retirement ages of 45 and 60, respectively. Early retirement with benefits is only obtained if a member attains a minimum of ten consecutive years of tenure.<sup>179</sup> It is a non-contributory scheme dubbed "pay-as-you-go" and financed directly by tax revenues from the consolidated fund. The benefits include a lump sum given upon retirement as one's gratuity based on gross salary with an accrual factor of 2.4% multiplied by the number of years in service capped at 89% of the final gross salary.<sup>180</sup>

#### • Accessibility of the service by the beneficiaries

The scheme is accessible to every officer employed in the public service who qualifies for a pension, including traditional civil servants, primary and

secondary school teachers, police officers, prison officers, doctors and public employees in the judiciary. The decentralisation of the pension and gratuity management to ministries, agencies and local government since 2019 was a key reform to ensure easy and timely access and prompt payment of retirees' benefits. The Ministry of Public Service aimed to improve pension processing and management through the computerisation of human resource management functions; decentralisation of the processing, management and payment of salaries; payroll cleaning and biometric data validation of all civil servants to eliminate ghosts, and migration of pension records from legacy system to the integrated Personnel and Payroll System (IPPS).<sup>181</sup>

The benefits payable include survivors, contract, death, short-term and marriage gratuity, and retirement on medical grounds. The payments to beneficiaries include a one-off lump sum given upon retirement and a pension based on the prevailing salary of civil servants in similar positions as the retiree's final position paid monthly. Civil servants who opt out of the service before retirement and those dismissed from service forfeit their benefits.

The UHRC established that eight out of ten of the beneficiaries interacted with reported a smooth and short process. After someone submits the requirements at the local government level, their monthly pension payments would commence within 2-3 months. This period was commendable and appreciated, contrary to the previous system before decentralisation was attained. The Chairman for Pensioners, Ogwang John alias Okao, a retired Headteacher from Kole district, said, "I am very grateful to Government of Uganda for the Pension that I receive on a monthly basis. I receive UGX 517,393. The gratuity and pension has helped and is still helping a lot. For example, I have constructed a permanent commercial building from which I derive monthly rental income. I have educated my children and also paying school fees for my grandchildren whose parents died. I can eat well and also pay medical bills when I fall sick."

<sup>174</sup> Uganda National Household Survey 2016/2017 Report.

<sup>175</sup> The Observer, 17 February 2023: NSSF officer jailed for five years over embezzlement, ordered to refund UGX 150 million.

<sup>176</sup> Ibid.

<sup>177</sup> The Independent.co.ug, September 4 2020 <https://www.independent.co.ug/pensions-sector-prepares-for-entry-of-public-service-scheme> Accessed on 25th/01.2023.

<sup>178</sup> The URBRA Pension Digest Report 2021, page 18.

<sup>179</sup> Pension Act, Chapter 28. Ministry of Public Service.

<sup>180</sup> Kunsu S.K. (2009): Pensions Reform: Its Implications for The Public Service Pension Scheme of Uganda (A paper presented during a Conference on Regulation and Liberalization of the Pension Sector in Uganda, June, 2009).

<sup>181</sup> Ministry of Public Service; Ministry Launches Decentralisation of Pension and Gratuity Management to Ministries, Agencies and Local Government effective 1 February 2019.

- **Human rights concern on the PSPS.**

- 1. Underfunding that undermines timely access to benefits:** UHRC established that the public pension scheme is unfunded and suffers from a lack of timely access to benefits. Although the UHRC could not obtain budgetary figures for the scheme, this was confirmed by 80% of the respondents, who are public servants working in the pension department of the respective local government where information was collected. For instance, a retired Headteacher of a secondary school in Yumbe district had this to say: *“When I retired in 2017, it took me three years to access my benefit. I first received my retirement package in 2020 to the tune of UGX 115,000,000. I spent three years following my retirement yet I expected to receive it shortly and plan for my survival after many years in services”*. The UN General Comment No.19 requires that benefits should be paid regularly and promptly and obliges states to adequately allocate resources. The UHRC observes that inordinate delay in paying out pension benefits exacerbates the vulnerability of members.
- 2. Irregular payment of pension:** The UHRC established that due to a funding deficit, payment of retirement benefits was irregular and, in some cases, resulted in arrears. The Chief Administrative officer in one of the districts in Western Uganda explained that due to inadequate resources, sometimes pensioners go for more than two months without receiving their monthly benefits due to revenue deficits by the districts. He noted that priority is usually given to the serving staff, leaving the pensioners on the waiting schedule. General Comments 19 require that benefits should be regular to ensure continuous protection.
- 3. Lengthy and bureaucratic procedures:** The bureaucratic procedures of accessing pensions tend to unduly prolong access to benefits by members contrary to human rights, which requires prompt and regular access to benefits.

#### 4.4.2.3 The Social Assistance Grant for Empowerment (SAGE)

The Social Assistance Grant for Empowerment (SAGE) is a GoU social security scheme implemented by the MoGLSD through direct income support grants in the forms of Senior Citizens Grants (SCG) and Vulnerable Family Grants. The Vulnerable Family Grant was paid to poor and vulnerable households that lacked labour capacity. However, in June 2015, the MoGLD decided to phase out the Vulnerable Family Grant based on the lessons learnt in the course of the pilot, which showed that it was contentious, as was the case with the Senior Citizens Grants. The Vulnerable Family Grant was a household grant (as opposed to the Senior Citizen Grant, which is an individual grant), and its administration was problematic and not well appreciated by the communities in some districts. Some community leaders requested the grant be replaced with the Senior Citizen Grant.<sup>182</sup>

The SCG is a flagship, tax-financed, old-age pension scheme funded by the GOU and donors (DFID and Irish AID). The grant initially targeted older persons of 65 years and above (but was lowered in the case of more vulnerable Karamojong region to 60 years) under the pilot phase in 15 districts of Kyenjojo, Kiboga, Kaberamaido, Moroto, Nakapiripirit, Nebbi, Apac, Katakwi, Kole, Kyegegwa, Napak, Zombo, Kyenkwanzi, Yumbe and Amudat. The grant aims to enable older persons to access basic services and to start income-generating activities. During the pilot, 123,000 senior citizens accessed a monthly benefit of UGX 25,000 as non-contributory social support for older Ugandans.



Older persons receive cash under the Senior Citizen Grant

In a phased national rollout of the Senior Citizens Grant, the Government extended to additional 40 districts until the financial year 2019/20. In July 2020, the grant was rolled out to all 146 districts of Uganda. However, the eligibility age was increased to 80 years, while maintaining all the beneficiaries who had already enrolled in the pilot districts.<sup>183</sup> Therefore, the national rollout considered senior citizens who met the following eligibility criteria:

- Be a Ugandan citizen.
- Be a resident of any district in Uganda.
- Aged 80 years and above.
- Not a pensioner under the Public Service Pension Scheme.
- Possesses a National Identity Card issued by the National Identification and Registration Authority.

According to MoGLSD, since its inception, the programme has cumulatively paid out a total of UGX 565.7 billion to 439,069 older persons, of which 262,419 were female and 176,650 male beneficiaries. As of December 2022, the active number of older persons accessing SCG was 306,556, disaggregated as 187,214 females and 119,342 males. However, it should be noted that the high death rate among members continues to impact the cumulative number of beneficiaries. In 2020, SCG registered a total of 30,110 death of older persons, 14,497 female and 15,613 male. Under the grant, each beneficiary receives UGX 25,000 per month, payable every quarter through beneficiaries’ bank accounts opened in Centenary Bank, the current payment service provider.<sup>184</sup>

- **Major achievements of SAGE**

The following are the major achievements of the senior citizen grant in Uganda:

1. The scheme expanded coverage of the programme to all 146 districts and 31 municipalities of Uganda, increasing the number of beneficiaries from 40,000 in the pilot phase to 306,556 (187,214 female and 119,342 male). This has led to the nationwide empowerment of older persons, promoting better livelihood and enhanced protection. For instance, a

female beneficiary from Alebtong district in Northern Uganda informed the UHRC that as a result of the SCG, she constructed a semi-permanent house.

2. On a predictable and regular basis, the scheme has disbursed up to UGX 565.7 billion as grants to eligible older persons across the country since its inception.
3. The MoGLSD built the capacity of Local Government staff like CDOs and Parish Chiefs across the country to design, implement, report and evaluate the SAGE programme and social protection programmes in general.
4. At the national level, the MoGLSD has established a sustainable and accountable system for cash transfer delivery on a national scale.
5. The MoGLSD equipped the Local Government staff with key infrastructure for implementing the SAGE programme, including motorcycles and computers.
6. Enhanced public understanding and demand for social protection systems to protect vulnerable sections of society among key stakeholders, including MDAs, Members of Parliament, civil society and the private sector.

- **Human rights concerns about SAGE**

While the impact of the senior citizen’s grant has been remarkable, the UHRC noted the following human rights concerns.

- 1. Unpaid arrears:** The UHRC established that the grant had accumulated unpaid arrears due to inadequate budgetary provision by the Government. According to MoGLSD, the SCG scheme had outstanding arrears of UGX 5.1 billion for 270,203 beneficiaries who were not paid in the financial year 2020/21 due to inadequate resources.<sup>185</sup> Additionally, in FY 2022/23, the SCG budget line registered a deficit of UGX 27 billion after the government provided only UGX 120.7 billion out of the total required budget of UGX 146.7 billion.<sup>186</sup> The UN General Comments No.19 require States to ensure predictable, regular and timely access to benefits.

<sup>182</sup> <https://socialprotection.org/discover/blog/social-assistance-grants-empowerment-sage-programme-uganda>.

<sup>183</sup> Official report by MoGLSD to UHRC on the status of SAGE in Uganda dated 15 February 2023, Page 2.

<sup>184</sup> Ibid.

<sup>185</sup> MoGLSD official report on the status of SAGE in 2022 to UHRC, Page 3.

<sup>186</sup> Ibid.

**2. Exclusion of eligible beneficiaries who lack national identity cards or those with errors on their IDs:**

One of the requirements for enrolment for SCG is possessing a national identity card (ID) given by the National Identification and Registration Authority (NIRA). The national IDs bear the date of birth of the holder, which provides a conclusive basis for eligibility under the grant. Therefore, citizens without the National Identity card or those whose ages are erroneously captured have been excluded regardless of their socio-economic situation. The UHRC was informed that some errors on national IDs were a result of wrong information captured by NIRA officials during registration, while others occurred because some beneficiaries did not know their date of birth. Consequently, the UHRC noted that up to 43,559 deserving older persons were excluded from accessing SCG solely because of containing wrong details on the National Identity Cards by 2022.<sup>187</sup> A respondent by the names of Tinkasimire John of Maliba sub-county in Kasese district had this to say; *“my wife who is above 80 years old missed out on the SCG programme due to mistakes made on her national ID by NIRA officials who wrongly captured her year of birth at the time of registration.”* Although the MoGLSD bore the responsibility of effecting the desired correction and was reportedly piloting an exercise aimed at supporting the correction of errors in the National IDs for older persons in three districts of Sheema, Kakumiro and Ngora, the financial implication of the rollout requires UGX eight billion which was unavailable by 2022.<sup>188</sup> The exclusion of eligible older persons with errors or wrong information on their national identity cards and or those without National IDs tend to contravene the principle of equality and non-discrimination in accessing social security. The UN General Comment 19 requires that qualifying requirements be reasonable to promote inclusive enrolment. More so, the State must ensure that errors do not undermine the enjoyment of the right to social security.

**3. Low purchasing power:** The attrition of the grant value due to inflation negatively affects the purchasing power of the benefit amount from UGX 25,000, to (and now equivalent) UGX 14,500. This results in inadequate social protection for older persons leading to poor and undignified life. Human rights standard requires that social security benefit, whether in cash or in kind, must be adequate in amount and duration in order that everyone may realise their rights to family protection and assistance, and an adequate standard of living, as contained in Articles 10, 11 and 12 of the IESCR. Therefore, any benefit amount lacking essential commodities’ purchasing power raises human rights concerns. Cosmas Ocen, aged 87 years, is a beneficiary of SCG. He is a resident of Parabongo sub-county in Agago district, and the UHRC found that his social and economic situation was in a deplorable state because the benefit value alone could not meet all his essential needs at the time. Despite accessing the grant, he lived in extreme social risk, lacking the most basic necessities of life, such as food, shelter, bedding and health care. Unfortunately, he passed on in October 2022 due to ill health. Accordingly, 100% of UHRC respondents consisting of district technical officers handling SCG and beneficiaries noted that the purchasing power of the grant value had been significantly eroded by inflation and recommended the enhancement of benefit value from UGX 25,000 to UGX 50,000 per month as a means of enhancing purchasing power of the grant. An independent expert on the question of Human Rights and Extreme Poverty said that *“non-contributory pensions are the most efficient means of ensuring the right to social security for older women and compensating them for their years of unpaid or inadequately paid work.”*<sup>189</sup> The SCG must not only be universalised, but the benefit value should be increased to accelerate the fall in the poverty rate among older persons as required by the normative elements of the right to social security.



An elderly man resting in his hut

**4. Exclusion following enhancement of age of eligibility:**

The enhancement of the age of eligibility from 65 years old (60 years for Karamoja regions) in the pilot districts to 80 years in other districts limits accessibility by would-be beneficiaries. Human rights standards relating to accessibility require that qualifying conditions for benefits must be reasonable, balanced across the board and transparent in nature. Additionally, *“All persons should be covered by the social security system, especially individuals belonging to the most disadvantaged and marginalized groups, without discrimination on any of the grounds prohibited under Article 2, paragraph 2, of the ICESCR.”* Thus, enhancing the eligibility age for beneficiaries in some districts while applying a different age for others dents the principle of equality and non-discrimination. Approximately 80% of UHRC respondents interviewed strongly voiced their concerns regarding the decision to increase the age of eligibility and recommended it be revised downwards to 65 years. A 75 years old respondent interviewed from Mbale stated that *“I may die before I reach age of eligibility given my health condition and yet if I was accessing SCG, I could have salvaged my health condition.”* According to UBOS, Uganda National Household Survey 2019/20, life expectancy in Uganda has increased to 65

years. Therefore, it appears illogical to maintain age eligibility at 80 years, higher than the national life expectancy.

**5. Unfriendly physical access points:** The UHRC established difficulties in accessing payment centres located at sub-county headquarters by some beneficiaries, which is one of the challenges the grant beneficiaries faced. UHRC also established that most payment centres for SCG benefits are located at sub-county headquarters in every district where beneficiaries, some of whom have a physical disability or mobility problems, move between 0-10kms to and from payment centres. While some older persons reportedly walked to the payment centres due to proximity, most beneficiaries interviewed hired boda motorcycles to and from payment centres and reportedly move under extremely difficult conditions and costs. In Yumbe district in West Nile sub-region, some beneficiaries were reported to have missed payment due to the physical inability to access the payment centre. The UHRC further noted that the cost of transportation to the payment centres significantly reduces the purchasing power of the grant. Human rights standard requires that access to social security benefits, especially for older persons, should be age appropriate considering their unique situation. As such, 90% of the respondents interviewed by the UHRC recommended further decentralisation of payments to the village or parish level, while others recommended digital payment through the mobile money system.

**4.4.2.4 The Parliamentary Pension Scheme**

The Parliamentary Pension Scheme covers Members of Parliament and members of staff of Parliament, providing for pension and gratuity under the Parliamentary Act 2007. The Parliamentary Pensions Act No.6 of 2007 was passed by the 7th Parliament in April 2007 and assented into law on 20 July 2007. The scheme covers Members of Parliament (whether elected or ex-officio), except the prime minister and vice president, starting with those who served in the 6th Parliament.

The Parliamentary Pension Scheme is contributory, with MPs and employees contributing 15% of their pensionable emoluments while the government contributes 30%, which is charged and payable

<sup>187</sup> Ibid, page 3.

<sup>188</sup> MoGLSD official report on the status of SAGE in 2022 to UHRC, Page 3.

<sup>189</sup> Paul Bakuluki and John Bosco Mubiru, The Status of Social Security systems in Uganda: Challenges and Opportunities, November 2014. Page 61.

out of the consolidated fund. The scheme provides for the pension payment to a member who retires or ceases to be a member on or after attaining 45 years of age, subject to being a member for five years or more. The Parliamentary Pension Scheme had a total of 1,199 members by July 2021.<sup>190</sup> Like the NSSF, the scheme's legal framework was amended in 2022, granting mid-term access to members who have served for at least ten years and who had reached 45 years and above.

#### 4.4.2.5 Health care

Access to affordable health care is one of the most important components of social security. Although GoU has established health facilities from the grassroots (parish) to the national level, access to quality health care remains a big challenge for many Ugandans, especially in rural areas and for the urban poor. Uganda is the only country in East Africa that lacked a national health insurance scheme by 2022. As such, many Ugandans struggle with high out-of-pocket health expenditures, which have forced some people to sell their properties to pay for healthcare. For instance, during COVID-19, some people who contracted the virus had to sell off assets to pay hospital bills, and this has contributed greatly to keeping people in poverty. There are also instances where some people have lost lives because they cannot afford the huge out-of-pocket healthcare Bill.

The National Health Insurance scheme is thus a health financing system designed to pool together funds to provide access to quality, affordable personal health services for all Ugandans based on their health needs. The major objective is to protect everyone from unexpected and high medical costs by allowing them to pay affordable premiums and get treatment when they need it. In 2021, the Parliament of Uganda enacted the National Health Insurance Bill which is pending assent by the President. The absence of a National Health Insurance law in the country implies that only 3.9% of the population who are able to afford some form of private health insurance can withstand health risks.

#### • Human rights concerns out of health care

1. **Lack of national health insurance law:** The lack of a National Health Insurance law in Uganda results in ad hoc and segmented health insurance schemes which cover limited elite beneficiaries and their dependents who can make financial contributions at the exclusion of the majority rural poor. According to UBOS, 2014/15, only 3.9% of Uganda's population is covered under health insurance.
2. **Private social security schemes:** There are a number of private non-statutory social security schemes, also known as voluntary schemes, managed by employers and public institutions either on their own or through insurance companies. These include private pension schemes (such as the Makerere University Retirement Benefits Scheme (MURBS) and the Bank of Uganda Retirement Scheme) and health insurance.<sup>191</sup> Furthermore, there are various forms of savings schemes under the informal sector that support their members in times of financial crisis. A range of employers has established these voluntary schemes to provide retirement benefits to their employees. More stimulatingly, these private social security schemes usually operate alongside the statutory NSSF arrangements. They, therefore, cover individuals whose incomes and standard of living allow them to afford additional contributions for supplementary benefits over and above what is being provided under the basic State-mandatory arrangement. However, previously these private sector schemes had not been subjected to regulation, and little was known about their parameters, scope and performance. The Uganda Retirement Benefits Regulatory Authority now regulates the voluntary savings schemes.

## 4.5 RECOMMENDATIONS

The UHRC believes the following specific recommendations will enhance the enjoyment of the right to social security in Uganda:

1. The Ministry of Gender, Labour and Social Development should develop and systematically implement strategies for comprehensive and effective expansion of National Social Security Fund services to the informal sector, including better data collection and information management systems.
2. The National Social Security Fund should conduct accelerated mass sensitisation programmes to raise awareness about the right to social security as a prerequisite for the effective inclusion of the informal sector.
3. The Ministry of Finance, Planning and Economic Development should allocate and release adequate financial resources to clear the pending pension arrears and regularly allocate and release adequate finances to the Public Service Pension Scheme going forward.
4. The Ministry of Gender, Labour and Social Development and the Ministry of Finance, Planning and Economic Development should universalise the Senior Citizen Grant by reducing the age of eligibility to 65 years.
5. The Ministry of Gender, Labour and Social Development and the Ministry of Finance, Planning and Economic Development should increase the Senior Citizen Grant value to boost its purchasing power.
6. The Ministry of Gender, Labour and Social Development should further decentralise payment centres to parish levels and devise appropriate measures to ensure that sickly beneficiaries do not miss out due to ailments and inability to reach the disbursement centres.

## 4.6 CONCLUSION

Recognising and realising the right to social security for all persons is paramount in achieving the core principle of respecting human dignity. Uganda is a signatory to the IESCR and, as such, is obliged to ensure deliberate measures are established to achieve all citizens' progressive realisation of the right. Despite the milestones underscored in this field and the recent commitments to steer the social security sector forward, the analysis above shows that a negligible proportion of the population is socially secure from risks and contingencies of life. Therefore, deliberate efforts (planning, budgeting and programming) by the relevant government MDAs are required if effective and efficient universal coverage of social security is to be achieved. Specifically, the responsible ministries should aim to achieve the following;

- **Coverage:** Extending all forms of social protection to a larger proportion of the workforce (informal and formal) so that workers can start saving for their retirement.
- **Adequacy:** Ensuring that the social security savings are sufficient to meet retirees' basic needs as well as cater for the most vulnerable in society.
- **Sustainability:** Ensuring that the system delivers the promised benefits to all the beneficiaries over a long period of time.
- **Security:** Minimising the risks that social security funds are lost or misappropriated.
- **Efficiency:** Ensuring that social security funds are managed properly to optimise returns.

<sup>190</sup> URBRA pension Digest, Page 18.

<sup>191</sup> Paul Bakuluki and John Bosco Mubiru, The Status of Social Security Systems in Uganda; Challenges and Opportunities, November 2014, Page 61.

# WOMEN EMPOWERMENT IN UGANDA: ARE WE THERE YET?

## 5.1 INTRODUCTION

Women's empowerment means promoting their self-worth, ability to determine their own choices, and right to influence social change for themselves and others. When women are living safe and productive lives, they can reach their full potential, contribute their skills to the workforce, and raise happier and healthier children. Women's rights emerged as a global issue during the United Nations Decade for Women (1976-1985). Women across different geographic, cultural, religious, racial, and class backgrounds came together as part of a global movement and worked to improve the status of women. Over subsequent decades, women in different countries used various platforms to advocate for women's recognition and rights.

Like in many other patriarchal or male-controlled societies, women in Uganda are often confronted by domineering social, cultural, economic, and political systems that restrict them to a subordinate position to their male counterparts. These oppressive conditions that some women live under prejudice their self-worth and belief to live up to their full potential. Gender equality and social inclusion is a core development objective in their own right; it enhances productivity and contributes significantly to improving the development outcomes for the next generation.<sup>192</sup>

Because gender and social inequality remain key development challenges in Uganda, the UHRC took an interest in assessing the aspect of women empowerment in Uganda to discover whether this agenda has been achieved. The assessment aligned with the global gender parity indicators such as education, political participation/leadership, maternal health, and economic empowerment.

<sup>192</sup> World Development Report 2012.

<sup>193</sup> Article 7 of the same declaration provides non-discrimination and equal protection of all people including women before the law.

## 5.2 LEGAL AND POLICY FRAMEWORK

### 5.2.1 International legal framework

Internationally, a wide array of legal instruments specifically and explicitly speak to gender equality, the rights of women and women empowerment, to which Uganda is a signatory. Article 1 of the Universal Declaration of Human Rights (UDHR) provides equality and dignity for all human beings, including women.<sup>193</sup> The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), commonly referred to as the 'Women's Bill of Rights', is the first-ever international human rights treaty that comprehensively provides for women's rights and protection of women against all forms of discrimination. Article 2 of the Convention on the Rights of the Child (CRC) charges State parties to respect and safeguard the rights of all children stipulated in the covenant without discrimination of any kind, including sex.

Articles 2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) forbids discrimination on several grounds, including sex, in the enjoyment of human rights. Articles 3 of the ICESCR and ICCPR urge States to undertake measures to ensure the equal right of men and women to enjoy economic, social, cultural, civil and political rights. The Beijing Declaration and Platform for Action (1995) provides a global policy framework by removing all obstacles to women's participation in all spheres of life.

Under the Millennium Development Goal (MDG) 3, Uganda is committed to promoting gender equality and empowering women. Even though this was a step forward, the goal and its targets were restricted to a few areas, such as education, paid employment in the non-agricultural sector,

and women's political representation and did not treat women's empowerment comprehensively. An improvement was achieved with the SDGs, particularly 1 SDG 5, 'Achieve gender equality and empower all women and girls', which covers a broad set of themes and indicators to measure gender equality and women's empowerment comprehensively (UN, 2015).

### 5.2.2 Regional legal framework

Article 2 of the African Charter on Human and People's Rights guarantees the enjoyment of rights by all without distinction, counting sex. Article 3 of the same Charter guarantees equality before the law and equal protection of the law for all persons, including women. Uganda ratified the Protocol to the African Charter on Human and People's Rights, commonly known as the 'Maputo Protocol', with specific provisions relating to women's rights in Africa. Article 8 of the Protocol calls on state parties to take appropriate measures to ensure that women get adequate access to judicial and legal services, including legal aid and that gender equality rights are enforced effectively.

In 2004, the African Union (AU) adopted a solemn declaration on gender equality in Africa with the agenda of calling for continued action towards gender equality, mobilising for wider ratification of the Maputo protocol and emphasising State responsibility in tackling violence against women and gender-based discrimination. At the East African Community (EAC) level, Article 5 of the EAC Treaty provides for gender mainstreaming into East African endeavours and Articles 121 and 122 recognise the role of women in the socio-economic development of member states. Several policies within the EAC are targeted towards women's empowerment, including the EAC Gender and Community Strategic Development Plan and the 4<sup>th</sup> EAC Development Strategy (2011-2016).

### 5.2.3 National legal framework

At the national level, several legal provisions relate to gender equality and women empowerment, as below.

- The Constitution of the Republic of Uganda (1995) contains a number of such provisions, including National Objectives VI and XI of the National Objectives of State Policy.

- Objective XV recognises the significant role that women play in society. It guarantees women the right to be accorded full and equal dignity with men, mandates the State to provide facilities and opportunities to ensure women's welfare, and protects women's rights considering their maternal functions.

- Article 2(i) asserts that the Constitution is the supreme law of Uganda and shall have binding force on all authorities and persons throughout Uganda. The second part of this clause State that if any law or custom is inconsistent with any of the provisions of this constitution, the Constitution shall prevail and that other law or custom shall, to the extent of the inconsistency, be void. This directly addresses all social constructs and customs that marginalise women.

- Article 21 provides for equal status of all citizens before and under the law; it further prohibits discrimination based on several grounds, including sex. Article 31 sets the age of consent to marriage at 18 and guarantees women equal status with men before, during and at the dissolution of marriage. Article 32(1) provides for affirmative action for marginalised groups, including women, to help address societal imbalances created by history, tradition or custom. Article 33 pertains specifically to the rights of women. It requires that (1) the government must provide opportunities to enhance the welfare of women and enable them to reach their full potential, (2) women have rights equal to men in areas including political, economic, and social activities, and (3) laws, customs, traditions, and cultures that are "against the dignity of women" are prohibited by the Constitution. Article 78 stipulates that parliament shall consist of, inter alia, a one-woman representative for every district. This intervention was directed at increasing women's participation in politics at the national level. Article 180 (2) (b) provides that one-third of the membership of each local government shall be reserved for women.

- The Electoral Commission Act of 1997 mandates UHRC to organise elections and cater for women's quotas. The Political Parties Organisations Act 2005, the Press and Journalists Act and the Electronic Media Act prohibit negative reporting on women that stand for political posts.

- The Equal Opportunities Commission (EOC) Act 2007 attempts to address equal access to opportunities by all, including women, and deal with discrimination based on several grounds, sex inclusive.
- The Domestic Violence Act 2010 targets domestic violence, a vice that largely affects more women than men. The Act defines and prohibits domestic violence and provides a penalty of two-year imprisonment for perpetrators. It provides monetary compensation to victims and considers romantic and other familial relationships (where people are not legally married) as domestic.
- The Marriage and Divorce Act 2010 gives women the right to choose their spouse and to divorce a spouse for cruelty. It also prohibits widow inheritance, defines matrimonial property and provides for equal distribution of property at divorce.
- The Succession (Amendment) Act 2022 expands the provision of distribution of the property of an intestate to apply to both male and female dependents as well as to spouses in a marriage. The law also provides for penalties, e.g. a person who evicts or attempts to evict a surviving spouse, lineal descendant or dependent relative who is entitled to occupy the residential holding or any other residential holding commits an offence and is liable to a fine not exceeding one hundred and sixty-eight currency points, which is equivalent to UGX 3.36 million, or imprisonment not exceeding seven years, or both.
- Prevention of Trafficking in Persons Act 2009 prohibits and prevents trafficking in persons. The Act criminalises sex and labour trafficking, vices that commonly affect women and girls<sup>194</sup> and prescribes punishment of up to 15 years for cases involving adult victims and life imprisonment for those involving child victims.
- The Prohibition of Female Genital Mutilation Act 2010 protects women and girls from the adverse effects of female genital mutilation. It criminalises the act and provides a penalty of imprisonment up to ten years or life for aggravated violations.
- The National Women's Council Act 2015 creates women's councils to coordinate and promote the organisation of the women of Uganda in a unified body.
- Section 56 of the Employment Act 2006 stipulates that women are entitled to sixty working days of paid maternity leave at 100% of wages paid by their employer. The Act also provides punishment for sexual harassment in the workplace.
- The Public Finance Management Act 2015 requires government MDAs to allocate resources to deliver gender equality and equity in Uganda.
- The Uganda Gender Policy 2007 ensures all government policies and programmes are consistent with the long-term goal of eliminating gender inequality in Uganda.
- The Land Sector Strategic Plan (2013-2023) aims at strengthening the land rights of the poor and vulnerable, including women, within and outside marriage.
- The Third National Development Plan (2020/2021-2024/25) is aligned with the 2030 Agenda for Sustainable Development and singles out gender and social inequalities as fundamental causes of poverty and underdevelopment in Uganda.
- The Parish Development Model (PDM), which was approved by Cabinet in 2019 and operationalised in February 2022, seeks to transform 39% of households still stuck in a subsistence economy into money. Pillar 5 of PDM addresses the negative social norms, including discrimination based on gender.
- The Public Finance Management Act 2015 Section 9 (Article 6) instructs the Minister of Finance, in consultation with the EOC, to issue a Gender and Equity Certificate (GEC) to budget framework papers before these are presented to Parliament for discussion and approval. This is an accountability mechanism on gender and equity for all MDAs benefiting from public resources.

### 5.3 SITUATIONAL ANALYSIS

Females account for 51% of Uganda's total population.<sup>195</sup> The proportion of females who have never attended school is twice higher as that of males. According to the UBOS, 72% of the adult population resides in rural areas, of which over 51% are female.<sup>196</sup> The life expectancy improved to 63.7 years in 2022 from 50.4 years in 2002; women had a longer life expectancy from 52.0 years in 2002 to 64.5 years in 2022; male life expectancy

stood at 62.8 in 2022 compared to 48.8 years in 2002. According to UBOS, nearly half of Ugandan households experience multidimensional poverty and majority of women are engaged in agriculture production, yet only 27% of registered land is owned by women. Control of output and sale of proceeds is by spouses/males, impacting household food and nutrition security. The population breakdown for 2021 can be seen below.

**TABLE 5: UGANDA'S POPULATION BY AGE GROUP AT MID-YEAR 2021**

AGE GROUP	MALE	FEMALE	TOTAL	% FEMALE
0-4	3,681,400	3,589,000	7,270,400	49.4%
5-9	3,231,000	3,066,900	6,297,900	48.7%
10-14	2,892,200	2,735,100	5,627,300	48.6%
15-19	2,574,500	2,527,900	5,102,400	49.5%
20-24	2,085,200	2,155,900	4,241,100	50.8%
25-29	1,562,100	1,814,300	3,376,400	53.7%
30-34	1,203,000	1,455,500	2,658,500	54.7%
35-39	952,600	1,108,900	2,061,500	53.8%
40-44	747,300	853,400	1,600,700	53.3%
45-49	620,600	680,600	1,301,200	52.3%
50-54	474,500	499,100	973,600	51.3%
55-59	366,200	420,700	786,900	53.5%
60-64	245,100	292,700	537,800	54.4%
65-69	168,900	210,400	379,300	55.5%
70-74	121,900	155,600	277,500	56.1%
75-79	81,900	113,800	195,700	58.2%
80+	80,200	117,500	197,700	59.4%
<b>Total</b>	<b>21,088,600</b>	<b>21,797,300</b>	<b>42,885,900</b>	<b>50.8%</b>

Source: UBOS Censuses and Population Projections Reports 1948-2021

The Global Gender Gap Index (2022) ranks Uganda as the 61<sup>st</sup> out of 146 countries in terms of gender equality and women's empowerment. This position, resulted from significant progress in promoting girls' education, women's health, and women's participation in decision-making and politics.<sup>197</sup> It should be noted that according to the report, only 30 of the 146 economies registered progress in closing the gender gap by at least one percentage point. Although no country has yet achieved full

gender parity, Iceland is the only economy to have closed more than 90% of its gender gap. Sub-Saharan African countries Rwanda (81.1%, 6th) and Namibia (80.7%, 8th), along with one Latin American country, Nicaragua (81%, 7th), and one East Asian and Pacific country, New Zealand (84.1%, 4th), also took positions in the top 10. Afghanistan was the last (at 146 with a score of 0.435; Uganda's score was 0.724 and 61<sup>st</sup> in ranking).

<sup>194</sup> According to the Global Report on Trafficking in Persons 2020 by United Nations Office on Drugs and Crime (UNODC), two out of three victims of trafficking are female.

<sup>195</sup> <https://www.ubos.org/wp-content/uploads/2021/03/UBOS-WOMENS-DAY-BROCHURE-2021.pdf>.

<sup>196</sup> As above.

<sup>197</sup> World Economic Forum Global Gender Gap Report 2022, insight report July 2022.

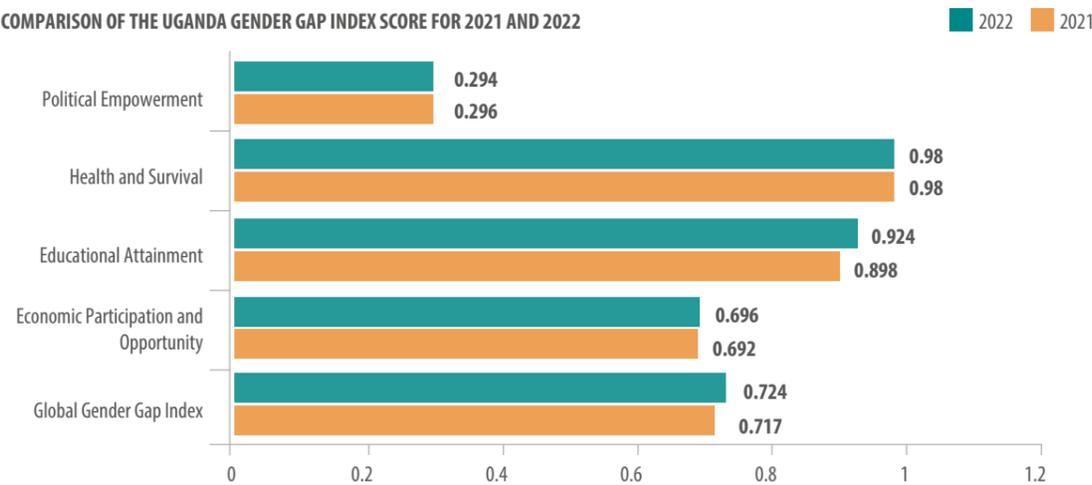
**TABLE 6: GLOBAL GENDER GAP INDEX IN SOME EAST AFRICAN COUNTRIES**

COUNTRY	SCORE	RANK OUT OF 146 COUNTRIES
Rwanda	0.860	6th
Kenya	0.729	57th
Uganda	0.724	61st
Tanzania	0.719	64th

Source: Global Gender Gap Report 2022

**FIGURE 12: GLOBAL GENDER GAP REPORT 2022**

**COMPARISON OF THE UGANDA GENDER GAP INDEX SCORE FOR 2021 AND 2022**



**5.3.1 Progress in women’s empowerment**

Deliberate efforts to empower women in Uganda took root in 1986 when the NRM Government took over power.<sup>198</sup> Since then, GoU has made a lot of progressive efforts towards gender equality and women’s empowerment, such as legal provisions particularly targeting the protection of women’s rights, affirmative action for women and girls, facilitation of increased access to opportunities (literacy, political, and economic among others) through policy, programs and action plans among others. However, UHRC notes that there are data gaps on the national priority gender equality and social inclusion indicators to inform the planning and implementation of programmes. Below are some milestones regarding women’s empowerment in Uganda.

**5.3.2 Women’s political participation**

Women’s equal participation and leadership in all spheres of life are essential to meet the challenges

of the twenty-first century. In the Beijing Declaration and Platform for Action, member states acknowledged that women are a fundamental force for leadership, conflict resolution and promoting lasting peace. In the same vein, the 2030 Agenda for Sustainable Development calls for women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.<sup>199</sup>

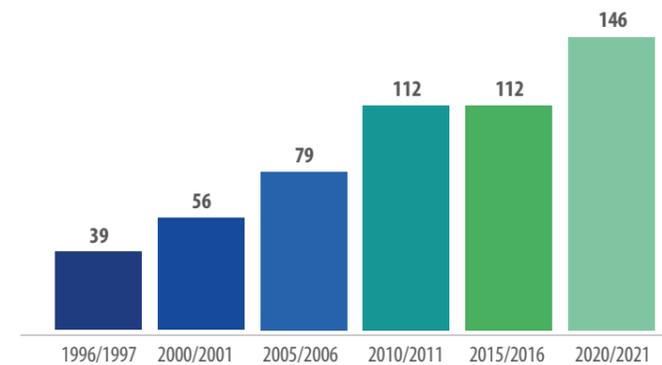
Women and girls represent half of the global population, yet, women continue to be underrepresented in leadership positions in every region. Globally, only 24 per cent of parliamentarians are women. In 31 states, women account for less than 10 per cent of parliamentarians in single or lower houses, including four chambers with no women. However, women in Uganda have broken through politics, leadership and governance, with women holding key political offices, including Vice President Hon. Jessica Alupo, Prime Minister Hon. Robinah Nabbanja and the Speaker of Parliament, Hon. Anita Among.

198 Falola, Toyin, Abidogun Jamaine “Education, creativity and economic empowerment in Africa” (2015).  
 199 General Assembly of the United Nations, 73rd Session.

Uganda also has 189 women MPs (including 14 ex officio members), constituting 34% of women in the 11<sup>th</sup> Parliament. There are 14 women Cabinet Ministers constituting 45% out of 31 Cabinet Ministers, and 24 women State Ministers, constituting 48% out of 50 Ministers of State. In 1996, Uganda had only 39 women elected MPs, which has since increased to 146 district woman representatives in Parliament.

While the number of women in parliament is rising, men still dominate.

**FIGURE 13: DISTRICT WOMEN MPS 1996-2021**



**FIGURE 14: ILLUSTRATION OF MEMBERS OF PARLIAMENT BY GENDER**



**TABLE 7: NUMBER OF WOMEN MPS BY MODE OF DESIGNATION**

Women directly elected	161
Women indirectly elected	13
Women appointed	15



Vice President - Hon. Jessica Alupo



Prime Minister - Rt. Hon. Robinah Nabbanja



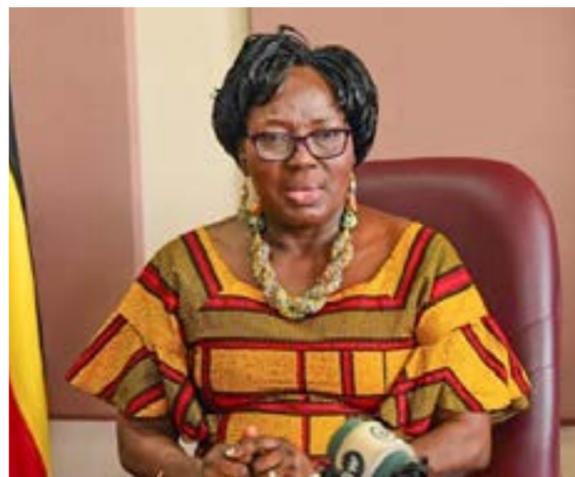
Speaker of Parliament - Rt. Hon. Anita Annet Among



Hon. Miria Matembe, former Minister of Ethics and Integrity

Holding a political/leadership position implies holding power and influence over decision-making regarding resource allocation and other important aspects of society. Active political participation includes voting, standing for office, protesting and signing petitions, joining political parties or taking part in political campaigns of political parties. It also includes influencing decision-making through public debate and dialogue with the leaders. In the last two decades, there were Ugandan women pioneers whose work inspired many. These included Dr Specioza Wandera Kazibwe, the first female Vice President; Hon. Geraldine Namirembe Bitamazire, who was the 1<sup>st</sup> female Education Minister; Hon. Rebecca Kadaga, the first female Speaker of Uganda; Hon. Winnie Byanyima, the 1<sup>st</sup> Female Aeronautical Engineer; Sarah Ntiro the 1<sup>st</sup> Female University Graduate in East and Central Africa and Hon. Miria Matembe a former Minister of Ethics and Integrity.

However, despite the achievements in women's political participation and more women holding political decision-making positions than ever, gender parity is still far off. The UHRC notes that barriers hinder women from participating in politics and taking up leadership. Women continue to be largely marginalised from the political sphere, often due to discriminatory practices, attitudes and gender stereotypes, low levels of education, lack of access to health care and the disproportionate effect of poverty on women. The UN-Women



Hon. Rebecca Kadaga, former Speaker of Parliament

Executive Director, Sima Bahous, said: *“This data tells us that women are still the minority of Heads of State and Government. They are still deeply under-represented in government leadership...”* In all the districts visited by the UHRC, the respondents mentioned that some women are limited by their spouses to hold a political position. They also face discrimination and find difficulty in balancing family affairs with politics. An interviewee said, *“Women cannot make independent decisions. The man’s voice is usually heard and strong enough; women are soft and sometimes underlooked by even fellow women. So most times, even when there is an opportunity, it is simply for purposes of favouring them but not because they deserve.”*

The UHRC also established that the lack of access to political funding presented a huge challenge to women seeking to enter political life. Despite women's proven abilities as leaders, agents of change, and their right to participate equally in democratic governance, women's leadership and political participation remain limited due to finances for campaigning and others.<sup>200</sup> Women find it very difficult and expensive to acquire funds to participate in politics compared to men.

A female respondent in Arua stated she missed an opportunity of becoming a councillor as her opponent was more educated and had more money than her.<sup>201</sup> In addition, there is debate as to whether or not these women are fully empowered:

*“While women have been elevated to most senior top positions in the country, they are less empowered to take decisions. Their decisions are more or less directed by their appointing authority,”* said N.J. A gender specialist noted, *“Women empowerment in Uganda is a mixed bag. On the one hand, there is a significant improvement in numbers getting into political positions - because of the law. However, there is no demonstrated evidence that their numbers in leadership have contributed to improvements in the lives of other women through policies and programmes. On the other hand, there are areas where we have not progressed as a country. Culturally, the patriarchal social norms and practices are constraining the women from achieving empowerment - parents/communities still consider the girl child as a sex object, preparing it for marriage, rather than as a productive member of the community.”*

### 5.3.3 Women in governance

Men still dominate workspaces and decision-making, even though the number of women is on the rise in parliaments and cabinets, judiciary and police forces, formal employment and education. Increasing the number of women in political and public positions is important, but it does not mean they hold real power. An analysis of staff levels in Uganda's public service as of December 2019 showed that institutions are still male-dominated, with 62% of males compared to their female counterparts (38%) for all categories, except health, where there are more female employees (54%) than males (46%). The UHRC noted that women were less represented in the sectors and positions with the most power, as there are still stereotypes that women are not good enough in these positions. Women in public life were also often subject to sexism and prejudice. One of the senior lawyers in UHRC stated, *“The stereotypes about women continue with many people still assuming that women are not as intelligent as men, and that they are too emotional or too soft. The idea of leadership is that for me to be a good leader I have to be sort of masculine or a bad woman. And if I am a good woman, then I am a bad leader. When a lady emerges as a leader, then she is perceived as*

*pushy, aggressive or worse. When it is a man, then that is perceived as effectiveness. Women cannot really win. In order to liberate women, we need to liberate men first.”*

This means that the position of women in Uganda's governance and employment sector is powerlessness, influenced by a range of factors. These factors include cultural biases that unjustly stall women's career progression in public spaces, lack of qualifications and skills (given the already-marginalised position of women in education and training), and low self-confidence. These biases and gaps impact women's ability to actively participate in public spaces, generate income, and contribute to economic growth as development agents. Not only do women feel the negative effects of failure to invest in women, their children's welfare and efforts to combat poverty and achieve economic growth are similarly affected. One of the senior lawyers in the Ministry of Justice and Constitutional Affairs said, *“Even if I am empowered in regard to employment and education, I still feel underpowered due to the fact that my husband thinks I am not smart and he keeps telling it to my face almost every day. I am sure there are many who are like me. So this makes you feel like you are not empowered at all.”* This implied that even women who hold positions of authority often find themselves disempowered due to factors surrounding them. Reports from a UHRC monitoring study conducted in Masaka indicate that more women than men are engaged in unpaid care work, negatively impacting their economic progress and leaving many highly dependent on their husbands economically.<sup>202</sup>

### 5.3.4 Employment and livelihood opportunities

According to the UBOS, Uganda's working-age population in 2021 stood at 23.5 million. Women constitute 84.8% of the total population (including other subsistence work) and 73.1% of the working population, excluding other subsistence work. Out of these, the majority resided in rural areas (68%), while (32%) were in urban areas. The country has continued to witness more women in the labour market than before. The following table shows the status of the working-age population (14-64 years) by selected background characteristics.<sup>203</sup>

200 [prcug.org/publication/the-extent-of-women-empowerment-in-uganda-a-multi-dimensional-approach/?wpdmml=11881&refresh=63d-cef5d0b7a61675423581&ind=1603433649795&filename=The%20Extent%20of%20Women%20Empowerment%20](https://prcug.org/publication/the-extent-of-women-empowerment-in-uganda-a-multi-dimensional-approach/?wpdmml=11881&refresh=63d-cef5d0b7a61675423581&ind=1603433649795&filename=The%20Extent%20of%20Women%20Empowerment%20)

201 UHRC Research study conducted countrywide in 2022 to collect data for the 25th Annual Report.

202 SDG 5, Target 5.4 calls on countries to “recognise and value unpaid care work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate”.

203 UBOS National Labour Force Survey (NLFS) 2021, Main Report.

**TABLE 8: WORKING AGE POPULATION CHARACTERISTICS**

BACKGROUND CHARACTERISTICS	WORKING AGE POPULATION		WORKING POPULATION (INCLUDING OTHER SUBSISTENCE WORK)		WORKING POPULATION (EXCLUDING OTHER SUBSISTENCE WORK)	
	NUMBER ('000)	NUMBER ('000)	PROPORTION (%)	NUMBER ('000)	PROPORTION (%)	
<b>SEX</b>						
Male	11,388	10,219	89.7	9,507	83.5	
Female	12,106	10,265	84.8	8,847	73.1	
<b>RESIDENCE</b>						
Rural	159,710	14,370	90.3	13,116	82.4	
Urban	7,583	6,115	80.6	5,238	69.1	
<b>AGE GROUPS</b>						
14 - 17	4,282	3,477	81.2	2,580	60.2	
18 - 30	9,347	8,067	86.3	7,111	76.1	
31 - 64	9,865	8,941	90.6	8,664	87.8	
<b>SPECIAL AGE GROUP</b>						
15 - 24	8,524	7,093	83.2	5,776	67.8	
15 - 35	14,667	12,636	86.2	10,966	74.8	
<b>TOTAL (14 - 64)</b>	<b>23,494</b>	<b>20,485</b>	<b>87.2</b>	<b>18,354</b>	<b>78.1</b>	

UHRC notes that the number of women in employment has risen over the years, with many women doing business, farming and professions such as health workers, teachers, lawyers, engineers and politicians. The freedom to work by choice, in conditions of dignity, safety and fairness, is integral to human welfare. Guaranteeing that women have access to this right is an important end. From an economic perspective, reducing gender gaps in labour force participation substantially boosts national GDP.

The Ugandan Government has established several tools and resources to build self-reliance among its population, including women. Some of the programmes that provide improved livelihoods include the Youth Livelihood Programme (YLP), Emyooga, and Uganda Women Entrepreneurship Project (UWEP). Women who want to work have a harder time finding jobs than men, and the majority end up at lower ranks and in occupations perceived as unskilled and low-value. These are often undervalued jobs of collective enterprises which offer lower wages and fewer benefits. As such, while unskilled employment is widespread for both women and men, women tend to be over-represented in vulnerable jobs. Many still believe it is unacceptable for a woman to have a paid job outside the home. The UHRC noted that women tend to be overrepresented in teaching, nursing, social workers, market traders and other care jobs. Women’s job preferences are a key factor in determining their earnings, yet preferences are heavily

influenced by socioeconomic constraints and pressure to conform to traditional gender roles.

In addition, although the gender gap in unemployment has decreased, women still face multiple barriers and gender-based discrimination in the workplace. In both private and public spheres, women face occupational discrimination and barriers. These include lack of capital, financial resources and technology, and gender-based violence due to cultural mindsets and stereotypes. Women are more prone to being fired first and hired last. Women are concentrated in sectors of economic activity with greater vulnerability to economic cycles in the informal sector and lack access to services that allow a conciliation of family and work life. These obstacles make it harder for women to get on an equal footing with men in the world of work. Legal barriers further compound gender inequalities. Gender discrimination in the labour market is a pervasive economic problem which can take many forms. These may include restricted access to certain employment sectors and differential pay by gender.

**5.3.5 Landmark case decisions on women empowerment**

The Judiciary has been instrumental in passing judgments that protect the rights of married and cohabiting women. In *Mifumi & Others v Attorney General and Anor*, the Supreme Court of Uganda held that asking for a bride price is constitutional,

but seeking a refund of the bride price as a precondition for the dissolution of a customary marriage is unconstitutional. In *Uganda Vs Yiga Hamidu & 2 others Criminal Session Case number 005 of 202*, the Judiciary outlawed marital rape and denied the argument that bride price payment had the effect of allowing the husband full rights to his wife’s body. In *Hajj Musa Kigongo v Olive Kigongo High Court Civil Suit No 295 of 2015*, the court found that contested property between parties who had cohabited for 27 years should be owned in equal shares under the “doctrine of proprietary estoppel.”<sup>204</sup>

**5.3.6 Increased education levels**

For 20 years, Uganda has committed to a more gender-equal society by promoting women’s empowerment. One focus has been the enrolment of girls and women in school. The literacy levels of women have been improving over the years as the table below shows.

**TABLE 9: LITERACY RATE FOR THE POPULATION AGED TEN YEARS AND ABOVE, 2009-2017**

YEAR	URBAN	RURAL	TOTAL
<b>Male</b>			
2009/10	90	77	79
2012/13	87	72	76
2014	89	74	77
2015	87	75	77
2016/17	89	74	77
<b>Female</b>			
2009/10	86	62	66
2012/13	80	58	6r
2014	84	63	68
2015	80	62	66
2016/17	85	64	70
<b>Total</b>			
2009/10	88	69	73
2012/13	84	65	69
2014	86	68	72
2015	83	68	71
2016/17	87	69	73

The literacy rate was obtained from household-based surveys and the 2014 National Population Household Census (NPHC), with no assessments undertaken. The literacy rate

204 CEDAW, Combined eighth and ninth periodic reports submitted by Uganda.

among persons aged ten years and above has generally increased between 2009 and 2017, with about seven in every ten (70%) of the population aged ten years and above being literate. Males (77%) were more literate than females (70%).

Before 1990, the number of female students admitted to Makerere University was less than 10%. In order to get rid of the gender disparity, GoU came up with a proposal of 1.5 points for girls. It was argued that challenges, including cultural biases, hindered girls’ education, as most domestic work was left to girls, and they were not given time to revise. In addition, due to the scarcity of resources and the belief that girls were less brilliant than boys, many families opted to spend the little resources on boys’ education and had the girls prepared for marriage. As such, in 1990, the Makerere senate instituted the 1.5-point scheme to boost female students’ chances of admission. The scheme also aligned with the Constitution: “Women shall have the right to affirmative action to redress the imbalances created by history, tradition or custom.” Due to the 1.5-point scheme, the country has seen more students admitted into universities and other tertiary institutions. In 2020, the number of female students admitted to University increased from 35% in 2001 to 49.5% of students.



Female graduates of Makerere University

Ensuring that all girls and young women receive a quality education is a human right and a global development priority. For many girls in Uganda, education isn’t just important for a brighter future;

it's critical to their survival. Both individuals and communities benefit from girls' education. Education plays a critical role in breaking the cycle of poverty and violence. By improving women's education, the country can reduce gender inequalities while empowering women and helping them to rise out of poverty. When girls are kept in school, they stand a better chance of growing into empowered women who transform their neighbourhoods and nations. Education is also one of the best ways to prevent child marriages and teenage pregnancy. When we educate girls, we educate a whole nation because she will teach everyone around her.

The UHRC noted that though education may be a partial means of escape from the patriarchal system, the high poverty rates are still a substantial barrier to female education. Many girls are forced to drop out of school to pursue income-generating activities for the household or are married off in exchange for a dowry. Despite implementing free, universal primary and secondary education, Ugandan facilities and teaching styles remain unaccommodating to female students. The lack of security, privacy, and sanitation exposes girls to sexual assault as well as creates difficulties for them to attend school while menstruating. Female students in rural areas are still portrayed as promiscuous, and the idea that education is only for boys has decreased female participation and attendance. Girls and women are still responsible for domestic labour at home, leaving little time to complete assigned homework. Ultimately, free education remains ironically inaccessible to many Ugandan girls who continue to face gender discrimination just for being born daughters and not sons. The UHRC noted that in some communities, girls' education is less likely to be valued, and were at risk of being forced into early marriages.

### 5.3.7 Economic empowerment

Uganda is progressing globally, within the continent and at the regional level and is doing well compared to neighbouring countries. It was ranked first with 38.2% of female owners as a percentage



A woman at her stall in the market selling food and vegetables

of total business owners, Ghana is second with 37.9%, Botswana third with 36%, Malawi is seventh with 31.1 %, and Angola ninth with 30.3%.<sup>205</sup> This implies that women in Uganda are more inclined to partake in businesses than in any other African country. In Uganda, high social regard is conferred on successful entrepreneurs, especially those demonstrating innovation, individuality, creativity and risk-taking. They are determined to succeed despite a lack of financial capital and access to enabling services.<sup>206</sup> One gender specialist said, "Economically, Ugandan women are considered highly entrepreneurial in the whole world, but they are doing so largely on their own. There are few government-supported interventions to support them to transition from subsistence production and/or micro-enterprises - see the limited budget going to Ministry of Agriculture. How much do subsistence farmers get?"

According to the 2020 MasterCard global index of women entrepreneurs, most female-owned businesses fall under micro, small and medium-sized enterprises and are prone to insolvency in the case of economic shocks compared to male-owned businesses.<sup>207</sup> Therefore, when opening up economic space for women, the government should devise

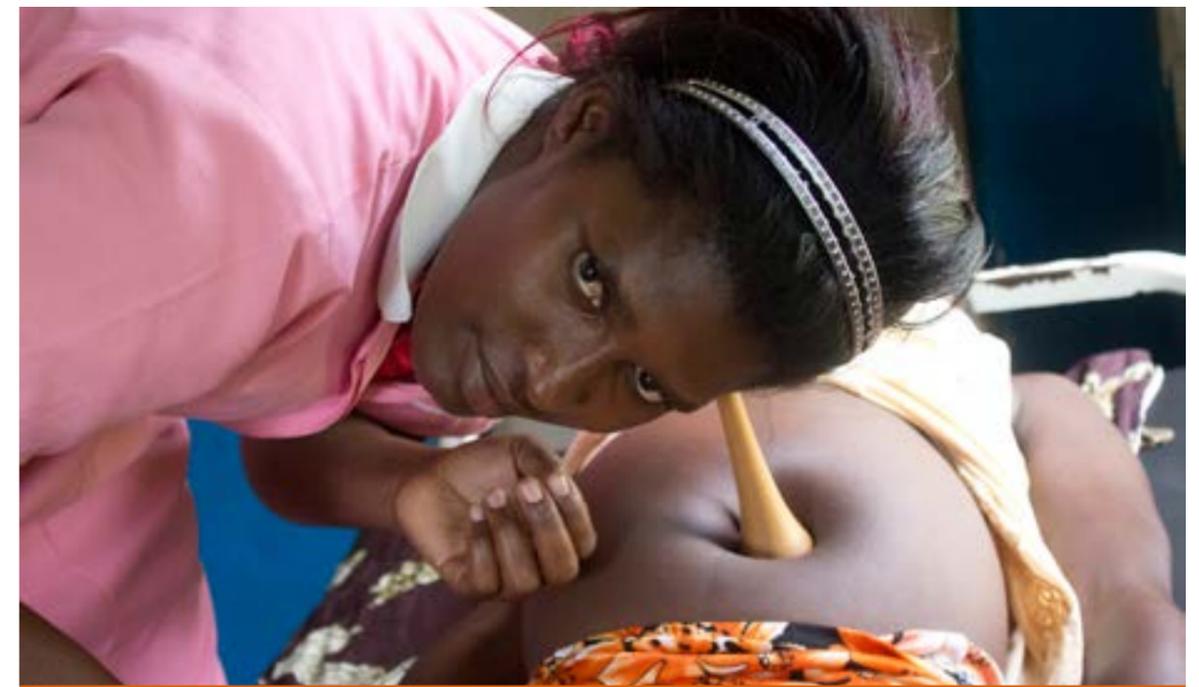
ways of building resilience in women-owned firms. "Generally, most women in Uganda are empowered largely politically but in theory with very limited power for resource utilisation, ownership and decision-making to liberate themselves. Economically, they still have a long way to go," said a gender specialist.

### 5.3.8 Reduction of maternal mortality rate

Sustainable Development Target 3.1 demands that states reduce the global maternal mortality ratio to less than 70 per 100,000 live births. Maternal mortality refers to deaths due to complications from pregnancy or childbirth.<sup>208</sup> Haemorrhage remains the leading cause of maternal mortality, accounting for over one-quarter (27%) of deaths. A similar proportion of maternal deaths are caused secondarily by pre-existing medical conditions aggravated by pregnancy. Hypertensive disorders

of pregnancy, such as eclampsia, sepsis, embolism and complications of unsafe abortion, also lead to maternal deaths.<sup>209</sup>

In March 2021, UBOS reported that the maternal mortality rate for women aged 15-49 dropped from 438 deaths per 100,000 births in 2011 to 368 deaths per 100,000 in 2021.<sup>210</sup> One of the key targets of NDP III is to reduce the maternal mortality rate from 368/100,000 to 211/100,000 in the next five years.<sup>211</sup> This drop reflects a decline which began from 2000<sup>212</sup> onwards. Some of the reasons for reducing maternal mortality rate are applying a comprehensive health-system strengthening approach with improvements in access to, availability of, and quality of maternity care.<sup>213</sup> However, UHRC notes that even though maternal mortality has reflected a great decline, it is still far above the global average, which was 152 deaths per 100,000 live births in 2020.<sup>214</sup>



A pregnant woman getting an antenatal check<sup>215</sup>

205 <https://www.iwecfoundation.org/news/uganda-leads-in-ratio-of-women-doing-business/#:~:text=Uganda%20is%20ranked%20first%20at,ninth%20with%2030.3%20per%20cent> Last accessed on 5 April 2023.

206 As above.

207 <https://blogs.worldbank.org/african/strengthening-ugandas-economic-growth-support-women-entrepreneurs>. Last accesses on 20 September 2022.

208 <https://data.unicef.org/topic/maternal-health/maternal-mortality/>.

209 <https://data.unicef.org/topic/maternal-health/maternal-mortality/>.

210 But Maternal mortality in Uganda is among the highest rates in the world.

211 National Development Plan 111 2020/2021-2024/2025 Page 166.

212 In 2000 it was 578 deaths per 100,000 births.

213 <https://bmcpregnancychildbirth.biomedcentral.com/articles/10.1186/s12884-017-1222-y#:~:text=A%20comprehensive%20health%20system%20strengthening,MMR%20in%20Ugandan%20and%20Zambian>.

214 <https://www.gatesfoundation.org/goalkeepers/report/2021-report/progress-indicators/maternal-mortality/>.

215 Photo credit: © UNICEF/UN025585/Bongyereirwe.

## 5.4 HUMAN RIGHTS CONCERNS

In most Ugandan communities, girls and women have a distinctly lower social status than men. This gender inequality often limits female participation in formal and informal institutions such as family, marriage, and religion. Ugandan women have very little power to make decisions, acquire profitable jobs, and be empowered. Below are some barriers to women's empowerment that could be human rights concerns.

### 5.4.1 Cultural barriers

In most African cultures and communities, women have been viewed as homemakers and caregivers whose role is to please their husbands, bear children and work hard to produce food and care for their families. Due to their gender roles, women in Ugandan societies are, on the one hand, seen quite 'positively' as the pillars of society and of the family, while, on the other hand, they are negatively perceived as secondary objects to men. This paradox is seen in the traditions and customs prevailing in society, with many proverbs implying social superiority to men.

Most of the respondents interviewed by UHRC still believe that the ideal woman should help and obey their husband and stay at home to take care of the house and the children. Only a few people trust the ideal woman to be a President, doctor, lawyer, leader of a religious group or leader of a political party. Women must meet a number of imperatives and conform to the expectations of others regarding their roles. The ideal cultural woman is perceived as dependent and one who presents with an appearance of submissiveness as reflected in her gestures (eyes downcast, voice very weak and almost inaudible when she has to speak in public), maintains her silence in public but guides with her advice in private, yet fulfils her roles as a wife, mother and ensures the care of the household.

Other cultural, social and structural barriers in communities included the lack of mobility, condoned gender stereotypes, limited economic growth or development opportunities, and excessive workload for women. UHRC, however, noted that there was no significant difference between educated and uneducated women. There was a difference in perception with those who have attended university, with more progressive views

on women. However, about 24% of those with higher education continue to think that women should obey their husbands or stay at home as a priority.

### 5.4.2 Social barriers



Woman cultivating her farm using a hand hoe

The work overload and the pressure of household tasks and responsibilities leave little time for women and girls to accomplish anything else. Much of women's work (domestic work, caring for and educating children, care work, etc.) remains 'invisible' because it is insufficiently recognised and, above all, unpaid. Many people that the UHRC interacted with spoke about women's abilities to do multiple tasks, albeit incompletely, at once in managing the households, while men often carry out only one task at a time.

Other than the social norms encouraging women to perform unpaid and 'care' activities, the UHRC noted that many women who wished to engage in gainful economic activities lacked financial resources. In other cases, the husbands prohibited wives or were reluctant to let their wives engage in economic activities regardless of the type of economic activity for fear of becoming 'rebellious' or being taken by other men. Some of the men interviewed expressed concerns that women seeking gainful employment before marriage are susceptible to sexual harassment by their bosses or boyfriends and may find it difficult to find husbands due to fears that they are not being chaste.

The status of women is often built on a relationship of dependence. First dependent on the father, then on the husband, and finally on the son if there is one, or on the brother if there is no son. Traditionally men were expected to provide for the women, and the women had to take care of the home (which is not viewed as work by society) and depend on their husbands for economic support rather than seeking avenues of economic. An outstanding percentage of people interviewed believed that a woman should not work outside the house without their husband's consent and that husbands should determine the work that women do outside the home.

### 5.4.3 Harmful cultural practices

Traditional cultural practices reflect values and beliefs held by members of a community for periods, often spanning generations.<sup>216</sup> Every social grouping in the world has specific traditional cultural practices and beliefs, some of which are beneficial to all members, while others are harmful to a specific group, such as women. These harmful traditional practices that are practised in Uganda include female genital mutilation (FGM); early marriages; son preference and its implications for the status of the girl child; and wife inheritance. Despite their harmful nature and violation of international human rights laws, such practices persist because they are not questioned and take on an aura of morality in the eyes of those practising them and hinder women's empowerment.<sup>217</sup> These practices affect the fundamental rights of women and girls, like the right to health, life, education, dignity and physical integrity. Furthermore, 17,698 domestic violence cases were reported to the Police in 2022 compared to 17,533 cases reported in 2021, a 0.94% increase.

### 5.4.4 Defilement

In 2022 a total of 12,580 cases of defilement were reported to the Police in 2022, compared to 14,436 cases reported in 2021, giving a decrease of 12.8%

in defilement cases registered countrywide. Of the cases of defilement reported in 2022, 8,960 cases were defilement, while 3,620 cases were aggravated defilement.<sup>218</sup> According to the report, girls aged 15-17 are often defilement victims. Many young girls are taken advantage of during domestic chores like collecting water and firewood, especially in rural areas when they are sent alone.<sup>219</sup> Defilement has a negative implication on women's and girls' empowerment. It is absurd that most of these go unreported, and even those reported take a long time to be addressed in the formal justice system.

### 5.4.5 Gaps in women's economic empowerment

The UHRC notes that women in Uganda still face considerable barriers to accessing credit and markets, limiting their economic empowerment. The disempowerment of women involves factors that influence every aspect of their lives, birthing deep oppression, victimisation, and sometimes violence. Traditional gender norms and limited access to human and financial capital both contribute to gender inequality in Uganda.<sup>220</sup>

Access to credit continues to be difficult for women, with 70% indicating a lack of collateral required by financial institutions to access credit.<sup>221</sup> UHRC notes that COVID-19 reversed progress in gender equality in Uganda, creating challenges for loan recovery. Many women and women's groups faced challenges in repaying credit because of the loss of livelihoods after the pandemic. Women had repaid 70.1% of the outstanding loan by 31 March 2021 (USD 7,205 or UGX 27.1 million).<sup>222</sup>

### 5.4.6 Access and ownership of property

Assets can be financial or physical. Asset ownership is central to family power relations, mainly between men and women. According to UBOS, amongst the households with owner-occupied houses, 41% are jointly owned by females and males, 28% by only females, and 31% by only males. Of the households with agricultural land, men own 34%, only 27% are

216 <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet23en.pdf>.

217 As above.

218 <https://www.upf.go.ug/wp-content/uploads/2023/02/OFFICIAL-ANNUAL-CRIME-REPORT-2022-Web-Version.pdf?x89335>

219 As above

220 Ministry of Gender, Labour and Social Development and Care Report on Lessons Learned About the Uganda Women's Entrepreneurship Programme August 2022.

221 Presentation on women empowerment in Uganda. Are we there yet? made by Ms. Rita Aciro UWONET during the 25th Annual Report Consultative Meeting held at Hotel African.

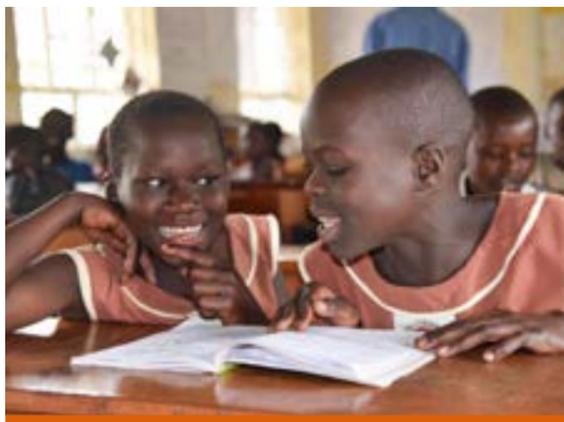
222 Ministry of Gender, Labour and Social Development and Care Report on Lessons Learned About the Uganda Women's Entrepreneurship Programme August 2022.

owned by a female, while 36% are jointly owned. Men still dominate ownership of vehicles, motorcycles, bicycles and radios. Compared to 2012/13, ownership of assets by males has declined considerably alongside a corresponding increase in joint ownership of assets by both males and females.<sup>223</sup> However, whereas women's access to asset ownership is improving daily, having actual control and decision-making power over the assets is still a challenge, especially the jointly owned ones.<sup>224</sup> Despite the existence of the Succession Act, many communities still limit or prevent the rights of women and girls from inheriting property.

#### 5.4.7 Girls and women in education

The SDGs confirm and amplify the strong connection between women's empowerment and education. SDG Target 4.5 specifically calls for the elimination of gender disparities in education and equal access for all. Attaining gender equality in education necessitates that girls and boys, women and men access and complete education cycles and are empowered through education.

Several interventions exist to ensure that both boys and girls have access to education. These include a comprehensive legal framework, policies and strategies like having a Ministry of Education and Sports (MoES) in place, a National Strategy for Girls Education in Uganda Science, Technology and Innovation policy, and the National Science Technology and Innovation Plan,<sup>225</sup> among other strategic interventions.



Girls in class happily studying

223 UBOS- Women's Day Brochure 2021.

224 International Centre for research on Women (ICRW), Gender Land and Asset Survey – Uganda.

225 <https://www.unhro.org.ug/assets/images/resources/nationalstiplan2012-18.pdf> Last accessed on 5 April 2023.

226 General recommendation No. 33 on CEADW on women's access to justice.

227 Gender Policy and Strategy.

Access to and utilisation of education services has improved, with all parishes having government-aided primary schools and at least all sub-counties having government-aided secondary schools with universities across major cities and districts within Uganda. There was an increase in enrolment from 8.84 million pupils in FY 2017/18 to 10.76 million (a 22% increment) and maintained gender parity with both girls and boys at 50:50 in primary school in FY 2019/20. Similarly, at the secondary school level, there was a 45% increment in FY 2019/2020 from 1.37 million in FY 2017/18 to 1.99 million for secondary (MoES, 2020). While there has been marked improvement at primary level, at 95.5%, the secondary enrollment score is only 35.4% (Human Rights Measurement Initiative -HRMI 2021 Rights Tracker). Despite increased enrolment, the survival rate (percentage of a cohort of students expected to reach a given grade) is still low. Girls continue to drop out of school due to early pregnancies, forced and early marriages and poverty. The UHRC found that women's full access to education was impaired due to a lack of facilities for menstrual hygiene, sexual harassment in schools, distances between schools and homes and household chores.

#### 5.4.8 Limited access to justice for women

In July 2015, the CEDAW Committee adopted General Recommendation No. 33 on Access to Justice, which states that women's right to access justice is essential to realising all their rights are protected. It is a fundamental element of the rule of law and good governance, together with the judiciary's independence, impartiality, integrity and credibility, the fight against impunity and corruption, and the equal participation of women in the judiciary and other law implementation mechanisms. It further states that the right to justice for women encompasses justiciability, availability, accessibility, good quality, the provision of remedies for victims and the accountability of justice systems.<sup>226</sup>

In 2012, the Judiciary launched its own Gender Policy and Strategy whose main objective is to ensure gender sensitivity and responsiveness in the delivery of justice in Uganda.<sup>227</sup> UHRC notes

that the courts have passed landmark cases to enhance women's access to justice, as mentioned above. GoU has also reviewed laws, rules, policies and practices that are not gender-responsive to align them to constitutional provisions and to international and regional laws that promote justice for women.

Special processes have also been established by the judiciary to specifically address women's access to justice, including gender-sensitivity training for judicial officers and law enforcement upon appointment; one-stop legal aid service centres; an amended form (Police Form 3A) to improve evidence collection in gender-based violence cases; and non-custodial sentences (such as community service), which help female offenders to continue to take care of their children.<sup>228</sup> GoU also held special courts to handle sexual and gender-based violence (SGBV) cases in Uganda.

UHRC notes that although the government has done all that, various gender justice gaps remain. Women, especially in rural areas, still face institutional barriers: from geographically distant justice service locations and technically intricate or complicated justice procedures to discriminatory attitudes based on the deeply entrenched male bias at all levels of the legal process, insensitivity to women's specific needs, and corruption. When compounded with the socio-cultural challenges that women face, such as lower literacy levels, poverty, access to resources, and strictly proscribed cultural norms that dictate their behaviour in society, women are altogether less likely to be aware of their rights, the remedies available to them, and the relevant justice mechanisms that should be accessed. A woman in Kalangala district noted: *"Women are sometimes wronged by men who abuse and beat us but when you try to report the case or matter to police. It gets very hard because there are not enough boats to take you to Police. The cost of justice is also high in Kalangala. In the end, you simply give up and suffer quietly."*

228 The Judiciary, 1st Edition of the Gender Bench Book On Women's Access to Justice in Uganda, September 2016.



Supreme Court Judges of Uganda



President Museveni poses for a photo with new Judges after taking their oath in 2021

#### 5.4.9 Gaps in domestic relations law

UHRC noted that the Domestic Relations Bill (DRB) was introduced in the Parliament of Uganda more than four decades back. The Bill proposed introducing a more egalitarian, open, free or democratic legal regime governing family relations. Seeking a total overhaul of domestic relations in Uganda, the Bill addressed inter alia, the following: the property rights of married and cohabiting women; women's non-monetary contribution as wives, mothers or cohabitees; women's right to negotiate sex on health grounds; recognition of the concept of 'irreversible breakdown of marriage'; the prohibition of "widow inheritance", spousal rape and female genital mutilation; vetoing bridewealth as an essential element of marriage; criminalization of the refund of dowry; and the introduction of conditions to be fulfilled before a polygamous man takes on subsequent wives (for example proof of economic capability, keeping wives in separate homes, treating all wives equally and seeking the consent of existing wife(ves) before taking on a new one.

The DRB proved to be “too controversial”, and the government decided to split it into three bills: The Marriage and Divorce Bill, the Domestic Violence Act and the Administration of Muslim Personal Law Bill. UHRC notes that only the Domestic Violence Bill was enacted into law. To date, the other two proposed laws have never been passed by Parliament, leaving the fate of women in the domestic sphere and within the family structure hanging in the balance. The Marriage and Divorce Bill was given a new name, the Marriage Bill, in 2022.

#### 5.4.10 Women and climate change

In 2021, Uganda developed and enacted the National Climate Change Act 2021 to comply with the UN Framework Convention on Climate Change, the Kyoto Protocol, and the Paris Agreement. The law also provides for climate change responses, participation in climate change mechanisms and institutional coordination and implementing mechanisms for climate change actions. In addition, the law fosters climate change financing. UHRC notes that the Act calls for actions on gender mainstreaming in climate change. Gender equality and access to justice are central elements of climate justice. Women and girls are always vulnerable to climate change and environmental degradation. Climate change is increasingly being recognised as an aggravator of all types of GBV, specifically violence against women and girls. Women and girls have to walk for long distances in rural areas looking for clean and safe water and end up being defiled and raped on the way especially those that walk alone and there are many ruthless and jobless men who are mostly alcoholics and on drugs that take advantage of them. Climate justice needs women’s meaningful and active participation in decision-making processes and an intentional focus on gender equality and access to justice for women and girls.

#### 5.4.11 A limited number of women in sciences

In most of the districts visited by UHRC, respondents mentioned that in spite of government’s efforts to narrow the gender gap in the science field, few girls enrol in science disciplines. Often girls prefer to offer courses in humanities, triggered mainly by social constructs and stereotypes. Still, most girls and women are systematically discouraged from science and maths throughout their education, limiting their access, preparation and opportunities to go into science, technology, engineering and

math (STEM) fields as adults. As a result of fewer women engaging in STEM, there is a shrinking workforce of women in STEM. These gender gaps are particularly high in some of the fastest-growing and highest-paying jobs in sectors like computer science, engineering and oil and gas, where women may not be able to compete favourably. One interviewee in the oil and gas sector noted: *“Giving girls and women equal opportunities to pursue and thrive in STEM careers helps narrow the gender pay gap and enhances women economic security, ensures a diverse and talented STEM workforce and prevents biases in such fields. It is important that we devise means and ways in which we can stop steering girls away from maths and sciences as early as possible and make these fields more welcoming to girls as well.”*

The findings during UHRC’s visit indicate that within formal and non-formal education settings, information and communications technologies (ICT) can promote inclusive and equitable quality education and lifelong learning opportunities for all women and girls. However, access to ICT and low levels of digital literacy contribute to an unequal landscape for women and girls to benefit from. The digital divide is sometimes exacerbated more based on wealth (poor vs rich) and location (urban vs rural), as well as gender inequalities, which often hinder women’s and girls’ participation.

The UHRC confirmed through interviewees with some respondents that among the impediments to women and girls realising their right to education and advancing learning using ICT was primarily associated with socio-cultural norms that hinder them from accessing technological tools like computers and mobile phones. This was noted to affect the lower socioeconomic environments or rural localities, where ICT are often accessed outside of the home and where safety concerns and norms regarding the socialising act as barriers to women’s and girls’ access to these technologies because society believes that they should be stationed in their homes taking care of household chores. One interviewee noted: *“You don’t expect me to use a laptop when I am busy toiling to look for food for my children to eat; it is really hard to balance.”* Another interviewee, a mother, said, *“While technology is very helpful in aiding our children’s learning, it has also posed a lot of threats to our children because we can no longer track whatever they watch. Some children are sexually*

*harassed online but cannot speak out; some even watch pornographic content, which can be very hazardous to them if not well checked.”* Several risks are associated with internet-based platforms, like cyberbullying and online sexual harassment, which must be addressed through a multi-sectoral approach.

#### 5.4.12 Social protection for women

Women are still less likely to have access to social protection: The gendered inequalities in employment and occupation also lead to gender gaps in access to social protection. The social protection schemes in Uganda are primarily for formal sector workers that cover only 10% of the working population. The informal sector employs the most females and is left out without pensions, health insurance or maternity protection. Those few women with access to social protection systems often become the social protection for their families and dependents.<sup>229</sup>

The UHRC notes that women working in the informal economy still face several structural constraints which prevent them from accessing decently paid work as they often bear the brunt of unpaid childcare and domestic work. As such, they have little choice but to take on low-quality jobs that allow them to attend to these care responsibilities. The recent decision made by the Judiciary also was not in favour of the agenda of women’s empowerment in Uganda. Then the recent case of *Ambayo v Aserua (Civil Appeal 100 of 2015) [2022] UGCA 272 (15 November 2022)*, the court made pronouncements with far-reaching consequences on the rights of married persons in matrimonial properties when they divorce. The declaration stemmed from a 2014 case in which the High Court directed that Joseph Ambayo Waigo give 50% of the property owned while married to Jackline Aserua after the couple separated. The judgment, in simple terms, implied that marriage doesn’t give a spouse an automatic 50% share of the matrimonial property, and the share is dependent on his or her contribution to it. The court also ruled that one’s contribution during the marriage can be monetary and non-monetary.<sup>230</sup> The court also

ruled that where one party has, in the course of the marriage, contributed towards upgrading the other spouse in terms of educating him or her, such contributions should be deducted from the beneficiary spouse’s total claim for “unpaid care and domestic work”.

#### 5.4.13 Gender equality and women’s rights to good health

The HIV prevalence rate decreased to 5.8 in 2019 from 6.2% in 2017. However, the prevalence rate is still higher among women (7.1 from 7.6 in 2016) than men (4.3 from 4.7 in 2016). HIV-positive pregnant women not on highly active antiretroviral therapy (HAART), receiving antiretroviral (ARVs) for the elimination of mother-to-child transmission (EMTCT) during pregnancy, labour, delivery, and postpartum increased by 3% to 94% from 91% in 2018/19 but short of the Health Sector Development Plan (HSDP) target of 95%. In addition, intermittent preventive treatment (IPT) of malaria coverage for pregnant women also declined to 60% from 66% in 2018/19.

Uganda still has a lot to do to meet the standard required to ensure health, especially striving to reduce the prevalence of maternal and infant mortality rates, which are still far too high. As earlier noted in this chapter maternal mortality rate is still high, with 336 deaths to 100,000 live births. A lot more needs to be done to increase the budgetary allocation so that it complies with the Abuja Declaration that recommends that the National Health budget should be at 15%. Uganda has fallen short as the budget allocations have been at 8% for financial 2020/2019/2020. The health budget allocation fell by 5.1% of the national budget in 2021.<sup>231</sup>

#### 5.4.14 Gender dimension to food security and nutrition

Another prominent issue is the gender dimension of food security and nutrition. According to the Food and Agricultural Organisation (FAO), women and girls experience a greater risk of malnutrition than men, and more girls die of malnutrition than boys due to gender-based discrimination.<sup>232</sup> The

229 The State of Economy of Ugandan Women 2019. <https://www.akinamamaaafrika.org/wp-content/uploads/2019/09/STATE-OF-THE-ECONOMY-FOR-WOMEN-IN-UGANDA.pdf>.

230 The non-monetary contribution usually consists of “unpaid care and domestic work” rendered by a spouse during the marriage like caring for the children, elderly and the sick members of the family, household chores, cultivating food for the family subsistence among others.

231 Akina Mama Wa Afrika [www.akinamamaaafrika.org](http://www.akinamamaaafrika.org).

232 FAO, Gender and Nutrition, 2021.

UHRC findings established that roles and responsibilities associated with food security and nutrition largely fall on the shoulders of women and girls due to gender social norms. The lack of engagement of men and boys in food preparation exacerbates women and girls' unpaid domestic chores, restricts women and girls from engaging in paid labour, and re-enforces disparity in dietary intake. The issue of food insecurity is countrywide; however, the Karamoja region was worse hit, and yet these women are at the helm of food gathering.

#### 5.4.15 Gender and women in sports

Uganda has made progress in the diversity and inclusion of women in sports but at a very slow pace. With 51 national associations affiliated with the National Council of Sports (NCS), only six of the 51 presidents or general secretaries in key decision-making positions are women.

#### 5.4.16 Socialisation in homes in Uganda

Children in almost all family settings in Uganda are normally introduced to roles typically linked to their biological sex. The society children grow in determines so many things about them and society puts a lot of pressure on children in how people expect them to look and behave grounded on customs created by society for masculinity and femininity. For instance, children grow up knowing that masculine roles are usually associated with strength, aggression, and dominance, while feminine roles are usually associated with passivity, nurturing, and subordination. Gender role socialisation begins at birth, continues throughout life, and becomes a barrier to women's empowerment.

#### 5.4.17 Tokenism in leadership and governance

Much as women have reached milestones in leadership, politics and governance, which have led many to believe that women have been overly empowered, arguments are often fronted that there are gaps with regard to building women's capacity to compete with men. It is still argued that most women's leadership positions result from tokenism and that if the current affirmative action is scrapped, women's political participation will dwindle considerably. This is evident in the current parliament; out of the 189 women parliamentarians, only 13 are on direct tickets. This notion is replicated even in lower political and leadership

administration, making many believe that the seeming success in leadership and politics is only an illusion.

### 5.5 RECOMMENDATIONS

1. The Ministry of Health should increase the budgetary allocation for the health sector in line with the Abuja Declaration to improve the health needs of all citizens, including women.
2. The Ministry of Finance, Planning and Economic Development should ensure that all ministries, departments, agencies and local governments have specific budgets for gender equality and social inclusion, including women's empowerment, per the Public Finance Management Act 2015.
3. The Uganda Bureau of Statistics should invest in generating and disseminating gender-responsive national statistics to inform evidence-based planning, monitoring, evaluation and reporting on gender equality and women's empowerment.
4. Parliament needs to expedite and pass the Marriage Bill, Sexual Offences Bill and Legal Aid Bill.
5. The Ministry of Gender, Labour and Social Development should deliberately involve and engage men in the efforts geared towards women's empowerment through consistent sensitisation on issues regarding gender equality and specifically targeting the correction of existing misconceptions.
6. The Uganda Police Force should be trained to quickly recognize defilement cases and take steps to get timely examination reports and evidence.

### 5.6 CONCLUSION

Uganda has made great strides in ensuring that women are empowered in Uganda by enacting relevant laws, policies and programmes. However, gaps still hinder or disadvantage women, including limited access to credit, land, education, health, and business opportunities and limited enforcement of laws.

## CHAPTER SIX

# RELIGIOUS FREEDOMS IN UGANDA AND THE HUMAN RIGHTS IMPLICATIONS

### 6.1 INTRODUCTION

Religion is defined as a human relation to divinity, reverence, worship, obedience and submission to the mandates and precepts of supernatural or superior beings. The right to freedom of religion or belief is guaranteed in a number of core international, including regional human rights instruments and under customary international law. It includes a broad range of entitlements, such as the freedom to have or to adopt a religion or belief of one's choice and the freedom to manifest one's religion or belief in worship, observance, practice and teaching, either individually or in community with others, in public or private. The right to freedom of religion or belief also covers the right to freedom of thought and personal convictions, including theistic, non-theistic or atheistic beliefs and the freedom not to disclose one's religion or belief.

The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices including the building of places of worship, the use of ritual formulae and objects, the display of symbols, and the observance of holidays and days of rest. The practice of a religion may include not only ceremonial acts but also such customs as the observance of dietary regulations, the wearing of distinctive clothing or head coverings, participation in rituals associated with certain stages of life, and the use of a particular language customarily spoken by a group. The practice and teaching of religion or belief include acts integral to the conduct by religious groups of their basic affairs, such as the freedom to choose their religious leaders, priests and teachers, the

freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications. The manifestation of worship can be limited; placing limits on belief cannot be limited by the State.

Uganda is a multi-religious country with various coexisting beliefs and practices. Freedom of religion is enshrined in the Constitution of Uganda, which guarantees the right to practice any religion and to manifest it through worship, observance, practice and teaching.<sup>233</sup> Uganda has a population of approximately 40.9 million people,<sup>234</sup> of which 86.4% identify as Christians. Pentecostals also account for over 30% of the total population of Uganda; they believe in Jesus Christ as the son of God, who is the Saviour and Lord. They also believe in the power of the resurrected Christ, the Anointed One and in the power of the Holy Spirit. Other religions include Muslims, African tradition, Salvation Army, Bahai, Jehovah's Witness, Presbyterian, Mormons, Jews, Buddhists and non-religions, which account for 1.7% of the population.<sup>235</sup>

Despite legal protections for freedom of religion, there have been reports of religious discrimination, persecution, regulation misuse, restrictions of gatherings, attacks on religious leaders, denial of land rights, conflicts between religious groups leading to loss of life and property and use of religion for political gain. The government has tried to address these issues through the law, civic education and establishing a multi-religious council to promote interfaith dialogue, peace and understanding.<sup>236</sup> Freedom of religion in Uganda remains a complex and evolving issue with diverse challenges and improvement opportunities.

<sup>233</sup> Article 29 of the 1995 Constitution as amended.

<sup>234</sup> Uganda Bureau of Statistics (UBOS), 2021. Uganda National Household Survey 2019/2020 Kampala, Uganda.

<sup>235</sup> Uganda Bureau of Statistics 2016, The National Population and Housing Census 2014-main Report, Kampala Uganda, Pages 8 and 19.

<sup>236</sup> Oloka-Onyango, Joe, Religion, Business and the politics of patronage in Uganda (March 15, 2013). Available at SSRN: <https://ssrn.com/abstract=3617309> or <http://dx.doi.org/10.2139/ssrn.3617309>.

## 6.2 LEGAL AND POLICY FRAMEWORK

The legal system of Uganda is based on law derived from different sources, such as English common law and African customary law and religion. The law promotes and protects human rights, which are entitlements that all human beings are born with and are basic standards for human dignity. Freedom of religion is a right guaranteed under international, regional and national legislation. Such legislation obligates the State as the primary duty bearer to refrain from interfering with the enjoyment of human rights, protect individuals and communities against human rights abuses and take positive steps to facilitate the exercise and enjoy-

ment of human rights.<sup>237</sup> The following are the laws that regulate the freedom of religion in Uganda.

### 6.2.1 International legal framework

Article 18 Universal Declaration of Human Rights (UDHR) provides that individuals have the right to freely express their thoughts, consciences and religions; this right must be respected. It also includes the freedom to change one's religion or belief; to hold one's religion alone or in community, in public or private; and to exhibit one's religion or belief in teaching, practice, worship, and observance.

#### Article 18 - ICCPR

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

International Covenant on Civil and Political Rights (ICCPR) provides for the right to freedom of thought, conscience and religion or belief,<sup>238</sup> freedom of opinion and expression,<sup>239</sup> equality before the law and prohibition of discrimination on religious grounds,<sup>240</sup> right to redress<sup>241</sup> and protection of religious minorities.<sup>242</sup> Limitations to the enjoyment of this right must be under the law.<sup>243</sup> No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.<sup>244</sup>

Articles 14 and 30 of the Convention on the Rights of the Child (CRC) provide for a child's right of the child to freedom of thought, conscience and religion. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) prohibits discrimination against women of all forms is prohibited.<sup>245</sup> States should endeavour to advance women's rights in all fields, including cultural fields.<sup>246</sup> Finally, the treaty prohibits customs that prejudice men and women.<sup>247</sup>The

International Covenant on Economic, Social and Cultural Rights (ICESCR) provides for non-discrimination under Article 2(2), and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) guarantees the rights of all without discrimination under Article 5 (VII).

United Nations Educational, Scientific and Cultural Organisation (UNESCO), Convention for the Safeguarding of the Intangible Cultural Heritage, 2003, Article 2 (C) provides that social practices, traditions and rituals are part of intangible cultural heritage. The General Assembly's Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief of 1981 prohibits discrimination based on religious grounds.

### 6.2.2 Regional legal framework

African Charter on Human and Peoples' Rights ("Banjul Charter") Article 8 guarantees the right to freedom of conscience, profession and free practice of religion. African Charter on the Rights and Welfare of the Child Articles 3 and 9 guarantees the right of every child to freedom of thought, conscience and religion without discrimination.

### 6.2.3 National legal framework

Article 7 of the 1995 Constitution of Uganda as amended provides that Uganda is a secular State that shall not adopt a State religion. Additionally, the individuals' right to practice any religion and belong to and participate in the practices of any religious body or organisation is also protected.<sup>248</sup> Freedom of religion should be practised in a way consistent with the Constitution. The Constitution forbids discrimination on religious grounds,<sup>249</sup> and guarantees all Ugandans freedom of thought, conscience and belief. Freedom of religion in academic insti-

tutions of learning is also protected.<sup>250</sup> The Constitution also provides that all persons are equal before and under the law in all spheres of political, economic, social, and cultural life, and every other respect and shall enjoy equal protection of the law.<sup>251</sup> Freedom of assembly, association and movement pertinent to the enjoyment of the right to religion are also provided under the Constitution<sup>252</sup> since all human rights are universal, indivisible, interdependent and interrelated.<sup>253</sup> Ugandans also have the right to participate in cultural life through language, tradition, creed or religion individually or in community with others.<sup>254</sup> Article 34 (3) guarantees the right of children not to be deprived of medical treatment, education or any other social or economic benefit because of religious or other beliefs. Finally, Chapter XIII of the Penal Code Act provides for offences relating to freedom of religion under Sections 118-122.

## 6.3 POSITIVE ATTRIBUTES OF RELIGION

Religion serves several functions for society, regardless of how it is practised or of what specific religious beliefs a society favours. For many people, religion gives meaning and purpose to life, especially for difficult things. This was seen in prehistoric times, but even in today's highly scientific age, much of life and death remains a mystery, and religious faith and belief help many people make sense of the things science cannot tell us. Religion reinforces social unity and stability. It strengthens social stability by giving people common beliefs that are important for socialisation. The communal practice of religion in houses of worship brings people together physically and facilitates their communication and other social interaction, and thus strengthening their social bonds.

237 UN Special Rapporteur on the Freedom of Religion or Belief, report, U.N.Doc. E/CN.4/2004/63/Add.2, para 104.

238 Article 18.

239 Article 19.

240 Articles 2(1) and 26.

241 Article 3.

242 Article 27.

243 Article 18 (3).

244 Article 18 (2).

245 Article 2.

246 Article 3

247 Article 5.

248 Constitution, Article 29 (1) (b) (c).

249 Constitution, Article 21 (2).

250 Ibid 29 (1) (b).

251 Ibid.

252 Ibid, Article 29 (1) (d), (1) (e) and 29 (2).

253 Vienna Declaration and Program of Action, adopted by the World Conference on Human Rights in Vienna on 25 June 1993 Para 5

254 Ibid Articles 22 and 37



Christians attending a church service

In addition, religion is an agent of social control and thus strengthens social order. It teaches people moral behaviour and thus helps them learn how to be good members of society. In the Judeo-Christian tradition, the Ten Commandments are perhaps the most famous set of rules for moral behaviour.

Religion is also important for the psychological and physical well-being of many people. Religious faith and practices can enhance psychological well-being by comforting people in times of distress and enhancing their social interaction with others in places of worship. People of all ages are happier and more satisfied with their lives if they are religious. Religiosity also promotes better physical health through healthy rituals such as fasting, and some studies even find that religious people tend to live longer than those who are not religious.<sup>255</sup> Furthermore, religion motivates people to work for positive social change and is a tool for political and social services. In Uganda, political parties after colonialism were established along religious lines. Institutions such as schools and hospitals were also established on religious principles hence subjecting users to the same, which sometimes

became a source of conflict.<sup>256</sup> Religion, therefore, permeates all aspects of decision-making and daily life, including political, social and economic relations and environmental protection.

## 6.4 ELEMENTS OF THE RIGHT TO RELIGION

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching practice and observance.<sup>257</sup>

### 6.4.1 Freedom to adopt, change or renounce a religion or belief

People have the right and freedom to adopt, change or renounce a religion or belief. Article 18(1) of the ICCPR stipulates that “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice.”<sup>258</sup> The Human Rights Committee, through General Comment 22, observed that the

freedom to ‘have or to adopt’ a religion or belief necessarily entails the freedom to choose a religion or belief, including the right to replace one’s current religion or belief with another or to adopt atheistic views, as well as the right to retain one’s religion or belief.

### 6.4.2 Freedom from coercion

No one should be forced or coerced to profess a particular religion. Article 18(2) of the ICCPR states, “No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.”<sup>259</sup> The Human Rights Committee has interpreted this provision as one which bars coercion that would impair the right to have or adopt a religion or belief, including the use of threat of physical force or penal sanctions to compel believers or non-believers to adhere to their religious beliefs and congregations, to recant their religion or belief or to convert.<sup>260</sup> Policies or practices having the same intention or effect, such as, for example, those restricting access to education, medical care, employment or the rights guaranteed, are similarly inconsistent with this provision.

### 6.4.3 The right to manifest one’s religion or belief

This right shall include freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.<sup>261</sup> The freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as practices integral to such acts, including the building of places of worship, the use of ritual formulae, and objects, the display of symbols and the observance of holidays and days of rest.

The observance and practice of religion or belief may include not only ceremonial acts but also such

customs as the observance of dietary regulations, the wearing of distinctive clothing or head coverings, participation in rituals associated with certain stages of life, and the use of a particular language, customarily spoken by a group. In addition, the practice and teaching of religion or belief include acts integral to the conduct by religious groups of their basic affairs, such as freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications.<sup>262</sup>

### 6.4.4 Not absolute

Freedom of conscience, expression, movement, religion, assembly and association is not an absolute right. Article 18(3) of the ICCPR provides that “Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.” The limitation for the public interest is in a manner that is demonstrably justifiable in a free and democratic society.<sup>263</sup> In the case of *Carolyn Turaytemba v. A.G and Uganda Land Commission*, the Constitutional Court upheld that Article 29 can be limited per the amended Constitution.<sup>264</sup> The freedom to manifest one’s beliefs is, however, only subject to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

### 6.4.5 Freedom to worship

The right to freedom of thought, conscience, religion or belief includes the freedom to worship or assemble in connection with a religion or belief. It also includes the freedom to make, acquire and use the necessary articles and materials related to the rites or customs of a religion or belief.<sup>265</sup>

255 Moberg, D. O. (2008). Spirituality and aging: Research and implications. *Journal of Religion, Spirituality & Aging*, 20, 95-134.

256 Manisuli Ssenyonjo, Limits on the freedom to manifest one’s religion in educational institutions in Uganda and the United Kingdom, *International Journal of Constitutional Law*, Volume 7, Issue 2, April 2009, Pages 275–305, <https://doi.org/10.1093/icon/mop003>.

257 Article 18 of the ICCPR.

258 ICCPR.

259 ICCPR.

260 General Comment 22 of the Human Rights Committee.

261 Article 18(1) ICCPR.

262 General Comment 22 of the Human Rights Committee.

263 Constitution, Article 43.

264 Constitutional Petition no. 15 of 2006, available at: <https://ulii.org/ug/judgment/court-appealuganda/2011/6>.

265 Article 6 - 1981 Declaration of the General Assembly.



Church leaders during the joint prayers on Good Friday

The Human Rights Committee, through General Comment 22, stated that the concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the use of ritual formulae and objects.<sup>266</sup>

#### 6.4.6 Non-discrimination

Any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established or represent religious minorities that may be the subject of hostility on the part of a predominant religious community, is unacceptable.<sup>267</sup> Commission on Human Rights, through resolution 2005/40, urges states to step up their efforts to eliminate intolerance and discrimination based on religion or belief, notably by:

1. Taking all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, with particular regard to religious minorities, and also to devote specific attention to practices that discriminate against women.

2. Through education and other means, promoting and encouraging understanding, tolerance and respect in all matters relating to freedom of religion or belief.
3. Making appropriate efforts to encourage those teaching to cultivate respect for all religions or beliefs to promote mutual understanding and tolerance. In the case of Dimanche Sharon and Others Makerere University 2006 UGSC 10, Constitutional Appeal No 2 of 2004, Seventh-Day Adventist students filed a suit against Makerere University over sitting exams and attending lectures on a Sabbath. Makerere University, a secular university, does not favour any particular religion.

#### 6.4.7 Right of parents to ensure the religious and moral education of their children

Parents and, when applicable, legal guardians must ensure their children's religious and moral education.<sup>268</sup> They are required to provide direction to the children in a manner consistent with the child's evolving capacities.<sup>269</sup> According to Article 5 of the **Declaration of the General Assembly**, parents and legal guardians have the right to organise life within the family per their religion or belief and

bearing in mind the moral education in which they believe the child should be brought up. Every child should therefore enjoy the right to have access to education in the matter of religion or belief per the wishes of his parents and should not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians. The best interests of the child is the guiding principle.

## 6.5 SITUATION ANALYSIS

Despite the fact that Uganda has no official religion, Ugandans are generally religious people. This is demonstrated by various aspects such as Uganda's Motto, commencing meetings or gatherings with prayer, national prayer breakfasts commemorating independence, and swearing oaths of service. Since Christianity and Islam were introduced to Uganda in the 1830s and 1870, respectively, the majority of Ugandans identified as Catholic, Anglican, or Muslim. The number of Pentecostal churches and adherents in Uganda has steadily increased since the introduction of the Pentecostal/Born Again Faith in the 1960s. Born-again churches have evolved from temporary 'biwempe' buildings to massive auditoriums with tens of thousands of members.

### 6.5.1 Religion dominations in Uganda

Historically, religion has played a major role in Uganda's social and political development, from the coming of Christianity and Islam in the 1800s to the formation of political parties along the religious line when Uganda became independent. Today, the country's Constitution, adopted in 1995, establishes Uganda as a secular State and proclaims that the country shall not adopt a State religion.<sup>270</sup> Uganda is a pluralistic society where various religious dominations co-exist with limited conflict. These religious dominations include Catholics 39.3%, Anglicans 32.0%, Moslems 13.7%, Pentecostal/Born Again/ Evangelical 11.1%, Seventh Day Adventists 1.7%, Traditional 0.1%, Baptists 0.3%, Orthodox 0.1%, Others 1.4% and Non-Religion 0.2% (others being Salvation Army, Bahal, Jehovah's Witness, Presbyterian, Hindus, Mammon, Jews and Buddhists.) Kenyan theologian, writer and philosopher John Mbiti stated that 'Africans

are notoriously religious. This is reflected by a kind of spirituality that binds every aspect of African life.

TABLE 10: PERCENTAGE DISTRIBUTION OF THE POPULATION BY RELIGION<sup>271</sup>

RELIGIOUS GROUP	2002 (%)	2014 (%)
Catholics	41.6	39.3
Anglicans	36.7	32.0
Moslems	12.4	13.7
Pentecostal/Born Again/ Evangelical	4.7	11.1
Seventh-Day Adventist	1.5	1.7
Traditional	1.0	0.1
Baptist	0.3	0.3
Orthodox	0.1	0.1
Others (including the Salvation Army, Baha', Jehovah's Witness, Presbyterian, Hindus, Mammon, Jews and Buddhists)	1.9	1.4
Non-Religion	0.9	0.2
<b>TOTAL</b>	<b>100</b>	<b>100</b>

The religious dominations in Uganda include the following.

- **Roman Catholicism**

Sometimes known as Catholicism, it is the world's largest single religion and the oldest existing Western Christian church. It recognises a hierarchical structure with the Pope, or Bishop of Rome, as its head, who is based at the Vatican. Catholics hold that Peter, Jesus' apostle, left the Pope as the divinely appointed leader of the Church. The Catholic Church is distinct from most other versions of Christianity because it specifies a thorough theological and moral doctrine for believers in its catechism.<sup>272</sup> In Uganda, the White Fathers were the first Catholic missionaries to preach Catholicism in 1879. In Uganda, the Catholic Church is headed by the Chairperson of the Uganda Episcopal Conference (UEC) Rt. Rev John Anthony Zziwa. The Catholic Church has four archdioceses, each led by an Archbishop, 19 dioceses, each led by a Bishop and 500 parishes, each led by a priest. The order of hierarchy is Pope, Cardinal, Bishop, Archbishop, Priest, Nun, Deacon and lastly, a Catechist. There

266 General Comment 22 of the Human Rights Committee.

267 General Comment 22 of the Human Rights Committee.

268 Article 18(4) ICCPR.

269 Article 14(2) CRC.

270 Article 7 Non-adoption of State religion "Uganda shall not adopt a State religion." Ugandan Constitution, 1995, available at <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/44038/90491/F206329993/UGA44038.pdf>.

271 Source 2014 Census report, Page 73.

272 <https://www.monitor.co.ug/uganda/news/national/understanding-the-catholic-church-hierarchy-in-uganda-3349500>.

are 4,781 Catholic-affiliated primary schools, 582 secondary schools, 148 institutions of higher learning, 36 hospitals, 286 health centres, four Universities, one bank and seven radio stations.<sup>273</sup> Seven sacraments are recognised under Catholicism: baptism, confirmation, the eucharist, ordination, marriage, reconciliation (confession of sins) and the anointing of the sick.

- **Anglicans**



Archbishop Stephen Kaziimba Mugalu during a church service

Through the Church Missionary Society (CMS), in 1877, Anglican missionaries first arrived in Uganda. Initially, the missionaries only taught Christianity to members of the King's court but later preached to the entire populace. The Church of Uganda (COU), the Anglican church, currently consists of 38 dioceses, each headed by a bishop; 600 archdeaconries, each headed by an archdeacon; 4,000 parishes led by a parish priest and 2,500 sub-parishes, led by lay readers. The Archbishop of Uganda and Bishop of Kampala, His Grace, the Most Reverend Stephen Kaziimba Mugalu, is the head of the Church.

In addition, the Church of Uganda is affiliated with 50 postsecondary vocational institutions,

50 secondary schools, 460 primary schools, 213 health facilities, six universities, 5,118 elementary schools, one bank and one radio station.<sup>274</sup> COU has also published a come-and-worship prayer book and an order of service containing prayers for numerous occasions such as baptism, Holy Communion, commissioning of priests, intercessional prayers, Christmas, Easter, Pentecostal and thanksgiving, among others.

- **Islam**

Islam was the first foreign religion to arrive in Uganda. It was first taught in Buganda in 1844 during the reign of King Suuna and was spread by Egyptians and Sudanese in Northern and North Western Uganda. Muslims believe that Muhammad is the final prophet to come after Abraham and that God gave him the Qur'an, the holy book of Islam. Islam, whose name is derived from the word "submission," places a high value on submission to Allah. Islam is based on five pillars: shahada, which is a declaration of faith; swahala, which is a daily prayer; zakat, which is almsgiving; sawm, which is fasting during Ramadan; and hija, which is the journey to Mecca. They also practice the wearing of modest clothing, such as hijabs, for women. The two major branches of Islam, Sunni and Shia, split apart because they disagreed on both a religious and political basis on Muhammad's rightful successor.<sup>275</sup> Other branches include Ahmadi and Salaf/Tabliq. In Uganda, there are two major sects, the Old Kampala Sect and the Kibuli Sect, each led by a Supreme Mufti that has had conflict over leadership, recognition and property management since the 1980s.

The Government of Uganda established the Uganda Muslim Supreme Council (UMSC) to unite Muslims across the country. It's the apex governing body of all Muslim institutions in Uganda. These institutions include 7,290 mosques, five hospitals, four Health Centre (HC) IVs, 30 HC IIIs, 22 HC IIs, six post-secondary institutions, five universities, 1,114 primary schools, 130 secondary schools, four radio stations and one medical bureau.<sup>276</sup> UMSC is headed by His Eminence Sheikh Shaban R Mubaje.



Muslims in prayer

- **Pentecostal/born-again**

In the past 20 years, Pentecostal churches have vastly increased. The East African Revival Movement of the 1920s, whose preaching was based on the second coming of Jesus Christ, is where Pentecostalism first became known. The 'balokole' (saved ones), or revivalists, preached the gospel of salvation, pressing new converts to confess their faults before a crowd. In Uganda, these churches started to spread in the 1950s and 1960s. During Idi Amin's rule in the 1970s, they suffered a decline. Later in the 1980s, the present variant associated with universities inspired by the USA and West Africa gained popularity. This version was associated with capitalism since it promoted the prosperity gospel (sowing of seed for material gain) and became prominent during the neoliberal era.<sup>277</sup>

Nowadays, many Ugandans are attached to a Pentecostal church since these churches have gained great influence through media outlets such as television and radio stations that they control privately. Many people have resorted to them to solve their financial and health problems.<sup>278</sup> Such churches allow worship every day, not only on Sundays, offer counselling services and welcome all people: poor, middle-class, rich, young, old, employed and unem-

ployed. As such, these churches keep expanding in number. Pentecostal churches ranging from popular mega-churches to makeshift churches can be found in all neighbourhoods across the country, particularly in urban areas. There are even taxis dedicated to transporting worshippers to some popular churches.

These churches place emphasis on a personal experience with God through the baptism of the Holy Spirit as was experienced by the followers of Jesus Christ in the Book of Acts (Acts 2:4), as well as the gifts of the spirit, which include the apostolic, prophecy, teachers, miracles, healing (exorcise of demonic spirits), helping (administration and leadership), guidance and speaking in tongues 1 Corinthians 12:4-10 and 12:28. There are no regulations set out to regulate the operation of Pentecostal churches. Therefore apostles, prophets, evangelists and pastors establish churches as per the leading of the Holy Spirit, the helper Jesus Christ left behind to guide his followers (John 16:7). With no administration structure, these churches vary in theology and practice. There are various Pentecostal umbrella bodies to which the different churches subscribe: the Born-Again Faith (BAF) in Uganda under the leadership of Apostle Dr Joseph

273 [ircu.or.ug/uganda-episcopal-conference/](http://ircu.or.ug/uganda-episcopal-conference/) Last accessed on 28 March 2023.

274 [ircu.or.ug/church-of-the-province-of-uganda/](http://ircu.or.ug/church-of-the-province-of-uganda/) Last accessed on 28 March 2023.

275 Aniku Ahmed Mohammed Moyiri & Madinah Sebyala Nabukeera 'Award of prophet of mercy (PBUH) conference, The Ummah is one Ummah, whose responsibility is it to unite the Ummah in Uganda' Quest Journals Vol 8 Issue 2 (2020).

276 [ircu.or.ug/uganda-muslim-supreme-council-umsc](http://ircu.or.ug/uganda-muslim-supreme-council-umsc).

277 <https://www.monitor.co.ug/uganda/magazines/people-power/birth-of-pentecostalism-its-influence-in-uganda-3994932>.

278 42.1% of Ugandans multidimensionally poor (education, health, living standards, employment and financial inclusion) UBOS Multidimensional poverty index report 2022.

Serwadda,<sup>279</sup> the Alliance of Pentecostal and Evangelicals (APE) under the leadership of Bishop Joshua Lwere,<sup>280</sup> the Association of Miracle Centre Churches (AMCC), Baptist Union (BU) and Pentecostal Assemblies (APG) among others.

To harmonise the Born-Again Churches (BAC) in Uganda, the national Religious and Faith-Based Organisation (RFBO) policy has been proposed. Some of the BAC have rejected this policy because it only targets BAC because other traditional churches already have theological training institutes that require clerics to obtain theological qualifications; there was no meaningful participation or consultation on the policy; theirs is a calling; hence, they do not require training; and the proposed training will be conducted in English and will require one to have other qualifications such as PLE, UCE and UACE which they do not have, among others. The objective of the RFBO policy is to have all institutions engaged in spiritual activities registered under one body rather than registered under numerous regulations such as the NGO Act, Companies Act and Trustees Incorporation Act. It also seeks to put in place standard procedures that ought to be adhered to before a place of worship is established.<sup>281</sup>

#### • Seventh Day Adventists (SDA)

The International Seventh-day Adventist Church, with its main office in Maryland, United States, includes the Seventh-day Adventist Church in Uganda. Given that Adventist missionaries had already established themselves in Uganda's neighbouring countries of Kenya and Tanzania by the years 1903 and 1906, respectively, it is believed that their delayed arrival in Uganda in 1927 resulted from theological and political conflicts. Adventist missionaries were deployed to Nchwanga, between Bunyoro and Buganda, when they first arrived in Uganda in 1927. To build the Kireka Mission Station, which would become a key hub for organising the Adventist Church mission in the Ugandan areas of Buganda, Bunyoro, and Tooro, land was purchased on Kireka Hill, some seven kilometres from Kampala off Kampala-Jinja.<sup>282</sup>

279 [Ircu.or.ug/born-again-faith](http://rcu.or.ug/born-again-faith).

280 [Ircu.or.ug/the-national-alliance-of-pentecostal-and-evangelical-churches-of-uganda](http://rcu.or.ug/the-national-alliance-of-pentecostal-and-evangelical-churches-of-uganda).

281 Alexander Paul Isiko 'State regulation of religion in Uganda: Fears and dilemmas of born-again churches' *Journal of African Studies and development* Vol 11 (6) pp 99-117 Oct-Dec 2019.

282 <https://encyclopedia.adventist.org/article?id=AFKH>.

283 [Ircu.or.ug/seventh-day-adventist-church](http://rcu.or.ug/seventh-day-adventist-church).

284 *Ibid* 45.

285 [Baptistworld.org](http://Baptistworld.org).

SDA church operations in Uganda were badly impacted by President Idi Amin Dada's ban on the organisation from 1977 to 1979. Church services were held in secret at pastors' homes during the ban. However, the church continued to grow despite the unsteady political climate in Uganda between 1980 and 1986. This development then led to the establishment of the Uganda Union Mission in 1987. Pastor Daniel Matte serves as the Union's president at the moment. With 2,714 congregations, the church has expanded to become nine dioceses with regional administrative structures. In addition, the church runs three radio stations, a television station, a hospital, 19 clinics, 296 primary schools, 98 secondary schools, a university, and nine institutions of further education.<sup>283</sup> The SDA faith has seven pillars: sleep of the dead, salvation, sanctification, Sabbath, spirit of prophecy and the second coming.

#### • Traditional

Traditional religious beliefs are based on a pantheon of gods led by the supreme god Lubaale. Traditional religious leaders greatly influenced political influence since they were seen as kingmakers before the entry of foreign religions and promulgating the 1995 Constitution to curb influence and misuse, respectively. There was no State intervention in religious expression because cultural standards were rooted in indigenous religious traditions.<sup>284</sup> Traditional religious beliefs have at times, been associated with human sacrifice and sexual-related abuses like rituals practised under this religion.

#### • Baptists

The Baptist Union of Uganda is afflicted with the Baptist World Alliance. It originated from the USA and is a sect of protestants that believe in baptism by immersion rather than sprinkling of water. They have 1,800 churches and 550,000 members.<sup>285</sup>

#### • Orthodox

Although there are many theological similarities between Orthodox Christianity and the Roman Catholic Church, there are also some significant

differences. For example, Orthodox Christians do not acknowledge the primacy of the Pope. In 1946, the Ugandan government officially acknowledged the Orthodox faith. At the moment, the Archbishop of Uganda Orthodox Church, His Eminence Metropolitan Jeronimus Muzeeyi, is in charge of the Orthodox faith in Uganda. The main office of the Orthodox Church in Uganda is situated in Namungoona, a neighbourhood of Kampala, the country's capital. There are 56 priests and eight deacons in the clergy, and 99 educational facilities, including 50 pre-primary schools, 26 primary schools, 15 secondary schools, and eight post-secondary schools, serving approximately 400,000 followers. There are also 90 churches, 17 medical clinics, and one Holy Cross Orthodox Hospital.<sup>286</sup> Fasting is an integral part of this religion.

#### • Salvation Army

In 1931, Captain and Mrs Edward Osborne raised the flag to signal the start of Salvation Army operations in Uganda Mbale, a part of the East Africa Territory. Reinstated in the 1980s after being outlawed in the 1970s. On 1 November 2005, Uganda became a distinct command, and on 1 March 2011, it attained territorial status. Preaching is done in several languages, including English, Kiswahili, and Luganda. Services frequently feature a lot of hymns singing, as well as possible group or individual musical performances and a dance or acting ensemble. Every gathering starts with a reading from the Bible.<sup>287</sup>

#### • Bahai

Bahai was founded by Mirza Husayn-Ali (known as Baha'u'llah) in Iran in 1852. The Baha'i faith emphasises monotheism and believes in one eternal transcendent God. Its guiding focus is to encourage the unity of all peoples on the earth so that justice and peace may be achieved on earth.<sup>288</sup> Bahai Faith has been present in Uganda since the early 1950s. The first Bahai pioneers arrived in Uganda in 1951, and by 1952, the first Ugandan Bahai had joined the faith. Since then, the Bahai community in Uganda has grown and developed, with several local

286 [Ircu.or.ug/uganda-orthodox-church/](http://rcu.or.ug/uganda-orthodox-church/).

287 <https://www.salvationarmy.org/ihq/uganda>.

288 <https://www.indexmundi.com/uganda/religions.html>.

289 *Ibid*.

290 *Ibid*.

291 <https://www.jw.org/en/jehovahs-witnesses/worldwide/UG/>.

292 <https://www.monitor.co.ug/uganda/magazines/life/worshipping-more-than-33-000-gods-1590272>.

293 Hindu Marriage and Divorce Act 1961.

spiritual assemblies established throughout the country. The Bahai Faith in Uganda is known for its emphasis on community building and social development, and youth development. The Bahai Youth Empowerment Programme (BYEP) empowers young people to become agents of social change in their communities and includes training in leadership, community service and personal development.<sup>289</sup>

#### • Jehovah's Witnesses

Jehovah's Witnesses structure their faith on the Christian Bible, but their rejection of the Trinity is distinct from mainstream Christianity. They believe that the Kingdom of God, the theocracy, will emerge following Armageddon and usher in a new earthly society. Adherents are required to evangelise and follow a strict moral code.<sup>290</sup> They practice their religion through door-to-door evangelisation. There are currently 9,262 ministers that teach the Bible across 167 congregations.<sup>291</sup>

#### • Hindus

No single originator or religious authority is behind the incredibly diverse collection of ideas and practices that emerged from India's Vedic culture. The Bhagavad-Gita, the Upanishads, and the Vedas are only a few of the numerous scriptures that make up Hinduism. Hindus may practice home-based prayer rituals to honour one or several deities. The gods Vishnu, Shiva, and a mother goddess named Devi are the objects of most devotion. The majority of Hindus hold that the soul, or atman, is immortal and undergoes a cycle of birth, death, and reincarnation (samsara) that is influenced by one's good or bad karma or the results of one's deeds. Living a religious life aims to acquire the behaviour necessary to free one's soul from the cycle of birth and death (moksha).<sup>292</sup> It is believed that there is a deity for everything in life. Hinduism was introduced in Uganda by a group of Indians that migrated to Uganda during the construction of the Uganda railway. There are 18 temples in Uganda, 16 in Kampala, and two in Eastern Uganda. There is also a law that recognises Hindu marriage unions.<sup>293</sup>

- **Jews**

Judaism is the national religion of the Jewish people. It is based on the idea that Abraham, the patriarch of Judaism's Hebrew Scriptures, or Tanakh, and a single, all-powerful creator God entered into a covenant of obligation. Jewish law, or halakhah, which is a foundational aspect of the faith, is based on divine revelation of rules and prohibitions in the Hebrew Scriptures. Although Jewish halakhic and theological dialogue has a long history, the tradition has no ultimate dogmatic authority. Local congregations are led by their own religious authorities. The three main strands of Judaism in modern times are Orthodox, Conservative, and Reform/Liberal. The Orthodox represent the most conventional practice, while the Reform/Liberal communities are the most accepting. These communities differ in their beliefs and observance of Jewish law.<sup>294</sup> They are commonly referred to as Abayudaya and are mostly found in Eastern Uganda. They were founded by Samei Kakungulu in 1931 and strictly adhered to the laws of the bible, specifically the Old Testament, such as male circumcision and traditional head covering.<sup>295</sup>

- **Buddhists**

This religion or philosophy was inspired by the 5th century B.C. teachings of Siddhartha Gautama, also known as Gautama Buddha, "the enlightened one". Buddhism focuses on the goal of spiritual enlightenment centred on an understanding of the Four Noble Truths on the nature of suffering and on the Eightfold Path of spiritual and moral practice to break the cycle of suffering we are a part. Buddhism ascribes to a karmic system of rebirth.<sup>296</sup>

- **Atheism**

The belief that there are no deities of any kind.

### 6.5.2 Religion in national symbols and politics

Uganda's coat of arms bears the motto "For God and My Country," which shows that Uganda is a God-fearing nation that puts God first. The Constitution guarantees the right to belong to and participate in the practices of any religious body or organ-

isation and to manifest such practice in a manner consistent with the Constitution.

Religion has a big political influence on society in Uganda. Since independence, religion has been a key aspect of Uganda's political and social development, as demonstrated in the formation of political parties along the lines of religion from the arrival of Christianity and Islam in the 1800s to when Uganda gained independence. The Democratic Party (DP) had a catholic foundation, the Uganda People's Congress (UPC) was founded on an Anglican foundation, while JEMA was founded on a Muslim foundation.

All elected leaders, as well as civil servants, take oaths of office allegiance, secrecy affirming their commitment to serve God and the people. Oaths are made in line with the person's religion or belief. This was upheld in the case of *Butime Tom v Muhumuza David & Anor*.<sup>297</sup> The Court of Appeal held that "Given the non-restrictive language, spirit and intent of Article 29(1)(b) and (c) of the Constitution, Section 5(1)(a) of the Oaths Act must be interpreted in such a way that the holy books enumerated therein are not exhaustive, so that, depending on one's faith, another appropriate holy book or article can be used for making an oath or affirmation as one's religion may require." This decision made it clear that compelling individuals to make oaths using holy books they do not consider sacred would violate their Constitutional right to freedom of conscience, thought and religion enshrined in Article 29 of the Constitution of Uganda. The principle of non-discrimination is integral to the enjoyment of all human rights and should hence be adhered to irrespective of religious beliefs.<sup>298</sup>

### 6.5.3 Laws protecting religious beliefs

The constitution prohibits religious discrimination and establishes there shall be no State religion. It provides freedom of thought, conscience, and belief and the right to practice and promote any religion, as well as to belong to and participate in the practices of any religious body or organisation in a manner consistent with the constitution. In

an effort to protect the right to freedom of religion or belief, Uganda made provision for criminalising blasphemy under the Penal Code Act. Sections 122 of the Ugandan Penal Code criminalises blasphemy to include: (i) the writing and utterance of words; and/or (ii) the making of gestures and/or sounds; and/or (iii) the use of objects with the "intention of wounding the religious feelings of another person." This means that the penal code criminalises disturbances of religious gatherings and wounding religious feelings. It also prohibits secular broadcasters from stating opinions on religious doctrine or faith. Such criminal proscription is contrary to international human rights law and standards, including provisions binding upon Uganda, including those guaranteeing the right of everyone to freedom of expression, since it may be used, among other things, to prevent or punish criticism of religious leaders.

Unfortunately, Uganda currently does not have a law or polity regulating faith-based organisations. Faith-based organisations (FBOs) do not have a specific category of registration but rather register as non-government organisations (NGOs). In registration, FBOs are required to register with the Uganda Registration Services Bureau (URSB) and then secure a five-year operating license from the Ministry of Internal Affairs. However, it is not required for historically established religious groups (Catholic, Anglican, Orthodox, Seventh-day Adventist and Muslim) to obtain operating licenses. The National NGO Policy requires the government to put in place measures for an appropriate, separate framework to make the registration requirements for FBOs clear and provide guidance for promoting and coordinating the "spiritual activities". This lack of clarity about the law in institutional regulation has led to the exploitation and abuse of believers in some circumstances.

### 6.5.4 Religious education

In Uganda, religious education is compulsory in primary and secondary schools. The curriculum is designed to provide students with an understanding of the major religions practised in Uganda, which include Christianity and Islam. In primary schools, religious education is taught as part of the social studies curriculum, focusing on introducing students to different religions' basic beliefs and

practices. The aim is to promote religious tolerance and understanding among children and encourage them to develop moral and ethical values. This is limited to Christianity or Islam. There are also Koranic schools known as Madarasa schools that focus more on Islamic teaching, while others conduct a dual curriculum that is secular and religious education. There have been concerns over these schools failing to meet the education standards set by the Ministry of Education and Sports and promoting extremism.<sup>299</sup>

In secondary schools, religious education is taught as a core elective subject, Christian Religious Education or Divinity, with a more in-depth exploration of the different religions. Students are encouraged to critically analyse religious teachings and engage in discussions and debates about the role of religion in society. Uganda's religious education curriculum aims to promote tolerance, understanding, and respect for all religions while encouraging students to develop their own moral and ethical values.

## 6.6 HUMAN RIGHTS CONCERNS

### 6.6.1 Manipulation, exploitation and extortion

Media reports are common with instances wherein virtuous, innocent people trying to understand their religion were taken advantage of by opportunistic, dishonest religious leaders who manipulated believers. Such manipulation has sometimes resulted in bankruptcy and further monetary issues, and the consequences have been significantly dire on other occasions. These all-too-common instances of manipulation have all but increased due to the internet and social media, making it easier for predatory evangelists to extend their reach and grow larger audiences.

Religiously motivated behaviour of extortion is often overlooked. Due to the lack of a regulatory or accountability framework in Pentecostal churches, some unscrupulous people have taken advantage of believers. The Holy Bible, in Matthew 7:15, predicts this when it states, "Beware of false prophets, which come to you in sheep's clothing, but inwardly they are ravening wolves. Ye shall know them by their fruits."<sup>300</sup> One of the marks of religious exploitation is a lifestyle of excessiveness and extravagance. The Bible heavily advocates for

294 <https://www.jewishbookcouncil.org/book/shalom-uganda-a-jewish-community-on-the-equator>.

295 <https://jewishmuseum.org.uk/exhibitions/abayudaya-jews-of-uganda/>

296 Ibid.

297 (Election Petition Appeal 11 of 2011) [2012] UGCA 12 (21 May 2012); [2012] UGCA 12, available at: <https://ulii.org/ug/judgment/court-appeal-uganda/2012/12>.

298 UN Human Rights Committee (HRC), *CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)*, 30 July 1993, CCPR/C/21/Rev.1/Add.4, available at: <https://www.refworld.org/docid/453883fb22.html> Last accessed on 8 March 2023]

299 <https://www.monitor.co.ug/uganda/news/national/only-7-percent-of-madarasa-schools-are-registered-survey--4000508>.

300 Holy Bible - Matthew 7:15.

charity and does not encourage wastefulness and excessiveness as a way of life. Therefore, like most celebrities, those prone to excessive and extravagant purchases are likely operating in pursuit of their own interests. It is obvious that some pastors have placed the issue of money and material gains above salvation. They emphasise it more than any other key issue of the Kingdom. It is no secret that churches and pastors rely on members' donations to sustain themselves and continue to provide their services. However, whenever monetary donations become a frequent point of discussion and always a point of emphasis, it is possible that these religious authority figures are less concerned with spreading the gospel and more interested in lining their own pockets. This is especially more likely whenever monetary donations are stressed as effective means to garner favour in the eyes of God and increase the chances of getting into heaven. In many cases, this is a blatant act of manipulation and exploitation of vulnerable church members' reverence for God and their hope for a fruitful afterlife.

The other mark of predatory church leaders is self-aggrandizement. This is a classic tactic utilised by exploitative abusers trying to take advantage of those they preside over. They succeed in portraying themselves as tin-gods whose words are to be taken as gospel and whose demands are to be obeyed with both haste and minimal questioning.

### 6.6.2 Absence of regulatory framework for Pentecostal churches

Traditional religions, including Christianity and Islam, have laws requiring leaders to complete training before taking charge of their congregations. These policies include the conduct of priests and leaders as well as mechanisms for managing complaints and conflicts. The activities of some pastors, teachers, apostles, prophets, bishops, and evangelists, among others in the Pentecostal faith, are governed by several umbrella organisations, including the Born-Again Christian Federation (BAF), the Alliance of Pentecostal and Evangelicals (APE), and the National Fellowship of Born-Again Pentecostal Churches in Uganda (NFBPC), among others. The lack of a joint body for the Pentecostal faiths has continued to cause friction within the Pentecostal churches and the country at large. According to the 2002 census, 4.7% of people identified as Pentecostals.

However, by 2014, this percentage had increased to 11.1%, and it's estimated that more than five million Ugandans identify as Pentecostals today. Since there is no single regulating authority that oversees the Pentecostal churches, several types of worship are employed per divine direction. This lack of a regulatory framework has left many forms of the vulnerability of religiously motivated individuals and communities unobserved.

### 6.6.3 Inequity

Religion makes people subjects who do not question or reason with doctrines. All they have to do is believe. Despite all the benefits of religion, unfortunately, it can also reinforce and promote social inequality and social conflict. Karl Marx said that religion was the "opiate of the masses,"<sup>301</sup> meaning that religion, like a drug, makes people happy with their conditions. Karl Marx was of the view that religious people tend to view their poverty in religious terms. They think it is God's will that they are poor, either because He is testing their faith in Him or because they have violated His rules. Many people believe that they will be rewarded in the afterlife if they endure their suffering. According to Marx, religion leads the poor to accept their fate and helps maintain the existing system of social inequality.

### 6.6.4 Corruption and lack of accountability

There are many examples of people taking advantage of the religious beliefs of those around them to further their interests and grow both their power and their capital. The Holy texts of all world religions clearly refuse corruption for ethical reasons and consider it an obstacle to enlightenment and salvation. One would therefore assume that religions have a strong commitment against corruption and are corruption-free. There are, however, many incidents in which the social engagement of religious leaders has made believers targets of extortion, sexual abuse, and intimidation.

Corruption, the abuse of public or personal power for private interests, is almost as old as humanity. In recent decades, it has become rampant, yet most of these incidents go unreported or under-reported. Corruption as 'abuse of entrusted power for personal interests' can happen wherever power is entrusted to any person, institution, sector or country. The reason lies in human nature, with

the weakness of humans in handling power and with the temptation to abuse it or to use it for the benefit of society. In order to resist this temptation of abuse, a strong character, a personality with values, virtues and surrounding persons and institutional structures are needed. However, due to the lack of accountability structures, many abuse cases in religious institutions go unreported.

### 6.6.5 Discrimination against women

States are obligated to guarantee everyone, including women and girls, an equal right to freedom of religion or belief. Unfortunately, religion has sometimes promoted gender discrimination, exclusion and inequality. This is often done by presenting negative stereotypes about women and reinforcing traditional views about their subordination to men.<sup>302</sup> Women and girls have always suffered from patriarchal interpretations of almost all religions. This is not limited to any particular religion or region.

The discrimination against women in religious doctrines and in the practice of religion, including the refusal to admit women as priests) has had a pervasive effect throughout society of maintaining the belief in the inferiority of women. In many religions throughout the world, including the Roman Catholic, Mormon, Orthodox Jewish and Islam, women are denied equal opportunity to learn and teach religious knowledge, which is available to men. Women cannot be ordained or given leadership positions in most religions, including most Christian churches; for example, a woman can never be ordained as a Roman Catholic priest. In the case of Judaism, men are seen as endowed with the intellectual capacity to come closer to the creator through study and prayer. Women are seen as imbued with natural modesty and intuitive understanding, assigned to imitating God's work by procreating. Jewish men begin each day with the ritualised prayer thanking God "for not having made me a woman".<sup>303</sup> In orthodox Judaism, women can never be rabbis or mingle with men at prayer in the synagogue.<sup>304</sup>

In addition, women and their bodies often become specific targets for religious groups to exercise

control and reinforce power dynamics. Women often disproportionately bear the burdens of upholding a particular society's religious, cultural and moral values. Religion, morality, culture, social propriety and decency are used interchangeably and in concurrence to justify restrictions of this nature on women. There are many forms in which religiously based intolerance manifests, including attacks on women for the way they dress, their life choices, expectations of piety and for voicing their opinions. Religious interpretations have been invoked as grounds for inequality, which has also been witnessed in women being denied their right to basic reproductive healthcare such as birth control and emergency contraception. The UHRC notes that most family-related issues have a faith dimension, including marriage, divorce, custody and inheritance. As such, the confusion between cultural heritage, social traditions and religious precepts adds to the complexity of handling this vital intersection between religions and human rights. Using religion to justify controlling women is more than a violation of their freedom of expression. It leads to violations, including the right to life and security, freedom of movement, privacy, non-discrimination, and the right to participate fully as a member of society. It also violates their freedom to practice a religion as they wish to express it or their choice to practice a different religion or not at all.

### 6.6.6 Islamophobia

Islamophobia is the fear, prejudice and hatred of Muslims.<sup>305</sup> It is also a form of racism whereby Islamic religion, tradition and culture are seen as a 'threat' and often leads to provocation, hostility and intolerance through threatening, harassment, abuse, incitement and intimidation of Muslims. Islamophobia is usually motivated by institutional, ideological, political and religious hostility that transcends into structural and cultural racism, and often it targets the symbols and markers of being a Muslim.

In 2021, the Uganda Muslim Youth Development Forum (UMYDF) reported that some Muslims experienced employment discrimination. It cited a case in which a telecom company dismissed a staffer after she ignored instructions not to wear a veil

301 Marx, K. (1964). Karl Marx: Selected writings in sociology and social philosophy (T. B. Bottomore, Trans.). New York, NY: McGraw-Hill.

302 Klassen, P. (Ed.). (2009). Women and religion. New York, NY: Routledge.

303 Discrimination against women in religion - The encyclopedia of world problems & human potential.

304 Discrimination against women in religion - The encyclopedia of world problems & human potential. The rapidly changing State of the world makes planning in the face of c

305 <https://www.un.org/en/observances/anti-islamophobia>.

at work. The UN Special Rapporteur on freedom of religion or belief found that suspicion, discrimination and outright hatred towards Muslims have risen to ‘epidemic proportions.’<sup>306</sup> Following the terrorist attacks of 11 September 2001 and other horrific acts of terrorism purportedly carried out in the name of Islam, institutional suspicion of Muslims and those perceived to be Muslim escalated worldwide. Numerous states and regional and international bodies responded to security threats by adopting measures that disproportionately targeted Muslims. Muslims were considered at high-risk of radicalization. At the same time, widespread negative representations of Islam and harmful stereotypes that depict Muslims and their beliefs and culture as a threat have perpetuated, validated and normalised discrimination, hostility and violence towards Muslim individuals and communities. Muslim women are disproportionately targeted in Islamophobia hate crimes.

The number of Islamophobia hate crimes frequently increases following events beyond the control of most Muslims, including terrorist attacks and anniversaries of such attacks. These trigger events illustrate how Islamophobia attributes collective responsibility to all Muslims for the actions of a very select few or feeds upon inflammatory rhetoric. The UMSC and Muslim civil society organisations have called upon the government to try Muslim suspects via a fair and speedy process, noting that the government’s failure to convict Muslims arrested for murder or on terror-related charges created the impression that it was biased and discriminated against the Muslim community.

The Muslim community have complained of persecution over terrorist acts across the country. The Muslim community petitioned UHRC to investigate extra-judicial killings of Muslims, avoiding profiling Muslims and speedy trials for the Muslim suspects held in detention across the country. Some of the respondents believed that some government practices targeted religious leaders of certain religious denominations, especially Muslims, through arrests and detention. *“It is discriminatory for the government to always raid mosques and violently arrest sheikhs without following the law and detain them incommunicado without producing them in*

*courts of law,”* said Asuman Basalirwa, Chairman of the Parliamentary Muslim Forum and a MP representing Bugiri Municipality.

In the case of Kifampa Siraje and another vs A.G Miscellaneous cause no. 154 of 2017 on the raid of a mosque by security forces on 27 December 2016; in this case, security forces had raided a mosque after the killing of one of Uganda’s high-ranking Muslim clerics and army man Major Kiggundu and his driver. The security forces claimed that the Daawa Assalafiyah Community of the Nakasero Mosque were suspected of having planned this killing. Hence, they were acting legally when they broke into the mosque at about 12:30 am to collect evidence and other exhibits to aid in investigating this crime. Court concluded by stating that the State had violated the rights enshrined in Articles 29 and 32 of the Constitution relating to freedom of conscience and religion and the right to the enjoyment and practice of religion. This was because the manner in which the search had been carried out had violated the State’s international obligation to respect the right to freedom of religion and belief, which includes respect for places of worship. Accordingly, the Court granted specific and general damages to the Muslim community that had been attacked, and ordered that all the confiscated property be returned to the mosque leadership.

### 6.6.7 Torture and ill-treatment

Human rights are founded on the dignity of the human being and humiliating treatment is prohibited under Article 24 of the 1995 Constitution of Uganda as amended. Despite this, there have been several incidents of degrading treatment of worshippers in the guise of freedom of worship in Uganda. For example, Pastor Denis Kintu, a prophet and miracle performer of Empowerment City Church (ECC) in Hoima district, was thrust into the public limelight when he was arrested after a video clip surfaced showing him administering swishing lashes on church ushers for late coming. Pastor Paul Muwanguzi was also detained by police in 2019 for flogging church members due to late coming.<sup>307</sup>



Prophet Denis Kintu beating believers in his church in Hoima

### 6.6.8 Religious extremism and conflicts

Many of the conflicts in Uganda have been instigated by religion and religious beliefs. Some of these involved groups such as the Lord’s Resistance Army (LRA), the Holy Spirit Waters of Alice Lakwena and the Allied Democratic Force (ADF). While it’s important to note that the determination of whether a point of view is extreme is always made in connection to a perceived standard and which may well alter over time, extreme beliefs and behaviour do exist in most facets of human life. Religious extremism, or the use of violence in the name of religion, refers to the desire to expand the scope, detail and strictness of religious laws, social isolation and the rejection of the surrounding culture.<sup>308</sup> Violent extremism is the belief of individuals or groups to support or use intolerant and destructive means to achieve social, economic, religious and political ideologies. Extremism leads to various human rights violations, including torture, cruel and inhuman treatment, loss of property, loss of life, and violation of the right to health and education, among others. Victims of extremism are targeted due to poverty, high levels of unemployment and illiteracy. For instance, in 2014, authorities in Luweero district detained four Muslim clerics on suspicion of trafficking 71 children and undermining the Universal

Primary and Secondary Education initiatives. The majority of the children were nursing wounds after their recent circumcisions. The aforementioned children were chosen from the Luweero district’s Kikyusa and Kamira sub counties. In 2013, the police in Mukono, Kampala, Luweero, and Mbarara shut down some madrasa schools and detained a number of teachers on the grounds of student mismanagement and functioning illegally, which Muslims referred to as a government witch hunt.<sup>309</sup>

The Allied Democratic Front (ADF), a terrorist group that has been in operation since the early 1990s, uses extreme interpretations of religious ideologies and beliefs for the use of violence to radicalise and recruit individuals. It believes that establishing an Islamic State is the only means to resolve their real or perceived grievances. The ADF attacked Kichwamba Technical College killing 67 students and abducting over 100 students. They have also carried out some bombings and associations in Kampala, Mayuge and Wakiso districts.<sup>310</sup> The Kibwetere incident is another example of religious extremism. Over 1,000 people died in a well-planned inferno as their leaders believed the world was ending on December 31 1999. There have also been reports of the closure of some Madarasa schools in Eastern and Central Uganda over links to terrorism and radicalisation.<sup>311</sup>

306 A/HRC/52/38: Landscape of freedom of religion or belief - Report of the Special Rapporteur on freedom of religion or belief.

307 <https://infomediang.com/pastor-paul-muwanguzi-flogs-church-members/>.

308 Charles S Liebman ‘Extremism as a religious norm’ Journal for the scientific study of religion 1983 Vol 22 No 1 pp 75-86.

309 <https://ugandaradionetwork.net/story/four-muslim-clerics-held-for-trafficking-71-children?districtId=0>

310 Abubaker Obilan & Opion Hassan Diagnosis of factors responsible for muslim conflict in Uganda, 2019 Lambert Academic Publishing pp 3-5.

311 <https://www.theafricareport.com/3180/uganda-several-mosques-and-islamic-schools-closed/>.

### 6.6.9 Conflicts and infightings among Pentecostal churches

Uganda is a country that experienced bitter religious conflicts at the end of the 19th century. These religious conflicts initially occurred between the Catholics and Protestants (Anglicans), though the Catholics subsequently joined the Protestants to fight the Muslims. These conflicts took place during the 1890s, and as a result, the three religious groups remained divided with a lot of hatred and mistrust. The three traditional religions have since resolved their conflicts and now work together through the Inter-religious Council. However, inter-church feuds and conflicts currently remain among Pentecostal churches. The UHRC established that religious conflicts among Pentecostal churches are mainly caused by power struggle dynamics within the religious leadership, differences in ideological inclinations and the desire to dominate the religious space.

The Pentecostal pastors are not only the major protagonists of inter-church conflicts but also act as collective agents for the churches in conflict. This has left many believers conflicted. The tension greatly impacts society, given pastors' visibility, access to media and their public actions. The UHRC notes that some churches have established media houses such as radios and televisions, which they use as platforms to attack each other.

### 6.6.10 Right to privacy

It has been observed that under some religious practices, worshippers have to make public confessions of private matters, particularly lead to family conflicts, as well as making public their illnesses or troubles to obtain deliverance. This violates the right to privacy that is enshrined in the 1995 Constitution as Amended.

### 6.6.11 Right to a clean and healthy environment

The 1995 Uganda Constitution provides that every person in Uganda has a right to a clean and healthy environment and that every person has to create, maintain and enhance the environment, including the duty to prevent pollution (noise inclusive). Many complaints have been lodged with the police against some religious leaders/churches who usually surpass their limits of freedom of worship and infringe on other people's rights, especially

churches near residential areas. As the UHRC interacted with police officials, it was reported that everybody nowadays wants to start a church or a drinking joint in residential areas without any plan to regulate noise during the night when people are sleeping and even during the day when people are at work. *"Apart from producing uncontrolled sound, many churches have erected megaphones on their rooftops that disturb peace in residential areas,"* said a resident in Mukono. According to the Environment (Noise Standards and Control) Regulations 2003, the maximum permissible noise levels for any building in Uganda should not exceed 45 decibels during the day and 35 decibels during the night.

### 6.6.12 Right to form a family

Respondents revealed to the UHRC that there were cases connected with forced weddings among married wedded couples where failure to adhere led to ex-communication from congregations. They reported that this has led to couples being wedded against their will and increased the risks of gender-based violence in communities. In other incidences, some families break up because of the difference in opinion of worship by children in respect to where their parents grew up worshipping from and wedded from (mixed marriages). This was reported to be common because of the value attained from certain places of worship.

### 6.6.13 Freedom of assembly and association

There have been incidents of regulation misuse and restriction of gatherings which have affected the enjoyment of the freedom of religion. URSB is mandated to register all entities that are required to be registered by law and has issued "Compliance Notices for Faith-Based Organisations" including "born again churches", Catholic Churches, the Church of Uganda, "other denominations", and "Seventh Day Adventist Churches".

The Non-Governmental Organisations Act, 2016, according to the National Bureau for Non-Governmental Organisations, applies to the registration of FBOs. The National NGO Policy distinguishes between two types of FBOs: those who carry out "NGO type" activities and those who only engage in "spiritual activities". FBOs that engage in "NGO-type activities" must register with the

Bureau and are subject to the NGO Act of 2016. Neither the NGO Act of 2016 nor the NGO Policy defines what "NGO-type activities" are. There have been incidents of suspension of churches affiliated with NGOs. The gap in law and policy over the registration of FBOs engaged in spiritual activities has led to a broad interpretation of spiritual activities which is not clearly defined. Religious organisations and institutions have been closed over unclear circumstances in the past, in contravention of Article 29 of the Constitution.<sup>312</sup> To remedy this, there has been a call for the RFBO policy, which some churches have contested as a discriminative policy only focusing on Born Again Churches.<sup>313</sup>

### 6.6.14 Right to property

The law provides that converting others must not be coercive or forceful. However, there have been incidents of coercion in converting people to various religions that have also amounted to the loss of property. This is done through the promise of wealth and affluence. With the high unemployment and poverty levels, some people have become victims of this coercion. They have been reports of alleged extortion for scholarships and better lives,<sup>314</sup> fleecing believers of their hard-earned money to sow 'seed' for a better life. Often this is a lack of transparency and accountability of the millions of monies collected.<sup>315</sup> The believers seldom complain of these manipulations since their faith prohibits them from touching God's anointed (I Chronicles 16:22).

### 6.6.15 Right to health

Due to the biting levels of poverty and limited health services, the majority of Ugandans are unable to meet their medical expenses, particularly for long-term illnesses; hence they resort to churches for redress. Some church compounds and pastors' homes have been turned into hospitals, with patients making makeshift shelters as they

await their healing and deliverance. Some clerics have also discouraged their followers from taking their medication, and others engage in prolonged fasting periods that are harmful to their health. This has also contributed to family breakdown and conflict as these people end up abandoning their homes and responsibilities.

### 6.6.16 Violation of children's rights

Children's rights are guaranteed under Article 34 of the Constitution, as amended. However, there have been reports of clerics discouraging parents from enrolling their children in schools, immunising them or even providing them with anti-retroviral therapy.<sup>316</sup> There are also incidents of sexual abuse, such as the allegations made against Robert Mugisa, the lead pastor of "Christ the Answer Church," in Kyerinda A village, Buwenge town council, Jinja district, who was allegedly arrested by Kira police for trafficking over 33 minors from Tororo district. Police sealed off pastor Mugisa's residence in the same area and rescued the girls who were sharing the house with him. He was also accused of defiling and impregnating some of the minors.<sup>317</sup>

### 6.6.17 Lack of standardised law regulating religious institutions

Other than the 1995 Constitution, which guarantees the enjoyment of the right to freedom of religion, and the Non-Government Organisation Act, which provides for the registration of FBOs, no other law comprehensively addresses religious practices in Uganda. The Directorate of Ethics and Integrity attempted to draft a Bill to create and empower the Department of Religious Affairs to vet and recommend churches and establish a data management system and collaboration between government and faith-based organisations. However, some born-again churches resisted this, perceiving the Bill to negatively target them.

312 John Semakula, Ugandan Government Closes Nearly 12000 Churches and Faith Based NGOs, ReligionUnplugged, November 2019. Available at: <https://religionunplugged.com/news/2019/11/25/ugandangovernment-closes-12000-churches-faith-based-ngos>.

313 Africa News, Uganda's new policy requires all pastors to obtain theological training, December 2018. Available at: <https://gatewaynews.co.za/ugandas-new-policy-requires-all-pastors-to-obtain-theologicaltraining/>.

314 <https://newslexpoint.com/pastor-mondo-finally-speaks-out-why-court-ordered-for-his-arrest/>.

315 Ibid 47 pp 112.

316 Ibid 47 pp 112.

317 <https://www.dispatch.ug/2021/09/28/ugandan-pastor-arrested-for-trafficking-minor-girls-for-sexual-exploitation/>.

## 6.7 RECOMMENDATIONS

1. The Ugandan Government should put a regulatory framework for religious institutions in place to curb the abuse, manipulation, exploitation and extortion of followers.
2. The Ugandan Government should ensure that economic empowerment programmes targeting the youth are equitably distributed to prevent religious extremism in the country.
3. The Ugandan Government should embark on awareness programmes to prevent the exploitation and abuse of people exercising their freedom of religion.

## 6.8 CONCLUSION

Uganda has a plethora of laws aimed at protecting and promoting the enjoyment of the freedom of religion; however, with the religious diversity in the country, this can be daunting. Therefore, to minimise abuse of the freedom of religion, the Government should put in place clear rules and procedures that govern places of worship establishment and practices. It should also empower its citizens economically and socially to prevent religious extremism, in turn promoting peace and tolerance that are key to the prosperity of a diverse community.

## CHAPTER SEVEN

# WORKING CONDITIONS OF PUBLIC SERVANTS IN UGANDA

### 7.1 INTRODUCTION

The GoU is the largest single formal employer in the country, with its workers placed in various MDAs to deliver services to the public. A public servant is a person employed by a government department or agency for public sector undertakings. Public servants work for central and State governments and answer to the government, not a political party. Currently, the country has 329,633 persons duly in public service. These include persons employed in MDAs such as education, health, police, prisons, public universities and local governments.

Public servants are the backbone and heartbeat of public service. As such, their working conditions affect the ability of the government to deliver public services efficiently and effectively in a significant manner. However, public servants continue to face various challenges, such as poor remuneration, delays in promotions, frequent transfers, lack of health insurance benefits, limited structures, political influence, threats from leaders, corruption and nepotism. The working conditions in the public sector have severe implications on employee retention, morale and overall productivity in the public sector bodies. This chapter assesses how the government treats its employees and the conditions in which they work, detailing the current situation and the human rights implications of the working conditions.

### 7.2 LEGAL AND POLICY FRAMEWORK

There are several instruments and laws at the international, regional and national instruments and laws for the protection of workers' rights, including civil servants. Among its objective, the National Employment Policy for Uganda is compli-

ance with labour standards in line with national, regional, and International Labour Organisation conventions and other international treaties. The policy emphasises compliance with the legal and regulatory framework to promote workers' rights. This section presents a review of policies, laws and regulations governing the working conditions of employees in the public sector.

#### 7.2.1 International legal framework

Uganda is party to a number of international legal instruments that protect the rights of workers including public servants. The Universal Declaration of Human Rights<sup>318</sup> provides that everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. It also states that everyone, without any discrimination, has the right to equal pay for equal work, and everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection and a right to form and to join trade unions for the protection of his interests.

The International Covenant on Economic, Social and Cultural Rights (CESCR)<sup>319</sup> provides in Article 6(1) for the right to work, which includes the right of everyone to the opportunity to gain his living by work. It also says, in Article 6(2), that the full realisation of this right shall include technical and vocational guidance and training programmes. The International Convention on Civil and Political Rights (CCPR)<sup>320</sup> provides that everyone has the freedom to form or participate in actions of trade unions and associations and freedom from discrimination based on sex, colour and race.

318 UDHR Article 23.

319 CESCR 1966.

320 CCPR 1966.

In addition, the Equal Remuneration Convention 1951 (No.100) provides for the right to equal pay without any discrimination on the grounds of gender. It also requires each Member State to use means that are appropriate to the methods in operation to determine the rates of remuneration and promote and ensure the application to all workers of the principle of equal remuneration for work of equal value. The Discrimination (Employment & Occupational) Convention 1958 (No.111) provides for the right to work without discrimination based on race, colour, sex, religion, political opinion, national extraction or social origin or other grounds determined by member states in employment. Also, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) requires states to protect women's right to work and to ensure that women have the same training and employment opportunities as men.

The Public Service Labour Relations Convention,<sup>321</sup> which applies to all persons employed by public authorities to the extent that more favourable provisions in other international labour conventions do not apply to them, empowers public employees organisations to protect the interests of their employees. This Convention complements national labour laws to provide the right of freedom of association and collective bargaining for public employees. Further, the Collective Bargaining Convention<sup>322</sup> emphasises the promotion of collective bargaining in all areas of economic activity, including public service. It provides that measures taken by public authorities to encourage and promote the development of collective bargaining should be the subject of prior consultation and, whenever possible, an agreement between public authorities and employers and workers' organisations.

In its General Comment,<sup>323</sup> the UN Committee on Economic, Social, and Cultural Rights (Committee on CESCR) provides detailed guidance to States regarding their obligations to respect, protect and fulfil the right to work. The Committee also noted that the right to work includes the following interrelated and essential features:

<sup>321</sup> Article 1 1978 (No. 151).

<sup>322</sup> Promotion of Collective Bargaining Convention, 1981 (No. 154).

<sup>323</sup> General Comment 18.

<sup>324</sup> Article 15.

<sup>325</sup> Article 104.

<sup>326</sup> National Employment policy for Uganda; April 2011.

**Availability:** States must ensure tailored services exist to help people identify employment opportunities and find work.

**Accessibility:** Access to work involves three key elements: non-discrimination, physical accessibility, and information accessibility. Discrimination in access to and continuation of employment is prohibited. States must ensure that reasonable accommodation is made so that workplaces are physically accessible, particularly for persons with physical disabilities. Everyone has the right to seek, obtain and impart information on employment opportunities.

**Acceptability and quality:** The right to work comprises several interrelated components, including the right to choose and accept work freely, just and favourable conditions of work, safe working conditions, and the right to form trade unions.

### 7.2.2 Regional legal framework

The African Charter on Human and Peoples' Rights (ACHPR)<sup>324</sup> provides that every individual shall have the right to work under equitable and satisfactory conditions and shall receive equal pay for equal work. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) requires states to adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic activities. The East African Community Treaty (2000)<sup>325</sup> provides that Partner States shall have an integrated approach to employment strategies and enhancement of the activities of the employers' and workers' organisations to strengthen them.

### 7.2.3 National legal framework

The Constitutional provisions on employment are espoused in the National Vision of transforming Uganda from a peasant society to a modern and prosperous country in thirty years.<sup>326</sup> It is also reflected in the objectives of National Development Plan I, about enhancing the availability and

quality of gainful employment. The Constitution of the Republic of Uganda 1995,<sup>327</sup> as amended, stipulates that every person in Uganda has the right to practice his or her profession and to carry on any lawful occupation, trade or business. The Constitution also guarantees decent work under Article 25 by prohibiting slavery, servitude and forced labour. Article 29(1)(e)<sup>328</sup> states that every person shall have the right to freedom of association which shall include the freedom to form and join associations or unions, including trade unions and political and other civic organisations. Article 34(4)<sup>329</sup> provides that children are entitled to be protected from social or economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or interfere with their education or be harmful to their health or physical, mental, spiritual, moral or social development. Article 39<sup>330</sup> provides that every Ugandan has a right to a clean and healthy environment.

Article 40 (3)<sup>331</sup> states that every worker has a right to form or join a trade union of his or her choice for the promotion and protection of his or her economic and social interests, to collective bargaining and representation, to withdraw his or her labour according to law. Article 40 (1)<sup>332</sup> mandates parliament to enact laws to provide for the right of persons to work under satisfactory, safe and healthy conditions; to ensure equal pay for equal work without discrimination and to ensure that every worker is accorded rest and reasonable working hours and periods of holidays with pay, as well as remuneration for public holidays.

In fulfilment of Article 40 (1) of the Constitution of Uganda, the Parliament of Uganda enacted the Employment Act in 2006. This law stipulates the working conditions of workers and prohibits discrimination in employment.<sup>333</sup> It provides that discrimination in employment shall be unlawful, and for its purposes, discrimination includes any distinction, exclusion or preference made based on

race, colour, sex, religion, political opinion, national extraction or social origin, HIV status or disability which has the effect of nullifying or impairing the treatment of a person in employment or occupation, or of preventing an employee from obtaining any benefit under a contract of service. It also forbids sexual harassment.<sup>334</sup>

The Employment Act under Section 54<sup>335</sup> obliges employers to grant rest days during a calendar year. The Employment Act further provides that an employee who has completed not less than one month's continuous service with an employer and who is incapable of work because of sickness or injury is entitled to sick pay as follows for the first month's absence from work he or she is entitled to full wages and every other benefit whether for his or her family or himself or herself stipulated in the contract of service; and if at the expiration of the second month, the sickness of the employee still continues, the employer is entitled to terminate the contract of service on complying with all the terms of the contract of service up to the time of termination of employment.<sup>336</sup>

In addition, the Employment Act<sup>337</sup> states that a female employee shall, as a consequence of pregnancy, have the right to a period of sixty working days leave from work on full wages, referred to as "maternity leave", of which at least four weeks shall follow the childbirth or miscarriage. A female employee who becomes pregnant has a right to return to the job which she held immediately before her maternity leave or to a reasonably suitable alternative job on terms and conditions not less favourable than those which would have applied had she not been absent on maternity leave. The Act<sup>338</sup> also provides that a male employee shall, immediately after the delivery or miscarriage of a wife, have the right to a period of four working days' leave from work yearly, referred to as paternity leave, with payment of his full wages during the said paternity leave. He has the right to return

<sup>327</sup> Article 40(2).

<sup>328</sup> 1995 Constitution of Uganda.

<sup>329</sup> 1995 Constitution of Uganda.

<sup>330</sup> 1995 Constitution of Uganda.

<sup>331</sup> 1995 Constitution of Uganda.

<sup>332</sup> 1995 Constitution of Uganda.

<sup>333</sup> Section 6 of the Employment Act 2006.

<sup>334</sup> Section 7 of the Employment Act 2006.

<sup>335</sup> Section 54 of the Employment Act 2006.

<sup>336</sup> Section 41 (7) of the Employment Act 2006.

<sup>337</sup> Section 56 of the Employment Act 2006.

<sup>338</sup> Section 57 Employment Act 2006.

to the job he held immediately before his paternity leave. The Labour Unions Act of 2006 introduced a new array of rights for employees to demand their rights, including demanding good working conditions. It also guarantees employees the right to organise themselves into labour unions and participate in the management of the said unions.

#### 7.2.4 Policy framework

Under the national policy framework, the NDP III (2015/16-2019/2020) focuses on “strengthening Uganda’s competitiveness for sustainable wealth creation, employment and inclusive growth.” The NDP II emphasised enhancing the availability and quality of gainful employment and employment creation in a concerted effort to achieve inclusive growth. The Ministry of Public Service is mandated as the institution to implement this. In addition, Uganda launched its Employment Policy in 2011 to guide Government objectives and processes for generating jobs and ensuring a better working environment for all workers.

### 7.3 SITUATION ANALYSIS

This section analyses the employment challenges and opportunities in the Uganda Public Service. The analysis is based on both primary and secondary data. UHRC obtained primary data from a cross-section of 384 respondents from the public service in selected districts of Uganda within the twelve jurisdictions of UHRC regional offices of Arua, Central, Fort Portal, Gulu, Hoima, Jinja, Kabale, Lira, Masaka, Mbarara, Moroto and Soroti. UHRC sought to establish the opinion of public servants on their working conditions and highlight all their concerns to respective government entities for improvement. The interviewed public servants included Chief Administrative Officers, Officers in the various district departments of Administration, Finance and Planning; Production, Education, Health, Community Development and Urban councils. Secondary data was obtained from extensive reading on the subject from reports produced by government and non-State actors over time, various articles from the internet, newspapers and magazines.

#### 7.3.1 Number of public servants

According to the UBOS, the average size of civil servants in December 2020 was 329,633 persons. Of these, 22,642 (6.9%) were in traditional civil

service, 170,791 (51.8%) in teaching service, 56,281 (17.1%) in police/prisons service, 7,102 (2.2%) in public universities and 72,817 (22.1%) in local governments, excluding the teaching services. There was a slight increase of 3% compared to the size of 320,073 in 2019. The highest increase was registered in the Police and prisons service (11.3%), while the teaching service registered the lowest increase (0.5%). The size of civil service was 308,451 in 2016 and increased to 312,379 in 2018. The share of females in civil service was 37.9% in 2020, and the proportion was almost similar compared to 2019. In September 2022, the size of Uganda’s public service had grown to 341,279.

In 1992 the Ugandan Government embraced the Decentralised Policy, which led to the establishment of local governments (LGs) to implement devolved functions. Uganda had 39 districts in 1994, 79 in 2006 and currently has 135. Uganda has one capital city and ten other cities. There are 31 municipal councils, 580 town councils, 89 municipal divisions, 1,496 sub-counties, 25 city divisions and 8,387 parishes. There are 117 MDAs that provide centralised services to the population. This broad administrative architecture of both government MDAs and LGs means many public service jobs are available.

#### 7.3.2 Increased demand for public service employment

As Uganda’s population grows and literacy levels increase, so has the quest and demand for jobs, especially public service jobs in the various MDAs and LGs. Ugandans are attracted to seek employment from GoU due to job security, opportunities for career growth and great networking, salary, ability to access study opportunities, and easy access to credit services.

#### 7.3.3 Public service performance

Public service is a public trust, requiring one to place loyalty to the Constitution, the laws and ethical principles above private gain. The Public Service Act provides for obligations of public officers concerning public service, among which is to owe allegiance and loyalty to the government and to advise on, develop and defend the government’s policies at all times. All the professions in the service require the bureaucrats to maintain political neutrality and impartiality to ensure the triumph of democracy.

Public service is vital in providing public goods, such as defence, public order, property rights, macro-economic management, environment protection, and coordinating private sector activity. Currently, the pressure from citizens is growing regarding the quality of services provided, combined with the widespread perception of inefficiency and backwardness of the public sector as a whole. However, there is a growing shortage of public resources, leading to the rethinking of service delivery, the ways organisations function, and the degree of efficiency of the whole system. Organisations are preoccupied with the lack of material and financial resources and with the need to ensure the availability of these resources.

As such, the Government devoted an entire programme, “Public Sector Transformation”, in NDP III, to address issues affecting and reforms necessary for enhancing the performance of the public sector. The Public Sector (PST) Programme aims to improve the public sector’s response to the needs of the citizens and the private sector. It is anticipated that there will be improvements in the following indices: government effectiveness, public service productivity, global competitiveness and corruption perception indices.

The environment in which government operate has become increasingly ‘evolving’, calling for flexibility and adaptation skills on the part of bureaucrats and administrators in the public sector. Public Service continues to struggle to achieve the fundamental

changes needed to respond to the unexpected effects of modernisation initiatives. The ‘stable and slow-changing environment’ that suited traditional public bureaucracies has been subjected to huge transformations. The public service structure in Uganda has been transformed from a highly centralized traditional civil service model into a decentralized structure with some authority and resources devolved to the local governments. This provides more accountability and responsive provision of basic services to the population. These changes have influenced bureaucracies in different ways, such that they now appear to be characterised by the increasing need for information. The need has also emerged to strengthen leadership and enhance managerial responsibility to create a qualified cohort of civil servants capable of ensuring coherence, coordination, and continuity within the public sector. Reforms relating to leadership emphasise several concepts, such as key skills and the development of human resources departments to recruit public leaders.

#### 7.3.4 Remuneration (salaries, wages and allowances)

A good salary is a great motivator to an employee and enables him/her to meet their basic needs comfortably. States are obliged to ensure fair wages, equal pay for equal work, and equal remuneration for work of equal value. Employees should be guaranteed a minimum wage for a decent living for themselves and their families.



Local Government workers under their umbrella, the Uganda Local Government Workers Union (ULGWU), went on strike to have their salaries enhanced

In UHRC research, all public servants UHRC interviewed, save for police officers, stated that the salary they were being paid was insufficient to sustain them because of the high cost of living caused by inflation in the country. It is unfortunate that even the science cadres whose salaries had just been increased, for instance, the district Natural Resources Officers earning UGX 4,498,000 per month and Senior Agricultural Officers earning 3,055,000 per month, stated that their salary was not sufficient to sustain them due to high commodity prices, house rent, school fees and other necessities. Another factor raised by public

servants was taxes on their salary, that is, Pay as You Earn (PAYE), which was believed to be too high and consumed a reasonable part of the public officers' disposable income. UHRC notes that the majority of the public servants were unable to save from their monthly salary.

Evidence from secondary sources revealed gross salary disparities for cadres of similar job titles across various MDAs of government drawing salaries from the consolidated fund account. The table below shows staff positions and their corresponding salaries across selected MDAs.

**TABLE 11: STAFF POSITIONS WITH CORRESPONDING SALARIES AMONG SELECTED MINISTRIES, DEPARTMENTS AND AGENCIES**

POSITION/EQUIVALENT	URA	UNRA	UHRC	IG	LRC	EC	NITA-U	MAINSTREAM GOU
Director	24,634,000	21,000,000	3,873,716	11,082,853	10,084,500	14,596,960	25,000,000	2,360,300
Manager/HoD	15,090,000	17,000,000	3,619,493	9,388,317	9,235,050	12,713,575	8,500,000	1,859,000
Officer	5,416,000	6,000,000	2,690,908	3,942,085	6,105,000	5,010,000	4,500,000	940,300

From the table above, a Director in Uganda Revenue Authority (URA) earns UGX 24,634,000 per month; in the Uganda Human Rights Commission (UHRC), UGX 3,873,716; in Uganda National Roads Authority, UGX 21,000,000; Electoral Commission (EC) UGX 14,596,960; and in a mainstream government ministry, UGX 2,360,300. A senior officer in mainstream government ministry earns UGX 1,859,000; in UHRC UGX 3,619,493; in UNRA UGX 17,000,000 and EC UGX 12,713,575 per month. An officer in mainstream government ministry earns UGX 940,300 per month; in Law Reform Commission (LRC), UGX 5,010,000 per month, and in UNRA, UGX 6,000,000 per month.

It is understood that a minimum wage protects workers against unduly low pay and helps ensure a just and equitable share of a country's economic growth. However, UHRC observes that attempts to legalise a minimum wage in Uganda have not been successful. Uganda's minimum wage was last updated in 1984 and set at UGX 6,000 (USD 1.6). In 2015, the Minimum Wage Advisory Board recommended assessing the feasibility of a minimum wage, and the government finally proposed a new monthly minimum wage for employees of UGX 130,000 (USD 36) in July 2017. In February 2019, Parliament approved the proposed minimum wage determination mechanism for reviewing the minimum wage per sector. At the beginning

of 2022, the President had still not signed the Bill. Even then, this does not compare with the standard family living wages per month (two parents and 5.7 children, 1.7 workings), which range from UGX 1,236,300 (USD 334) to UGX 1,778,200 (USD 480) according to the National Labour Force Survey 2018/2019 report.

Regarding benefits and allowances, it was noted that most of the interviewed respondents were not entitled to transport, housing and food allowances. As a matter of government policy, the salary incorporates all such categories of allowances and thus is insufficient.

Over the years the government has been concerned about remunerating its workers well. In 1989, the Public Service Review and Re-organisation Commission (PSRRC) was constituted to inquire into the operations of Public Service and make appropriate recommendations to the government. Pay reform was prioritised as one of the strategic objectives of the Public Service Reform Programme (1991-2016). In 2006, GoU introduced and started implementing a pay policy and strategy through which pay targets were set. The objectives of the policy are:

1. Enhance pay for public officers to support the change process necessary for enhanced productivity and improved service delivery in

the Public Service and consolidate their loyalty to the achievement of the country's development goals.

2. Enhance pay of public officers within an affordable Public Service Wage Bill within a rationalised non-inflationary public expenditure.
3. Enable the government to pay comparable salaries to attract, motivate and retain high calibre staff, especially the senior and middle-level professionals (especially the scientific cadres) and managers, to motivate them to perform to the highest standard and ability.
4. Enable the government to pay a living wage necessary to ensure that the recipients have sufficient income to maintain an adequate standard of living for themselves and their immediate family.
5. Enable the government to pay a remuneration package that is transparent and simple to administer and to provide a mechanism for ensuring a harmonised, rationalised and equitable Salary Structure for the Public Service

aimed at the gradual elimination of selective awards.

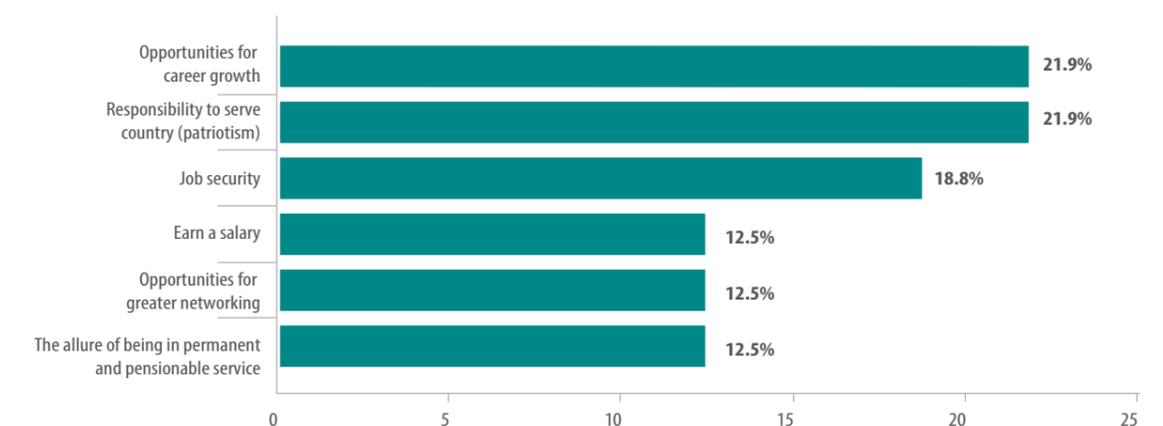
To date, only some of the pay targets have been attained; the most recent pay achievements were for scientists.

### 7.3.5 Motivation for joining the public service

All public servants interviewed informed UHRC that they applied for the jobs after being advertised by the respective district Service Commissions and the various Public Service Commissions through shortlists and successful interviews. Public Servants were asked to state what factors motivated them to join government service. Eighty-four (21.9%) public servants reported that their motivation to join public service was in anticipation of opportunities for career growth and the love to serve their country (patriotism). Equally important was job security, which was the response for 18.8%. Earning a salary, opportunities for greater networking and the consideration for a permanent, secure and pensionable job were also factors that accounted for 12.5% each. The table/figure below summarises factors that motivated workers to join public service.

**FIGURE 15: FACTORS THAT MOTIVATED WORKERS TO JOIN THE PUBLIC SERVICE**

MOTIVATION FOR JOINING PUBLIC SERVICE	NO. OF RESPONSES	PERCENTAGE
Opportunities for career growth	84	21.9%
Responsibility to serve country (Patriotism)	84	21.9%
Job security	72	18.8%
Earn a salary	48	12.5%
Opportunities for greater networking	48	12.5%
The allure of being in permanent and pensionable service	48	12.5%
<b>Total</b>	<b>384</b>	<b>100.0%</b>



Boosting the motivation of public servants can be done by focusing on the relevance of motivational factors of public employees, including not only material incentives and bureaucratic efforts to control actions but also the need to improve performance by managing the values that motivate public employees. The review of policies and motivation systems of human resources represents an area of ongoing public reform.

### 7.3.6 Strikes/industrial actions by public officers

In 2022, different public service professions, including teachers, health workers and local government workers, went on strikes due to poor remuneration and deplorable working conditions across the country. In early May of 2022, teachers around Uganda went on strike, putting pressure



Teachers under the umbrella of the Uganda National Teachers Union (UNATU) on strike



Medical interns demonstrate during their sitdown strike over allowances in 2021

on the government because this meant students wouldn't be studying and school operations would be disrupted. To address this challenge, GoU agreed to increase their salaries by 300% in the national budget 2022/23, effective July 2022. However, in the national budget 2022/23, UGX 95 billion was allocated to the salary increment of science teachers, excluding arts teachers. The salary increment angered arts teachers, who blamed the government for being unfair and discriminatory. The monthly salary of a secondary school science teacher went up by UGX 2.5m to UGX 4.2m, while a junior was to get UGX 2.2m, up from between UGX 795,000 and UGX 858,000. Their arts counterparts continued to earn between UGX 1.2m and UGX 700,000, respectively. Science teachers are now earning nearly four times more than their arts counterparts. On June 14 2022, barely a week after reading the national budget, the Uganda National Teachers' Union (UNATU) called the budgetary decision a discriminatory policy that saw more than 100,000 secondary arts teachers going against the government's decision. The Arts teachers in UNATU went on a three-week sit-down strike protesting the selective increase. The teachers, under the slogan, "All Teachers Matter," tabled their demands for pay equity and harmonisation among teachers of various subjects, support staff, and school administrators at all levels of education.

UHRC further notes that the science employees' salary increment also caused tension and discontent among the local government civil servants. A graduate teacher in secondary schools was now due to earn UGX 4 million (USD 1,081) per month. However, the local government officials who supervise the teachers, some of whom have Master's Degrees and were much more senior in public service, namely the Chief Administrative Officer (CAO) and the district Education Officer, earned lower salaries of UGX 2.3 million (USD 640.35) and UGX 1.7 million (459.45) per month respectively.<sup>339</sup> One CAO said, "It is very unfortunate and quite difficult to supervise officers who earn better than you; our Agriculture Officers at Sub County level, for example, earn 4 million in comparison to me who earns 1.7 million and yet they are never there to give services to the people."

UHRC notes that as all these industrial actions were happening, teaching was unaffected in private schools where most of Uganda's middle-class parents, including policymakers in government, take their children. As such, the industrial actions by public servants affected school-going children from low-income families. This haphazard salary enhancement caused a distortion that might have triggered several industrial actions. About 30,000 allied health professionals, including clinical officers, clinical psychiatrists, laboratory scientists, radiographers, records officers, and dental technicians, went on strike on May 16 over low pay and poor working conditions.

### 7.3.7 Rationalisation of some government agencies and institutions

The government started the idea of rationalising some government agencies in 2017, and a number of agencies are yet to be affected by this decision. The re-organisation was aimed at, among other things, realigning functions of agencies, preventing duplication of roles and waste of public funds and ensuring efficient and effective service delivery.<sup>340</sup> It is believed that the high growth rate of government agencies drains the National Treasury at the expense of effective service delivery, overstretches the capacity of GoU to sustain agencies, causes salary disparities between agency employees and traditional civil servants and leads to the wastage of resources. It is also believed that mergers and / or reversion of agencies to parents would save the government over UGX 1 trillion.

The original blueprint was for a review of up to 157 agencies, proposing to retain 80 as semi-autonomous, return 33 to line ministries and merge 35 agencies into 19 entities. The Cabinet, under minute No.43 (CT 2021), recommended that the process be conducted in two phases. Phase 1 was to focus on a comprehensive review of the 18 affected government ministries and 77 agencies. Phase 11 would focus on the remaining six government offices and ministries and 80 agencies that were recommended for retention but require institutional review and restructuring to enable them adequately respond to the current service delivery demands. Implementation of the recommendations on Rationalisation of Agencies and Public Expenditure (RAPEX) is in line with Chapter 20

Objective 2 of the NDP III, which underpins streamlining government architecture for efficient and effective service delivery, to align with new planning, budgeting and implementation.

Implementation of Phase I is scheduled to kick start on 1 July 2023. Among the affected institutions are National Identification and Registration Authority (NIRA), Uganda Wildlife Authority, Uganda Human Rights Commission, the EOC, Uganda Investment Authority, Uganda Free Zones Authority, National Planning Authority, National Population Council, Town and Country Planning Board, National Physical Planning Board, Uganda Business and Technical Examination Board.

The UHRC notes that rationalisation attracted mixed reactions from the respondents. Some respondents opined that the rationalisation policy would lead to inefficiencies, work overload and delays in service delivery to the population. Other respondents were concerned that the policy might lead to the downsizing of the civil service structure leading to job losses. At the same time, some stated that the blotted ministries, agencies, authorities, and departments in government duplicate one another. Therefore a single-spine approach is much better and would lead to cost savings that can be used for other development programmes. It will also purge duplication of roles, and expenditure and thus yield savings.

The UHRC established that the rationalisation process had created a lot of panic and anxiety among public servants as the majority were worried about whether they would retain their jobs. Already there was reported intrigue and fights over jobs for Rural Electricity Authority (REA) which had reverted to the Mother Energy Ministry. One respondent said that "The rationalisation policy is simply a knee-jerk reaction to the financial crisis the country is facing due to exorbitant government expenditures."

### 7.3.8 Working hours and days

Employees must be provided with reasonable work hours, adequate rest and leisure time, and periodic, paid holidays. All respondents informed UHRC that they work eight hours a day, from 8:30 am to 5:00 pm, except for military officers, police officers and

339 Alliance for Finance Monitoring.

340 A statement on rationalisation of Government agencies by Hon Wilson Muluri Mukasa 11 August 2021.

some health workers who at times, work 24 hours a day, seven days a week, even at night. UHRC notes that the majority of the employees were forced to work overtime without pay. This was due to understaffing and budget shortages. One respondent at Buhweju District Local Government said, *“It is inevitable for one to work overtime because I have to pay salaries for staff, so if there is no internet/network, I am forced to stay longer in office.”*

### 7.3.9 Health and safety

Although safe and healthy working conditions are a globally recognised human right, International Labour Organisation (ILO) estimates indicate that 2.7 million workers die yearly from unsafe working conditions and exposure.<sup>341</sup> UHRC notes that all offices visited had at least some safety measures like disposal bins, fire extinguishers, access to safe, clean drinking water and waste disposal facilities, jackets, and helmets for those requiring them. However, UHRC observed that over 82% of buildings did have emergency exit doors, putting employees at risk in an emergency. This should be considered at the time of construction of the buildings to avoid unforeseen situations.

### 7.3.10 Terms of service

UHRC notes that the terms of service in the government departments were either contractual or permanent and pensionable. The contracts granted range between one to five years. All public servants on a contractual basis complained that they were posed with risk in terms of job security compared to their counterparts on a pensionable basis. The UHRC notes that due to the sensitivity and nature of most contractual jobs, they tend to attract different terms and conditions. It was also noted that the structures in government agencies limit the promotion of employees.

### 7.3.11 Rewards and sanctions

The UHRC’s findings reveal that 86% of government institutions had instituted rewards and sanctions committees. The committees where they existed were found to be functional. UHRC did not find any public officer unfairly dismissed. Even for those dismissed, the laid down processes under the Public Service Standing Orders were adhered to. It was further revealed that the rewards and sanc

tions committees concentrated more and were quick to sanction than reward public servants.

### 7.3.12 Annual and special leave

The laws of Uganda recognise different types of leave: annual, maternity, paternity, sick, leave and rest days on public holidays. The primary purpose of paid annual leave is to allow and encourage every employee to renew his/her physical and mental capabilities and remain productive. UHRC established that all public officers are entitled to leave and holidays. The men are entitled to four days of paternity leave, while women take 60 working days. The public officers also enjoyed public holidays, except for health workers who were always on standby or worked on such days. UHRC notes that a section of male respondents was unaware that they were entitled to paternity leave, so they never applied for the same, while others were not permitted to take it by their employers.

### 7.3.13 Corruption/nepotism

Corruption is defined as any dishonest or fraudulent behaviour wherein someone uses their position of power to benefit themselves at the expense of others. Corruption in the public sector erodes public trust in government institutions, damages policy integrity, and distorts public sector outcomes. It also has a deep-seated negative impact on the public sector, leading to a self-perpetuating organisational culture of corruption. Bribery is among the most common examples of public corruption in the surveyed institution. UHRC findings from the various local governments revealed that for one to be employed in the district, one must be from the employing district. This has created deep-rooted discrimination since the majority of the people are left jobless.

## 7.4 HUMAN RIGHTS CONCERNS

UHRC notes that public servants face many human rights concerns at their workplaces, including discrimination, harassment, unfair dismissals, and little remuneration, as discussed below.

### 7.4.1 Discrimination, abuse and harassment

Fair and non-discriminatory systems represent good management practices and contribute to achieving work objectives by encouraging

maximum productivity from all employees. As the primary duty bearer, GoU has an obligation to respect and protect the rights of its citizens from any human rights violations. UHRC notes the government policy of preferring scientists for salary increments while leaving out arts employees is a sign of discrimination among the teachers and other government workers who are not scientists and has severely affected service delivery.

**TABLE 12: TYPE OF ABUSE REPORTED BY PUBLIC OFFICERS**

TYPE OF ABUSE	YES	NO	TOTAL
Physical	0	384	384
Emotional	55	329	384
Sexual	0	384	384
Verbal	33	351	384

From the table, 88 public officers reported abuse. There were neither physical nor sexual abuses reported in the previous 12 months of the interaction with the public officers.

### 7.4.2 Equal pay for work of equal value

Equal pay for equal work means that an employee is entitled to the same pay rate as another employee who performs substantially the same kind of work in the same establishment, under similar working conditions, using substantially the same skill, effort and responsibility. The principle of equal pay for work of equal value addresses a specific aspect of workplace discrimination, namely the undervaluation of work. Article 7 of the UDHR states that everyone, without any discrimination, has the right to equal pay for equal work. Equal pay for equal work is a concept of labour rights which emphasises equality and non-discrimination in terms of remuneration. It relates to the full range of payments and benefits, including basic pay, non-salary payments, bonuses and allowances.

Internationally, there are legally defined standards of “equal pay for equal work” using measurable, objective standards. The core element of ILO Convention No. 100 requires that the right to equal pay for equal work should not be confined to equal pay for the same work but should extend to work of equal value. Work of equal value need not be the same but work comparable in relation

to levels of skill, responsibility, effort and working conditions.

As such, employers are required to pay all employees equally for work of equal or comparable value. Persons of the same profession and employment performing equal work or work of the same value must receive equal pay unless any difference in pay can be justified. All teachers, irrespective of the subjects they teach, use similar skills and efforts and have the same responsibilities and working conditions. This constitutes work of equal value. In view of this, UHRC notes that it was discriminatory to have a difference in teachers’ salaries. Science teachers are given preferential treatment because they are earning four times more than arts teachers, yet they work the same hours and have the same responsibilities. The remuneration set through collective agreements between workers and employers should seek equality for work of equal value. Workers should not only have equal remuneration when they perform the same or similar jobs, but their remuneration should be equal, even when their work is completely different but nonetheless of equal value, when assessed by objective criteria. The requirement goes beyond wages to include other payments or benefits paid directly or indirectly to workers. This means that everyone who works has the right to fair, just and favourable remuneration. It is always important for the government to be seen as being fair and just but in the case of the disparity of wages, this has caused anger and frustration to those who are paid less for equal work done.

### 7.4.3 Low salaries/meagre remunerations of public and civil servants

One of the fundamental human rights is the right to a just remuneration that ensures an existence worthy of human dignity. The ILO identifies the provision of an adequate living wage as one of the conditions for universal and lasting peace based on social justice. Employees, including public servants, should be guaranteed a minimum wage that allows for a decent living for themselves and their families. UHRC notes that public servants have low pay, which does not fit with the subsisting inflation and the cost of living.

<sup>341</sup> International Labour Organization.



The Allied health professionals and nurses went on strike to demand for a pay rise



Lira district medical workers strike over unpaid salaries

Low government wages are causing a decline in public sector efficiency and productivity, creating incentives and opportunities for corruption and misuse of public resources. However, most studies also agree that increasing salaries without effective monitoring systems as well as enforcement of sanctions is unlikely to have an impact on corruption. Underpaid employees develop a wide range of coping strategies to top up their incomes. One of the most frequent consists of concentrating on activities that benefit from donor-funded per diems and allowances. In addition to great potential for abuse, such practices have several undesirable side effects, such as distorting the incentive structure of public servants, encouraging specific forms of corruption and patronage, creating situations favourable to conflicts of interest, competition for time and brain drain.

Public servants' wages are not enough to cover their basic living expenses, causing them constant worry and stress, which impairs their work. UHRC notes that underpaying government employees

has made them devise new income avenues and resort to side jobs which can be more lucrative than the salary earned. This has sometimes translated into a de-facto reduction in work hours expected of them and government work becoming a side job and a non-priority. There is a growing consensus that low government wages combined with weak monitoring systems are breeding grounds for corruption and misuse of public resources. In the past two decades, public service wages have been declining rapidly due to fiscal adjustment policies in stabilisation programmes, even though the cost of living has been increasing. The evidence further indicates a common trend of growing wage differentials between the public and the private sector. This has continued to demotivate many public servants. As underpaid civil servants are forced to develop individual coping strategies to compensate for their declining purchasing power, it is generally agreed that low wages incentivise corruption.

There is also the challenge of some workers not being paid at all, or very late.

#### 7.4.4 Brain drain and loss of skilled employees

The capacity of some public service institutions to attract and retain the most honest, skilled and motivated staff in the face of the long-term decline of average real public sector wages remains a challenge. The parallel development of the private sector that offers better pay incentives and career opportunities has resulted in draining highly qualified government officers away from the government. International organisations' pay also lures public sector officials' incentives and contributes to the brain drain of the most competent civil servants. Similarly, low wages in the public sector will likely attract less qualified, poorly motivated and potentially disloyal staff, resulting in an opaque, inefficient and potentially corrupt civil service.

In addition, the salary differentials between the private and public sectors and wage reductions, coincide with a decline in the efficiency of the public sector and the quality of public output. However, the UHRC notes that despite the low wages, many civil servants have preferred to stay in the public sector, primarily due to the high unemployment rates. This is attributed to other in-kind, monetary or more intangible incentives such as health insurance, housing, job security, social privileges, prestige, training opportunities, etc.

#### 7.4.5 Heavy workload

Despite the heavy workloads and low pay, public expectations and criticisms are high on public servants. Low staffing levels that are not commensurate with the heavy workload were found in most MDAs, including the Police, Prisons, UHRC, Ministry of Justice and Constitutional Affairs, the Judiciary, and the DPP, among others. Due to this, the UHRC found that the heavy workloads with low staffing caused inefficiency and affected the timeliness of work, as well as exhaustion and frustration of public servants.

Many are now questioning whether the civil service is a place to build a career because they are tired of years of low pay and increasing criticism. And if the cost-of-living crisis wasn't reason enough to go, civil servants indicated frustration with their lack of pay rise, nepotism, inflation, and challenging terms and conditions while being asked to deliver more with fewer resources.

#### 7.4.6 Inflation

High inflation levels meant that civil service pay fell starkly in 2022, as it did across the public sector. In other circumstances, this drop might have been met by a higher pay rise to plug officials' lost spending power. Despite the inflation, many public servants have not received any pay rise in over ten years. This means that since 2010 civil service salaries have been reduced in real terms. The cumulative effect of these real-term cuts was compounded by inflation last year to create a worrying set of circumstances for those responsible for managing the civil service workforce. These are particularly difficult conditions to impose pay restraint.

However, amid the worsening fiscal outlook, the government is trying to hold down civil service pay even more tightly than in the rest of the public sector, endangering the government's delivery capability. Plans to reduce the size of some civil service have been outlined because, when people across the country face huge living costs, the public rightly expects their government to cut expenditure. The government is prioritising holding down pay increases because it is an important part of restraining public spending and avoiding fueling inflation. However, public servants have noted that selective salary increment for some institutions is ongoing.

#### 7.4.7 Demotivation or low morale

The workforce's morale in some government institutions has been getting worse in the last decade. Dissatisfaction with pay is a significant contributing factor. Over 68% of officials felt their pay was insufficient compared to the workload. This is a problem because low morale makes the civil service less effective at delivering ministers' priorities. Some of the public servants interviewed by the UHRC indicated that their institutions had preferential and unfair transfers. Many were subjected to redundancy 'katebe', yet they were qualified and had experience.

#### 7.4.8 Freedom to associate and belong to Trade Unions

The right of employees to form and join organisations of their own choosing is an integral part of a free and open society. Every worker has a right to form or join a trade union of his or her choice to promote and protect their economic and social interests, to collective bargaining and representation, and to withdraw their labour according to law. Workers have the right to associate with one another and bargain collectively for improved working conditions and living standards. Public servants have the right to strike as long as it conforms to national laws. Collective worker rights cannot be restricted by States other than those prescribed by law and necessary in a democratic society per national security interests, public order, or for the protection of the rights and freedoms of others.

Trade unions help in negotiating with employers on terms of employment without hindrance. They are also necessary to allow workers and employers to negotiate improvements in wages and conditions of work and to ensure that wages increase in line with productivity. The Constitution is clear and specifically grants every person a right to freedom of association which includes the freedom to form and join associations or unions, including trade unions and political and other civic organisations. UHRC notes that only 19% of interviewed public servants belonged to a particular trade union. They raised concerns that their work was very restrictive and did not have time to associate, especially when it involved attending meetings.

#### 7.4.9 Right to vocational guidance and training programmes

To fully realise the right to work, it must include technical and vocational guidance and training programmes by the government. States must ensure that public servants who are gainfully employed are given opportunities to further their careers. The UHRC's findings indicate that the majority (67%) of the public servants interviewed had never been accorded government training opportunities and training. The respondents revealed a failure by their respective institutions to develop and implement capacity-building plans and inadequate funding as the major causes of this inability to access further training.

#### 7.4.10 Inadequate staffing

Public service remains constrained by low staffing and poor funding for the structures. Many Local Governments have failed to attract qualified and competent personnel. Staffing levels for strategic positions for districts, municipalities and cities currently stand at less than 50% of the required staff. The departments most affected by DLGs are human resources, production and natural resource, community development, engineering and Town Councils. The UHRC notes that most principal and senior human resource officers at districts double as the secretaries to the various district Service Commissions with an excessive workload that affects the effectiveness of the two offices. It is difficult to envision the possibility of ensuring decentralised service delivery with such low staffing levels.

#### 7.4.11 Poor work environment

The work environment in an institution influences great performance. However, many new and rural

DLGs and lower LGs lack office space and equipment. UHRC observed that in Bulambuli district, the human resource office is in an old leaking building with wooden filing cabinets and an old desk computer. In Kole district, the CAO decried the lack of office space for district officials.

### 7.5 GOVERNMENT INTERVENTIONS

UHRC notes that on 22 June 2018, UNATU and other labour unions agreed on a Collective Bargain Agreement (CBA) with the government that highlighted the plan for salary enhancement across all categories of public servants in the financial years 2018/2019 and 2019/2020. According to the agreement, salary increment negotiations for financial years 2020/2021, 2021/2022, and 2022/2023 would go as agreed to remove disparities in the scales. In his report to parliament, the Minister of Public Service stated that to minimise the problems which will come with rationalisation, plans are in place to appoint affected staff in vacant positions across the service and pay gratuities to those who will not get a chance to be fixed anywhere. In addition, the minister emphasised that the exercise will also focus on harmonising pay across the service to address pay disparities.<sup>342</sup>

The Ministry of Public Service developed a Capacity Building Plan for the Uganda Public Service (UPSCBP) for 2020-21 to 2024-25. The UPSCBP provides effective strategies to transform the Uganda Public Service so that it can deliver high-quality, value-for-money services in partnership with the communities and the private sector. Specifically, the UPSCBP was developed to assist MDAs and LGs in identifying capacity requirements and gaps, devising appropriate capacity-building interventions, planning, resourcing, managing, and monitoring and evaluation strategies.

### 7.6 RECOMMENDATIONS

1. The Ministry of Public Service should harmonise public servants' salaries across all areas to improve the standard of living and cure the salary discrepancies. This should be based on the principle of equity and fairness so that those with the same qualifications earn within the same salary scale.
2. The Ugandan Government should establish a salaries and remuneration body to harmonise salaries for public servants.
3. The Ministry of Public Service should expedite RAPEX in order to review the structures of affected ministries, departments, agencies and local governments to create an efficient, effective and sustainable public service.
4. The Office of the Prime Minister should make it a policy for public servants to benefit from developmental programmes such as Parish Development Model and *Emyooga*.

5. The Ministry of Public Service should increase the retirement package and gratuity to cater for post-retirement needs and challenges.
6. The Ministry of Public Service should streamline the pension payment system to enable easy access by retired employees.

### 7.7 CONCLUSION

Public servants are the backbone and heartbeat of public service. From UHRC's assessment of the working conditions of public servants in Uganda, it is evident that government employees face a number of challenges which in turn affect the quality of service delivery. These challenges need to be addressed by the line ministries to better working conditions for them, which will address some vices like corruption and inefficiency in various departments and organisations.

<sup>342</sup> A statement on rationalisation of Government agencies by Hon Wilson Muluri Mukasa 11 August 2021.

# EMERGING HUMAN RIGHTS ISSUES IN 2022

## 8.1 LONG DRY SPELL AND FAMINE IN KARAMOJA

### 8.1.1 Introduction

A long dry spell refers to a period where the weather has been dry for an abnormally long time; however, this is shorter than and not as severe as a drought. Famine refers to the extreme scarcity of food.<sup>343</sup> Between 1991 and 2000, there were seven droughts in the Karamoja sub-region, and major droughts also occurred in 2001, 2002, 2005 and 2008. Although there have always been droughts in Uganda, evidence suggests they are becoming more frequent and severe.<sup>344</sup>

The Karamoja sub-region is located in north-eastern Uganda and comprises nine districts: Amudat, Nakapiripirit, Nabilatuk, Napak, Moroto, Abim, Kotido, Kaabong and Karenga. The sub-region is one of the poorest regions in Uganda, with income poverty at 66% (having increased from 61% in 2017 and food poverty at 75% (having increased from 70% in 2017) (UBOS: UNHS 2019/20), the region has the highest percentage of female-headed households at 48%.<sup>345</sup> The people who inhabit the sub-region are called Karimojong. They are divided into different ethnic clusters; the Bokora, who live in Napak district, the Pian, who are settled in Nakapiripirit and Nabilatuk districts, the Mathe-niko, who live in Moroto district, the Jie, who are in Kotido district, and the Dodoth, who live in Kaabong district. The other main tribes which live in the area are the Tepeth, who are settled on the slopes of Moroto Mountain and Mount Napak, the Pokot, who inhabit Amudat district, the Labwor, who are in Abim, and the Kadama, who are settled on Mount Kadam (Bonomo 2011). Women play a very significant role in the family as they look after the children, cultivate gardens and manage the

welfare, while men control family resources and they are the decision-makers.<sup>346</sup>

The region comprises four livelihood zones, i.e. sorghum-livestock, maize-livestock zone, mixed crop zone and the apiary-potato zone. The population is mainly rural, with livelihoods based on livestock and crop production and, recently, a growing range of diversified livelihood activities. The region continues to have the highest food insecurity and malnutrition levels. This is due to, among others, the long dry spell and famine in the region that was intense in 2022. There are other related factors such as poor dietary diversity, structural poverty, limited livelihood options, poor hygiene and rampant disease. Recurrent climate-related shock, pests/vectors and diseases are strong drivers of low crop and livestock production. This is coupled with unprecedented price increases, low-value livelihood activities and market disruptions being other factors that increase the vulnerability of the population.<sup>347</sup>

National governments are primarily responsible for ensuring the right to adequate food and the fundamental right to freedom from hunger. It is generally acknowledged that hunger violates human dignity and an obstacle to social, political and economic progress. A number of countries, including Uganda, have enshrined the right to food in their constitutions.<sup>348</sup> This chapter reviews the long dry spell and famine in the Karamoja sub-region in 2022. The UHRC sought to establish causes, effects, statistics of the affected persons and interventions made in regard to the long dry spell and famine and to make informed recommendations to the government.

### 8.1.2 Legal And Policy Framework

#### 8.1.2.1 International legal framework

The State is meant to improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilisation of natural resources. State Parties recognise the fundamental right of everyone to be free from hunger, and shall take, individually and through international cooperation, the measures, including specific required programme.<sup>349</sup>

The United Nations Framework Convention on Climate Change (UNFCCC) provides that States should protect the climate system for the benefit of equity and under their common but differentiated responsibilities and respective capabilities<sup>350</sup> and states that they should promote sustainable development. Policies and measures to protect the climate system against human-induced change should be appropriate for the specific conditions of each party and should be integrated with national development programmes, considering that economic development is essential for adopting measures to address climate change.<sup>351</sup>

Every man, woman and child has the inalienable right to be free from hunger and malnutrition to fully develop and maintain their physical and mental faculties. Society today possesses sufficient resources, organisational ability and technology and hence the competence to achieve this objective. Accordingly, eradicating hunger is a common objective of all countries of the international community, especially of the developed countries and others in a position to help. It is the fundamental responsibility of governments to work together for higher food production and a more equitable and efficient distribution of food within and among countries.<sup>352</sup> Sustainable Development Goal 2 on zero hunger relates to ambitions to end

hunger, achieve food security and improve nutrition and promote sustainable agriculture. The goal is to end hunger in all forms and ensure access by all people, particularly the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year round, by 2030.

#### 8.1.2.2 Regional legal framework

Article 24 of the African Charter on Human and People's Rights states that all people shall have the right to a generally satisfactory environment favourable to their development.<sup>353</sup>

#### 8.1.2.3 National legal framework

Article 39 of the 1995 Constitution of Uganda, as amended, states that every Ugandan has a right to a clean and healthy environment. Article 245 states that Parliament shall, by law, provide for measures intended to protect and preserve the environment from abuse, pollution and degradation, manage the environment for sustainable development, and promote environmental awareness.<sup>354</sup> Article 249 of the 1995 Constitution provides that there shall be a Disaster Preparedness and Management Commission to deal with natural and man-made disasters.<sup>355</sup>

The National Climate Change Act 2021 in Section 2 provides that climate change means a change of climate attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is, in addition to natural climate variability, observed over comparable periods.<sup>356</sup> The National Climate Change Act, 2021 in Section 3 (c), provides that the Act is to enhance the ability to adapt to the adverse impacts of climate change, build climate resilience and develop a mechanism for enhancing low greenhouse gas emissions. Section 3(d) provides for the institutional framework to coordinate, supervise, regulate and manage all activities related to climate change, and Section 3(d) provides for climate change financing.<sup>357</sup>

343 Oxford Dictionary.

344 Uganda National Climate Change Policy Transformation through Climate Change Mitigation and Adaptation 2018

345 UBOS: UNHS 2019/20.

346 Peace, Human Rights, Governance, Local Development and Alcohol Abuse: the Case of Karamoja Volume 2, Issue 3, November 2018.

347 Karamoja Integrated Food Security Phase Classification Analysis, March-February 2023, issued in April 2022.

348 20th Annual Report of the Uganda Human Rights Commission.

349 Article 11(2) of the International Covenant on Economic, Social and Cultural Rights, 1966

350 Article 3(1) of the United Nations Framework Convention on Climate Change

351 Article 3(4) of the United Nations Framework Convention on Climate Change

352 Universal Declaration on the Eradication of Hunger and Malnutrition, 1974

353 The African Charter on Human and People's Rights.

354 1995 Constitution of Uganda as amended.

355 Ibid.

356 Section 2 of the National Climate Change Act 2021.

357 Section 3 of the National Climate Change Act 2021.

The State shall take appropriate steps to encourage people to grow and store adequate food, establish national food reserves, and encourage and promote proper nutrition through mass education and other appropriate means to build a healthy State.<sup>358</sup> The State shall promote sustainable development and public awareness of the need to manage land, air and water resources in a balanced and sustainable manner for the present and future generations.<sup>359</sup>

The National Climate Change Policy (NCCP) is intended to guide all climate change activities and interventions in the country. The policy's goal is to ensure a harmonised and coordinated approach towards a climate-resilient and low-carbon development path for sustainable development in Uganda. Uganda's National Development Plan II1 (2021 -2025) as well as the Country's Vision 2040, recognise that addressing the challenges of climate change is key to enhancing sustainable economic and social development.

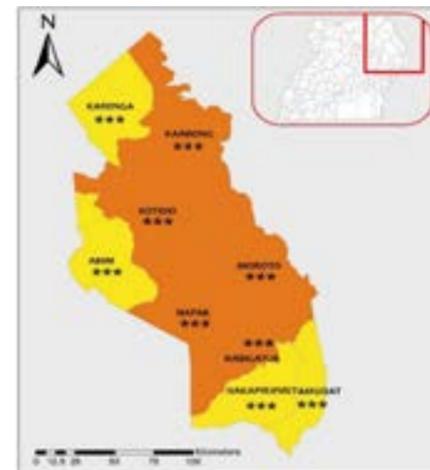
### 8.1.3 Prevalence of long dry spell and famine in Karamoja

According to the Integrated Food Security Phase Classification (IPC) Acute Food Insecurity (AFI) analysis, 41% of the population in Karamoja (518,000) people were facing high levels of acute food insecurity (IPC AFI Phase 3 or above) between March and July 2022. In terms of severity, the districts with the highest percentage in IPC Phase 3 (crisis) or worse are Kaabong, Kotido and Moroto, with 50% of the population in IPC Phase 3 and above, followed by Nabilatuk, which has 40%. The other five districts (Napak, Amudat, Abim, Nakapiripirit and Karamoja) also have high populations facing high acute food insecurity.

The lowest severity was registered in Nakapiripirit, which has 25% of the population; 15% of the population in Moroto district has been classified in IPC Phase 4 (Emergency), while Kaabong and Napak districts both have 10% of the population in the emergency phase. All the other six districts have 5% of the population classified in IPC Phase 4. In terms of magnitude, the districts with the highest populations in IPC Phase 3 or worse are Kotido (107,700), Napak (81,800), Kaabong (70,600), and Moroto (61,900), which were the same districts with the highest magnitude in 2021.<sup>360</sup> Acute food

insecurity was experienced in the Karamoja sub-region between August 2022 and February 2023,<sup>361</sup> as can be seen from the diagram and map below.

**FIGURE 16: PROJECTED ACUTE FOOD INSECURITY IN KARAMOJA AUGUST 2022-FEBRUARY 2023**



**KEY FOR THE MAP**  
**IPC Acute Food Insecurity Phase Classification**  
*(mapped Phase represents highest severity affecting at least 20% of the population)*

- 1 - Minimal
- 2 - Stressed
- 3 - Crisis
- 4 - Emergency
- 5 - Famine
- Areas with inadequate evidence
- Areas not included in the analysis

**Map symbols**

- Urban settlement
- IDPs/other settlement

**Area receives significant humanitarian food assistance**  
*(accounted for in Phase classification)*

- At least 25% of households meet 25-50% of caloric needs from humanitarian food assistance
- All least 25% of households meet over 50% of caloric needs from humanitarian food assistance

**Evidence level**  
*(based on evidence available for analysis)*

- Acceptable
- Medium
- High
- Scarce evidence due to limited or no humanitarian access



Vulnerable elderly persons affected by hunger in Karamoja in need of immediate intervention (Photo credit Koryang Timothy, Deputy CAO Napak district 2022)

### 8.1.4 Persons affected by the long dry spell and famine

Karenga district reported a total of eight deaths, the highest number being from Kalimon parish in Kapedo sub-county recorded in early 2023. There were five deaths in Kalimon parish, two in Kapedo parish, all in Kapedo sub-county, while one death was reported in Lome parish in Kawalakol sub-county. Three females and five males were reported dead, three of whom were above 60 years of age, another three above 50 years and two above the age of 35 years.

**TABLE 13: STATISTICS FROM KARENGA DISTRICT LOCAL GOVERNMENT**

NAME	AGE	DATE OF DEATH	VILLAGE	PARISH	SUB-COUNTY
Lokapel Simon	35	30/04/2022	Kanyikwar	Kalimon	Kapedo T.C
Nakeso Katarina	65	03/06/2022	Katanga	Kapedo	Kapedo T.C
Lokong Longoli	45	05/05/2022	Itanyia South	Kalimon	Kapedo T.C
Nakwara Anna	55	05/05/2022	KDA	Kapedo	Kapedo T.C
Sire Lomodo	60	01/05/2022	Itanyia South	Kalimon	Kapedo T.C
Poyoot Losogol	60	27/06/2022	Itanyia South	Kalimon	Kapedo T.C
Namoe Nalem	50	14/07/2022	Itanyia South	Kalimon	Kapedo T.C
Lomoru John	50	10/07/2022	Tulelo	Lomej	Kawalakol

### Persons affected in Kaabong district<sup>362</sup>

There were 225 cases of death due to starvation and related illnesses reported in Kaabong district in 2022. Of these, 104 were male and 121 female.

**TABLE 14: NUMBER OF DEATHS IN KAABONG DISTRICT PER AGE**

AGE	NUMBER OF DEATHS
0 - 18 years	21
19 - 30 years	6
30 - 40 years	28
40 - 50 years	26
50 - 60 years	47
60+ years	97

<sup>362</sup> Details of persons who died as a result of hunger in Kaabong district as reported by the Kaabong District Local Government.

<sup>358</sup> Objective XXII of the 1995 Constitution of the Republic of Uganda as amended on food security and nutrition.  
<sup>359</sup> Objective XXVII of the 1995 Constitution of the Republic of Uganda as amended on the environment.  
<sup>360</sup> Karamoja Integrated Food Security Phase Classification Analysis.  
<sup>361</sup> Ibid.



Mothers with malnourished children at Kaabong Hospital in Kaabong district, Karamoja sub-region

**TABLE 15: NUMBER OF DEATHS IN EACH SUB-COUNTY IN KAABONG DISTRICT**

SUB-COUNTY	NUMBER OF DEATHS
Kaabong East	25
Loyoro	24
Kathile South	24
Sidok	23
Kaabong West	20
Lodiko	17
Lobongia	17
Lolelia South	14
Kathile	13
Lotim	12
Kakamar	11

**TABLE 16: STATISTICS FROM KAABONG DISTRICT LOCAL GOVERNMENT**

NAME	SEX	AGE	DATE OF DEATH	VILLAGE	PARISH	SUB-COUNTY
Lopuka Sera	M	84	28/05/22	Kalolib	Kasimeri	Sidok
Namong Rose	F	56	28/02/22	Kalolib	Kasimeri	Sidok
Koryang Alany	F	64	21/04/22	Rupa	Kasimeri	Sidok
Lokubal Loiki	M	42	03/05/22	Rupa	Kasimeri	Sidok
Namong Emal	F	71	23/04/22	Nariwore South	Kasimeri	Sidok
Lokwii Lokoru	F	76	20/03/22	Kajiriwar	Kasimeri	Sidok
Lopwon Isaac	M	84	25/01/22	Lochom	Kasimeri	Sidok
Lowakor Paska	F	76	05/01/22	Lochom	Kasimeri	Sidok

NAME	SEX	AGE	DATE OF DEATH	VILLAGE	PARISH	SUB-COUNTY
Adwol Ngole	F	67	16/02/22	Lochom	Kasimeri	Sidok
Nakeso Tirai	F	06	07/03/22	Karichor	Kasimeri	Sidok
Lobwo Losaro I	M	78	02/06/22	Kachinga	Longaro	Sidok
Achila John L	M	81	19/04/22	Kachinga	Lomgaro	Sidok
Angella Edee	M	85	19/03/22	Nakwakou	Longaro	Sidok
Naingo Lokel	F	51	14/04/22	Longaro	Longaro	Sidok
Ayeep Lomuria	F	84	22/06/22	Kopoth	Longaro	Sidok
Nakiemy Angura	F	60	02/03/22	Kaloula	Longaro	Sidok
Ngelecha Iteo	F	60	19/01/22	Kaloula	Longaro	Sidok
Lokudokol Betty	F	67	09/01/22	Kachinga	Longaro	Sidok
Lokol Modo	F	46	04/05/22	Kopoth	Longaro	Sidok
Lokeny Ikari	M	04	06/05/22	Kachinga	Longaro	Sidok
Munyen Regina	F	07	03/03/22	Lourion	Longaro	Sidok
Lemukol Paska L	F	18	20/03/22	Kachinga	Longaro	Sidok
Natika Lodiye	F	56	07/02/22	Kachinga	Longaro	Sidok
Alinga Lokwap	F	73	03/06/22	Kamacharikol	Kamacharikol	Kathile South
Kunume Regina	F	52	17/02/22	Kamacharikol	Kamacharikol	Kathile South
Nachai Maria	F	38	18/03/22	Kamacharikol	Kamacharikol	Kathile South
Lowany Lotodomoe	M	75	10/03/22	Kamacharikol	Kamacharikol	Kathile South
Lotuko Lowany	M	45	05/02/22	Kamacharikol	Kamacharikol	Kathile South
Komol Angura	F	60	15/04/22	Kamacharikol	Kamacharikol	Kathile South
Lotyang Tubo	M	11	01/03/22	Kamacharikol	Kamacharikol	Kathile South
Adupa Moris	M	05	26/05/22	Kapelimong	Nachukul	Kathile South
Lokapel Loduk	F	03	26/05/22	Kapelimong	Nachukul	Kathile South
Logwee Lorukudi	M	04	18/05/22	Nachukul West	Nachukul	Kathile South
Ngole Nasike	F	04	28/04/22	Nachukul East	Nachukul	Kathile South
Nakoli Makat	F	10	04/03/22	Tulelo South	Lois	Kathile South
Engor Makat	F	08	20/04/22	Tulelo South	Lois	Kathile South
Ilukul Losilo	F		18/02/22	Tulelo South	Lois	Kathile South
Ayolo Depan	M		02/02/22	Tulelo South	Lois	Kathile South
Losuk Moding	F	36	27/02/22	Nakwakwa	Nariamaoi	Kathile South
Ngiro Lele	F	32	14/02/22	Dangasil	Nariamaoi	Kathile South
Pulukol Loteni	M	61	23/02/22	Nariamaoi North	Nariamaoi	Kathile South
Akol Stphene	M	51	16/04/22	Nariamaoi South	Nariamaoi	Kathile South
Nangiro Urum	M	63	20/02/22	Lokali East	Lokali	Kathile South
Nakwang Hellen	F	04	03/06/22	Tulelo North	Lois	Kathile South
Lomuge Engor	M	33	19/05/22	Nangorit	Lokali	Kathile South
Lokoro Margaret Moit	F	82	05/07/22	Peikale	Kamacharikol	Kathile South
Modo Magaret	F	86	11/07/22	Tulelo South	Lois	Kathile South
Sire Faustino	M	60	07/05/22	Nariwobwal East	Kajiir	Lodiko
Lopodo Lucia	F	65	25/02/22	Nariwobwal West	Kajiir	Lodiko
Lomgora Lokidor	M	55	10/03/22	Kakutatom	Kotome	Lodiko
Natuwa Lotiya	F	50	09/04/22	Skodu	Kotome	Lodiko
Ataana Ayolo	F	60	06/04/22	Loguto	Kotome	Lodiko

NAME	SEX	AGE	DATE OF DEATH	VILLAGE	PARISH	SUB-COUNTY
Olukori Lokong	M	74	03/22	Kanaro	Lopedo	Lodiko
Nachipa Siloi	F	66	03/22	Kotome Centre	Kotome	Lodiko
Loiki Simon	M	65	04/22	Naburiokitoe	Kotome	Lodiko
Lokol Peter L	M	57	05/22	Loguto	Kotome	Lodiko
Lomuria Apeyo	M	67	02/22	Kangios North	Kangios	Lodiko
Ipusa Loono	F	55	04/22	Lomilip	Kangios	Lodiko
Loiki Marwas	F	60	03/22	Lomilip	Kotome	Lodiko
Lokuwam Jonh	M	48	04/05/22	Nalemusekon	Kotome	Lodiko
Irwata Limapus	M	67	04/05/22	Loguto	Kajiir	Lodiko
Napeny	M	72	25/05/22	Nariwobwal East	Kajiir	Lodiko
Lomuria	F	60	19/06/22	Nariwobwal East	Sakatan	Lodiko
Lolem Hillary	M	65	15/07/22	Naukoret Amoru	Longoromit	Lobongia
Ilukol Longole	F	60	17/07/22	Nakwalet	Longoromit	Lobongia
Lochu Lokel	F	49	28/03/22	Nakwalet	Longoromit	Lobongia
Lokol Payo	M	65	15/02/22	Nakwalet	Longoromit	Lobongia
Engor Angura	M	50	10/04/22	Nakwalet	Longoromit	Lobongia
Nango Lucia	F	35	12/03/22	Nakwalet	Longoromit	Lobongia
Modo Lokoda	F	69	15/02/22	Nagala	Lomusian	Lobongia
Keem Lotuk	F	17	10/04/22	Nangoletaba	Lobongia	Lobongia
Adupa Tepes	F	70	12/03/22	Namorukook	Lobongia	Lobongia
Lotuko Losuk	M	70	06/04/22	Namorukook	Lobongia	Lobongia
Loola Lokidemoa	M	56	03/05/22	Lobongia	Lobongia	Lobongia
Alinga Lokure	M	30	04/04/22/	Lobulio	Pajar	Lobongia
Lomuge Longima	M	32	04/05/22	Naakot	Longoromit	Lobongia
Komol Emma	M	20	10/03/22	Longoromit	Longoromit	Lobongia
Loiki Sarah	F	42	03/02/22	Naoit	Pajar	Lobongia
Lolem Sarah	M	45	09/04/22	Naoit	Pajar	Lobongia
Nakuse Anna	F	55	28/05/22	Naoit	Pajar	Lobongia
Koryang Dikotwo	M	57	15/03/22	Naoit	Pajar	Lobongia
Chegem Adupa	F	14	14/05/22	Naburiokitoe	Kachemichem	Kalapata T/C
Ngorok Kubal	M	15	17/05/22	Nakarach	Kachemichem	Kalapata T/C
Abi Moses Taoi	M	32	24/06/22	Napetakori	Napetakori	Kalapata T/C
Lobolia Isiah	M	26	11/06/22	Morunyang	Kalapata	Kalapata T/C
Lokwakori Lotuwa	F	10	04/05/22	Nanyangaese	Kalapata	Kalapata T/C
Longole Tubo	F	32	30/02/22	Nanyangaese	Kalapata	Kalapata T/C
Nango Betty	F	28	09/04/22	Nanyangaese	Kalapata	Kalapata T/C
Kokuno Ilukol	F	30	15/02/22	Napeikokei	Kalapata	Kalapata T/C
Nagwee Meri	F	16	08/04/22	Napeichokeyi	Nabonya	Kalapata T/C
Arem Lorisae	F	59	09/06/22	Nanyangaese	Kalapata	Kalapata T/C
Lotuko Lochoro	M	61	10/02/22	Morulem	Lokiyekes	Lolelia South
Moru Thomas	M	70	29/03/22	Kolimeu	Lokiyekes	Lolelia South
Nakong Lomanat	M	43	20/01/22	Lomaler	Lokiyekes	Lolelia South
Alinga Domnic	M	46	01/01/22	Nakatapan	Nakatapan	Lolelia South
Namongin Lucia	F	64	30/12/21	Nakatapan	Nakatapan	Lolelia South

NAME	SEX	AGE	DATE OF DEATH	VILLAGE	PARISH	SUB-COUNTY
Adupa Lochomin	F	57	01/06/22	Kature	Leeny	Lolelia South
Lokwa Lengonya	M	69	10/04/22	Nakatapan	Nakatapan	Lolelia South
Alinga Lokol	M	36	14/05/22	Morukirion	Muledo	Lolelia South
Nokoro Moding	F	50	07/05/22	Moruita	Leeny	Lolelia South
Longima Tirach	M	48	17/06/22	Nadukanit	Leeny	Lolelia South
Modo Sire	F	17	28/06/22	Muledo	Muledo	Lolelia South
Lokiru Lokwang	M	37	04/07/22	Kalokipie	Muledo	Lolelia South
Sogol	M	42	10/07/22	Kolimeu	Lokiyekes	Lolelia South
Nauga Lomogal	F	05	15/04/22	Kolimeu	Lokiyekes	Lolelia South
Kuta Logwee	F	45	04/06/22	Loola	Narube	Kathile
Nate Korinyang	F	61	17/06/22	Loola	Narube	Kathile
Akurion Loyo	M	12	21/05/22	Narube	Narube	Kathile
Charik Nadom	M	11	09/04/22	Loola	Narube	Kathile
Kamar Lomuchele	M	60	10/05/22	Nalebeny	Lemugete	Kathile
Loteni Koryang	M	71	12/07/22	Lokwariwon	Narube	Kathile
Napor Lokapel	F	42	16/05/22	Lopelipel	Kathile East	Kathile T/C
Munyey Ilukori	M	38	16/05/22	Naitakuroi	Teregu	Kathile T/C
Apio Umo	F	49	01/07/22	Lopelipel	Kayhile East	Kathile T/C
Ngorok Gabriel	M	54	12/06/22	Kathile West	Yerusalem	Kathile T/C
Aning Owana	F	58	15/07/22	Kathile West	Yerusalem	Kathile T/C
Lokutar Akol	M	71	16/02/22	Nakosowan	Yerusalem	Kathile T/C
Sire Ngole	M	65	20/05/22	Naitakuroi	Teregu	Kathile T/C
Angura Komol	M	67	21/03/22	Lorengchora	Lotim	Lotim
Lokuwam Augustine	M	54	06/01/22	Lotim Centre	Lotim	Lotim
Ngelech Lopech	F	68	10/05/22	Kacharik	Kaloboki	Lotim
Lorika Lobangiro	M	38	14/04/22	Lolobae	Kaloboki	Lotim
Alinga Lotiyan	M	62	05/03/22	Lopei	Kaloboki	Lotim
Nakwang Lobokoi	F	60	28/06/22	Nawakiru	Kaloboki	Lotim
Logiel Longiro	F	64	08/05/22	Kaloboki	Kaloboki	Lotim
Lokong Lotyang	M	54		Napalabur	Lotim	Lotim
Lokidap Lodinga	M	66	10/02/22	Napalabur	Lotim	Lotim
Lodukae Lodong	M	60	10/02/22	Napalabur	Lotim	Lotim
Lowalong Lodukau	F	60	12/02/22	Napalabur	Lotim	Lotim
Adupa Kubal	F	75	14/04/22	Enik	Kakutatom	Lotim
Lotyang Lowalong	M	56	28/05/22	Lopelipel	Kotirae	Kakamar
Adupa Lonyya	M	60	28/05/22	Lopelipel	Kotirae	Kakamar
Lolem Longima	F	50	26/05/22	Lokwakwa	Kotirae	Kakamar
Nacham Sigwar	F	65	24/05/22	Lokwakwa	Kotirae	Kakamar
Lotyang Ilukal	M	45	30/05/22	Kitelore	Kitelore	Kakamar
Alany Longotiakituk	M	60	29/05/22	Kitelore	Kitelore	Kakamar
Lokol Kirion	M	47	08/06/22	Nakituruturet	Morunyang	Kakamar
Nakone Poot	F	56	09/06/22	Nadwar Mukuny	Kitelore	Kakamar
Sagal Lokawa	F	57	27/05/22	Napeikidor	Morunyang	Kakamar
Adel Maria	F	50	14/07/22	Kitelore	Kitelore	Kakamar

NAME	SEX	AGE	DATE OF DEATH	VILLAGE	PARISH	SUB-COUNTY
Lotirimoe Lomuge	M	37	11/07/22	Namus	Kitelore	Kakamar
Longira Komol	F	43	06/06/22	Meus	Meus	Kalapata
Ngole Loboyo	F	58	24/05/22	Nariwogum West	Meus	Kalapata
Lomuria Maria	F	62	28/05/22	Kochokio	Lokinene	Timu
Iuda Lokawa	F	72	10/05/22	Loodoi	Lokinene	Timu
Nyeka Lootan	F	78	12/03/22	Moruera	Lomeris	Kaabong West
Chegem Lokinei	F	65	27/03/22	Moruera	Lomeris	Kaabong West
Ngiro Ngole	F	70	05/05/22	Moruera	Lomeris	Kaabong West
Napuyei Logiel	F	71	20/04/22	Kakerekeroi	Lomeris	Kaabong West
Meri Limuya	F	68	01/01/22	Kakerekeroi	Lomeris	Kaabong West
Lowot Leera	M	79	15/03/22	Kakerekeroi	Lomeris	Kaabong West
Loboot Are	F	56	11/02/22	Kachikol	Lomeris	Kaabong West
Lukan Losilo	M	61	13/02/22	Kachikol	Lomeris	Kaabong West
Chipa Longolio	F	68	14/02/22	Kachikol	Lomeris	Kaabong West
Lomerimoe Lokales	M	65	17/03/22	Morulem	Lomeris	Kaabong West
Ngelecha Lokol	F	35	16/04/22	Yokotak	Kaabong	Kaabong West
Akodoi Nyanga	F	50	11/05/22	Yokotak	Kaabong	Kaabong West
Longole Ilukori	M	68	20/01/22	Yokotak	Kaabong	Kaabong West
Charik Angella	F	57	13/03/22	Yokotak	Kaabong	Kaabong West
Lokaala Chlementina	F	71	06/03/22	Yokotak	Kaabong	Kaabong West
Lokwang Nakoli	F	62	02/04/22	Yokotak	Kaabong	Kaabong West
Napech Bruna	F	60	14/05/22	Kepak	Kaabong	Kaabong West
Natima Lokaina	F	72	12/02/22	Kalarlar	Lomoruita	Kaabong West
Ilukol Kutan	F	68	06/06/22	Kalarlar	Lomoruita	Kaabong West
Nakong Lowoai	F	49	17/04/22	Kalarlar	Lomoruita	Lolelia Main
Logwee Iluknyang	M	54	04/05/22	Morukinei	Morukinei	Lolelia Main
Koli Napiyat	F	57	15/03/22	Kakuma	Loteteleit	Lolelia Main
Nanyia Kukunyang	F	48	20/01/22	Piyoitu	Lolelie	Lolelia Main
Engora Lokure	M	54	14/07/22	Kakuma	Loteteleit	Lolelia Main
Lokuriana Arupa	F	36	03/07/22	Morukinei	Loteteleit	Lolelia Main
Ilukal Lopwon	M	64	06/06/22	Riten	Lochokei	Lolelia Main
Natuk Anna	F	50	17/06/22	Kaiwele	Kaimese	Lolelia Main
Nakeny Premna	F	35	02/06/22	Natorokokito	Narogos	Lolelia Main
Lokeris Lomuria	M	38	20/06/22	Chakalum	Toroi	Loyoro
Akol Lomuria	M	27	05/06/22	Chakalum	Toroi	Loyoro
Aryong Lomele	M	40	15/04/22	Chakalum	Toroi	Loyoro
Nome Adome	F	41	10/05/22	Logumasiroi	Toroi	Loyoro
Lopwon Lomuria	F	34	15/04/22	Toroi East	Toroi	Loyoro
Ilukol Anna L	F	65	17/03/22	Toroi East	Toroi	Loyoro
Lokopolem Paulo	M	84	20/04/22	Lorengchora	Toroi	Loyoro
Locham Benard	M	28	12/05/22	Lorengchora	Toroi	Loyoro
Komol Paulina Napido	F	58	06/04/22	Ligot	Toroi	Loyoro
Komol Ilukol	M	70	30/05/22	Nariwore	Lokonayona	Loyoro

NAME	SEX	AGE	DATE OF DEATH	VILLAGE	PARISH	SUB-COUNTY
Lokwang Peter	M	37	25/04/22	Kalapata	Lokonayona	Loyoro
Sire Achuka	M	48	25/04/22	Chakalum	Lomeruma	Loyoro
Pangas Lokori	M	72	26/04/22	Lorengchora	Toroi	Loyoro
Sagal Kubal	M	47	24/04/22	Toroi East	Toroi	Loyoro
Lokawa Meri	M	48	10/06/22	Ligot	Toroi	Loyoro
Lopech Lotuko	M	39	10/06/22	Moruakuring	Lokonayona	Loyoro
Longolemoe Joshua	M	43	27/04/22	Ligot	Toroi	Loyoro
Nakoli Angella	F	72	10/07/22	Lorengchora	Lokonayona	Loyoro
Nakong Paulina	F	38	04/06/22	Toroi East	Toroi	Loyoro
Lomuria Akolile	F	62	16/07/22	Lobongia	Lokonayona	Loyoro
Teko Peter	M	56	20/05/22	Nariwore	Lomeruma	Loyoro
Akol John Naolio	M	70	10/07/22	Lomeruma East	Lomeruma	Loyoro
Ilukol Komol	M	78	13/05/22	Ligot	Lokonayona	Loyoro
Losilo Anna	F	66	12/06/22	Toroi East	Toroi	Loyoro
Lomoe Angolei	-	-	-	-	-	-
Akech Lomanat	F	45	01/03/22	Nameri North	Losogolo	Kaabong East
Nameo Aliba	F	62	09/03/22	Nameri North	Losogolo	Kaabong East
Ngoya Lokorimoe	F	49	06/06/22	Nameri North	Losogolo	Kaabong East
Adou Longima	F	30	17/06/22	Nameri North	Losogolo	Kaabong East
Achol Locham	M	65	10/06/22	Nameri North	Losogolo	Kaabong East
Kapel Lowal	M	38	16/06/22	Nameri North	Losogolo	Kaabong East
Nakwang Lojore	F	40	05/02/22	Nameri North	Losogolo	Kaabong East
Ayolo Komol	M	52	20/01/22	Nameri North	Losogolo	Kaabong East
Nacham Mary	F	33	27/01/22	Naporukolong	Losogolo	Kaabong East
Lokwii Lokolimoe	M	45	20/01/22	Naporukolong	Losogolo	Kaabong East
Lokol Anyang	M	35	21/01/22	Naporukolong	Losogolo	Kaabong East
Kiding Lokwang	F	31	05/02/22	Naporukolong	Losogolo	Kaabong East
Nakwang Rupamoe	F	65	05/02/22	Naporukolong	Losogolo	Kaabong East
Engor Kotol	F	39	01/03/22	Naporukolong	Losogolo	Kaabong East
Lemu Kodet	F	37	03/06/22	Naporukolong	Losogolo	Kaabong East
Tayal Loutamoe	M	44	20/04/22	Lodwar East	Morulem	Kaabong East
Ngoya Alice	F	56	23/04/22	Simalok	Lokolia	Kaabong East
Ilukal Cecilia	F	68	23/04/22	Naporukolong	Losogolo	Kaabong East
Lomoe Angolei	M	36	20/06/22	Nakaramoe	Losogolo	Kaabong East
Nachipa Lochul	F	69	15/07/22	Nakaramoe	Losogolo	Kaabong East
Lochiam Itae	M	67	13/04/22	Lomonyae	Morulem	Kaabong East
Poot Loyoyo	F	56	10/03/22	Sokodu	Morulem	Kaabong East
Loitakol Siloi	M	32	18/02/22	Lomonyae	Morulem	Kaabong East
Nakong Apui	F	29	23/06/22	Sokodu	Morulem	Kaabong East
Logiel Lokong	M	50	22/06/22	Sokodu	Morulem	Kaabong East
Nalibe Emmanuel	M	02	13/07/22	Campswahili South	Central East	Kaabong T/C
Charik Paul	M	64	25/06/22	Biafra South	Central West	Kaabong T/C

## Napak district

The effect of hunger has been quite alarming in the district, affecting over 22,735 persons with 188 reported cases of death. These cases of reported death are from the six sub-counties of Ngoleriet, Lokopo, Lotome, Nabwal and Matany as summarised in the table below.<sup>363</sup>



A youthful woman (left) suffering from the effects of hunger and (right) a family surviving on alcohol residue of local brew 'kutukut' due to the effects of the long dry spell and famine in 2022 in Napak district. (Photo credit Koryang Timothy, Deputy CAO Napak district 2022)

**TABLE 17: REGISTERED DEATHS IN NAPAK DISTRICT**

SUB-COUNTY	AFFECTED PARISHES/ WARDS	AFFECTED VILLAGES	PERSONS AFFECTED BY HUNGER	REGISTERED DEATHS MAY-AUGUST 2022
Lokiteded Town Council	3	9	496	None
Iriiri	3	25	678	None
Lopei	3	26	414	None
Ngoleriet	5	16	326	14
Poron	3	17	496	None
Lorengecora	3	23	1,000	None
Lokopo	4	20	432	45
Kangole Town Council	4	16	2,549	None
Lorengecora Town Council	3	13	299	None
Matany Town Council	4	14	10,656	None
Lotome	5	25	1,221	26
Nabwal	5	29	1,761	33
Apeitolim	1	14	1,542	None
Matany	4	31	865	17
<b>TOTAL</b>	<b>50</b>	<b>276</b>	<b>22,735</b>	<b>188</b>

<sup>363</sup> Napak District Local Government State of Disaster and Rapid Food Security Assessment Report for the period of June-August 2022 dated Tuesday 6 September 2022, prepared by Koryang Timothy, Deputy CAO.

## Moroto district<sup>364</sup>

A total of 35 people were reported to have died of starvation, while 131 died due to hunger-related illnesses in Moroto district in 2022. The highest number of deaths was reported in Acherer parish in Loputuk sub-county.

**TABLE 18: STATISTICS FROM MOROTO DISTRICT LOCAL GOVERNMENT**

SUB-COUNTY	PARISH	DEATH	
		STARVATION	HUNGER-ASSOCIATED ILLNESS
Loputuk	Acherer	12	26
	Lotirir	01	
	Nawanatau	00	26
	Looi	00	10
	Loputuk	00	04
	Nataparakwangan	00	04
Katikekile	Lia	02	01
	Tapac	01	00
	Kodonyo	01	00
	Katikekile	02	01
	Nakwanga	00	04
	Natumkale	00	03
Lotisan	Magoth	05	00
	Loisilel	01	00
Rupa	Lobuneit	00	00
	Nakadeli	08	13
	Nakiloro	00	08
Nadunget S/C	Kotaruk	00	07
	Lokereut	00	07
	Komaret	00	01
	Lorikokwa	02	00
Nadunget T/C		00	16
<b>TOTAL</b>		<b>35</b>	<b>131</b>



Elderly man affected by famine in 2022

<sup>364</sup> Information submitted by the CAO Eko Edward H., Moroto District Local Government to the Office of the Prime Minister on deaths due to hunger and hunger-related illness in Moroto district by sub-county and parish on 23 August 2022.

## Kotido district

A total of 1,676 deaths were reported in Kotido due to starvation and related illnesses arising from the long dry spell and famine in 2022. The North Division sub-county had 99 severely malnourished children, while Kapeta sub-county had 216

severely malnourished children on the verge of death due to starvation. In Kotido sub-county, 23 persons died due to related cyanide poisoning from the consumption of wild cassava tubers, and in Kapeta sub-county, six were killed due to the theft of cassava from a garden.

**TABLE 19: STATISTICS FROM KOTIDO DISTRICT LOCAL GOVERNMENT**

SUB-COUNTY	POPULATION	MALES	FEMALES	DEATH CASES
1. Nakapelimoru	12,200	5,900	6,300	89
2. Rengen	10,300	5,400	4,900	330
3. North Division	14,158	6,539	7,619	8
4. Kotido	9,200	4,600	4,600	61
5. Loletio	9,200	4,800	4,400	0
6. Maaru	13,000	6,100	6,900	164
7. Kanair	6,000	3,100	2,900	143
8. Lokwakiel	9,200	4,800	4,400	7
9. Kapeta	10,100	4,500	5,600	89
10. Napumpum	9,200	4,800	4,400	35
11. Longaroe	10,105	4,200	5,905	167
12. Kamoru	11,700	5,400	6,300	68
13. Kacheri	11,100	5,200	5,900	265
14. South Division	17,200	7,900	9,300	0
15. Lokitelaebu TC	10,100	4,500	5,600	67
16. Panyangara	9,500	4,700	4,800	7
17. West Division	18,137	8,782	9,355	0
18. Kacheri TC	8,500	4,000	4,500	176
19. Central Division	16,400	8,000	8,400	0
<b>TOTALS</b>	<b>215,300</b>	<b>103,221</b>	<b>112,079</b>	<b>1,676</b>

## 8.1.5 Causes of the long dry spell in Karamoja

### 8.1.5.1 Failure of the state to anticipate, reduce and rapidly respond to disaster risks

It is the first responsibility of governments to safeguard the welfare of their citizens, including taking reasonable measures to mitigate substantial threats. Climate change is a grave threat to people worldwide, jeopardising health, security and prosperity if the government fails to take reasonable and rational measures to safeguard against it. The Uganda Meteorological Authority March to May 2022 Seasonal Rainfall Outlook over Uganda dated 21 February 2022 gave a detailed forecast for March to May in the north-eastern region. The forecast stated that the region had been experiencing dry conditions since January 2022. This was

an early warning to the government; however, no action was taken until the situation was dire.

### 8.1.5.2 Weather variability and erratic rains

The dry spells of 2021, which almost culminated in drought, led to reduced pasture and water for livestock, affecting production. A long dry spell between December 2021 and mid-March 2022 exacerbated the problem, consequently causing a high reduction in livestock production across all livestock-dependent households. The light to moderate rainfall received after mid-March was reported to have a cumulative average rainfall in some areas, which offered temporary relief to the livestock sector. The spatial distribution of this rainfall has generally been uneven across the region.<sup>365</sup>

### 8.1.5.3 Low crop yield

The low average crop yields across the region caused by the prolonged dry spells in 2022 caused total crop failure in several sub-counties. There was an onset of rains in early April 2021 which farmers based on to start planting; however, a dry spell started immediately after, preventing crops from germinating and wilting off those that had just germinated. Even in the green belt sub-counties of Napak and Kotido districts, heavy July rains led to flash floods and waterlogging, destroying crops that had survived the dry spell.<sup>366</sup>

### 8.1.5.4 Insecurity

Insecurity and intensified livestock raids/theft intensified in April 2021, leading to massive loss of livestock and isolated incidents of death among the population. The fragility of the situation not only limited households from accessing their farmland for fear of being killed but also continued to deny them the ability to access income for food purchase and safe grazing areas for their herds. There has been an increased limit to the free movement among the local population and traders from other districts, with an unprecedented negative impact on socioeconomic activities. Whereas the central government attributes the insecurity to the resurgence of organised rustlers/livestock thieves arising from the withdrawal of security personnel who were taken for training, the local administration attributes the same to the inter-ethnic struggle for resources among the Jie, Dodoth, Matheniko and Bokora which has also drawn in the Pokot of Uganda/Kenya, Turkana of Kenya and Toposa of Sudan. It has been reported that there has been a 52% decline in the goat ownership and a 44% decline in cattle ownership in Abim district due to insecurity.

In a report to the Regional Council Meeting held in Moroto district in March 2022, the Chairperson of Kaabong District Local Government stated that the district lost 50 human lives as well as 31,393 cattle, 23,328 goats, and 1,083 donkeys. In Moroto district, there has been an unaccounted-for loss of livestock and human lives, mainly perpetrated by youths from within and outside the district. In Karenga district, communities bordering Kotido and Kaabong were forced into displacement as a result of the insecurity, mainly affecting Sangar and

Lobalangit sub-counties. The authorities in Kotido district have reported that people were forced to abandon agricultural activities in the green belt with fertile soils that have historically been used for crop production. They fled in fear of the raiders.<sup>367</sup>

### 8.1.5.5 Loss of livestock

Loss of livestock due to a long dry spell from December 2021 to mid-March 2022 led to a reduction in pasture and water for livestock, consequently causing a significant reduction in livestock production across all livestock-dependent households. There was reduced access to milk and other livestock products at the household level, and the households that depended on the sale of livestock to purchase food could no longer access the much-needed incomes. Households were forced to migrate livestock to greener areas to try and access pasture and water. By the end of February 2022, almost 90% of the livestock in Amudat had migrated to Nakapiripirit and Kween districts and over 50% of the livestock in Nabilatuk had migrated to other districts.



Victims of famine in Karamoja

### 8.1.5.6 Destruction of crops by animals

Animals, particularly wildlife like elephants and buffalos that escaped mainly from Kidepo National Park, destroyed crops in Kaabong and Karenga

<sup>365</sup> Karamoja Integrated Food Security Phase Classification Analysis March 2022-February 2023 issued in April 2022.

<sup>366</sup> Karamoja Integrated Food Security Phase Classification Analysis March 2022-February 2023 issued in April 2022.

<sup>367</sup> Karamoja Integrated Food Security Phase Classification Analysis. March 2022 issued in April 2022.



Police and the community disposing of crude waragi at Moroto Central Police Station

districts. The main crops destroyed were maize, sorghum, beans and sunflower. Whereas Karenga district reported that about 80% of maize and sorghum in areas near the Park were destroyed, Kaabong district reported an estimated 736 acres of crop destroyed by the wild animals. Kaabong district had the following sub-counties affected: Kakamar sub-county (102 acres), Sidok sub-county (117 acres), Loyoro sub-county (121 acres), Lolea south sub-county (221 acres), Lolelia sub-county (113 acres), and Lobongia sub-county (62 acres).

#### 8.1.5.7 Poverty

Low household purchasing power due of low incomes, set against increases in food prices, that exceeded typical seasonal increases contributed to famine in Karamoja sub-region. Other external factors, such as the rise in fuel prices, made food unaffordable to people who have predominantly remained living below the poverty line. In Karamoja, recent district and the Famine Early Warning Systems Network (FEWSNET) reports have indicated an unusual increase in prices of food items, especially maize, sorghum and beans. districts like Amudat and Kaabong have reported that prices of maize and sorghum almost doubled between December 2021 and March 2022.

The situation was worsened by the rising fuel prices that increased supply costs, especially transport, forcing traders to increase prices of food and essential non-food items across regional markets. In March 2022, FEWSNET reported: “prices of food and non-food commodities increased in

February and even more rapidly, in March, driven by seasonal declines in below average stocks of major staples, increased domestic demand due to full reopening of economic activity, rising global and domestic fuel prices, higher costs of imported raw materials and global trade disruptions linked to the Russia-Ukraine conflict”. With no income increase, as most households depend on low-value income-generating activities, purchasing power has dwindled, forcing market-dependent households to employ regressive coping strategies like reducing the number of meals, reducing portion sizes and selling off productive assets.<sup>368</sup> The UHRC notes that Karamoja sub-region needs long-term sustainable solutions to food insecurity, coupled with community-driven and right-based solutions.

#### 8.1.5.8 Alcoholism

Most locals in the region are addicted to heavy drinking with limited food intake, which is also one of the major factors behind the overwhelming amount of hunger in the sub-region. In the Karamojong society, women and children carry most of the burden of family survival. The brewing is traditionally done by women as a source of income for the family. A crucial factor in the problem of alcoholism in Karamoja is that over the last ten years, the type of alcohol consumed has changed from the local brew, called ‘kweete’ (produced through the fermentation of cereals and having a low alcoholic content of about 4-6%), to distilled alcohol called ‘waragi’, produced outside Karamoja and with a high alcoholic content of 40% or more. Waragi was introduced by the ethnic groups which came to

Karamoja from Kenya and other parts of Uganda. According to the Justice and Peace desk of Moroto Catholic Diocese, waragi has now become the most commonly-available alcohol. The other kind of waragi largely consumed in Karamoja, is spirit or ‘etule’ in the local language, which is commonly sold in 20-litre plastic containers/ jerrycans.

This alcohol is not subjected to any official control at production sites and is not produced in Karamoja but imported via lorries from other towns like Soroti, Mbale and mainly Jinja, where it is distilled out of the residue of sugarcane molasses produced by sugar factories. One of the areas with high alcohol trade is Kosiroi in Tapac sub-county (Moroto district), where there are several mining sites of limestone and marble. The miners work in harsh conditions and often accept payment in kind i.e. the spirit. In other areas, like Lorengedwat sub-county (Nabilatuk district), alcohol abuse is directly linked to environmental degradation, as people carry out massive tree cutting to produce charcoal which is then sold or exchanged for cartons of sachet waragi. Apart from its impact on society and culture, it is well-known that alcoholism leads to various health problems.<sup>369</sup>

#### 8.1.5.9 Secondary effects of the COVID-19 pandemic

Some of the COVID-19 restrictive measures instituted by the government in March 2022 continued to affect livelihoods. Due to a significant decline

in COVID-19 infections and improved vaccination coverage against the virus, all sectors of the economy were opened up in January 2022. However, households still suffer secondary effects of the pandemic, including loss of employment which continues to affect income generation and access to food. Even though other regions of the country have witnessed a marked increase in the availability of income-generating activity that is facilitating the household ability to purchase both food and non-food items, this has not been the case for Karamoja.

### 8.1.6 Interventions

#### 8.1.6.1 Government intervention

The construction of nine valley dams across the Karamoja sub-region in Amudat, Napak and Kotido through the Ministry of Agriculture, Animal Industry and Fisheries under the resilience programme started in 2019 and is supported by the Intergovernmental Authority on Development. This initiative aims to address issues of water for livestock and herdsmen in the region by making water available to the pastoral communities more sustainably. The government also dispatched 790 metric tonnes of relief food to the sub-region in July 2022, with the Minister for Relief, Disaster Preparedness and Refugees, Hon. Hilary Onek, flagging off 552 metric tonnes of maize flour and 238 metric tonnes of beans at the Office of the Prime Minister stores in Namanve, Wakiso district.



The Minister for Relief, Disaster Preparedness and Refugees, Hon. Hilary Onek (left) and Napak District Woman Member of Parliament, Hon. Faith Nakut flag off relief food to Karamoja at Office of the Prime Minister stores in Namanve, Wakiso district on July 19 2022

368 Karamoja Integrated Food Security Phase Classification Analysis. March 2022-February 2023 issued in April 2022.

369 Peace Human Rights, Governance Local Development and Alcohol Abuse: Rhe Case of Karamoja. Volume 2.

The Government had earlier in July 2022, sent 2,000 metric tonnes of food targeting 600,000 people in Kotido, Kaabong, Moroto, Napak, Karenga and Nabilatuk districts. Hon. Onek stated that the government budgeted UGX 135 billion for the food for three months, adding that it was fortified with nutrients and vitamins to help malnourished children in health centres. The Minister noted that the government had developed a long-term ten-year disaster risk management plan that would require about UGX 759 billion to solve the disaster issues in the country, highlighting revival of the irrigation scheme in Karamoja.<sup>370</sup>

In July 2022, the government sent more than 90 tonnes of quick-maturing green grain, cowpeas and white beans seeds as a solution to hunger in the sub-region. The government also provided life-saving food assistance in the form of cash transfers for more than 850,000 refugees and covered treatment for malnutrition for an additional 183,288 people in Karamoja.<sup>371</sup> In July 2022, President Yoweri Museveni approved a plan by the Minister of Agriculture Animal Industry and Fisheries (MAAIF) to assist agencies like Uganda Prisons, National Enterprise Corporation (NEC), Uganda People's Defence Forces (UPDF) and big farmers in northern Uganda to engage in large scale food production. The agencies would be provided with agricultural machinery, seeds, fertilisers and equipment for irrigation.<sup>372</sup>

#### 8.1.6.2 United Nations bodies and foreign embassies

The European Union's Civil Protection and Humanitarian Aid Operations department gave World Food Programme a cash grant of UGX 20 billion to fight hunger in the Karamoja sub-region and support refugees.<sup>373</sup> The United Nations Food and Agricultural Organization distributed seeds to all the sub-counties at the onset of the planting season, but due to the prevailing drought, especially in

Loregai sub-county in Nabilatuk district, the crops are withering or drying. The United Nations Children's Fund (UNICEF) initiated an emergency response in all nine districts of Karamoja for about 23,000 children with severe acute malnutrition. UNICEF delivered 11,946 cartons of ready-to-use therapeutic food to all nine districts of Karamoja to support the treatment of malnutrition.<sup>374</sup> The Japanese government donated food aid worth USD 1 million (about UGX.3.5 billion) to the affected people of the Karamoja sub-region. The Japanese Ambassador Fukzawa Hideoto stated that the Japanese Government had signed off the funds to help purchase beans and maize flour.<sup>375</sup>

#### 8.1.6.3 Political parties

The opposition party National Unity Platform (NUP) donated 2.5 tonnes of beans and 2.5 tonnes of maize flour. The leader of NUP, Robert Kyagulanyi, handed over the foodstuffs to sub-region leaders at the party head office in Kamwokya, a Kampala suburb.<sup>376</sup>

#### 8.1.6.4 Private companies

In August 2022, the First Lady and Minister of Education and Sports, Hon. Janet Museveni, flagged off food worth USD 50,000 donated by Huawei Technologies Uganda for distribution to the people of Karamoja.

On 13 October 2022, the Centenary Bank staff donated relief items worth UGX 30 million to the communities of Karamoja to help ease the hunger crisis in the sub-region. James Katamba, the Eastern Regional Manager of Centenary Bank, stated that the bank ran an internal campaign dubbed 10k for Karamoja where the bank staff were encouraged to contribute UGX 10,000 from their pockets and the UGX 30 million that was raised was used to procure food, estimated to feed about 600 families.<sup>377</sup>



The First Lady and Minister of Education and Sports, Hon. Janet Museveni, flags off Huawei food donation to Karamoja



Bags of maize flour donated by Centenary Bank staff to relieve the food crisis in Karamoja in October 2022

370 Sylvia Katushabe. Government sends more relief food to Karamoja. The Monitor Publications, <https://www.monitor.co.ug/uganda/news/national/govt-sends-more-relief-food-to-karamoja-3885720>.

371 EU donates UGX 20 billion to fight hunger in Karamoja. <https://www.monitor.co.ug/uganda/news/national/eu-donates-UGX20-billion-to-fight-hunger-in-karamoja-4067614>.

372 President Museveni urges government on large scale production. <https://thecooperator.news/boosting-food-security-museveni-urges-govt-on-large-scale-production/>.

373 <https://www.monitor.co.ug/uganda/news/national/eu-donates-UGX20-billion-to-fight-hunger-in-karamoja-4067614>.

374 UNICEF Uganda Karamoja Response Report (July 2022).

375 <https://observer.ug/news/headlines/74476-japan-donates-1-million-towards-food-aid-for-karamoja>.

376 NUP donates relief food to Karamoja. <https://www.monitor.co.ug/uganda/news/national/nup-donates-relief-food-to-karamoja--3879266>.

377 <https://redpepper.co.ug/top-bank-staff-donate-food-items-worth-ugx30m-to-karamoja-region/124556/>.

#### 8.1.6.5 Universities

Makerere University staff and friends fund-raised resources for the people of Karamoja. The Vice-Chancellor, Professor Barnabas Nawangwe, on Monday, 12 December 2022, presented cash contributions and other relief items worth UGX 25 million from the Karamoja Fundraising Drive.<sup>378</sup> The Uganda Christian University Chaplain, the Rev. Eng. Paul Wasswa Ssembiro, stated that in early October 2022, the University collected UGX 4.5 million from students, staff and well-wishers to support hunger-stricken people in the Karamoja sub-region.<sup>379</sup>

#### 8.1.6.6 Religious organisations and churches

Pastor Robert Kayanja of Miracle Centre Cathedral, together with his partners, in August 2022, sent 20 tonnes of nutritious booster relief food specially mixed with ingredients such as milk, sugar, rice, millet flour, oats and pumpkin seeds.<sup>380</sup> This was under the Karamoja Cry campaign by the Robert Kayanja Bucket Initiative, the aid and relief arm of the Robert Kayanja Ministries, which was joined by Apostle Grace Lubega of Phaneroo and Apostle Moses Mukisa of Worship Harvest. The Kayanja Ministries also donated three tractors equipped

with planters and hallows, seeds, and clothes, shoes and mattresses.<sup>381</sup>

Mercy Corps and Pentecostal Assemblies of God supplied food items in various sub-counties. The Andre Foods International provided food assistance to vulnerable households through the Blanket Supplementary Feeding Programme (BSFP). The BSFP will help mitigate any malnutrition arising from inadequate food consumption among vulnerable households.



An elderly woman who was a beneficiary of donations from the Robert Kayanja Ministries in 2022 food crisis in Karamoja in October 2022



Robert Kayanja Ministries distributed food to drought victims

378 <https://news.mak.ac.ug/2022/12/mak-mobilises-funds-to-save-the-people-of-karamoja-from-hunger/>.

379 <https://www.ugandapartners.org/2022/10/ucu-joins-charity-drive-to-rid-karamoja-of-hunger/>.

380 <https://www.ugandapartners.org/2022/10/ucu-joins-charity-drive-to-rid-karamoja-of-hunger/>.

381 <https://www.robertkayanjaminstries.org/karamoja-cry>, Accessed in March 2023.

#### 8.1.7 Human rights concerns resulting from the long dry spell and famine in Karamoja

##### 8.1.7.1 Loss of life

Every human being has the inherent right to life.<sup>382</sup> Climate change will have many direct and indirect effects on the full enjoyment of the right to life. Climate change will affect the right to life through an increase in hunger and malnutrition and related disorders impacting growth and development. Increased malnutrition from decreased food production will lead to increased risks of mortality. In Kaabong district, 226 (104 M:122 F) cases of death due to starvation and related illnesses were reported in 2022.

##### 8.1.7.2 Hunger and food insecurity

Everyone has a right to an adequate standard of living for oneself and one's family, including adequate food. All aspects of food security are potentially affected by climate change, including food access, utilisation, and price stability.<sup>383</sup> Districts like Amudat, Moroto, Kaabong and Nabilatuk reported total crop failure in several sub-counties.

##### 8.1.7.3 Malnutrition

Everyone has the right to enjoy the highest attainable physical and mental health standard.<sup>384</sup> One of the main impacts on human health from climate change is malnutrition due to decreased food production. The Karamoja sub-region Global Acute Malnutrition (GAM) rating is at 12.4%, with Kaabong at 22%, and Moroto 20%. Kotido (14%) and Napak (14%) also have high rates of food insecurity and are at the edge of critical rates of acute malnutrition, while in Amudat (14%) and Nabilatuk (12%), the GAM is severe. In Kotido district, the North Division sub-county had 99 severely malnourished children, while Kapeta sub-county had 216 severely malnourished children on the verge of death due to starvation reported in 2022.<sup>385</sup>

##### 8.1.7.4 Environmental degradation

Every Ugandan has a right to a clean and healthy environment<sup>386</sup>. The Parliament shall provide for measures intended to protect and preserve the environment from abuse, pollution and degradation, manage the environment for sustainable development and promote environmental awareness.<sup>387</sup> In areas like Lorengedwat sub-county (Nabilatuk district), alcohol consumption is directly linked to environmental degradation, as people carry out massive tree cutting to produce charcoal which is then sold or exchanged for cartons of sachet waragi, which is consumed in place of other nutritious foods.<sup>388</sup>

##### 8.1.7.5 Drought

The right to water and sanitation falls within the rights indispensable for realising the right to an adequate standard of living.<sup>389</sup> The right to food cannot be realised if people lack access to safe drinking water for personal and domestic use, defined as water for drinking, washing clothes, food preparation and personal and household hygiene. A long dry spell from December 2021 to mid-March 2022 reduced pasture and water, and households were forced to migrate livestock to greener areas.

##### 8.1.7.6 Massive school dropouts

Hunger and malnutrition impair children's learning abilities and may force them to drop out of school and work instead, thus undermining their enjoyment of the right to education. Moreover, to be free from hunger and malnutrition, individuals need to know how to maintain a nutritious diet and have the skills and capacity to produce or obtain food as a livelihood, thus the need for education, including vocational. Children drop out of school to go do casual work, and others resorted to theft. For example, in Kotido, children started going out to urban and peri-urban areas to look for casual labour, for which they are paid between UGX 1,000 to 2,000 UGX and thus dropped out of school due to hunger.<sup>390</sup>

382 Article 6 of the International Covenant for Civil and Political Rights.

383 Article 11(2) of the International Covenant on Economic, Social and Cultural Rights. 1966.

384 Article 12 of the International Covenant on Economic, Social and Cultural Rights.

385 Karamoja Integrated Food Security Phase Classification Analysis. March-February 2023 issued in April 2022.

386 Article 39 of the 1995 Constitution of the Republic of Uganda as amended.

387 Article 254 The 1995 Constitution of the Republic of Uganda as amended.

388 Peace Human Rights, Governance Local Development and Alcohol Abuse: the Case of Karamoja. Volume 2.

389 Article 11(2) of the International Covenant on Economic, Social and Cultural Rights, 1966.

390 Kotido Child Protection Status Report presented to the UNICEF country representative on 12th August 2022 by the Department of Gender and Community-Based Services.

### 8.1.7 RECOMMENDATIONS

1. The Ministry of Disaster Preparedness and Refugees should prioritise the Drought Early Warning Signs to mitigate the effects of disasters on the Ugandan population.
2. The Parliament of Uganda should pass the National Food and Nutrition Bill, which will inter alia provide for the respect of the right to food by the duty bearers and refrain from actions that undermine access to food, directly addressing issues like malnutrition.
3. The Ministry of Defence and the Uganda Police Force should continue to provide security for the kraals where the animals are kept and pacify the region through continued disarmament.
4. The Minister of Agriculture Animal Industry and Fisheries should enhance agricultural extension services by training farmers on modern agronomy practices, including climate-smart agriculture technologies.
5. The Minister of Agriculture, Animal, Industry and Fisheries and the Ministry of Water and Environment should prioritise water expansion for regional production facilities to support livestock farming and small-scale irrigation.
6. The Ministry of Agriculture, Animal Industry and Fisheries should apply the ecology prin-

cles to agricultural systems and practices (cultural values/traditional knowledge/area history).

7. The Ministry of Agriculture, Animal Industry and Fisheries should champion sustainable production with innovative approaches, mechanisation and stronger regulations for greater environmental and social responsibility (modernisation of agriculture).
8. The Ministry of Finance Planning and Social Development should prioritise budgetary allocation to the Ministry of Agriculture, Animal Industry and Fisheries to ensure sufficient investment in agriculture to help with information gathering and research, thereby contributing to reduced poverty levels in the country.

### 8.1.8 CONCLUSION

The long dry spell and drought conditions eased in most parts of Karamoja in September 2022. This is due to a significant reduction of water stress following the April to July rains and increased humanitarian interventions. However, with no rains expected until March 2023, the harsh weather conditions from December to February may lead to a decline of the gains made following the seasonal rain.

## 8.2 BUGOMA FOREST

### 8.2.1 Introduction

According to the State of World's Forests Report 2020, forests cover just over 30% of the global land area, yet they provide habitat for the vast majority of the terrestrial plant and animal species known to science.<sup>391</sup>Besides providing habitats for animals and livelihoods for humans, forests also provide watershed protection, prevent soil erosion, mitigate climate change, and, after oceans, forests are the largest storehouses for carbon. Despite the significant role forests play, humans have contributed to their extinction.

Forests are defined as all types of tree-covered land, including alpine, high and medium altitude forests, savannah woodlands, wetland and riparian forests, plantations and woodland. Whether government-owned or private land, Uganda has nearly five million hectares of forests accounting for 24% of the land area. Of these, 9,242.08 km is tropical forest, 350.60 km is forest plantation, and 39,741.02 km is woodland. A total of 30% of these areas are protected as national parks, wildlife reserves or central forest reserves.<sup>392</sup>

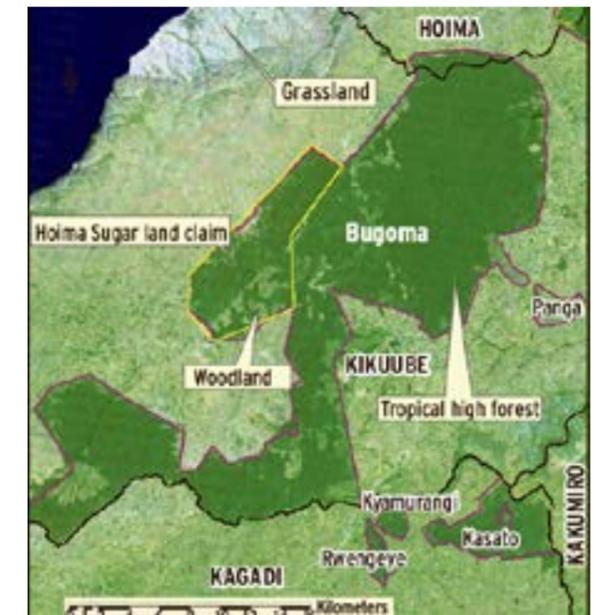
Unfortunately, forests and the biodiversity they contain continue to be under threat from actions to convert the land into agriculture or unsustainable levels of exploitation, much of it illegal. According to The Guardian newspaper in 2009, Uganda had already lost two-thirds of its forests in the last 20 years and could lose all its forested land by 2050. This could have severe repercussions for Uganda's poorest people. In the same article, the then Executive Director of National Environment Management Authority (NEMA), Aryamanya Mugisha, is quoted to have stated that, "In 41 years time if the current state of deforestation continues, the per capita forest cover will be zero because already we are tending towards desertification-type conditions."<sup>393</sup>

Bugoma Forest, a moist, tropical rain forest is situated southwest of Hoima and northwest of Kyejono town, east of Lake Albert, in Kikuube district,

western Uganda. It was gazetted in 2013 and came under the mandate of the National Forestry Authority.<sup>394</sup>

The Bugoma Central Forest Reserve, with 411 sqkm or 41,144 hectares of protected area, is the largest remaining block of natural tropical forest along the Albertine Rift Valley between Budongo and Semiliki, therefore playing an enormous role in preserving migratory wildlife corridors. Among other primates, Bugoma hosts a population of Ugandan mangabeys, endemic to only this forest. The forest also is host to 221 recorded bird species. Protection of Bugoma Forest is key to the livelihoods of the local farming communities as its destruction not only affects the climate and the local water resources but also harms economic prospects like tourism that rely on conservation.<sup>395</sup>

FIGURE 17: MAP OF BUGOMA FOREST INDICATING THE AREA OF ENCROACHMENT AND GRASSLAND



Source: The New Vision Newspaper<sup>396</sup>

391 The State of the World's Forests 2020 'Forests, Bio Diversity and People'. Food and Agricultural Organization of the United Nations.

392 <https://en.wikipedia.org>.

393 Annie Kelly. Thursday 25th June 2009. The Guardian. "Uganda at risk of losing all its forests".

394 Musisi Frederick. September 19, 2013. The Daily Monitor. 'Bugoma forest where illicit logging thrives'. Retrieved January 2014.

395 <https://www.nfa.org.ug>

396 The New Vision, "Bitter-sweet exchange: forest cleared for sugarcane," 6 May 2021.

The sanctity of Bugoma Forest has come under threat following the leasing of part of the forest by the Bunyoro Kitara Kingdom to Hoima Sugar Factory Limited. This has caused grave human rights concerns and public outcry by environmentalists and civil society organisations. Many human rights concerns have been registered, i.e. the ‘Save Bugoma campaign’, in a bid to preserve the forest and its biodiversity. However, despite the public outcry, there is a continued encroachment on the forest due to the lease grant and other human activities, including charcoal burning and illegal logging.

## 8.2.2 Legal and policy framework

### 8.2.2.1 International legal framework

Uganda has signed several international conventions and treaties in the pursuit of the protection and conservation of forests in Uganda and the environment at large. Among the ratified international legal instruments are the following.

**Convention on International Trade in Endangered Species (CITES):** Uganda ratified CITES on 20 November 1987. The Convention aims to prevent international trade from threatening the survival of fauna and flora. The CITES can be invoked to ensure that a country complies with its conservation (i.e. preventing illegal logging of protected species) and monitoring and enforcement provisions.

**Convention on Biological Diversity of 1992:** In recognition of the importance of conserving Uganda’s rich and unique biodiversity, Uganda signed and ratified this Convention on 12 June 1992. This is an international legal instrument for the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources. The overall objective of the Convention is to encourage actions which will lead to a sustainable nature. The convention covers biodiversity at all levels, ecosystems, species and generic resources. It also covers biotechnology, including through the Cartagena Protocol on biosafety diversity.<sup>397</sup>

**The United Nations 2030 Agenda:** The United Nations 2030 Agenda for sustainable development adopted in 2015 (United Nations General Assembly,

397 <https://www.un.org/en/biological-diversity-day/convention>.

398 <https://unfccc.int>.

2015) provides a framework for mobilising efforts towards ending poverty, fighting inequality and tackling climate change for 2015-2030. SDG 15, ‘Life on land’ is directly relevant to the conservation and sustainable management of forests and their biodiversity.

**The United Nations Strategic Plan for Forests:** The first United Nations Strategic Plan for Forests 2017-2030 (UN 2017) was developed under the auspices of the United Nations Forum on Forests and adopted by the United Nations General Assembly in 2017. The strategic plan includes six global forest goals and 26 associated targets to be voluntarily and universally achieved by 2030.

**The United Nations Framework Convention on Climate Change:** This Convention was ratified by Uganda in 1993 with the objective of regulating levels of greenhouse gas concentration in the atmosphere. The Framework Convention (2011) specifies that actions to enhance forests’ carbon stocks should be consistent with the conservation of natural forests and biological diversity and used to incentivise the protection and conservation of natural forests and their ecosystem services and to enhance other social and environmental benefits.

**The Paris Agreement:** (UN, 2015) signed in 2016 lays out a framework for the conservation of carbon sinks, including forests, through schemes such as result-based payment, reducing emissions from deforestation and forest degradation, the role of conservation sustainable management of forests and enhancement of forest carbon stocks in developing countries. Its overarching goal is to hold the increase in the global average temperature to well below 2°C above pre-industrial levels and pursue effects to limit the temperature increase to 1.5°C above pre-industrial levels.” The Paris Agreement is a landmark in the multilateral climate change process because, for the first time, a binding agreement brings all nations together to combat climate change and adapt to its effects.<sup>398</sup>

**The Kyoto Protocol:** This was signed in 2005, and operationalises the United Nations Framework Convention on Climate Change by committing industrialised countries and economies in transition to limit and reduce greenhouse emissions in accordance with agreed individual targets.

The protocol is based on the principles and provisions of the Convention and follows its annex-based structure. It only binds developed countries and places a heavier burden on them under the principle of common but differentiated responsibility and respective capabilities because it recognises that they are largely responsible for the current high levels of greenhouse gas emissions in the atmosphere.<sup>399</sup>

### 8.2.2.2 Regional framework

**The Declaration on Climate Change and Development in Africa, 2007:** Heads of State of the African Union adopted this Declaration at the Eighth Ordinary Session of their Assembly held in Addis Ababa, Ethiopia, in January 2007. It recognises the risks that climate change poses to the well-being of African populations, ecosystems and social-economic progress, the vulnerability of economic and production systems to climate change and variability, and the continent’s low mitigation and response capacities.<sup>400</sup>

### 8.2.2.3 National legal framework

**The Constitution of the Republic of Uganda, 1995:**<sup>401</sup> Article 39 provides for the right to a clean and healthy environment. Article 245 further provides for the protection and preservation of the environment. It obligates Parliament to enact laws to protect and preserve the environment from abuse, pollution and degradation, to manage the environment for sustainable development and to promote environmental awareness. Courts have applied this right in a case, *Siraji Waiswa Vs Kakira Sugar Works*, Misc. Application No.230 of 2001 (High Court of Uganda), in deciding whether a temporary injunction could be granted against Kakira Sugar works in the Butamira Forest Reserve. The Court held that: *“A matter to do with destruction of the environment would affect not only parties to the suit but also generations to come. Damages to the applicant alone would not remedy the injury to mankind as a whole. I would therefore find that the damage complained of is of a material nature, which would not adequately be compensated by an award of damages alone.”* Accordingly, the court granted the injunction for a

399 <https://unfccc.int/kyoto-protocol>.

400 Alliance for food Sovereignty in Africa; The regional policy environment for climate and agriculture in Africa: Opportunities and intergrating agroecology in climate action.

401 The Constitution of the Republic of Uganda, 1995.

402 The Forest Policy of 2011.

403 The National Forestry and Tree Planting Act, 2003.

six-month period which could also be renewed if need be. Therefore, applicants do not have to wait for damage before they can approach courts of law to allege a violation of the right to a clean and healthy environment.

**The Forest Policy, 2011:** The Forest Policy is an outcome of a forest sector review that took place between 1998 and 2003. The policy provides new directions for sustainable development of the forest sector and considers other national policy and legal frameworks that impact the forest cover. The policy also has incorporated recent advances in principles and standards for sustainable forest management that have been widely adopted internationally. It sets the guiding principles for forestry sector development, which are reflected in the National Forest Plan. The core themes are conservation and sustainable development, livelihood enhancement, and institutional reform with new roles for central and local government, the private sector, local communities and NGOs.<sup>402</sup>

**The National Forestry and Tree Planting Act, 2003:** The Act repealed the Forests Act of 1964, Cap 246 and the Timber Export Act 1965, Cap 247. The Act consolidated and operationalised the Uganda Forestry Policy 2001 and the National Forestry Plan 2002 and also established the National Forestry Plan (2002). It also set the National Forestry Authority as a legal entity to manage central forest reserves, while the district local governments manage local forest reserves. They also provide advisory services to communities and private forest owners on the management of their forests. The Act is an enabling law that provides new and positive opportunities for better management of the forest cover to balance the traditional regulatory functions of the government. It provides new opportunities for collaboration of all sectoral partners, an invigorated private sector and empowered civil society. It also clarifies institutional roles and responsibilities, including those for law enforcement in forest governance.<sup>403</sup>

**The National Environment Act, 2019:** This Act was enacted to repeal, replace and reform environmental management in Uganda, to provide for the

management of the environment for sustainable development, to establish the National Environment Management Authority as a coordinating, monitoring, regulatory and supervisory body for all activities relating to the environment. Section 3 of the Act provides that every person in Uganda has a right to a clean and healthy environment in accordance with the Constitution and the principle of sustainable development.<sup>404</sup>

**The National Climate Change Act, 2021:** Uganda enacted the National Climate Change Act of 2021, whose purpose was to give effect to the United Nations Framework Convention on climate change, the Kyoto Protocol, and the Paris Agreement to provide a climate change response, provide for participation in climate change mechanism and to provide an institutional coordination and implementation mechanism for climate change actions and financing. The Act governs Uganda's national response to climate change. It mandates the creation of a framework strategy on climate change as well as a national climate action plan, district action plans and a transparency framework.<sup>405</sup>

**The National Climate Change Policy, 2021:** The goal of the policy is to ensure a harmonised and coordinated approach towards a climate-resilient and low-carbon development path for sustainable development in Uganda. The overarching goal of the policy is to ensure that all stakeholders address climate change impacts and their causes through appropriate measures while promoting sustainable development and a green economy. The policy is based on the following priority concerns; adaptation, mitigation, research and observation and emphasises climate change adaptation as the first priority for Uganda, while mitigation efforts are embraced as secondary.

### 8.2.3 Background to the problem

Officials from Bunyoro Kitara Kingdom detailed the history of Bugoma Central Forest Reserve. They noted that between 1967 and 1993, kingdoms were abolished. Following the restoration of kingdoms in 1993, the Government returned all properties belonging to Bunyoro-Kitara Kingdom under the Restitution of Assets and Properties Statute. Bugoma Central Forest Reserve was an ancestral site first gazetted by Legal Notice No. 87 of 1932

and was among the restituted properties by the Government to Bunyoro Kitara Kingdom. The plot returned to the Bunyoro Kitara Kingdom included the ancestral land site. The disputes in Bugoma arose in 2016 when the Bunyoro Kingdom leased 21 square miles of the forest reserve to Hoima Sugar Limited for 99 years. The lease grant became an area of contention between the Bunyoro Kitara Kingdom and the National Forestry Authority (NFA), a government body mandated with managing forest reserves. The NFA claimed the forest came under its mandate in 2003 and that the Kyangwali Forest Reserve included parts of Bugoma Forest, a natural reserve gazetted in 1932 without clear boundaries, and that according to the Land Act, protected areas cannot be leased out or sold.

Bugoma Central Forest Reserve has been a centre of controversy between NFA, Hoima Sugar Ltd, Bunyoro Kitara Kingdom and the environment conservationists, with the latter insisting that the forest should remain intact given its rich plant and animal life. The NFA took Bunyoro Kitara and Hoima Sugar to court to oppose the grounds that Kyangwali ancestral land includes patches of protected land. In April 2019, NFA lost the case and was ordered to withdraw its officers from the woodland.

The officials from the Kingdom informed UHRC that upon NEMA's Environment and Social Impact Assessment for the project, Hoima Sugar Ltd was allowed to use 9.24 square miles (sqm) for a sugarcane plantation, 1.206 sqm for an urban centre, 1.97 sqm for an eco-tourism centre, 0.156 sqm for a cultural site and 6.17 sqm for natural reserved forest and nature walkways. In August 2020, NEMA approved the Environment and Social Impact Assessment giving the project a final go-ahead and paving the way for sugarcane plantation agriculture and industrialisation. Human rights defenders pursued this matter in courts of law seeking to overturn the approval. In a preliminary ruling delivered on 7 May 2021, Justice Musa Sekaana dismissed a lawsuit filed by three civil society groups, the Water and Environment Media Network, the National Association of Professional Environmentalists and the African Institute for Energy Governance. In his court ruling, Justice Sekaana noted that the application was premised on distorted facts, and the applicants were attempting to suppress the real

facts by exaggerating that the entire forest was being cleared for sugarcane planting.<sup>406</sup>

The struggle to save Bugoma has been a concerted effort by different stakeholders, namely civil society organisations under the 'Save Bugoma' campaign, environmentalists, conservationists, human rights activists, and some district officials from Kikuube and Hoima. Bugoma Forest is also a core conservation forest which ranks 12<sup>th</sup> overall in importance out of 65 forests investigated for biodiversity and also contributes greatly to Uganda's tourism traffic. Environmentalists maintain that the trees in Bugoma Forest make it a big environmental asset in the region.

### 8.2.4 Situational analysis

Despite the biological and cultural richness of Bugoma Forest, it faces serious threats. The expansion of agricultural practices through the leasing of Bugoma Forest by the Bunyoro Kitara Kingdom to pave the way for sugarcane plantation agriculture and industrialisation has been a major cause of human rights concerns in Bugoma. This has been worsened by the deforestation practices and encroachment on the said forest by community members, members of the TULIPONA veterans, among others, to reap big from the charcoal burning business. The alleged involvement of some officials from the Uganda People's Defence Forces in the illegal logging and charcoal business has also been emphasised by different actors and surrounding communities. Further still, the uncoordinated law enforcement of NFA officers, Uganda People's Defence Forces, and private security companies contracted by Hoima Sugar Limited has led to conflicts. Other concerns are the land-grabbing challenges by surrounding communities and also speculators. Some respondents attributed the land wrangles and encroachment to the population growth in the area. This encroachment has had serious environmental and economic consequences, including the loss of livelihoods of forest-dependent communities, destruction of habitats of endangered species and increased greenhouse emissions, which contribute to climate change. The change was catalysed by the expansion of sugarcane plantations, which contributed to the decline in forest cover, reducing rainfall. The UHRC was informed by surrounding commu-

nities in Kabwoya and Kyangwali sub-county that there has been a change in climate, specifically the long dry spells causing unprecedented droughts.

With an ever-growing deforestation rate in Uganda that has caused the loss of 63% of forest cover in only three decades, contributing to less carbon absorption and climate change, the life of people is more endangered with the degradation of habitats, reduction of water sources, and reduction of land fertility.



Activists of the 'Save Bugoma Forest' campaign during a press conference in May 2019 (Source: The New Vision)



Deforestation in Bugoma Forest

#### 8.2.4.1 Cases filed and determined in line with Bugoma Forest

Many attempts have been made through various litigants to save the pride of Bunyoro. Cases have been filed by civil society organisations and different applicants; for example, the case of Water

404 The National Environment Act, 2019.

405 National Climate Change Act, 2021. Restitution of Assets and Properties Statute No.8, 1993.

406 <https://elaw.org/protecting-bugoma-forest>. Frank Luwago, "Other chunks of Bugoma forest cleared for sugarcane," The New Vision, 5 August 2019. <https://www.africanpearlssafaris.com>.

and Environment Media Network (U) Ltd & 2 Ors Vs. National Environmental Management Authority & Hoima Sugar Ltd,<sup>407</sup> where the court ruled that NEMA's issuance of a certificate approval of the Environment and Social Impact Assessment to Hoima Sugar Ltd for planting sugarcane was done within the confines of the law and consultations of the public were duly made. The court further stated that the applicants were making an alarmist move by exaggerating that the entire forest was being cleared for sugarcane planting since out of the entire leasehold certificate of title issued to the second respondent, they are supposed to plant sugarcanes on 2,393.8483 hectares against a total of 5,579 hectares which is less than half. In another court case, *National Forestry Authority Vs. the Omukama of Bunyoro Kitara and others*,<sup>408</sup> court ruled that part of the land in dispute claimed by the National Forestry Authority as part of Bugoma Central Forest Reserve measuring approximately 5,579 hectares, belongs to Bunyoro Kitara Kingdom and Hoima Sugar Ltd. The Kingdom of Bunyoro Kitara was jointly sued with Uganda Land Commission for illegally titling 5,779 hectares subsequently less than half was leased to Hoima Sugar Limited. In their ruling, the judges, based on evidence submitted by Wilson Ogala, the Commissioner of Surveys and Mapping, which affirmed that land had been surveyed and thus was not a forest reserve. This was against arguments by NFA lawyers who had insisted that the area is part of 41,444 hectares of Bugoma Central Forest Reserve.



Charcoal burning in Bugoma Forest

#### 8.2.4.2 Current developments in Bugoma Central Forest Reserve

##### • Issuance of a Restoration Order by NEMA

In September 2022, the NEMA issued a Restoration Order<sup>409</sup> to Hoima Sugar Ltd after a review of the Environment and Social Audit Report for the project and subsequent inspections. These discovered non-compliance to the Environment and Social Impact Assessment conditions, most significantly deforestation in the places that were meant to remain protected such as the eco-tourism site, cultural site and buffer zones. The Restoration Order cancelled the earlier approval for the development of an urban centre and instructed the developer to take steps to prevent further encroachment.

FIGURE 18: A COPY OF THE BUGOMA FOREST RESTORATION ORDER



Press Statement:  
September 27, 2022

#### NEMA orders Hoima Sugar LTD to restore degraded parts of Kikuube mixed land-use project area and cancels approval for urban centre development in the ecosystem

The National Environment Management Authority (NEMA) issued Hoima Sugar Ltd an Environmental and Social Impact Assessment (ESIA) certificate **No. NEMA/ESIA/13709** on **14<sup>th</sup> August 2020** to implement the above project.

Section 4 of the Certificate indicated specific conditions and components of the project as follows:

- (a) Sugarcane Plantation (9.24 sq. miles / 2,393.8483 ha);
- (b) Urban Centre (1.206 sq. miles / 312.3 ha);
- (c) Eco-tourism Centre (1.97 sq. miles / 510.2277 ha);
- (d) Cultural Site (0.156 sq. miles / 40.4038 ha);
- (e) The natural reserved forest and nature walk-ways/trails (6.17 sq. miles/1,598.023 ha).

Hoima Sugar Limited submitted an environmental and social audit report for the project in June 2022. Review of the Audit report and our further investigations including ground inspections in September 2022 revealed the following:

There was deforestation of the natural reserved forest areas contrary to approval condition 4.3 (i)(c). As result of this, the area of natural forests that was supposed be protected has been affected severely degraded (Figure 1).

There was deforestation of the eco-tourism site contrary to approval condition 4.3 (i)(c) which has affected the quality of the site for eco-tourism purposes.

The above findings amount to breach of conditions of approval of NEMA certificate issued to the company contrary to section 157(f) of the National Environment Act, 2019.

Accordingly, in exercise of powers vested to the Authority under section 129 of the National Environment Act, 2019, the following Orders and or Notices have been issued to the company in order to safeguard the environment and avoid any further damage to the environment: -

1. **Immediately** Stop any further deforestation of the natural reserved forest area, eco-tourism area, cultural sites and land reserved for urban center.
2. **No sugar cane** should be planted in the natural reserved forest area, ecotourism area, cultural sites area and land reserved for urban center. The sugar cane **MUST** be restricted to area permitted in the certificate.
3. The **312.3ha** earlier approved for the urban centre is halted to be kept as a natural forest in view of the country's efforts to recover forest cover loss.
4. **Restore all degraded areas** of the natural reserved forest area, ecotourism area, cultural sites and land reserved for urban center.

Page 1 of 2

407 Water and Environment Media Network (U) Ltd & 2 Ors Vs. National Environmental Management Authority & Hoima Sugar Ltd Consolidated Miscellaneous Cause Nos. 239 & 255 of 2020.

408 National Forestry Authority Vs. The Omukama of Bunyoro Kitara & 2Ors Civil Application No. 266 of 2019

409 www.nema.go.ug.

5. **Prepare a restoration plan** for the degraded areas in consultation with Forestry Sector Support Department of the Ministry of Water and Environment (FSSD), National Forestry Authority (NFA) and Uganda Wildlife Authority (UWA) and submit the same to this Authority for approval within a period of not more than three months from the date of this order.
6. **Implement the Restoration Plan** in 4 above at your cost with guidance from FSSD, NFA and UWA to the satisfaction of this Authority.
7. **Permit third parties** approved by this Authority who may wish to participate in the restoration process of the degraded areas as appropriate.

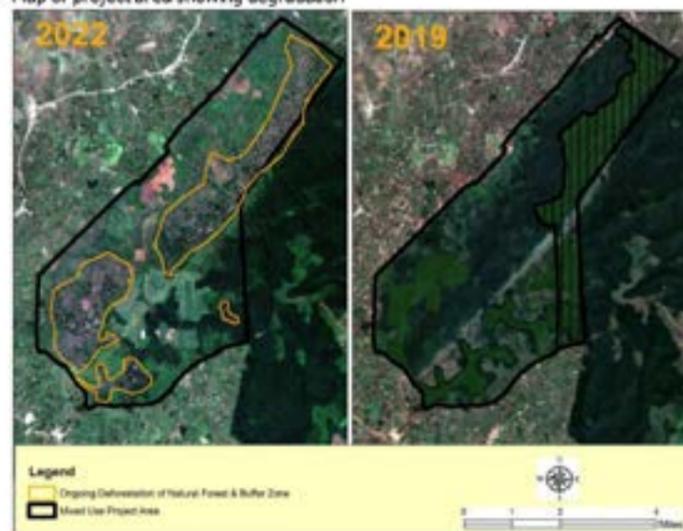
Failure to comply with the given instructions will result in NEMA cancelling the ESIA certificate and further legal actions against Hoima Sugar Limited.

We strongly urge developers to abide by conditions of approval in Environment and Social Impact Certificates. NEMA will not relent on efforts to ensure that development projects are undertaken in a sustainable manner and that the environment is not compromised.

#### Notes to Editor

1. Statement on approval of project  
<https://www.nema.go.ug/sites/default/files/Press%20Statement%20Bugoma%20FINAL.pdf>

2. Map of project area showing degradation



**For more information:**  
 National Environment Management Authority  
 NEMA House Plot 17/19/21 Jinja Road  
 P. O. Box 22255 Kampala Uganda  
 Email: [info@nemaug.org](mailto:info@nemaug.org); [www.nema.go.ug](http://www.nema.go.ug)

Page 2 of 2

Source: National Environment Management Authority, 2022

The issuance of the Restoration Order envisages good strides by NEMA to ensure the conservation of the forest's biodiversity. The UHRC commends NEMA for the steps taken in the preservation of the environment. When UHRC interacted with the Public Relations Officer at Hoima Sugar Ltd, he stated that the developer is currently finalising the restoration plan for the degraded areas as directed by NEMA.

#### • Opening of boundaries by the Ministry of Lands, Planning and Urban Development

The President issued directives in March 2021 to map Bugoma Forest. The development resulted from a court ruling in 2020 against the NFA which had alleged encroachment on the forest by the Bunyoro Kingdom. The President further ordered the Ministry of Finance to allocate funds to the Water and Environment Ministry to enable the survey and opening of boundaries of Bugoma Forestry Reserve<sup>410</sup>. During UHRC's interaction with officials of Kikuube District Local Government, it was confirmed that the survey was undertaken by the line ministry and they were awaiting a copy of the report. The State Minister of Environment is quoted to have stated that the mapping process would help handle numerous land claims that have popped up in the area.

#### 8.2.5 Human rights concerns in Bugoma

In line with the background and situational analysis, the following are the key human rights concerns that UHRC has noted and thus need to be addressed.

##### Deforestation, illegal logging and charcoal burning

Deforestation refers to the loss of a natural forest as a result of conversion to agriculture, a tree plantation or other non-natural forest land use, or severe and sustained degradation, while illegal logging is a consequence of deforestation and occurs when timber is harvested, transported, processed, bought or sold in violation of national or international laws.<sup>411</sup> The UHRC was informed that due to the lease grant to Bugoma, many trees had been cut down to pave for the establishment of sugarcane plantations by Hoima Sugar Limited. It was further alleged that some officials attached to the Uganda Peoples Defence Forces are involved in the cutting of trees and illegal logging for charcoal business purposes. According to the Daily Monitor in 2021,<sup>412</sup> 36 people were arrested for illegal logging and charcoal burning and charged with illegal entry. The Police impounded more than 1,000 pieces of timber and it was further reported that over 5,000 hectares of the forest had been encroached on in the last three years. Between 1932 and 2009, the forest was free of serious encroachment until

October 2010 when people under the TULIPONA Veterans Association invaded part of it adjacent to Nyairongo village in Kabwoya sub-county.

These activities have gravely led to shortages in rainfall, as stated by residents in the surrounding communities of Nyairongo and Kaseeta villages, who depend on rainwater for livestock and cultivation. Principle 4 of the Rio Declaration 1992 states that to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered from it. Article 39 of the Constitution of the Republic of Uganda guarantees the right of everyone to a clean and healthy environment. In line with the illegal activities taking place in Bugoma Forest, i.e. illegal logging and charcoal burning, there are many environmental consequences to the atmosphere, i.e. droughts that occur frequently are naturally caused by deforestation.

##### 8.2.5.1 Water pollution

Communities in the nearby villages of Kigyayo and Muziranduru in Kiziranfumbi sub-county alleged there was water pollution by Hoima Sugar Factory Limited which they accused of contaminating water sources through improper disposal of sugarcane waste. The surrounding communities and district officials also complained about allegations of dumping molasses on the roads, which when it rains, flows up to their gardens and water sources, thus polluting them and affecting the water's cleanliness. However, when UHRC interacted with the Public Relations Officer of Hoima Sugar Limited, he stated that effluent from Hoima Sugar Ltd is no longer poured on the dusty roads but is managed within the estate and disposed of in the sugarcane plantations.

##### 8.2.5.2 Traditional cultural practices and beliefs

Bugoma Forest was a traditional hunting ground and a cultural site for Bunyoro Kitara Kingdom. The forest has trees and herbs critical to the culture, religion and health of the indigenous people. The UHRC was informed by surrounding communities from Nyairongo village and also some members of the 'Save Bugoma campaign' that they used to get herbs for various ailments, including malaria, maternal ailments, and backaches. However, since

<sup>410</sup> Dedan Kimathi. Environment Chimp Reports. "Museveni issues Directive to Map Bugoma forest," 12 March 2020.

<sup>411</sup> Fern. "Why it is important to fight illegal logging". 1 March 2021.

<sup>412</sup> The Daily Monitor, "NFA evicts 1500 encroachers from Bugoma Forest Reserve", 22 January 2021.

the encroachment, access to the site is limited, and the trees have been cut down, denying the people of Bunyoro their cultural ties and practices and also access to medicinal plants. Article 27 of the Universal Declaration of Human Rights provides that everyone has a right to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. The Convention on Safeguarding of Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) are important milestones that demonstrate that cultural rights are inseparable from human rights.

### 8.2.5.3 Human and wildlife conflict

This refers to an encounter between humans and wildlife, which leads to negative results such as loss of property, livelihoods and even life.<sup>413</sup> As the

human population grows and with it the demand for space, people and wildlife are increasingly interacting and competing for resources. While human and wildlife conflict can result in the decline and potential eradication of species, communities can experience threats to health and safety, livelihoods, food security and property. The communities noted that due to the destruction of animal habitats, wild animal stray into the communities; for example, chimpanzees attacked about six children in 2020. The members of the 'Save Bugoma' sCampaign' alleged that wild animals destroyed their crops as their natural habitats had been destroyed. Bugoma is a rich tropical forest and home to 34 mammal species, 257 species of trees, 20 amphibian species and more than 225 bird species.<sup>414</sup>Therefore the destruction of the forest is a direct attack on wildlife and hence on the tourism sector, which is a great source of revenue to the country.



UHRC Officers interacting with members of the 'Save Bugoma Forest' task force in Nyairongo Village, Kabwoya sub-county, Kikuube district.

### 8.2.5.4 Shrinking civil society space

UHRC noted that several threats have been levied against civil society organisations which advocated for the conservation of Bugoma Forest. The UHRC established that several community members and officers of AFIEGO were arrested enroute to a radio interview where they planned to discuss the dangers of destroying Bugoma Forest, but have since been released. Article 19 of the International

Covenant on Civil and Political Rights provides for the right to freedom of expression. It comprises three core tenets: the right to hold opinions without interference, the right to seek and receive information and the right to impart information. General Comment 34 of the ICCPR notes that the right to freedom from expression includes political discourse, commentary on one's affairs, conversing, discussion of human rights, journalism, cultural and artistic expression, teaching and religious discourse.

413 <https://www.worldwildlife.org>.

414 [nfa.org.ug/ecotourism/bugomaforest/](http://nfa.org.ug/ecotourism/bugomaforest/).

However, the legal instruments also provide for limitations. Article 29 of the Constitution also provides that every person shall have the right to freedom of conscience, expression, movement, religion, assembly and association.

### 8.2.5.5 Land-related rights (evictions and land grabbing)

Cases of land grabbing and evictions have been registered within Bugoma Forest Reserve. According to the Daily Monitor,<sup>415</sup> local leaders of Kabwoya and Kyangwali sub-county and also Kingdom officials have been accused of the sale and allocation of Bugoma Forest land to encroachers, allegations they deny. The UHRC was also informed that surrounding communities had been accused of encroaching on the Bugoma Forest Reserve following a boundary-opening exercise. In a newspaper article,<sup>416</sup> the State Minister for Environment, while before a Natural Resources Committee of Parliament, attributed the land grabbing to inadequate manpower to patrol and manage the forest. Some of the residents have sued NFA; for example, Atugonza Francis and Kasajja Mustafa<sup>417</sup> sued the Authority for wrongfully including 2471 hectares of their customary land into the Bugoma Forest Reserve. Many of the land-related concerns have been attributed to the lack of clear boundaries and poor enforcement mechanisms.

Article 26(1) of the 1995 Constitution of Uganda provides for every person's right to own property either individually or in association with others. Article 237 states that land belongs to the citizens of Uganda under the following tenure systems: customary, freehold, mailo, and leasehold. Article 245 further provides for the protection and preservation of the environment and obligates Parliament to enact laws to protect and preserve the environment from abuse, pollution and degradation, to manage the environment for sustainable development and to promote environmental awareness.

### 8.2.5.6 Lack of meaningful participation

UHRC noted that prior to the issuance of the Environmental and Social Impact Assessment (ESIA) Certificate, procedural requirements of consultations were conducted, but the objections issued by various stakeholders were not consid-

ered. The UHRC established that district officials at Kikuube DLG issued 30 objections to the grant of the ESIA certificate but were not considered, and NEMA went ahead with the grant. Thus, this compromised the right to meaningful and effective public participation in environmental governance and decision making, especially concerning the different stages of screening, scoping, ESIA, review and decision-making about issuing the ESIA Certificate to Hoima Sugar Limited to switch land use to sugarcane growing.

### 8.2.6 Recommendations

1. The National Environment Management Authority should fast-track the implementation of its restoration order of the eco-system in Bugoma Forest by Hoima Sugar Limited, and routine audits should be undertaken for the same.
2. The Bunyoro Kitara Kingdom, National Environmental Management Authority, National Forestry Authority and the Uganda Police Force under its Environment Police should put in place proper enforcement mechanisms to protect the remaining forest cover from destruction.
3. Kikuube and Hoima District Local Governments should work hand in hand with other stakeholders through advocacy for the preservation of the forest.
4. Hoima Sugar Limited should duly adhere to the provisions of the Environmental and Social Impact Report.

### 8.2.7 Conclusion

Bugoma Forest, a once rich habitat with unique species and tree species, is under threat like many other forests in Uganda. The adjudication of matters and the campaigns by different environmentalists and conservationists have not saved the forest from destruction. It is important to balance conservation and biodiversity, the use of resources for agriculture and industrialisation, efforts to improve the livelihoods of local communities and indigenous populations and protect the species within the forest.

415 The Daily Monitor, "NFA evicts 1500 encroachers from Bugoma Forest Reserve," 22 January 2021.

416 Dedan Kimathi, "Museveni issues Directive to Map Bugoma forest," March 12 2020; Environment Chimp reports.

417 Atugonza Francis and Kasajja Mustafa, Civil Suit No.12 of 2017.

## 8.3 UGANDA EBOLA OUTBREAK



Health workers fumigating the protective equipment in the Mubende community in May 2022

### 8.3.1 Introduction and background

Uganda has previously had four outbreaks of Sudan Ebola virus; in 2000, 2011 and two outbreaks in 2012, an outbreak of Bundibugyo virus disease in 2007 and an Ebola virus disease outbreak in 2019.<sup>418</sup> The greatest Ebola epidemic since the discovery of the virus in 1976 occurred in West Africa between 2014 and 2016. After beginning in Guinea, the epidemic spread to Sierra Leone and Liberia across land borders.<sup>419</sup> Cueva virus, Marburg virus, and Ebola virus are the three genera that make up the virus family Filoviridae. Six distinct Ebola virus species have been identified: the Zaire, Bundibugyo, Sudan, Tai Forest, Reston, and Bombali strains.<sup>420</sup>

The Pteropodidae family of fruit bats is hypothesised to be a natural host for the Ebola virus. Close contact with infected animals' blood, secretions, organs, or other body fluids, such as fruit bats,

chimpanzees, gorillas, monkeys, forest antelope, or porcupines discovered sick, dead, or in the jungle, can spread the disease to humans. Ebola then spreads between people through direct contact (through broken skin or mucous membranes) with the blood or body fluids (such as blood, faeces, or vomit) of a person who has the disease or has died from it and with objects that have come into contact with such body fluids, as well as with the body of a person who has died from it.

When caring for patients who have Ebola virus disease (EVD), whether suspected or confirmed, healthcare professionals regularly become infected. Close contact with patients when infection control procedures are not carefully followed results in infection. Direct contact with the deceased's corpse during burial rituals has also been linked to increased Ebola cases. As long as the virus is present in a person's blood, the person remains contagious.<sup>421</sup>

It is possible for pregnant women who have had acute Ebola and recovered from the illness to continue harbouring the virus in their breast milk or in tissues and fluids relevant to pregnancy. They run the danger of passing this infection to the unborn child. After recovering from Ebola, women are not in danger of transmitting the virus to their unborn children. An Ebola patient who is nursing and wishes to continue should be encouraged to do so, however, her breast milk should first be screened for Ebola.<sup>422</sup>

The incubation period, or the period from viral infection to the start of symptoms, lasts between 2 to 21 days. Before showing symptoms, an Ebola patient cannot transmit the illness. The following EVD symptoms might appear suddenly: fever, exhaustion, headache, sore throat, and muscular discomfort. Following this are symptoms of both internal and external bleeding, as well as nausea, vomiting, diarrhoea, skin rash, and, in certain

cases, compromised kidney and liver function (for example, blood oozing from the gums or in the stool). Low white blood cell and platelet counts, as well as increased liver enzymes, are seen in the laboratory.

The Sudan Ebola virus broke out in the western and central regions of Uganda on 20 September 2022. Over 160 persons were affected, and 77 of them succumbed to the illness.<sup>423</sup> By 25 October 2022, there had been 90 confirmed or probable cases in Mubende, Kyegegwa, Kassanda, Kagadi, Bunyangabu, Kampala and Wakiso,<sup>425</sup> with a total of 44 deaths.<sup>426</sup> The first fatality in the capital city, Kampala, was reported on October 12;<sup>427</sup> 12 days later, on October 24, there had been 14 infections in the city two days prior.<sup>428</sup> The outbreak was declared over on January 11, 2023, 42 days after the last case had been reported.<sup>429</sup> In this outbreak of the Sudan Ebola virus, the case fatality rate in Uganda was 39%.<sup>430</sup>

TABLE 20: CASE FATALITY RATE OF EBOLA VIRUS DISEASE, 2000-2022

DISTRICT	YEAR	CASE	DEATHS	CFR (%)	STRAIN
Gulu	2000	425	224	53	Sudan
Bundibugyo	2007	131	42	32	Bundibugyo
Luwero	2011	1	1	100	Sudan
Kibaale	2012	11	4	36	Sudan
Luweero	2012	6	3	50	Sudan
Kasese	2018	4	4	100	Zaire
Mubende	2022	142	55	39	Sudan

Previous EVD outbreaks can be seen in the figure 19.

418 Okware, S. I.; Omaswa, F. G.; Zaramba, S.; Opiyo, A.; Lutwama, J. J.; Kamugisha, J.; Rwaguma, E. B.; Kagwa, P.; Lamunu, M. (2002). 'An outbreak of Ebola in Uganda'. *Tropical Medicine & International Health*. 7 (12): 1068-1075.

419 World Health Organization (WHO) Report of 23 February 2021, accessed at <https://www.who.int/news-room/fact-sheets/detail/ebola-virus-disease> on 15 February 2023.

420 Ibid.

421 Ibid.

422 World Health Organization. The guidelines on the Management of Pregnancy and Breastfeeding Women in the Context of Ebola Virus Disease. accessed at <https://www.who.int/publications/i/item/9789240001381> on 15 February 2023.

423 "Ebola in Uganda as of November 2022 | Ebola Cases - Ebola Deaths". Accessed at <https://ebola-cases.com> on 14 February 2023.

424 Lisa Schlein. Ebola Cases, Fatalities Rise in Uganda. Accessed at <https://www.voanews.com/a/ebola-cases-fatalities-rise-in-uganda-/6765247.html> on 15 February 2023.

425 World Health Organization. New Cases- Ebola Bunyangabu district. Accessed at <https://www.who.int/emergencies/disease-outbreak-news/item/2022-DON423> on 15 February 2023.

426 United Nations, "WHO supports Uganda Ebola response, faces challenges fighting Haiti cholera outbreak" accessed at <https://news.un.org/en/story/2022/10/1129497> on 15 February 2023.

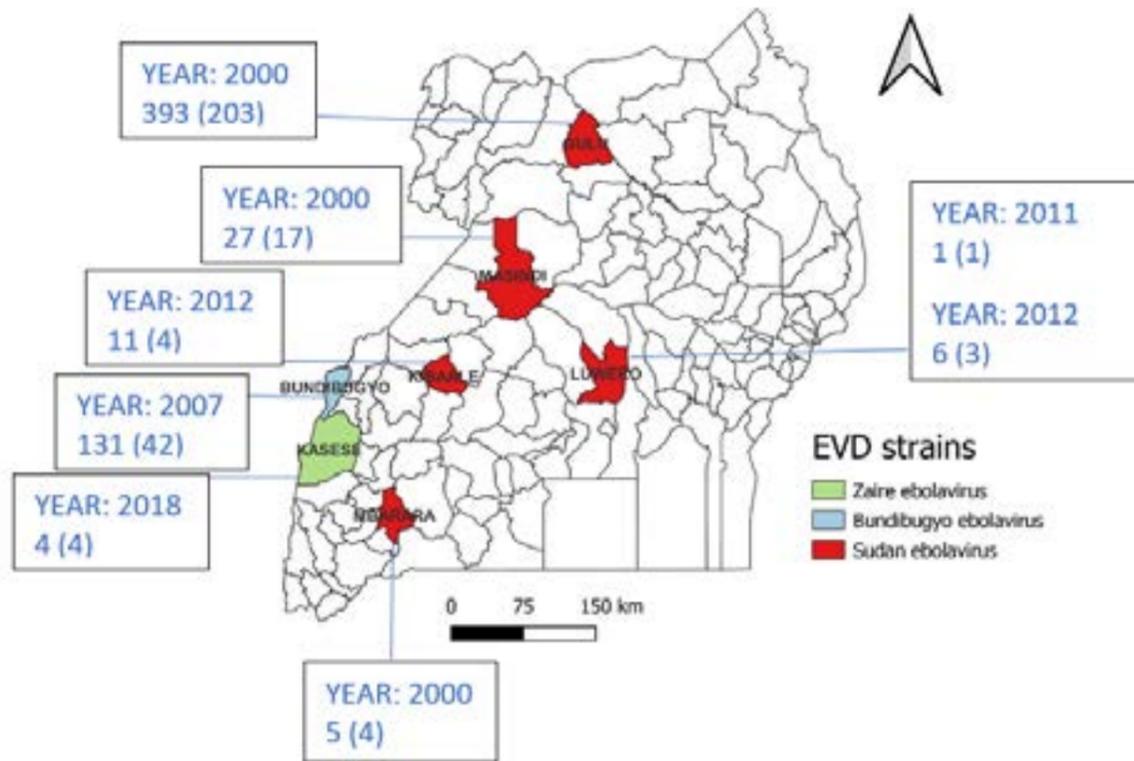
427 Patience Atuhaire, "Uganda Ebola outbreak: First death recorded in capital Kampala" accessed at <https://www.bbc.com/news/world-africa-63212117> on 15 February 2023.

428 Reuters, "Uganda says 9 more Ebola cases confirmed in Kampala, urges vigilance" accessed at <https://www.reuters.com/business/health-care-pharmaceuticals/uganda-says-9-more-ebola-cases-confirmed-kampala-toll-rises-14-2022-10-24/>

429 "Ebola Outbreak in Uganda Declared Over," accessed, at <https://bnonews.com/index.php/2023/01/ebola-outbreak-in-uganda-declared-over/> on 14 February 2023.

430 Health Alert Network, CDC, "Update on Ebola Virus Disease (Sudan ebolavirus) Outbreak in Central Uganda" accessed at <https://emergency.cdc.gov/han/2022/han00480.asp> on 15 February 2023.

**FIGURE 19: DISTRIBUTION OF EBOLA VIRUS DISEASE OUTBREAKS IN UGANDA, 2000-2012**



### 8.3.2 Legal and policy frameworks

#### 8.3.2.1 National legal frameworks

The legal framework in the management of epidemics and outbreaks in Uganda is dependent on the international obligations of the State under different instruments, national law and policy. The right to health and all other rights impacted by the Ebola outbreak are guaranteed by regional and international agreements that Uganda has ratified. These include the International Covenant on Economic, Social and Cultural Rights<sup>431</sup> (ICESCR), the ICCPR,<sup>432</sup> the Convention on the Rights of the Child (CRC),<sup>433</sup> and the Convention on the Elimination of all forms of Discrimination against Women (CEDAW).<sup>434</sup> They all acknowledge that everyone has the right to the best possible level of bodily and mental health and also provide for other incidental rights that were affected by the measures taken to curb the outbreak of Ebola, such as the right to fair and beneficial working circumstances and the right to an education for all. A national foundation for managing public health in Uganda and all

rights impacted by Ebola is provided for under the Republic of Uganda 1995 Constitution.<sup>435</sup> The right to life and the right to personal liberty, which may be restricted to stop the spread of an infectious illness, the right to education, the rights of women and children, the rights of PWDs and minorities, among other things, are all guaranteed under Chapter Four of the Constitution. The Constitution is supplemented by statutory laws that provide for additional guidelines on how to handle outbreaks and epidemics. The main piece of law governing Uganda’s administration of public health is the Public Health Act, Cap 281. Additionally, the Occupational Health and Safety Act of 2006 offers workplace protection for workers. These are supported by guidelines and directives by the President and the Ministry of Health that are issued from time to time as the outbreak unfolds. For proper management of the outbreak, several Presidential Directives were issued specifically to the high-risk districts of Kassanda and Mubende.

431 ICESCR, Articles 6, 12, 13.

432 ICCPR Articles 4, 6, 23, and 24.

433 CRC Articles 6, 24, 27, and 28.

434 CEDAW Articles 10, 12, and 16.

435 Articles 22, 23, 30, 33, 34, 35 and 36 of the Constitution of the Republic of Uganda.

#### 8.3.2.2 Regional legal frameworks

Uganda has ratified the African Charter on Human and People’s Rights (ACHPR), which also guarantees the right to health while recognising necessary restrictions on the right to assemble in the interest of national security, safety and health.<sup>436</sup> The Maputo Protocol on the Rights of Women in Africa and the African Charter on the Rights and Welfare of the Child (ACRWC) also similarly have provisions for protecting the rights that were affected by the Ebola outbreak in Uganda.

### 8.3.3 Situational analysis

#### 8.3.3.1 Early stages of the outbreak

There have been no reported human Sudan Ebola

outbreaks in the past ten years.<sup>437</sup> The prolonged nature of this outbreak<sup>438</sup> supports the hypothesis that it was brought on by an unreported spill over event from a wildlife reservoir.<sup>439</sup> This alleged spill over’s identity is still unknown. The initial instances were found among residents near a gold mine in the Mubende district. Although it has been hypothesised that gold dealers’ mobility contributes to the spread of the epidemic from where it was originally discovered, no concrete proof has been provided.<sup>440</sup> The eight most recent Ebola cases had no known contacts with known patients as of October 20, indicating that contact tracing was insufficient and there were unidentified transmission routes.<sup>441</sup> The table below shows the previous Ebola outbreaks in Uganda and how they occurred.

**TABLE 21: PREVIOUS EBOLA OUTBREAKS IN UGANDA**

DATE	VIRUS	HUMAN CASES	HUMAN DEATH	CFR	DESCRIPTION
2011	SUDV	1	1	n/a	
2012	SUDV	7	4	n/a	
Dec 2007 -Jan 2008	BDBV	149	37	25%	Occurred in Bundibugyo district in Western Uganda. This was the first identification of the Bundibugyo virus (BDBV).
Jun–Aug 2012	SUDV	24	17	71%	Occurred in Kibaale district.
Oct 2000-Jan 2001	SUDV	425	224	53%	Occurred in the Gulu, Masindi, and Mbarara. The three greatest risks associated with the Sudan virus infection were attending funerals of case patients, having contact with case patients in one’s family, and providing medical care to case patients without using adequate personal protective measures.

A total of 132 confirmed cases of the disease were known as of November 5; 395 of these individuals died. A total of 61 confirmed Ebola patients recovered and were released from the hospital. Cases were discovered in seven districts, including

Mubende, Kassanda, Kyegegwa, Bunyangabu, Kagadi, Wakiso, and Kampala, the country’s capital.<sup>442</sup> Education Minister Janet Kataha Museveni declared that schools across Uganda would cease on November 25, two weeks before the regular

436 Article 16, of the ACHPR.

437 CDC, “History of Ebola Virus Disease (EVD) Outbreaks” Last accessed at <https://www.cdc.gov/vhf/ebola/history/chronology.html> on 15 February 2023.

438 Deen, Gibrilla F.; Broutet, Nathalie; Xu, Wenbo; Knust, Barbara; Sesay, Foday R.; McDonald, Suzanna L.R.; Ervin, Elizabeth; Marrinan, Jaclyn E.; Gaillard, Philippe; Habib, Ndema; Liu, Hongtu; Liu, William; Thorson, Anna E.; Yamba, Francis; Massaquoi, Thomas A. (12 October 2017). “Ebola RNA Persistence in Semen of Ebola Virus Disease Survivors — Final Report”. *New England Journal of Medicine*. 377 (15): 1428–1437.

439 Adepoju, Paul. (13 October 2022), “Ebola Outbreak in Uganda Surges, but the Country Has a Plan”. *Scientific American*. Last accessed at <https://www.scientificamerican.com/article/ebola-outbreak-in-uganda-surges-but-the-country-has-a-plan/> on 12 February 2023

440 Al Jazeera, (8 November 2022), “Uganda to close schools early after eight children die of Ebola,” Last accessed at <https://www.aljazeera.com/news/2022/11/8/uganda-to-close-schools-early-after-eight-children-die-of-ebola> on 14 February 2023.

441 Reuters, (1 October 2022), “Ebola kills doctor in Uganda, first health worker killed in latest outbreak” accessed at <https://www.reuters.com/world/africa/ebola-kills-doctor-uganda-first-health-worker-killed-latest-outbreak-2022-10-01/> on 15 February 2023.

442 WHO, “Ebola Disease caused by Sudan virus – Uganda,” Last accessed at <https://www.who.int/emergencies/disease-outbreak-news/item/2023-DON433> on 15 February 2023.

end of term, since 23 Ebola cases had been verified among students as of November 8.<sup>443</sup> A total of 141 confirmed Ebola cases<sup>444</sup> with 55 confirmed deaths,<sup>445</sup> of which 11 were children<sup>446</sup> and seven health workers<sup>447</sup> with 79 recoveries reported as of 19 November. Ebola infections were confirmed in nine districts: Jinja, Masaka, Kampala, Wakiso,

Kagadi, Mubende, Kyegegwa, Kassanda and Bunyangabu. MoH attributed the spread of the virus to movements of contacts and symptomatic individuals to new areas. Bunyangabu and Kagadi districts were dropped from the follow-up list because they completed 42 days, which is two incubation cycles of the disease without a case.<sup>448</sup>



Health workers fumigating the protective equipment in the Mubende community in May 2022

### 8.3.3.2 Timeline of the outbreak

A 24-year-old male in a hamlet in the Mubende district began exhibiting signs of Ebola on September 11 and passed away on September 19, serving as the outbreak's index case. Mubende district was reported to have an epidemic of the Sudan Ebola virus by Ugandan health officials on September 20.<sup>449</sup> By September 25, cases had been verified in Kassanda and Kyegegwa, while Kagadi district verified its first case on September 29.<sup>450</sup> There were 38 confirmed cases as of September

30 and eight confirmed case fatalities overall.<sup>451</sup> One of the six infected healthcare professionals who handled the index case, Doctor Mohammed Ali, passed away on 1 October;<sup>452</sup> Dr Ali was one of seven medical workers that perished in the outbreak before it was declared over.<sup>453</sup> On 2 October, there were nine confirmed instances of fatalities out of 41 confirmed cases, with the first verified incidence reported in Bunyangabu district.<sup>454</sup> There were 29 reported fatalities and 43 confirmed cases by 5 October, with 63 cases by 10

443 MOH (30 September 2022), "Ministry of Health- Uganda on Twitter" accessed at <https://twitter.com/MinofHealthUG/status/1575814277566697472> on 12 February 2023.

444 Total includes 27 confirmed children and 19 health care workers.

445 Over all case fatality ratio (CFR) of 39 per cent as compared to 41 per cent CFR in confirmed children cases

446 Total confirmed and probable is 21 which includes 11 confirmed and 10 probable.

447 MoH SVD Situation Report #55 dated 19 November 2022.

448 Ibid.

449 Reuters, op cit at n.26.

450 WHO, op cit at n.27.

451 MOH, op cit at n.28.

452 BBC, "Africa Today: Uganda rules out lockdown to contain Ebola" accessed at [https://www.bbc.co.uk/programme\\_mes/p0d3mh3v](https://www.bbc.co.uk/programme_mes/p0d3mh3v) on 14 February 2023.

453 Sarah Carter, "Uganda Ebola outbreak that killed 56 people declared over, bringing 'great hope for Africa.'" Last accessed at <https://www.cbsnews.com/news/uganda-ebola-outbreak-2022-declared-over-who-56-deaths/> on 22 February 2023.

454 WHO, op cit at n.1.

October.<sup>455</sup>

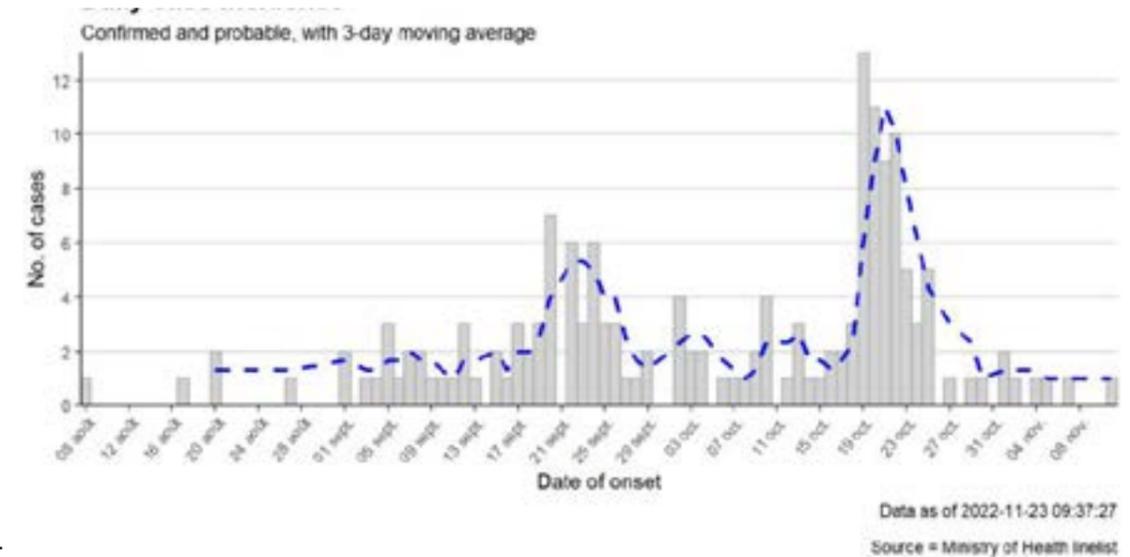
The first verified case and death in Kampala happened on 12 October; nevertheless, it is thought that he escaped from a district that had already been infected.<sup>456</sup> There were 60 confirmed cases and 44 recorded deaths as of October 20. The first incidence in Wakiso district had been verified by 22 October.<sup>457</sup> With 14 confirmed cases recorded in Kampala in the preceding 48 hours, there were 90 confirmed cases and 28 confirmed deaths on October 24.<sup>458</sup>

Six cases among school-aged children who attended courses at three separate schools in the Rubaga Division of Kampala were confirmed by the Ugandan Ministry of Health on 26 October. The sickness claimed the life of one of the youngsters, and 170 contacts were found among these cases.<sup>459</sup> A 23-year-old lady who had travelled from Kampala to Masaka to be cared for by her parents

was brought to a hospital on October 31 and eventually passed away after being moved back to Kampala. Masaka announced the case and death on 2 November after the woman's death.<sup>460</sup> A 45-year-old man passed away on November 13 and was tied to a likely case involving the Rubaga Division of Kampala, prompting Jinja district to certify its first case and death.<sup>461</sup>

Following the end of the outbreak, UHRC has since determined that the government is following up with survivors through the Ebola Survivors programme. A Post Ebola Recovery plan was also developed to guide the implementation of the recovery phase activities, and the survivors' programme is one of those key national priorities in the post-recovery phase. The Ebola Survivors' Guidelines have been developed, stipulating what needs to be done under the programme and highlighting clear roles and responsibilities for different actors to prevent or manage another outbreak.

FIGURE 20: MINISTRY OF HEALTH EBOLA DAILY CASE INCIDENCE



Source: Ministry of Health

455 Doctors Without Borders, (5 October 2022), "Uganda: Four things to know about the Ebola outbreak" accessed at <https://www.doctorswithoutborders.org/latest/uganda-four-things-know-about-ebola-outbreak> on 12 February 2023.

456 France24, (13 October 2022), "Uganda leader cracks down on traditional healers to stem Ebola." Last accessed at <https://www.france24.com/en/live-news/20221013-uganda-leader-cracks-down-on-traditional-healers-to-stem-ebola> on 14 February 2023.

457 WHO, op cit at n.1.

458 Ibid.

459 MOH, (26 October 2022), "Update on the Ebola Virus Disease Outbreak and Containment Measures 26 October."

460 Mutyaba Gertrude (2 November 2022), "Masaka records first Ebola death." Last accessed at <https://www.monitor.co.ug/uganda/news/national/masaka-records-first-ebola-death-4006522>.

461 Dr. Jane Ruth Aceng Ocero on Twitter, 13 November 2022. Last accessed at [https://twitter.com/JaneRuth\\_Aceng/status/1591701570844266497](https://twitter.com/JaneRuth_Aceng/status/1591701570844266497) on 10 February 2023.

### 8.3.4 Response/government's intervention

#### 8.3.4.1 Response to misinformation

According to Health Minister Jane Aceng, local people initially believed the new Ebola outbreak was caused by witchcraft.<sup>462</sup> Some prominent personalities, including politicians, claimed that the Ebola outbreak was fictitious or overblown and that Ugandans were being exploited as “lab rats” for vaccine testing; for example, Joseph Kabuleta, a former presidential contender, also asserted that the Ebola vaccinations currently undergoing clinical trials may have fatal adverse effects, echoing his past assertions regarding the COVID-19 vaccines.<sup>463</sup> One of the most popular theories was that Ebola victims’ burials were sealed off in order to harvest and sell their organs.<sup>464</sup>

The State responded to this misinformation through several presidential press statements and other statements that were aired on live television and radio stations and in the major print media in Uganda. The press statements addressed some of the people’s concerns, answered questions, cleared misconceptions and provided direction as to the State’s response to the epidemic. This response aided State efforts to control the spread of EVD and reduce the number of people exposed to it.

#### 8.3.4.2 Lockdown and quarantine

Researchers found that the governing party’s inconsistent deployment of public health measures during the COVID-19 epidemic, intended to quell dissent and silence public dialogue, contributed to disinformation efforts.<sup>465</sup> Residents also raised concerns about arbitrary lockdowns when the economy was already struggling due to the effects

of widespread COVID-19 lockdowns and continuous pressures from global inflation.<sup>466</sup> Some residents said that the districts put on lockdown were being punished on purpose for backing opposition candidate Bobi Wine and that police had physically assaulted residents to impose nightly curfews.<sup>467</sup>

The first lockdown started on October 15. For three weeks, Mubende and Kassanda districts were under a lockdown that banned anybody from entering or leaving the districts, except freight vehicles. Additionally, there was a curfew in effect and bars, nightclubs, houses of worship, and entertainment venues were closed.<sup>468</sup> After two patients from Mubende arrived in the city on October 17, President Museveni issued a high response warning for Kampala. One of these patients passed away, prompting the President to warn about the possibility of diseases and contacts in the area.<sup>469</sup>

Quarantine, means the separation of a person or group of people reasonably believed to have been exposed to a communicable disease, but not yet symptomatic, from others who have not been so exposed, to prevent the possible spread of the communicable disease.<sup>470</sup> While the lockdown was in place, a quarantine was placed on the two districts of Mubende and Kassanda and was extended until 17 December 2022 to contain the virus and to treat those who had been exposed to it.<sup>471</sup> Further engagement with the Ministry of Health revealed that approximately 160 people were quarantined in quarantine sites in the EVD-affected districts. These included Riverside Hotel, Sofia Guest House, Joella Guest House and Rose-line Guest House in Mubende district, where 122 people were quarantined. Others included Hotel

Paradise in Jinja district, with 16 people; Garden Courts Hotel in Masaka district, with 14 people; Entebbe Hospital in Entebbe and Mulago Hospital and Well Inn Guest House in Mulago, where eight people were collectively quarantined. The private facilities were procured by WHO to offer services to people in quarantine. Asymptomatic people with high-risk exposures to the Ebola virus should remain in quarantine until 21 days after their last high-risk exposure. Quarantine or isolation may be voluntary or under public health orders at the discretion of the health department of jurisdiction.<sup>472</sup>

#### 8.3.4.3 Closure of schools

As of 8 November, 23 Ebola cases had been confirmed among pupils. From these, 170 contacts were identified, while eight children had died by 8 November 2022.<sup>473</sup> By this time, only five had fully recovered, while 16 were under isolation.<sup>474</sup> Twenty-six children in total were affected by Ebola, of whom eight died and 18 recovered. When UHRC interacted with the Ministry of Health, it was further revealed that 11 of these children came from Mubende, Kampala and Wakiso from five schools, three in Kampala, one in Mubende and one in Wakiso. Following these developments, education minister Janet Kataha Museveni announced schools across Uganda would close on 25 November, two weeks before the scheduled end of term.<sup>475</sup> This directive did not, however, affect the students in candidate classes, who stayed in school until they had finished their examinations. However, all schools had to be decontaminated school facilities immediately after the students left school<sup>476</sup> to control spread of the disease to schools.

Similarly, the Ministry of Education and Sports liaised with the Ministry of Health to cordon off affected schools, trace contacts of all affected pupils, decontaminate school facilities, and isolate and provide for home care of affected pupils.<sup>477</sup> Furthermore, the Ministry of Education issued three circulars, including Standard Operating Procedures for all schools,<sup>478</sup> carried out sensitization campaigns and gave directions on the visitation of students<sup>479</sup> and guidelines on short-term holidays.<sup>480</sup>

#### 8.3.4.4 Vaccines

There are currently no effective vaccines for the Sudan Ebola virus.<sup>481</sup> However, the WHO’s Health Emergencies Programme has highlighted that a clinical trial for an adenovirus-based vaccine that was created by the Sabin Vaccine Institute in collaboration with the Vaccine Research Center at the US National Institute of Allergy and Infectious Diseases will be made available to contacts of known cases.<sup>482</sup> Early supportive care is the only option for managing an infection, but experts are optimistic because so much has been learned about Ebola infections, including diagnosis, contact tracing, and ways to increase survival.<sup>483</sup>

#### 8.3.4.5 Partnership with non-State actors

The WHO assisted with surveillance, coordination, and communication activities on behalf of the Ugandan Ministry of Health,<sup>484</sup> while the Ministry received assistance from Medicines Sans Frontiers in deploying the first emergency response.<sup>485</sup> According to the International Federation of Red Cross and Red Crescent Societies (IFRC), Uganda has requested urgent assistance,<sup>486</sup> which was met with an initial emergency financing contribution of

462 Devi Sridhar (10 October 2022), “Uganda is battling Ebola again – and the world doesn’t have a vaccine.” Last accessed at <https://www.theguardian.com/commentisfree/2022/oct/10/uganda-ebola-vaccine> on 12 February 2023.

463 Mwai, Peter; Schraer, Rachel (29 November 2022). “Ebola in Uganda: The people spreading misinformation online.” Last accessed at <https://www.bbc.com/news/63741125> on 12 February 2023.

464 Latif Dahir, Abdi (8 December 2022). “‘Ebola Could Have Wiped Us All’: Slow Lockdown Haunts Uganda.” Last accessed at <https://www.nytimes.com/2022/12/08/world/africa/ebola-uganda.html> on 14 February 2023.

465 Grasse, Don; Pavlik, Mel; Matfess, Hilary; Curtice, Travis (31 July 2020). “Autocratic governments are using coronavirus as a pretext to clamp down on opponents.” Last accessed at <https://www.washingtonpost.com/politics/2020/07/31/autocratic-governments-are-using-covid-19-pretext-clamp-down-opponents/> on 14 February 2023.

466 The Conversation (11 November 2022), “Ebola in Uganda: lessons from COVID show that heavy-handed lockdowns may be a bad idea.” Last accessed at <https://www.gavi.org/vaccineswork/ebola-uganda-lessons-covid-show-heavy-handed-lockdowns-may-be-bad-idea> on 13 February 2023.

467 Latif Dahir, op cit.

468 Patience Atuhaire & Elsa Maishman (16 October 2022), “Ebola in Uganda: Three-week lockdown announced for two districts.” Last accessed at <https://www.bbc.com/news/world-africa-63273603> on 12 February 2023.

469 Xinhua (17 October 2022), “Ugandan president puts capital city on Ebola response alert.” Last accessed at <https://english.news.cn/africa/20221017/8702ba0c10704e269de24bf1a5e5f6a4/c.html> on 12 February 2023.

470 WHO, op cit

471 Reuters, “Uganda’s president extends Ebola epicenter’s quarantine for 21 days.” Last accessed at <https://www.reuters.com/business/healthcare-pharmaceuticals/ugandas-president-extends-ebola-epicentres-quarantine-21-days-2022-11-27/> on 23 February 2023.

472 WHO, op cit.

473 Hon. Janet Kataha Museveni, (08 November 2022). “Ministry Of Education & Sports Press Statement On Measures to Prevent and Control the Spread Ebola Virus Disease in Schools in Uganda.” Last accessed at <https://www.education.go.ug/wp-content/uploads/2022/11/PRESS-STATEMENT-ON-MEASURES-TO-PREVENT-AND-CONTROL-THE-SPREAD-EBOLA-VIRUS-DISEASE-IN-SCHOOLS-IN-UGANDA.pdf>

474 Ibid.

475 “Ministry of Health-Uganda on Twitter,” 30 September 2022. Archived from the original on 17 October 2022. Retrieved 2 February 2023.

476 Janet Museveni, op cit at n.59.

477 Janet Museveni, op cit at n.59.

478 MOES, “School Circular No. 21/2022.” Cited in Janet Kataha, op cit at n.59.

479 MOES, “School Circular No. 22/2022.” Cited in Janet Kataha, op cit at n.59.

480 MOES, “School Circular No. 24/2022.” Cited in Janet Kataha, op cit at n.59.

481 WHO, op cit at n.1.

482 Helen Branswell (29 September 2022). “Ebola experimental vaccine trial may begin soon in Uganda.” Last accessed at <https://www.statnews.com/2022/09/29/ebola-experimental-vaccine-trial-may-begin-soon-in-uganda/>.

483 Adepoju, Paul (8 October 2022). “Experts hopeful about Ebola control in Uganda”. *The Lancet*, 400 (10359): 1184. Last accessed at [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(22\)01924-9/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(22)01924-9/fulltext)

484 Ibid.

485 Doctors Without Borders, op cit.

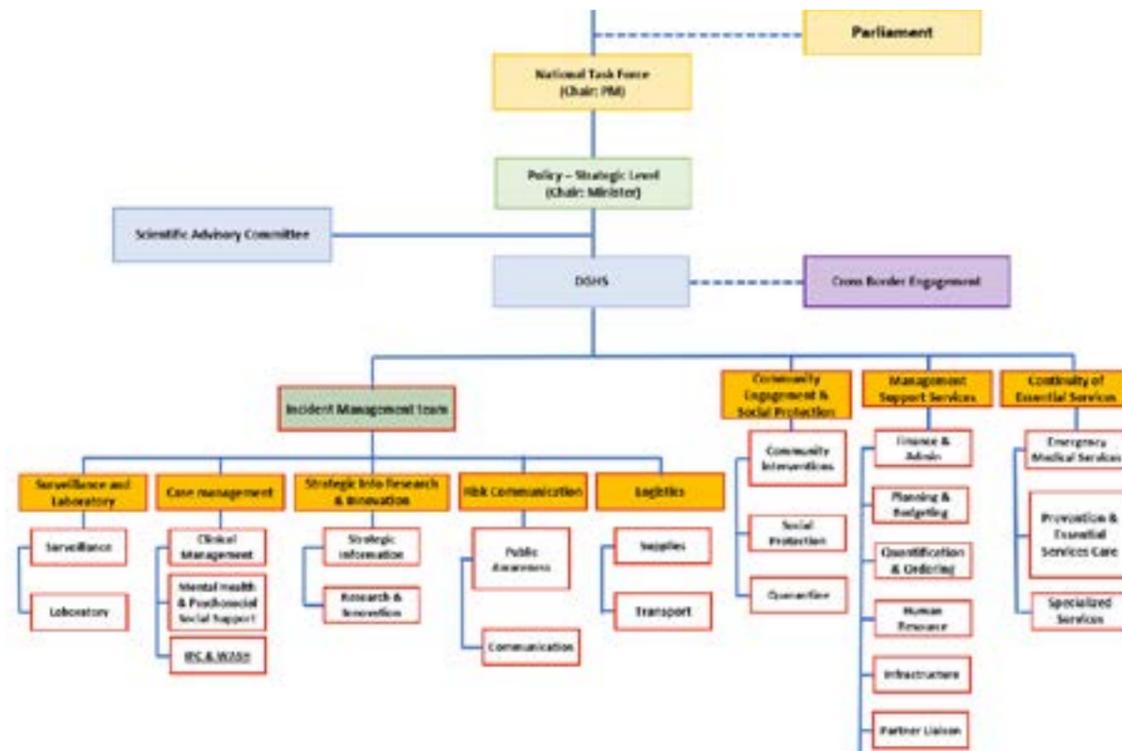
486 Ibid.

€200,000 from the European Union.<sup>487</sup>

In further engagement with the Ministry of Health, the UHRC learnt that a total of 56 partners supported the Ebola response. These included World Food Programme, WHO and UNICEF which provided food relief to patients in treatment units to encourage them to stay in quarantine, while UNICEF further provided access to safe water and

waste management facilities. The Medicines Sans Frontières (MSF) constructed Ebola treatment units and infrastructure while WHO, CDC, UNICEF and other partners: deployed human resources to respond to the outbreak across different districts. A total of USD 81,200,480 was mobilised in funds that were managed directly by partners and not sent to MoH.

**FIGURE 21: ORGANISATION OF EBOLA RESPONSES AT THE NATIONAL LEVEL**



To assist in safeguarding healthcare workers from the outbreak, the US government supplied Remdesivir, an antiviral medication, and MBP134, an experimental antibody combination.<sup>488</sup> Some of the more significant challenges that the epidemic presented include the lack of supplies such as Personal Protective Equipment (PPE) and food for those in quarantine, cases of patients and contacts escaping isolation, and the underpaid medical interns who only received pay every three

months.<sup>489</sup>

### 8.3.5 Human rights concerns

Human rights are indivisible, interconnected, and interdependent. The right to life, health, education, and access to justice, as well as the right to access basic services, a means of subsistence, food, and the economy, were all seriously threatened by Ebola. Achieving and enjoying other human

rights, such as access to food, water, freedom and freedom from discrimination, access to information, and participation, are made possible by the elements and circumstances safeguarding and promoting the right to health services, products, and products facilities. This highlights the significance of taking a human rights-based strategy to a disease epidemic.

#### 8.3.5.1 The right to health

The UHRC noted that those who had just been diagnosed with ailments including cancer, HIV/AIDS, and malaria were unable to receive timely, effective treatment, while others missed their appointments in the lockdown-stricken areas of Mubende and Kassanda. Increased stress, worry, illness progression, recurrence, and in some cases, mortalities were the outcomes of these postponed therapy initiations and treatment cycle interruptions. Similarly, it was noted that the strain on the health facilities that were caused by the lockdown measures and the quarantine precautions affected people who needed other health services, such as antenatal and paediatric services, as they could not access the hospitals and health centres without difficulty, in this time. This ultimately affected their right to health.

The right to health is defined as the right to the best possible bodily and mental health.<sup>490</sup> Other underlying determinants of health included in the right to health include the right to a clean and healthy environment, safe food and sanitation, the right to housing, healthy occupation and environmental circumstances, and health-related education and information.<sup>491</sup> This right is also inextricably tied to the ideals of equality and non-discrimination, emphasising the needs of the poor and disadvantaged populations.<sup>492</sup> The availability, accessibility, affordability, and quality of healthcare products and services are crucial components of a right to health, but they are not the only ones. The concept of availability refers to the State's responsibility to ensure that all communities, including vulnerable individuals, indigenous communities, and racial and

ethnic minorities, have access to adequate health-care infrastructure, including hospitals, community health facilities, trained healthcare professionals, drugs, equipment, and health services.<sup>493</sup>

#### 8.3.5.2 The right to education

The country-wide travel restrictions and early closure of schools heightened the vulnerability of children reliant on school meals and exacerbated the financial hardship on parents in the Ebola epicentres, which are the districts of Mubende and Kassanda. In the impacted districts, school closures disrupted education and put girls at greater risk of economic abuse and exploitation since they were expected to do more home and caring duties. The right to education is protected under Article 30 and Article 34 of the Constitution, the latter specifically for children. It espouses that all children will have a right to basic education, which shall be the responsibility of the State and the parents of the child. On 10 November 2022, the Minister of Education ordered all schools to close by 25 November 2022, apart from candidate classes, to curb the spread of EVD.<sup>494</sup> This closure affected the over 30,000 schools and millions of students and pupils.

#### 8.3.5.3 Rights of vulnerable populations

The lockdown negatively impacted many individuals since most of them lost their jobs and other means of income, even though the majority still live in poverty. People with disabilities, disadvantaged people, the elderly, low-income earners, and other small business owners were the most severely impacted. UHRC found that vulnerable people were adversely affected by the Ebola outbreak because of their vulnerability and the pre-existing difficulties they encounter in exercising their rights—such as access to medical care, cost, physical difficulties, and loss of employment. These included persons with disabilities who could not move effectively with the closure of public and private transport in the affected districts, sick persons and other categories of people who were adversely affected by these measures.

<sup>487</sup> Directorate-General for European Civil Protection and Humanitarian Aid Operations (ECHO) (4 October 2023), "Ebola outbreak: EU provides immediate support to Uganda." Last accessed at [https://civil-protection-humanitarian-aid.ec.europa.eu/news-stories/news/ebola-outbreak-eu-provides-immediate-support-uganda-2022-10-04\\_en](https://civil-protection-humanitarian-aid.ec.europa.eu/news-stories/news/ebola-outbreak-eu-provides-immediate-support-uganda-2022-10-04_en).

<sup>488</sup> Julie Steenhuisen (18 October 2022), "U.S. sends experimental antibody, antiviral drug to Uganda for Ebola outbreak." Last accessed at <https://www.reuters.com/business/healthcare-pharmaceuticals/us-sends-experimental-antibody-antiviral-drug-uganda-ebola-outbreak-2022-10-18/> on 14 February 2023.

<sup>489</sup> Newey, Sarah; Telegraph Reporters, (8 November 2022). "Ebola outbreak projected to surge as response repeats mistakes of Wuhan." Last accessed at <https://www.telegraph.co.uk/global-health/science-and-disease/ugandas-ebola-outbreak-projected-kill-500-response-repeats-mistakes/> on 12 February 2023.

<sup>490</sup> See Article 12 of the ICESCR.

<sup>491</sup> Ibid.

<sup>492</sup> See UN Committee of Economic Social and Cultural Rights (CESCR), General Comment No. 14 on the Right to the Highest Attainable Standard of Health, E/C.12/2000/4.

<sup>493</sup> Ibid.

<sup>494</sup> Max Barnhart, "Uganda ends school year early as it tries to contain growing Ebola outbreak." Last accessed at <https://www.npr.org/sections/goatsandsoda/2022/11/10/1135619132/uganda-ends-school-year-early-as-it-tries-to-contain-growing-ebola-outbreak> on 23 February 2023.

#### 8.3.5.4 Rights of women and children

Children were impacted adversely by the restrictions that resulted from the lockdown measures, both in the short-term, such as mobility restrictions, and in the long-term, such as the effects on mental development. Among the latter, for example, the premature closure of schools dramatically increased the risk of sexual and physical abuse of children, and the loss of parental income contributed to child neglect, fatalities, and reduced access to health services, including youth health camps, vaccination, and starvation, among other problems. Women in the impacted regions were targets for gender-based violence due to their proximity to abusive partners. To further exacerbate matters, many of these incidents were not reported to the authorities because of travel limitations due to lockdown measures. The Constitution especially recognises the rights of women<sup>495</sup> and children,<sup>496</sup> who are to receive equitable treatment and protection, given their vulnerable State in society.

#### 8.3.5.5 Right to a livelihood

The temporary closure of companies in the impacted regions as a result of the lockdown led to a spike in unemployment. Many Ugandans who relied on these companies for employment were impacted by their closure, especially while they were recuperating from the economic repercussions of the COVID-19 pandemic. The economic rights of all Ugandans are protected under Article 40 of the Constitution, and entail the right to practice his or her profession and to carry on any lawful occupation, trade or business. The government imposed restrictions to stop the spread of the Ebola virus, which rendered many individuals who

relied on daily income, such as taxi drivers, cooks, bartenders, restaurant employees, salon owners, and boda-boda drivers, unemployed.

#### 8.3.5.6 The right to life

The EVD outbreak affected many people, and led to a total of 56 deaths, including seven medical personnel and eight children.<sup>497</sup> Further engagement with the Ministry of Health revealed that of the seven medical workers who died, one was a medical officer, one a nursing assistant, one an anaesthetist, one a medical lab technologist, one a clinical officer and two were nurses. Six of these worked in Mubende district, while one worked in private clinics in Mubende, Kassanda and Mityana.

#### 8.3.6 Recommendations

1. The Ministry of Health should revamp and build its epidemiological interventions for early detection and management of future outbreaks. Applying a range of interventions, including case management, monitoring, contact tracing, a top-notch laboratory service, safe burials, and societal mobilisation, is essential for controlling outbreaks.
2. The Ministry of Health should also prioritise community education on various notorious outbreaks. For outbreaks to be successfully controlled, community involvement is essential. Reduced human transmission can be achieved by increasing knowledge of the risk factors for Ebola infection and preventative interventions (such as immunisation) that people can adopt.

## 8.4 OIL AND GAS



Oil pipeline being installed

### 8.4.1 Introduction

Uganda's prospective for oil dates back to the 1920s when the first assessment of the oil and gas potential was made by a Government geologist named E.J. Wayland. Wayland documented hydrocarbon occurrences in the Albertine Graben. In 1984 a Petroleum Unit under the Department of Geological Survey and Mines was created, and in the following year, the first legislation for petroleum exploration and production was enacted in 1985. The 1990s saw the acquisition of additional geological and geophysical data which was used to promote oil exploration in Uganda in international fora.

On 6 January 2006, Uganda struck oil, and was declared the first commercial discovery in Uganda. Other oil discoveries were made in Waraga, Kajubilirizi (Kingfisher), Nzizi, Ngassa, Taitai, Karuka, Ngege, Kasamene, Kigogole, Ngiri, Jobi-Rii, Nsoga, Wahrindi, Ngara, Nsoga, Mpyo, Jobi-East, Gunya, and Lyec, a total of 21 discoveries.<sup>498</sup> It is estimated that Uganda has 6.5 billion barrels in oil reserves; however only 1.4 billion barrels are economically

recoverable.<sup>499</sup> Greenfield investments in Uganda significantly contribute to the country's oil and gas exploration for transformation and sustainable energy supply locally. Uganda currently can produce 230,000 barrels per day over 15 years with the potential to maintain East Africa's supply of oil. Through recent developments and policies, Uganda has attracted several investments, which has placed the country with the likes of Africa's top oil-producing countries. The area explored presently represents less than 40% of the total area, with the potential for petroleum production in the Albertine region.<sup>500</sup> This shows that the oil and gas sector is still growing exponentially, and the economic, social and political implications are enormous.

The oil and gas value chain is subdivided into upstream, midstream and downstream. Upstream covers promotion, licensing, exploration, development and production of petroleum. Midstream includes transportation, refining of oil and conversion of gas. It is recognised that upstream petroleum also includes aspects of transportation, espe-

495 Article 33 of the Constitution.

496 Article 34 of the Constitution.

497 Carter, op cit at n.39.

498 <https://www.pau.go.ug>. Last accessed on 21 February 2023.

499 Ministry of Energy and Mineral Development, "The Oil and Gas Sector in Uganda: Frequently Asked Questions."

500 <http://www.pau.go.ug>. Last accessed 15 November 2022).

cially with regard to the transportation of oil and gas on petroleum fields and between these fields and processing centres. Downstream deals with the distribution, marketing and sale of petroleum products.<sup>501</sup>

The ongoing projects in the oil and gas sector include the Lake Albert Development Project, comprised of Tilenga and Kingfisher projects headed by Total Energies and the China National Offshore Oil Corporation (CNOOC), which are aimed to produce 230,000 barrels per day by 2025. The second project includes the 1,410km East African Crude Oil Pipeline to transport 261,000 barrels, also led by Total Energies and CNOOC in conjunction with the Government of Tanzania and the Uganda National Oil Company.

So far approximately USD 3.8 billion has been invested in exploration and appraisal.<sup>502</sup> To date, 33 seismic surveys have been undertaken, resulting in the acquisition of 7,580.6 line Kilometres of Two Dimensional (2-D) seismic data and 1,948.6 square kilometres of Three Dimensional (3-D) Seismic data. One hundred and twenty-one exploration and appraisal wells have been drilled, with 106 wells encountering oil and/or gas, which is an unprecedented drilling success rate of over 85%. This includes 39 exploration and 82 appraisal wells with 36 wells flow tested. In addition, over 10,000 kilometres of geological mapping has been undertaken and Aerial Magnetic Data, Ground Gravity & Magnetic Data, and Full Tensor Radiometry Data have also been acquired.<sup>503</sup>

Three licenses were cleared by the Cabinet, the Ministry of Finance, Planning and Economic Development and the Ministry of Justice and Constitutional Affairs. The negotiated Production Sharing Agreements (PSAs) were laid before Parliament. Uganda's first licensing round covered six blocks

with a total acreage of 2,674 Km<sup>2</sup> in the Albertine Graben, Uganda's most prospective sedimentary basin. From 2010 to 2012, Kingfisher was issued a production license. In 2014 a Memorandum of Understanding on Commercialisation was signed between the government and licensed oil companies, which underpinned the three principles options of crude for export, refinery and crude for power. In 2016 six production licenses were issued to Tullow Uganda and three to Total Energies E&P Uganda. In 2017 the Inter-Government Agreement for the East Africa Crude Oil Pipeline (EACOP) was signed between Uganda and Tanzania.

The announcement of the Final Investment Decision (FID) on 2 February 2022 by His Excellency Yoweri Kaguta Museveni, signified the start of the production phase of Uganda's oil and gas projects by the Total Energies EP Uganda, CNOOC Uganda Limited, the Uganda National Oil Company (UNOC), and the Tanzania Petroleum Development Corporation (TPDC).<sup>504</sup> The FID announcement signified the commitment of the oil companies to invest close to US 10 billion to develop Uganda's oil and gas resources through the implementation of the Tilenga Project in Buliisa and Nwoya districts; the Kingfisher Project in Hoima and Kikuube districts (approximately US6-8bn); and the East African Crude Oil Pipeline (EACOP) that will cross the ten districts of Hoima, Kikuube, Kakumiro, Kyankwanzi, Gomba, Mubende, Lwengo, Sembabule, Kyotera and Rakai.

It is anticipated that oil will contribute an average net present value of USD 2 billion, 10% of Uganda's GDP, for at least 26 years.<sup>505</sup> The Government anticipates that oil and gas will serve as an important building block to realising the long-term aspirations and objectives of Uganda's vision 2040 of "a transformed Ugandan society from a peasant to a modern and prosperous country within 30 years."

FIGURE 22: OIL SECOND LICENSING ROUND



Uganda's efforts towards oil production were undergirded by human rights concerns such as land use, compensation and resettlement, participation of communities in developments in the sector and environmental concerns. UHRC monitored the developments in the sector to highlight the human rights concerns observed in 2022.

## 8.4.2 Legal and policy framework

### 8.4.2.1 International framework

The United Nations Sustainable Development Goals 7, 8, 9 and 12 all provide for standards of production, which include the promotion of sustainable, inclusive and sustainable growth. It also includes productive employment and decent work for all. The International Convention on Economic, Social and Cultural Rights and the International Convention on Civil and Political Rights provide a framework for a human rights-based approach to development. Articles 10, 13 and 14 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) also provide the framework for the recognition of the rights of women in the oil and gas sector. Articles 1 and 11 of the ICESCR recognise the right to own and dispose of property. Article 3 of the ICCPR and ICESCR recognises the rights of women to equal treatment with men.

Article 6 of the International Convention on Economic, Social and Cultural Rights recognises the right to work, which includes the right of everyone to the opportunity to gain his living by work which

he freely chooses or accepts. It places an obligation on states to take appropriate steps to safeguard this right. Article 6 ( 2) imposes an obligation on State parties to take steps to achieve the full realisation of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual. Article 15 of the CESCR provides that State parties shall respect the right to take part in cultural life and conserve their culture. Article 19 of the ICCPR recognises the right to receive and impart information.

On 28 July 2022, the United Nations General Assembly passed a resolution affirming the right to a clean, healthy and sustainable environment as a human right. This resolution is supported by several resolutions and conventions. They include the 1972 Declaration of the UN Conference on the Human Environment (Stockholm Declaration), the 1992 Rio Declaration on Environment and Development, and the Human Rights Council Resolution 48/13 of 8 October 2021. The United Nations Guiding Principles on Business and Human Rights is based on the principles of protect, respect and remedy. Guiding Principle 1 calls on states to take appropriate measures to prevent, investigate, punish and redress business-related human rights abuses within their jurisdiction.

501 National Oil and Gas Policy.

502 <http://www.pau.go.ug>. Last accessed 15th November 2022.

503 [Pau.go.ug/petroleum-exploration-in-uganda](http://www.pau.go.ug/petroleum-exploration-in-uganda). During September/ October 2017, Government of Uganda signed three Production Sharing Agreements (PSA) and issued: One License for Petroleum Exploration, Development and Production over the Kanywataba Contract Area to Armour Energy Limited (AEL) from Australia.Two Licenses for Petroleum Exploration, Development and Production over the Ngassa Shallow and Ngassa Deep Contract Areas to Oranto Petroleum Limited from Nigeria. Following Cabinet approval, the Minister, MEMD launched the second licensing round for petroleum exploration at the 9<sup>th</sup> East African Petroleum Conference and Exhibition in Mombasa, Kenya during May 2019. This licensing round covers five blocks in the Albertine Graben, namely; LR2\_2019\_Block01 (Avivi); Area coverage of 1026km<sup>2</sup>;LR2\_2019\_Block02 (Omuka); Area coverage of 750km<sup>2</sup>; LR2\_2019\_Block03 (Kasuruban); Area coverage of 1285km<sup>2</sup>;LR2\_2019\_Block04 (Turaco); Area coverage of 637km<sup>2</sup>;LR2\_2019\_Block05 (Ngaji); Area coverage of 1230km<sup>2</sup>.

504 <http://www.pau.go.ug>. Last accessed 15 November 2022.

505 <https://www.jstor.org>. Oil wealth in Uganda: Analysis of the Macroeconomic Policy by Corti.

#### 8.4.2.2 Regional framework

The African Charter on Human and People's Rights provides for the rights to development, work, and the rights of women and children. Article 9 (1) of the ACPHR also provides for the right to receive information. Article 18 of the ACHPR also recognises the rights of women to protection of their rights and to freedom from discrimination. Article 21 of the ACHPR provides for the right to own and dispose of property. Article 22 of the ACHPR makes provisions for the right to economic, social and cultural development.

EAC's mandate on the environment and natural resources management is drawn from Chapter 19 of the Treaty for the Establishment of the EAC (Articles 111, 112, 113 and 114). The EAC Treaty recognises that development activities in various productive and social sectors, including agriculture and livestock production, energy generation, industrial and infrastructure development and health, pose negative impacts on the environment and may lead to the degradation of the environment and depletion of its rich natural resource capital.<sup>506</sup>

Environmental and natural resources management issues are also addressed under Article 40 of the EAC Common Market Protocol that commits States to ensure sound environmental and natural resources management for the proper functioning of the Common Market through the prevention of activities that are detrimental to the environment. These shall be undertaken per relevant provisions of the Common Market Protocol and any other relevant policies, strategies and legislative instruments of the Community that are in force.

With the objective of ensuring sustainable natural resource use, management and conservation, environmental sustainability, and climate change management, the key priorities of the environmental and natural resources management sector include climate change adaptation and mitigation, natural resource management and biodiversity conservation, disaster risk reduction and management, and pollution control and waste management.

#### 8.4.2.3 National framework

Objective XI (i) of the Constitution of the Republic of Uganda provides that the State shall give the highest priority to the enactment of legislation establishing measures that protect and enhance the right of the people to equal opportunities in development. Objective XIII also provides that the State shall protect important natural resources, including land, water, wetlands, minerals, oil, fauna and flora, on behalf of the people of Uganda.

Article 26 of the Constitution of the Republic of Uganda provides for the right to own property either individually or in association with others. It further provides for fair and adequate compensation where land is acquired compulsorily for public use. Article 39 of the Constitution provides for the right to a clean and healthy environment and article 40 provides for economic rights including the right to safe working conditions and the right to unionize among others. Article 37 of the Constitution of the Republic of Uganda protects the right to belong to, enjoy, practise and profess, maintain and promote culture. Article 50 of the Constitution provides for judicial remedy for human rights violations.

Uganda's oil and gas sector is regulated through several laws and regulations including the Mining Act 2003, the Petroleum (Exploration, Development and Production) Act 2013 and the Petroleum (Refining, Conversion, Transmission and Midstream Storage) Act 2013. The Public Finance Management Act 2015 also provided for establishment of the Petroleum Fund and management of petroleum investment revenue. The National Environment Act 2019 was also passed to among others address environmental concerns arising out of petroleum activities and midstream operations. Most recently the East Africa Crude Oil Pipeline (Special Provisions) Act 2021 was passed to implement the East Africa Crude Oil Pipeline (EACOP) project in Uganda. Other relevant laws include the Land Act cap 227 and the Registration of Titles Act cap 230. These, together with laws on environment, wildlife, water, and IT are all used in the regulation of the petroleum sector.

The National Environment Act 2019 was passed to among others provide for environmental concerns arising out of petroleum activities and midstream operations. Section 3 of the Act provides for the right to a decent environment including the duty to prevent pollution. The Act provides for standards for management of forests and ecosystems, waste management and environment and social impact assessments among others. There are several other relevant laws and regulations including the Uganda Wildlife Act 2019, the Mining Act 2003, the Water Act, National Forestry and Tree Planting Act No. 8 of 2003, National Environment (Waste Management) Regulations SI No. 49 of 2020, Petroleum (Waste Management) Regulations SI No. 3 of 2019, National Environment (Wetlands, Riverbanks and Lake shores Management) Regulations SI No. 153-5, National Environment (Standards for Discharge of Effluent into water) Regulations 2020, National Environment (Oil Spill Prevention, Preparedness and Response) Regulations 2020 and the National Environment (Environmental and Social Assessment) Regulations SI No 143 of 2020 among others.

Access to remedy in the business sector is critical. The law provides for this through the Workers Compensation Act 2000, Employment Act 2006, Labour Disputes (Arbitration and Settlement) Act 2006 and the Human Rights Enforcement Act 2019.

Several regulations have been passed including; Petroleum (Exploration, Development and Production) Regulations 2015; Petroleum (Exploration, Development and Production) (Health, Safety and Environment) Regulations 2016; Petroleum (Exploration, Development and Production) (National Content) Regulations 2016; Petroleum (Refining, Conversion, Transmission and Midstream Storage) Regulations 2016; National Environment Oil Spill Prevention, Preparedness and Response Regulations 2020; Petroleum Exploration, Development and Production (Sale of Data) Amendment Regulations 2020 and several regulations governing the upstream oil production phase.

In 2008 Uganda adopted the National Oil and Gas Policy whose objectives included among others ensuring efficiency in licensing areas with potential

for oil and gas, efficiently managing the country's oil and gas, developing transport and storage solutions and ensuring national participation in oil and gas.<sup>507</sup> The goal of the National Oil and Gas policy is to use the country's oil and gas resources to contribute to early achievement of poverty eradication and create lasting value to society. The National Content Regulations of 2016 provide categories of goods and services reserved for Ugandan suppliers. It includes transport, security, food and beverages, hotel accommodation, human resource management, office supplies, fuel supply, land surveying, clearing and forwarding, crane hire, locally available construction materials, civil works, environment studies and impact assessments, communications and information technology services and waste management. In addition to creating the institutional framework to regulate and support the oil and gas sector, the legal regime has captured several important human rights concerns including environmental issues which affect the quality of life and health of communities, economic rights such as labour rights, national content, licensing; land rights.

#### 8.4.3 Situational analysis

The Albertine Graben is the principal oil area in Uganda. As the country continues to license more areas, for sustainability of oil production and economic value from the oil and gas. These resources have been confirmed in the 21 oil and gas discoveries which have been made to date. Of these, 17 have been fully appraised, and are being taken forward for development. 9 production licences have been issued over 14 of these fields, while development plans for 3 fields are under discussion. Eight production license are operated by Total Energies Ep Uganda BV while one by CNOOC Uganda Ltd. The two licensees including Uganda National Oil Company are joint Venture Partners in each of the licensees with the latter taking 15% interest.<sup>508</sup> The licensees have now embarked on development of the fields that will lead to commercial production.

On 20 June 2022 UHRC conducted a monitoring visit to the Albertine region to assess the human rights situation in the oil and gas areas.<sup>509</sup> During that visit UHRC interacted with the district lead-

<sup>506</sup> <https://www.eac.int/environment>. Last accessed on 21 February 2023.

<sup>507</sup> National Oil and Gas Policy 2008. The policy is currently under review by the Ministry of Energy and Mineral Development.

<sup>508</sup> <https://www.ucmp.ug>. Last accessed on 2 March 2023.

<sup>509</sup> The UHRC was led by the Chairperson, Ms Mariam Wangadya, Commissioner Shifrah Lukwago and Commissioner Crispin Kaheru. Ms. Sekindi-Director Monitoring and Inspections and other senior staff participated in the visit. This visit was done jointly with officials from the Ministry of Energy and Mineral Development.

ership of Hoima and Buliisa districts. Site visits were conducted to Hoima Airport in Kabale, Waste management plant in Nyamasoga, Hoima district, resettlement houses for project affected persons in Kyakaboga village in Hoima. UHRC also visited the Kingfisher project operated by CNOOC.<sup>510</sup> This is in addition to the continuous monitoring by UHRC through its regional office in Hoima. Human rights concerns were registered in relation to the rights of workers during ongoing infrastructure developments. These included allegations of lack of transparency during recruitment processes for unskilled labour, unlawful termination of staff and lack of transparency in criteria utilised for compensation of victims of accidents.

#### 8.4.3.1 Kingfisher Project

The Kingfisher Development Area (KFDA) Project situated in Kikuube and Hoima districts, is operated by CNOOC Uganda Limited. The project includes developing a CPF to process 40,000 barrels per day from 31 wells to be drilled on four well-pads. It has over 18km of buried flowlines, a 46km feeder pipeline from the CPF in Buhuka to the Kabaale delivery point, a Lake Water Abstraction station, together with supporting infrastructure, camps, a support base, a materials yard, a safety checkpoint, a jetty, and access roads.<sup>511</sup>

The rig at Kingfisher will drill oil wells at varying depths, the shortest of which is about 2.6 kilometres, while the deepest is 7.4 kilometres. The oil field extends about three kilometres into the lake. The company has so far compensated over 99% of the 700 people whose land was affected by oil projects such as the central processing plant, well pads, access roads, and construction of the finder pipeline among others.<sup>512</sup> At the current oil prices of about 87.5 per barrel, the Kingfisher project will account for 15% of the total oil revenue to the government from upstream operations, equivalent to USD 6.9 billion for the entire project, or USD 360 million per year.<sup>513</sup>

#### 8.4.3.2 Tilenga Project

The Tilenga Project Operated by Total Energies E&P Uganda, the Project includes putting facilities to support petroleum production from six oil fields located in Buliisa and Nwoya districts. Its facilities include a Central Processing Facility (CPF) with the capacity to process 190,000 barrels per day, 426 wells to be drilled on 31 wellpads, over 170km of buried flowlines, and a 96km feeder pipeline to the Kabaale delivery point. It also has a Lake Water Abstraction System and other infrastructures such as the Victoria Nile Crossing, Bugungu Airstrip, support bases, camps and access roads. The land required for this project has been secured, and works have already commenced, following the signing of the key oil agreements in April 2021.<sup>514</sup>

In the Tilenga project, the land acquisition project has affected 5,523 people. The project covers 2,901 acres over the districts of Buliisa, Hoima and Kikuube. 95 per cent of these have received compensation and financial literacy training so that they can get the full benefits of their compensation.<sup>515</sup> The Project which will produce 190,000 barrels of oil per day – will account for 85 percent of the expected oil revenues.

The UHRC received a Human Rights Impact Assessment report from Total Energies in relation to the Tilenga project which highlighted key human rights concerns and the measures in place to address them. They include rights of workers especially 3<sup>rd</sup> parties seeking opportunities, rights of women and other vulnerable groups, road safety, cultural rights, land rights, right to information and community participation, interactions with Government forces and grievance handling mechanisms and access to remedy. The UHRC commends Total Energies for undertaking this Human Rights Impact Assessment. However it is critical that government undertakes HRIAs of their own to provide an independent human rights impact assessment.

#### 8.4.3.3 East African Crude Oil Pipeline (EACOP)

The East African Crude Oil Pipeline is a buried pipeline system that will transport crude oil produced from the Tilenga and Kingfisher developments in Uganda's Lake Albert area to world markets. The pipeline starts in Kabaale – Hoima in Uganda and ends on the Chongoleani peninsula near Tanga on the Indian ocean coast in Tanzania. This major export system includes 1,443 km (296 km in Uganda and 1147km in Tanzania) of insulated and buried 24" inch electrically heated pipeline, six pumping stations, two pressure reduction stations and a marine export terminal in Tanzania.<sup>516</sup>

The pipeline will have a manifold in Kabaale, Hoima, six pumping stations, two of which will be located in Uganda, 27 heating stations and two pressure reduction stations. In Uganda it cuts through the districts of Hoima, Kikuube, Kakumiro, Kyankwanzi, Gomba, Mubende, Lwengo, Sembabule, Kyotera and Rakai. The estimated total cost of the EACOP project is USD 4 billion. Once in operation the pipeline will receive a tariff for each barrel of oil transported to repay the loans and make a return on the investment. This will be directly injected into the economies of Tanzania and Uganda, increasing

their Foreign Direct Investment (FDI) by over 60 % during the construction phase. It should be recalled that Uganda signed an agreement with Tanzania for the construction of a Crude Oil Export Pipeline from the Albertine Graben in Uganda to the East African Coast were undertaken with a view to selecting the least cost route for transporting Uganda's crude oil to the coast. The Hoima (Uganda) – Tanga (Tanzania) route was selected as more secure, at a cheaper cost and therefore, a lower tariff.

EACOP is being constructed in parallel with two upstream development projects which are not part of EACOP development and investment, known as Tilenga and Kingfisher respectively. Each development will consist of a Central Processing Facility (CPF) to separate and treat the oil, water and gas produced by the wells. Kingfisher will have 4 well pads and a CPF with a peak daily capacity of 42,000 bbl/d. Tilenga has 31 well pads and a 204,000 bbl/d CPF. Tilenga and Kingfisher CPFs will be connected by feeder lines to the starting point of EACOP at Kabaale. It is estimated that the EACOP will provide USD 36 billion in direct financial value to Uganda.<sup>517</sup>

FIGURE 23: EAST AFRICAN CRUDE OIL PIPELINE



510 The UHRC was unable to gain entry into the Tilenga Project to conduct a physical assessment during this visit.  
 511 <https://ucmp.ug>. Last accessed on 2 March 2023.  
 512 <https://www.thecooperator.news> "Shock as CNOOC is stuck with compensation money," 28 May 2022. Last accessed on 2 March 2023.  
 513 Ernest Rubondo, the Executive Director of the Petroleum Authority of Uganda.  
 514 <https://www.ucmp.ug>. Last accessed on 2 March 2023.  
 515 <https://www.realmuloodi.co.ug>. "Petroleum Project Land Acquisition Process Prioritises Project Affected Persons," 26 September 2021. Last accessed on 2 March 2023.

516 [www.eacop.com](http://www.eacop.com). Last accessed on 19 November 2022.  
 517 Permanent Secretary Ministry of Energy and Mineral Development, Pauline Irene Batebe, during a stakeholder engagement with oil and gas actors on 18 January 2023.

The EACOP project consists of the construction of a buried 1,443 km oil pipeline between the town of Kabaale in Uganda and the port of Tanga in Tanzania, and a storage terminal and loading jetty in Tanga. The oil pipeline includes six pumping stations, powered by solar plants in Tanzania, and a heat tracing system.

EACOP has established a commercial and legal framework including the following:

1. An Intergovernmental Agreement between the Governments of Uganda and Tanzania setting out common principles and signed on 26th May 2017.
2. Two Host Government Agreements (HGAs) between EACOP and the Governments of Uganda and Tanzania, signed on 11th April 2021 and 20th May 2021 respectively. These HGAs cover matters such as Land, HSE standards, fiscal regime, Authorisations, Decommissioning and recourse to dispute mechanisms. Where required, the HGAs are supported by

legislation in both Uganda and Tanzania.

3. The EACOP Shareholders Agreement which became effective the 15th February 2022 between the four Shareholders setting out the governance of the EACOP Company. EACOP Co is a UK registered entity, fiscally resident in Uganda. It will pay its taxes and duties in Uganda and Tanzania.
4. The Transport and Tariff Agreement (TTA) setting out the terms and conditions for EACOP to transport oil. Under the TTA, EACOP will receive an income in the form of a tariff charged for each barrel of oil transported. EACOP takes custody of the oil at the flange immediately after the upstream fiscal metering until the loading flange on the marine jetty in Tanga bay. The ownership of the oil remains with the Upstream Shippers (Government of Uganda, Total Energies E&P Uganda, CNOOC Uganda and UNOC).



Oil pipeline

EACOP has adopted a health safety and environmental policy which among others is intended to ensure that hazards to which people, the environment and assets are exposed are systematically identified, the associated risks assessed and measures for reducing them are defined and implemented.<sup>518</sup> They have also adopted a human rights policy to ensure among others that human rights due diligence is conducted to identify, assess,

act, track and communicate on human rights risks related to EACOP.

EACOP has made several human rights interventions including adopting a human rights policy which defines EACOP human rights commitments for both internal and external stakeholders. In 2022 they presented their policy and work to the Uganda Human Rights Commission. They detailed

<sup>518</sup> <https://eacop.com> EACOP Health Safety and Environmental Policy. Last accessed on 9 January 2023.

among others the ESIA that was undertaken and its findings. They also presented on various key human rights concerns affecting the pipeline including land acquisition, housing for PAPs, gender issues, stakeholder engagement and participation and access to remedy.

out of 3648) had signed their compensation agreements and 68% have received their compensation. 203 of the 3648 PAPs have been physically displaced from their main dwelling. Construction of replacement housing has commenced. It was anticipated that 43 houses would be ready to be handed over to PAPs by January 2023.

According to EACOP, in 2022 79% of all PAPs (2862



Replacement housing by EACOP (Source: EACOP)

FIGURE 24: EAST AFRICAN CRUDE OIL PIPELINE MAP

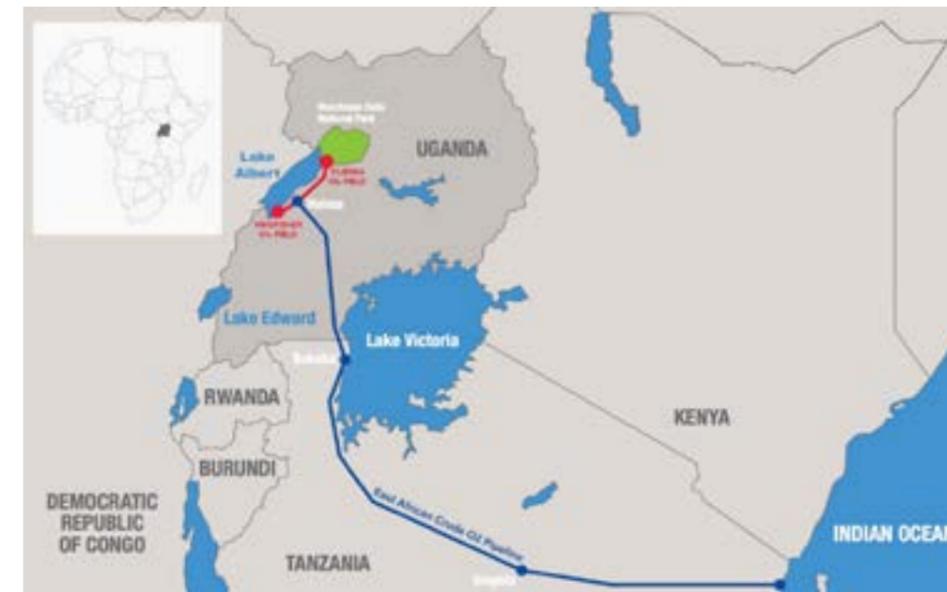
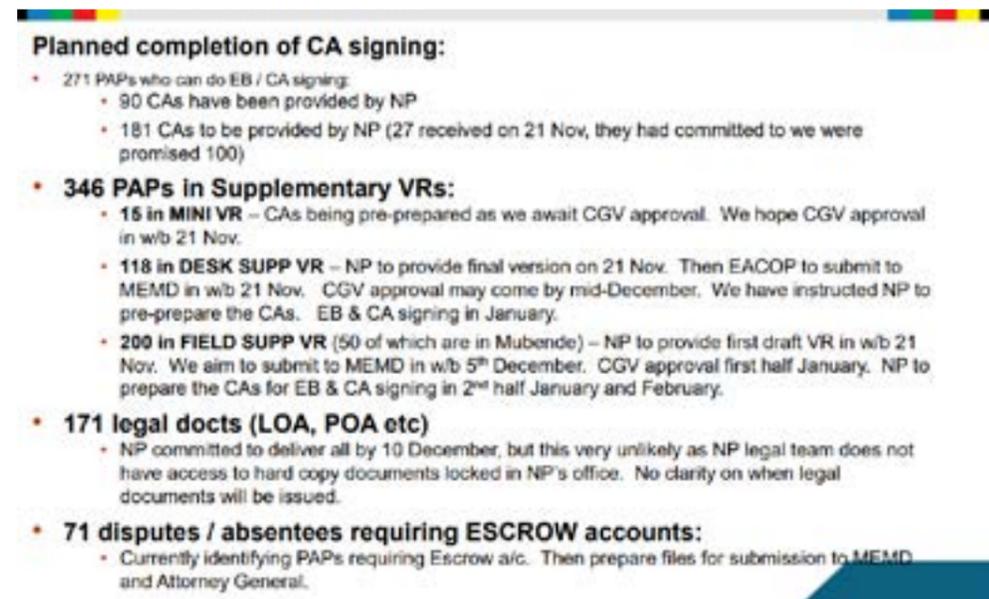


FIGURE 25: TABULATION OF AGREEMENTS SIGNED WITH PAPS



Source: EACOP

#### 8.4.4 Benefits of oil and gas

Economic benefits to Uganda registered as a result of activities in the oil and gas sector are noticeable. The direct benefits to Government in form of Tax revenues was UGX 212.7 billion and Non Tax-Revenue (NTR) was UGX 22.1 billion,<sup>519</sup> while the indirect benefits to Ugandan nationals was realised in form of; procurement of local produced goods and services UGX 161.2 billion, employment of 247 Ugandans earning salaries amounting to UGX 85.6 billion, training of Ugandan nationals in the private sector, Government and in the Oil Companies costing UGX 12.9 billion and, corporate social responsibility engagements costing UGX 0.76 billion.<sup>520</sup> Investment in the sector grew from USD 180 million in 2020 to USD 500 million in 2021 and was projected to grow to USD 3 billion in 2022.<sup>521</sup>

There has also been significant infrastructure development in the area including roads and Government and other key stakeholders have also made efforts to ensure that the human rights concerns created in the oil and gas sector remain at the forefront of all discussions. Total Energies provided a Human Rights and Environ-

ment Impact Assessment of the Tilenga project and the UHRC also conducted a joint visit with officials from the Ministry of Energy and Mineral Development to the Albertine Graben region to assess the human rights situation in the area.

##### 8.4.4.1 Environmental and Social Impact Assessments (ESIAs)

ESIAs have been conducted for the Kingfisher project, Tilenga project and the EACOP project and submitted to NEMA. The ESIAs address among other issues how these projects affect indigenous persons, the impact of noise and vibration on wildlife and tourism, impact on the landscape and amalgamated projects. The ESIAs have been conducted by the licensees through consultative processes with Government and the community. Concerns have been raised by civil society about approval of the Kingfisher ESIA without consideration of the recommendations of the public hearings.<sup>522</sup> Some civil society organisations have also recommended that it is necessary to conduct separate ESIAs for some project components such as feeder roads, water abstraction from Lake Albert and the Nile among others.

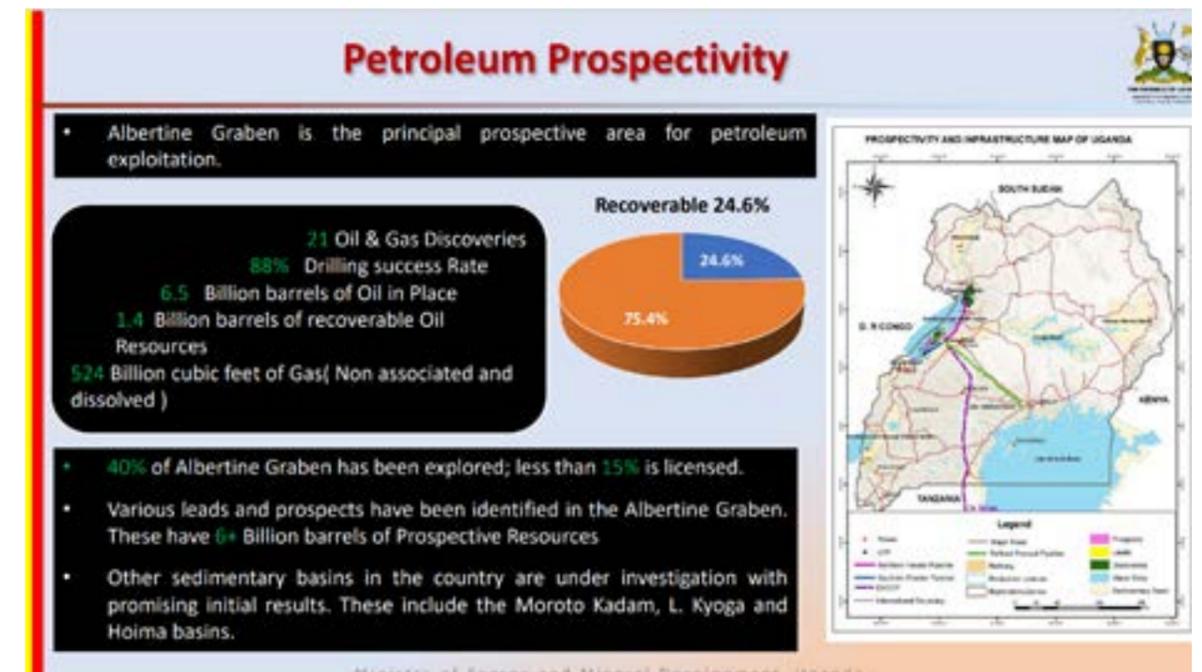
519 Upstream Benefits Report for the period 2017 to 2019.

520 <http://www.pau.go.ug, 3rd-annual-national-content-conference-the-multiplier-effect-of-ugandas-oil-and-gas-sector/>

521 Executive Director PAU during the 3rd annual national content conference.

522 See report of Civil Society Coalition Uganda on Oil and Gas in Uganda at <https://www.acode-u.org>CSCO-RP8>.

FIGURE 26: PETROLEUM PROSPECTIVITY



Chairperson Mariam Wangadya together with Commissioner Shifrah Lukwago and Commissioner Crispin Kaheru lead the UHRC team to meet the Kabaale district leaders before a visit to the Kabaale International Airport and Waste Management Plant.

**FIGURE 27: CONTRACTOR AND SUPPLIER RIGHTS PRESENTATION BY TOTAL ENERGIES**

- promised 100)
- **346 PAPs in Supplementary VRs:**
    - **15 in MINI VR** – CAs being pre-prepared as we await CGV approval. We hope CGV appr in w/b 21 Nov.
    - **118 in DESK SUPP VR** – NP to provide final version on 21 Nov. Then EACOP to submit to MEMD in w/b 21 Nov. CGV approval may come by mid-December. We have instructed NP to pre-prepare the CAs. EB & CA signing in January.
    - **200 in FIELD SUPP VR** (50 of which are in Mubende) – NP to provide first draft VR in w/b Nov. We aim to submit to MEMD in w/b 5<sup>th</sup> December. CGV approval first half January. NP to prepare the CAs for EB & CA signing in 2<sup>nd</sup> half January and February.
  - **171 legal docs (LOA, POA etc)**
    - NP committed to deliver all by 10 December, but this very unlikely as NP legal team does not have access to hard copy documents locked in NP's office. No clarity on when legal documents will be issued.
  - **71 disputes / absentees requiring ESCROW accounts:**
    - Currently identifying PAPs requiring Escrow a/c. Then prepare files for submission to MEMD and Attorney General.

Source: Human Rights Impact Assessment presentation by Total Energies to Uganda Human Rights Commission

#### 8.4.4.2 Local participation

The Government took measures to ensure that there is participation of the communities and the public in oil and gas activities. The purpose of this is to ensure that the benefits of the oil and gas industry benefit all Ugandans in an equitable manner. 28% of the USD 3.5 billion invested during petroleum exploration and appraisal was retained in the country through the provision of goods and services by Ugandan companies. The plan is for 40% of the USD 15 billion to be invested during the development phase to be retained in the country, through national content. Investment in the country's oil and gas sector is expected to be approximately USD 3 billion, USD 4 billion and USD 3 billion in 2022, 2023 and 2024, respectively. This will then reduce to between USD 500 million and 1 billion in the subsequent years.

Following the announcement of the FID, work on the oil and gas projects has intensified and to date, 94% of the close to 5,000 employees already engaged in these projects are Ugandans. Additionally, of the USD 6 billion in contracts approved by the Authority for award to the first-tier contractors at the beginning of 2022, commitments of USD 1.5 billion have been made to Ugandan companies. The volume of work and earnings to Ugandan companies are expected to increase as the first-tier contractors proceed to subcontract Ugandan companies at the lower levels of contracting. Registrations on the National Supplier Database

(NSD) and the National Oil and Gas Talent Register (NOGTR), which were put in place by the PAU to support the participation of Ugandans, in the oil and gas sector, have continued to grow. At the end of April 2022, there were 1,858 entities registered on the NSD. Although this is a drop from the 2,633 entities which were on the register in April 2021, the dip is mainly due to a three-year validity period for most companies that expires in 2022.

These numbers were expected to grow to over 3,000 by the end of December 2022, with many new applicants and re-applications for entities whose validity has expired. The NSD will be upgraded to include a joint qualification system before the end of 2022. This upgrade will enhance transparency in the procurement processes. There were 6,845 talents and 115 employers registered on the NOGTR at the end of April 2022, up from 3,745 talents and 112 employers at the end of April 2021. The number of talents and employers registered on the NOGTR is expected to grow to more than 10,000 talents and 150 employers by the end of 2022.

The Petroleum Authority of Uganda (PAU) is working with development partners to update the Workforce Skills Development Strategy and Plan (WSDSP) for the country's oil and gas sector, which was prepared in 2013. The updated WSDSP will better reflect the need for, availability of, and gaps in, the skills required for the country's oil and gas sector.

The Ministry of Energy and Mineral Development notes as a key challenge that Uganda faces in maximising national content is the incorrect presentation of national content as a cost to oil and gas projects. Another challenge is the limited capacity of Ugandans in the skills required to take on high-paying jobs in the industry. This is being addressed by the capacity building initiatives that are being implemented by both the government and the private sector. These initiatives include upgrading and establishing training institutions with accredited programmes, such as Uganda Petroleum Institute – Kigumba and Uganda Technical College – Kichwamba, among others.

The other challenge is the limited technical and financial capacity of Ugandan companies. This challenge is further amplified by the very high standards and certification required by the oil and gas industry. This is being addressed through promotion of joint ventures between Ugandan and international companies for knowledge transfer, capacity building of enterprises and discussions with the banking sector to reduce the cost of financing for work undertaken by Ugandan companies.

### 8.4.5 Infrastructure development

#### 8.4.5.1 Road network

Construction of the roads such as Hoima-Wanseko Road is ongoing with funding from World Bank. Feeder roads are also being constructed by the Uganda National Roads Authority and the grading is almost completed. This includes Kabaale-Kiziranjumbi, Hohwa-Nyairongo-Kyarushesha-Butole, Kaseeta-Lwera, Hoima-Buliisa-Wanseko, Masindi-Biiso, Masindi-Paraa-Pakwach, Kisanja-Park Junction and Sambiya-Murchison Falls which go through Bugoma and Budongo Central Forests, Bugungu Wildlife Reserve, Murchison Falls National Park among others.<sup>523</sup> According to the Ministry of Energy and Mineral Development the progress of the construction of roads in the sector stands at 90% completion rate.

Given the rich biodiversity of the Albertine graben, any infrastructure developments must continually monitor their environmental footprint on plant and animal species given that these roads pass through key biodiversity areas. Concerns were raised about

social impacts such as the risk of increased accidents, labour rights of casual labourers. Government should develop a clear complaints handling mechanism for communities and casual labourers to ensure adequate and timely compensation where injuries occur. Government should conduct continuous monitoring of environmental efforts that ensure mitigation of the environmental effects of infrastructure development.

#### 8.4.5.2 Kabaale International Airport

Kabaale International Airport sits on 5 square kilometres out of the 29.7 square kilometre land that Government acquired for the Kabaale Industrial Park. Once completed it will be Uganda's second International airport. It is designed initially to handle mainly cargo planes to facilitate the transportation of oil and gas resources.

The airport project is financed by United Kingdom Export Fund and commercial source- Standard Chartered Bank. Completion of the airport is expected to be in February 2023. The 3500m and 45m width runway is 95% complete and the terminal buildings and other systems are 78% complete.

#### 8.4.5.3 Albertine Graben Refinery Project

As part of oil and gas developments, the Government plans to develop a 60,000 barrel per day refinery to be located at Kabaale in Buseruka sub-county, Hoima district. The Government partnered with the private sector through a public-private partnership for the development of the refinery with shares of 40:60 respectively. The private share of 60% was aimed at attracting investors with experience and capital to participate in developing the refinery.

Land acquisition for the refinery is complete. The Front End Engineering Design (FEED) was concluded in 2021 and ESIA study was concluded in April 2022. The negotiation process for key Agreements such as the Implementation Agreement (IA), Shareholders Agreement (SHA), Crude Supply Agreement (CSA) and the Offtake Agreement is ongoing. FID for the project is expected in 2023 and thereafter construction shall commence.

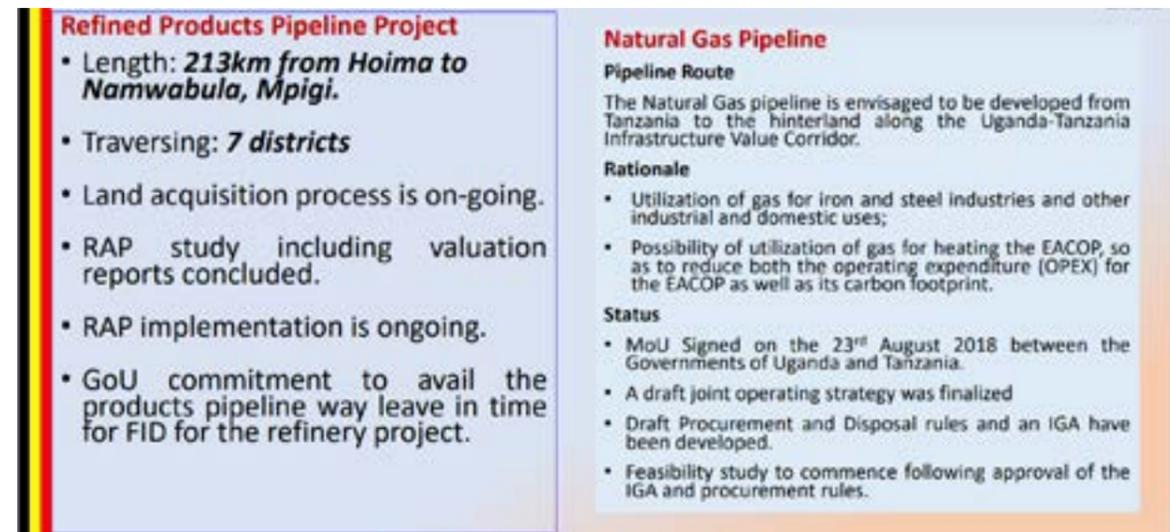
This includes selection and negotiation of agreements with a lead investor for the 60,000 BoPD green-

<sup>523</sup> Online newspaper articles: D Abowe, 'Construction of Uganda's critical oil roads require environmental sensitivity' The New Vision 8 April 2021, available at <http://www.newvision.org>. Last accessed 17 February 2023.

field refinery in the country. The Project Framework Agreement (PFA) for the Uganda refinery project, which includes a 211km multi-products pipeline from Kabaale in Hoima to Namwambula in Mpigi, was signed between Government and the Albertine

Graben Refinery Consortium (AGRC) during April 2018. Pre Final Investment Decision (FID) activities are ongoing including the Geotechnical, FEED and ESIA studies.<sup>524</sup>

FIGURE 28: REFINED PRODUCTS PIPELINE PROJECT



Source: Ministry of Energy and Mineral Development

## 8.4.6 Human rights concerns

### 8.4.6.1 Land compensation and resettlements

The infrastructure required to commercially produce the country's six billion barrels of oil and gas resources has been clearly defined. This includes the precise location for the various infrastructure. This infrastructure includes well pads and flowlines, crude oil pipelines, central processing facilities, a refinery, base camps and access roads, among others. These facilities are being set up for four key projects; the Tilenga and Kingfisher projects (for development of the fields and production of the crude oil) together with the Refinery and the East African Crude Oil Pipeline projects (the commercialisation projects).

Since Uganda's oil and gas resources are onshore, these facilities are being developed on private land acquired from the communities while some of the required land belongs to Government entities. Compensation of PAPs is ongoing. However the UHRC notes that prior, fair and adequate consent and/or compensation of the communities affected varies depending on the particular communities. Community participation is critical. Participation of

women and ensuring financial literacy to prepare communities for the compensation must also be done.

UHRC notes that there had been progressive improvement in compensation processes. According to Petroleum Authority of Uganda, the halt in field activities for land acquisition for the East African Crude Oil Pipeline (EACOP) project (and likewise for the Kingfisher and Tilenga projects) was as a result of scaling down of project related activities and later the COVID-19 pandemic and this caused anxiety among the Project Affected Persons (PAPs).

The Petroleum Authority of Uganda acknowledged the delay in the compensation process but stated that no PAP has been evicted or stopped from using their land. During the assessment and evaluation exercise, all PAPs (and their spouses) are required to sign on their assessment forms to confirm that what has been captured is indeed what has been taken stock of by the valuers and assessors. This is done in the presence of local leaders, district leaders, Government representatives including staff of PAU. There is always translator from the

community who interprets the information in the local language to the PAPs. All PAPs are given a copy of the assessment form. The information captured is then compiled into a Valuation Report that states the compensation award for each PAP. Compensation rates for crops and structures are determined by the district Land Boards while land rates are determined based on market value.

The UHRC observed that efforts have been made by Government to ensure compensation of land owners but there was need to provide support to communities to ensure that funds once received are managed efficaciously in order to avoid resultant human rights violations such as domestic violence. The UHRC observed that project affected persons (PAPs) are beginning to be resettled. However, in accordance with the principles of adequate compensation, consideration needs to be made of the socio and economic way of life of the PAPs and land use to protect land rights.

### 8.4.6.2 Employment and local participation

The UHRC recognises the efforts of government to skill Ugandans and prepare them to benefit from oil and gas. About 14,000 people will be directly employed by the companies, while about 45,000 people will be indirectly employed by the contractors. An additional 105,000 people will benefit from induced employment based on the utilisation of other services by the oil and gas sector. Of the direct employment, 57% are expected to be Ugandans, which is expected to result in an estimated USD 48.5 million annual payment to Ugandan employees.<sup>525</sup> Over 2,200 companies are qualified and registered on the National Supplier Database in 2021 up from 513 in 2017. 546 entities registered on the NSD have so far got contracts in the country's oil and gas sector. Out of these 498 (91%) were Ugandan entities while 48 (9%) were non-Ugandan.

Ugandan nationals directly employed by the oil companies as of September 2021 stand at 81%, with 59% at management, 75% technical and 100% of their support staff. The NOGTR was set up in 2019 and the total registered talent is at over 5000 individuals and 120 companies. In addition, 4,435 Ugandans have been trained in various technical disciplines to competitively participate in the oil and gas sector. Through the auspices of the PAU and the Ministry of Education and Sports, the Oil

and Gas Trainers Association of Uganda (OGTAU) was formed to provide a platform to coordinate and advocate for skills development in the sector. Employment opportunities should be available to all Ugandans even those outside of the Albertine Graben to ensure competitiveness and non-discrimination. There is currently no information on the regional representation of Ugandans benefiting from opportunities in the oil and gas sector.

There is also need to prioritise youth and persons with disabilities in the access to employment opportunities in the sector. According to UBOS (2018), overall unemployment was at 9.7% while youth unemployment stood at 40.7%. As ordinary Ugandans engage with Oil companies, there is need to note that their rights can easily be compromised. Dispute resolution mechanisms will also need to be strengthened to ensure that where employees are aggrieved, they can access adequate remedies in a timely manner.

### 8.4.6.3 Gender inequality

The State has a responsibility to provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement. Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities. Statistics from the International oil companies indicate Uganda stands at a much better position than many of its contemporaries. CNOOC Uganda Limited leads with 51% of the workforce going to women. Total E&P Uganda has 39%, Tullow Oil Uganda had 35% at the time of farm out, Armour Energy Limited stands at 25%, and Oranto Petroleum Limited at 13%.

However a lot of this participation remains at lower levels. Women therefore still remain challenges in realisation of economic empowerment. The low participation of women in the sector also stems from challenges emanating from the pre-existing socio-economic and cultural set-up. For instance, women in the communities often need permission from husbands to participate in meetings. The negative attitudes and mind-sets about their status and stereotypes about women's capacities affect their participation in sector activities. Low levels of awareness and few incentives to encourage participation at the national and district levels affects women. The UHRC notes that limited attention was

524 <https://www.ucmp.ug>. Last accessed on 2 March 2023.

525 <https://www.pau.go.ug>.

paid to intergenerational differences and needs e.g., inadequate consultation of both male and female youth over compensation and resettlement generated inadequacies in catering for gender-specific interests and needs.

As of 2020, the number of Ugandans in employment and other sector opportunities was still low. The highly specialised skills and technology required limited allocation of funds to attain gender parity for human resource training affected participation. Furthermore, the share of women is low, affected by disadvantages in education. However, there is some improvement in the employment of women in the oil companies. For instance, Uganda National Oil and Gas Company (UNOC) and Total Exploration and Production Uganda Ltd (TEPU) employ 40% of women each, while China National Offshore Oil Corporation (CNOOC) employs 51%. This improved from 30% females in 2014. The above statistics lack disaggregation by position or cadre of employment; an important parameter in analysing access by men and women to quality employment.<sup>526</sup>

Gender integration is critical for the oil and gas industry. This is because interventions that are blind to existing gender biases and discriminatory practices tend to widen gender gaps and inequality. These gaps are often reflected in opportunities, participation and benefits from employment, income, control of resources, freedom of participation and voice. Other gaps and inequalities affect exposure to information, opportunity and well-being between men and women. The differences in access to benefits and in the weight of burdens and disadvantages experienced by men and women when not addressed do negatively impact on the communities.<sup>527</sup>

Women are severely impacted by the developments in the sector. As PAPs their property rights are affected by the cultural and societal realities where women especially in rural settings are not owners of the land. There have also been cases where the women have not benefitted from compensation meant for the family. As PAPs their source of food and water is disrupted and the impact of this is not measured.

Participation of women in the oil and gas sector at the grassroots levels remains extremely low and most participation by women is as casual or informal

labourers. The low participation of women in the sector stems from challenges emanating from the pre-existing socio-economic and cultural set-up. For instance, they often need permission from husbands to participate in meetings. The negative attitudes and mind-sets about their status and stereotypes about women's capacities affect their participation in sector activities. Low levels of awareness and few incentives to encourage participation at the national and district levels affects women.

Issues of gender based violence were also reported particularly during compensation for land. Many of the rural women are disadvantaged by low levels of education and being the primary care givers in homes which affects their ability to participate meaningfully in the sector. The Oil companies have policies in place against sexual harassment which need to be strictly enforced. There is also need for strengthening of social safeguards for prevention of HIV/AIDS.

#### 8.4.6.4 Environmental degradation

The UHRC observed that there were International and national concerns raised relating to the right to a clean and healthy environment in the Albertine region. The UHRC received two petitions alleging gross violations of environmental rights. These were complaints raised in the community about how activities in the oil and gas region had affected wildlife in the National Parks which resulted in destruction of crops in the community and endangered lives, specifically elephants in Buliisa which had affected food security.

There were several calls to Government to stop the development of the EACOP due to environmental concerns. The basis of this were allegations that EACOP would affect wildlife and fauna as well as the need to reduce the global carbon footprint. The Government of Uganda put up a spirited justification for the EACOP which saw the amendment of the resolution seeking to put a ban on all new oil exploration projects.

The UHRC observed efforts to support tree planting in a bid to replenish the forests and vegetation affected by the oil related activities in the region. There is concern from the community that these activities aimed at replenishing the environment are not being done in a consistent manner. There is

need however to continue ensuring that the voices of the community are not left out and companies meet their responsibilities.

In regard to waste management whereas this is being managed, there is need for monitoring to ensure that the standards are continually adhered to. Monitoring remains critical to ensure successful waste management and disposal.

#### 8.4.6.5 Loss of cultural sites and heritage

The developments in the Albertine graben have had an impact on cultural rights in the region and the way of life of the communities. During the process of deforestation, access to cultural sites and artefacts has been affected. Communities can no longer easily access the forests to get medicinal herbs and food. The EACOP for example has displaced certain spiritual sites which have had to be relocated. Sensitization is extremely important in ensuring that such activities are done in a respectful and participatory manner and the relevant cultural institutions are consulted.

#### 8.4.6.6 Lack of adequate access to information

The right to access to information is critical in enabling individuals to make informed choices. Whereas information has been availed to the communities with regard to compensation for land and resettlement, the developments of the projects among others in local languages, there is still need to have information shared in mediums that are widely used in the community such as radios.

Access to information relating to Production Sharing Agreements is not accessible and raises concerns about whether the interests of the public are being properly catered for. There have been arguments that the right to privacy of the oil companies would be affected by sharing PSAs publicly.

#### 8.4.6.7 Inadequate access to remedy

Access to effective remedy is a core component of the National Action Plan on Business and Human Rights similarly advances the same principles. Objective (v) of the NAPBHR is to enhance access to remedy to victims of business related human rights abuses and violations in business operations. Companies have also established internal dispute management mechanisms. The EACOP grievance mechanism has recorded 808 grievances so far. In 2022 76 new grievances were registered; 284

were closed in 2022 and 54 remain open. Whereas internal mechanisms for grievance handling are welcome, there is need for the regulators to streamline grievance handling mechanisms to ensure access to justice for communities.

#### 8.4.7 Recommendations

1. The Ugandan Government should adopt and facilitate a clean, renewable energy policy alongside oil and gas to ensure sustainable development.
2. The Petroleum Fund should be operationalised to ensure that the benefits of oil and gas are enjoyed equitably across the country.
3. The Ministry of Education and Sports should work with UNOC and PAU to develop a comprehensive framework to enable Ugandans to develop their technical and vocational skills to benefit from the opportunities in the oil and gas sector.
4. The Uganda National Oil Company and the Petroleum Authority of Uganda should disaggregate the data related to age, sex and regional representation in the oil and gas sector to enable planning that ensures equal opportunities for all Ugandans.
5. The regulators like the Petroleum Authority of Uganda and the Uganda National Oil Company should develop harmonised complaints management mechanisms with clear appeal mechanisms to facilitate the speedy conclusion of complaints arising in the oil and gas sector.
6. The Ugandan Government should continuously monitor environmental efforts to mitigate the environmental effects of infrastructure development.

#### 8.4.8 Conclusion

The oil and gas sector presents a great opportunity to propel Uganda to middle income status in accordance with Uganda's vision 2040. However in line with international commitments as enumerated under the sustainable development goals of 2030, there must be adequate consideration for environmental and other societal needs of the communities in achieving these goals. This will ensure that no one is left behind especially the most vulnerable populations in the community.

526 Gender Integration in the Petroleum Development Process in Uganda, CSCO Policy Briefing Paper 2021.

527 Gender Integration in the Petroleum Development Process in Uganda, CSCO Policy Briefing Paper 2021.

## 8.5 FLOODS



The UHRC team interacting with the survivors of the flood that hit Oil Energy Petrol Station in Mbale City

### 8.5.1 Introduction

Uganda is increasingly experiencing extreme climate changes causing floods as one of the major extreme weather events, which worsened in the year 2022, with more rain in form of strong downpours that increased the risk of floods. In particular, mountainous regions and neighbouring districts such as Mbale in the Mt Elgon region, Kasese district River Nyamwamba in the Rwenzori region; and low lands such as South Western Lake Victoria Basin as well as areas around lake Kyoga. The floods were largely experienced during the ordinary two rainy seasons of the year, March to May and September to December 2022. The regions affected had a history of flooding induced by human activities or by natural reoccurrences.

The most affected districts included those around Mt. Elgon region namely, Mbale, Kapchorwa, Bulambuli, Namisindwa, Sironko, and Manafwa as well as parts of Karamoja in the east of the country. In the western parts of the country, districts affected included Isingiro, Kisoro, Bundibugyo and Kasese Heavy rainfall that affected the Western Region started in September and triggered landslides and caused floods and flash floods that resulted into casualties and damage. This is associ-

ated to Climate Change characterized by shorter or longer rains, and even drought in some parts of the country and due to human activities over the years and the country's level of ability to encounter.

In an interview with the district officials at Mbale City, for example, the UHRC was informed that on 30 July 2022 around midnight, there was a heavy downpour and due to the nature of the terrain, the mountains increased the water level as a result, streams broke their banks and caused floods. The rivers that burst their banks in Mbale City were Nabuyonga River and Nashibisho River along Mbale-Tororo High-way. The categories of people affected included; Those who forced crossing the bridge and drowned in the process; those staying up on the mountains got swept away by the floods together with their properties including live stock; and those at the lower flat land where the floods reached and collected hence affecting 4 villages of Nabasa III lower village, Doko village, Chivumbire village, Kolonyi IV village. This was not the first time to experience floods in the same area. Information was obtained that in 2009 and 2001 similar floods occurred but reports received indicated that no adequate mitigation measures had been realised to avert future floods by government.

The UHRC has previously cited floods,<sup>528</sup> indicating Kilembe mines area in Kasese and Ntoroko districts in the Rwenzori sub-region of western Uganda as having been hit by floods. Silting along River Nyamwamba in Kasese and heavy rains along river Semliki, all natural causes but exacerbated by manmade factors to namely the diversion of five small rivers during the colonial era into one bigger Nyamwamba whose banks burst due to heavy water masses. The Report further cited several human rights concerns resulting from floods that year, including destruction of infrastructure and property. It gave recommendations such; establishment of the Disaster Preparedness and Management Commission through the OPM, in line with Article 249(1) of the Constitution of Uganda to deal with disasters, that interventions by the Office of the Prime Minister should embrace the HRBA Approach with special attention to vulnerable persons, provision of a specific Budget allocation by the Ministry of Finance Planning and economic Development for the response to and management of disasters.

This section tracks and provides highlights about the increasing and recurrent floods, high lights the flood prone areas, causes as well as effects of floods, Interventions, challenges and recommendations, bearing human rights concerns on the obligation to the promotion, protection and fulfilment of human rights, as guaranteed or guided by the legal, institutional and policy frameworks .

### 8.5.2 Legal and policy framework

Government at all levels, through its legislative, policy, Institutional framework and practices as well as International engagements, has over the years, put in place legal and policy framework geared towards the protection of its citizenry against floods and its adverse human rights and other effects. Government should provide adequate funding of human resources, and implementation facilities such as for the National Environment Management Authority to maintain and sustain warning systems where applicable, the authority should track and monitor the implementation of this plan of action.

#### 8.5.2.1 International framework

Uganda has signed and ratified human rights instruments that directly provide safeguards and protection against natural disasters like floods. The UDHR Article 25 guarantees the right to a Standard of living adequate for health, food, and housing. This is replicated in Article 11 of the International Covenant on Economic Social and Cultural Rights. In 2021, the UN General Assembly (UNGA) passed a resolution recognizing the human right to a clean, healthy and sustainable environment,<sup>529</sup> importantly climate change-affected communities are thereby recognised.

Furthermore, Art 6 of the ICCPR protects the right to life in general terms. In 2021 the UN Human Rights Council (UNHRC) recognised that access to a clean, healthy and sustainable environment is a human right, which was confirmed by the UN General Assembly on 28 July 2022. In resolution 48/13, the UNHRC called on States and partners around the World to work together to implement this newly recognised right. A second resolution (48/14) establishes a Special Rapporteur to focus on human rights impacts of climate change. Human rights must be safeguarded and this new declaration re-emphasises the need to protect the rights of those most vulnerable to climate change. This is now not just a moral obligation but a legal one.

The International Convention on the Rights of Persons with Disability, 2006 Article 17 provides for the protection and safety of PWDs in situations of humanitarian emergencies and occurrences.

The United Nations Declaration on the Rights of Indigenous People, ideally provides in Article 10 that “No relocation of indigenous people shall take place without free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and where possible with the option to return”.

#### 8.5.2.2 Regional framework

At the Regional level, the ACHPR and the African Charter on the Rights and Welfare of the Child

528 Annual Reports such as the 17th Annual Report to Parliament on the State of Human Rights in Uganda in 2014 pp 208.

529 UN. Human Rights Council (48th sess. : 2021 : Geneva). Last accessed at <https://digitallibrary.un.org/record/3945636?> on 14 November 2022.

(ACRWC)<sup>530</sup> provide for survival, protection and development of the Child, right to education<sup>531</sup> health<sup>532</sup> and life.

### 8.5.2.3 National framework

At the National legislative level, the 1995 Constitution of the Republic of Uganda has provisions that safeguard against the effects of natural disasters, including floods against people in Uganda. Under the National Objectives and directive principles of State Policy number XXIII, 'The State shall institute an effective machinery for dealing with any hazard or disaster arising out of natural calamities or any situation resulting in general displacement of people or serious disruption of their normal life'. To achieve enjoyment of fundamental human rights, further, objective No.V (i) requires government to provide adequate resources for responsible institutions to operate effectively.

Article 245 of the Constitution requires Parliament, by law to provide measures intended, to protect and preserve the environment from abuse, pollution and degradation; and promote environmental awareness. The enactment of the National Environment Management Act in 1995 was a result of this Constitutional requirement.

Article 249 provide for the establishment of the Disaster Preparedness and Management Commission for Uganda to address both natural and man-made disaster.

The National Environment Management (NEMA) Act, No. 9 of 1995 establishes NEMA at the Institutional Level, which is reflected at district levels in committees under the Decentralisation structure<sup>533</sup>.

The National Environment (Wetlands, Riverbanks and Lakeshores Management) Regulations Statutory Instrument No 3 of 2000, were established with the objectives to provide for the conservation and wise use of wetlands and their resources in Uganda; give effect to clause 2 of article 237 of the Constitution of Uganda; ensure water catchment conservation and flood control; ensure the sustainable use of wetlands for ecological and tourist purposes for the common good of all citi-

zens; ensure that wetlands are protected as habitats for species of fauna and flora; and provide for the regulation of public use and enjoyment of wetlands.

The National Environment (Hilly and Mountainous Areas), Statutory Instrument No. 2 of 2000 (Uganda section 107 of the National Act Cap 153) were established on 23rd December 1999 to facilitate the sustainable utilisation and conservation of resources in mountainous and hilly areas by and for the benefit of the people and communities living there, promote the integration of wise use of resources in mountainous and hilly areas into the local and national management of natural resources for socio-economic development; and regulate and promote efficient and sustainable use of resources in mountainous and hilly areas so that the functions and values derived there from are maintained for the present and future generations. In a way, these regulations offer safeguards against floods in hilly and mountainous areas where floods are rampant.

The UNFCCC is a "Rio Convention", one of two opened for signature at the "Rio Earth Summit" in 1992. It entered into force on 21 March 1994, whose intention and ultimate aim is to prevent "dangerous" human interference with the climate system. Uganda submitted its second National Communication to the UNFCCC in 2014 this provided for the platform to integrate responsible environmental management with climate change adaptation strategies that also account for the country's social and economic development targets, as set out in its Second National Development Plan and National Climate Change Strategy. These strategies focus on the preparation and strengthening of *institutional* frameworks for improved management of climate change effects and to make available the necessary resources to support strategic adaptation activities and to advance low remission and climate resilient development. The Convention acknowledges the vulnerability of all countries to the effects of climate change and calls for special efforts to ease the consequences, especially in developing countries which lack the resources to do so on their own.

### 8.5.2.4 Institutional framework

At the Institutional Level, Uganda under the Ministry of Water and Environment in 2014 established the Flood Disaster Management Committee in line with the National Objectives and directive principles of State Policy number XXIII and Article 249 of the Constitution of Uganda. In addition Uganda's Ministry of Water and the Environment is the lead entity responsible for environmental and climate change issues for the country. The Ministry's Climate Change Directorate is the lead facilitator to regional and international actors on behalf of the government, including the development of National Communications and the 2015 National Climate Change Policy. Uganda's disaster management is coordinated through the Department of Disaster Preparedness and Management, under the Office of the Prime Minister.

### 8.5.2.5 Policy frameworks

At the policy level, Uganda has taken significant advances towards Disaster Risk Management. The country's economic development framework and its 2010 Poverty Reduction Strategy paper identified disaster management is one of the enabling sectors to achieve sustainable development.

The government in 2011 adopted the National Policy for Disaster Preparedness and Management which directs the Directorate of Relief, Disaster Preparedness and Refugees in the OPM as the lead Agency responsible for disaster preparedness and management. The adverse effects of floods are among the calamities managed by this policy and the Guidelines for the Integration of Climate Change in Sector Plans and Budgets (2014).

The National Policy for Disaster Preparedness and Management places action points for creation of awareness in the communities on flood risk reduction measures; enforcement of river bank management regulations, Protection and restoration of wetlands, ensure proper physical planning of rural and urban settlements as well as gazetting of flood basins. And it enumerates relevant actors. Additionally, there are established Guidelines for Mainstreaming Climate Change Adaptation and Mitigation in Agricultural Sector Policies and Plans (2018) as well as the Uganda Green Growth Development Strategy, 2017/18–2030/31 (2018).

### 8.5.3 Situational analysis

According to Climate Risk Profile: Uganda (2021),<sup>534</sup> the floods in 2022 were both "flash floods and slow-on set floods" where the affected areas suffered adversative effects of human rights nature which included loss of life, destruction of infrastructures such as roads and bridges, electricity and communication connections making some places impassable or inaccessible and this resulted into food shortages, inaccessibility to social services like health facilities and schools, displacement of people and separation of families, destruction of homes, spread of diseases among others. In line with the principle of inter dependence and inter relatedness of Human Rights, more rights suffered directly or indirectly hence such human rights remained un guaranteed, violated or subject to retrogression in one way or the other, including effect on meagre resources meant for other development purposes contrary to the years plan.

Against the background to international, regional and national obligations as manifested in the Uganda National Action Plan for Uganda, the recurrent floods in 2022 and the negative impact experienced was a communication to both duty bears and rights holders that there can be no sustainable development amidst disaster losses which are significant and directly threaten the poverty eradication that's relevant in pursuit of the Sustainable Development Goals (SDGs). The emerging issues out of flooding mainly related to SDG 11-for sustainable cities and communities and SDG 13 for climate action. In many parts of the country floods disrupted movement and work and workplaces(environment) to an extent of people losing employment, (SDG 8 on decent work and economic growth, and SDG 9 on industry, infrastructure, and innovation). The immediate effects on the local people were pronounced against farmers while the economic effects to the national economy will be more detrimental in the long run.

As a natural phenomenon relating to the changing aspects of climate, life and development activities, flooding if not well managed, will grossly impact upon SDG 1 (no poverty) and SDG 2 (zero hunger). The indirect impact of flood events will also negatively impact other Goals such as SDG 5 (gender equality) SDG 15 (life on land) and at most will suffer the principle of inclusiveness (Leave no one behind).

530 Article 5.

531 Article 17.

532 Article 16.

533 "Local Environment Committee" under the National Environment (Hilly And Mountainous Area Management) Regulations, 2000. means a committee on the environment appointed under section 16 of the Act.

534 <https://climateknowledgeportal.worldbank.org/country>. Last accessed on 22 February 2023.

In 2015 before the impact of floods as of 2022, the Ministry of Water and Environment made an economic assessment of the impacts of climate change in Uganda considering the impact of disasters to Agriculture and food production in particular Mbale was projected. Indeed the subsequent years in particular the year 2022 proved this projection hence poverty and hunger is a direct effect the enjoyment of other fundamental human rights a midst displaced homesteads and un coordinated or improvised resettlements. Indeed climate change as expected increased the risk and intensity of flooding for particular areas of the country in the year 2022. There was increased loss of life, and damage to property and infrastructure. Intense rainfall and flooding also resulted in submersion of urban and city centres, soil erosion, mud slides and water logging of crops, loss of livestock decreasing revenues and increasing food Insecurity. Additionally, the increased displacements, aridity due to soil erosion and livestock stress and biodiversity loss are potential factors for conflicts.

Higher temperatures with increased aridity may also lead to livestock stress and reduced crop yields. Significantly there were registered economic losses, damage to agricultural lands and infrastructure as well as human casualties”.

#### 8.5.4 Factors responsible for floods in 2022

Climate change and environmental degradation are known prominent factors responsible for recurrent floods in Uganda over the years, and continued throughout 2022. There is a relationship between climate change and environmental degradation and the occurrence of floods. Climate change was witnessed in long dry spells as well as



Photo illustrating wetland encroachment at Adoko Wetland in Ogenga Village, Ayira Parish, Barr Sub-county in Lira District

increased down flow of heavy rain fall concentrated in particular un expected seasons over short time frames. This was the case in the months of May – December 2022 that heavy rain swept through the end of December 2022, a month ordinarily known to be dry. Water catchment areas could not hold large volumes of water; hence it flooded outside its usual banks.

The UHRC established diverse effects of environmental degradation as one of the causes for flooding in Lango sub-region, for example, the flooding in some areas like River Moroto in Alebtong district and around Lake Kyoga areas resulted.

Further, In Kasese for example, the damming up of outlet of high attitude swamps with vegetation and deposits followed by bursting. Land slide damming up valleys in the R. Nyamwamba catchment area usually form a lake and eventually burst the walls during heavy sustained rainfall. In addition to heavy rains, increased pressure on land due to population growth coupled with poor soil management Bududa in the east is one case in point, Kilembe Mines valley- known as Bulembia Division in Kasese Municipality in Kasese district and Kasese town is another area believed to be one of the fastest growing urban areas with a vibrant population of about 126,000 people. The estimated population of Bulembia Division and neighboring parts of Kilembe sub-county is about 20,000 people.

Increased pressure and the need for survival on land has certainly brought about illegal settlements and human activities such as encroachments on wetlands<sup>535</sup> like the swamps continue to negatively affect water catchment areas. This challenge crosscuts all prone areas. Human activities such as farming, settlement, mining of sand and clay for brick making has attempted to reduce water catchment areas thus affecting natural water movement, and forcing water to either sweep through such areas or find water levels elsewhere. Cultivation near the river banks has caused and is still causing a number of river and stream bank failures and when the streams and river swell, the banks are easily washed off. A strong belief is held by different stakeholders and key players that the floods were massive because of inadequate funding of human resources, and implementation facilities

535 “Wetlands” means an area permanently or seasonally flooded by water where plants and animals have become adapted; and include swamps, mambo areas, vegetation, areas of impeded drainage, or blackish salt; The National Environment (Mountainous and Hilly Areas Management) Regulations, 2000 No.2).

such as for the National Environment Management Authority that would otherwise maintain and sustain warning systems to avert floods.

#### 8.5.5 Human rights concerns

Floods in 2022 affected the enjoyment and protection of the different human rights and freedoms and these have been cited here below as concerns by UHRC.

##### 8.5.5.1 Loss of life

According to reports by Uganda Red Cross Society, at least by close of 2022, the death toll stood at 10 people while several were missing after floods in Kagaaga parish, Kakyera sub-county, Rakai district. Heavy rains also affected Bundibugyo district, where several people including children (three fatalities were reported by the media) were reported missing after severe flooding struck villages near Ntandi town on 2 September 2022. Other parts of the country where floods occurred in 2022 was in the Eastern Region which saw massive flooding from late July. Adverse effects were suffered, including loss of life<sup>536</sup>. By the time the UHRC visited Mbale city, over 49 bodies had been recovered by the Uganda Red Cross Society and more bodies had not been recovered. While 800 households were estimated. According to reports by Uganda Red Cross Society, at least by close of 2022, the death toll stood at 10 people several went missing after floods in Kagaaga parish, Kakyera sub-county, Rakai district. Heavy rains also affected Bundibugyo district, where several people including children (three fatalities were reported by the media) were reported missing after severe flooding struck villages near Ntandi town on 2 September 2022.

##### 8.5.5.2 Loss of property

On 5 September, the media reported, destruction of ten houses across the Bundibugyo district (west Western Region, bordering northern Democratic Republic of the Congo), 8 destroyed houses were reported in the Kisoro district (southern Western Region). (ECHO, 5 Sep 2022) In the central region, Lake Kijanebalola in Rakai district overflowed on 20 December 2022 due to heavy rain fall. As a result, several parishes in Kagamba sub-county, Rakai district fell victim and homes were severely destroyed, roads temporarily blocked and crops

swept away. In particular, farmers suffered destruction of crops and livestock. Other infrastructure such as bridges submerged, impeding movement of people and business. This left some areas disconnected to ordinary services.

Government should provide adequate funding of human resources, and implementation facilities such as for the National Environment Management Authority to maintain and sustain warning systems where applicable, the authority should track and monitor the implementation of this plan of action.



536 Accessed from <https://floodlist.com/africa/uganda-floods-mbale-kapchworwa-july-2022>. Last accessed on 18 October 2022.

### 8.5.5.3 Disruption of social services

According to Uganda Floods and landslides, update (UNMA, USAIS, Mbale district, media) published by ECHOO Daily Flash of 5 August 2022, heavy rainfall in the Eastern region of Uganda caused floods, flash floods, river overflow which resulted overflow of Nabuyonga, Namatala, Nashibiso and Napwoli Rivers was reported, while the most affected areas includes Mbale City. According to media reports, nine education as well as health facilities were disrupted and 14 bridges were damaged in particular bridges along the River Mpologoma swamp among others. 4,000 households (approx. 20,000 people) had been affected since 31 July and 400,000 people were cut off the national water network. The Mbale Tirinyi road was closed for some time and traffic had to be diverted through the longer Iganga-Tororo-Mbale route for some time.

Uganda Red Cross and Uganda National Meteorology Authority (UNMA) also reported high levels of rain around the River Nyamwamba in Kasese district in Western Region, leading to flooding.

### 8.5.5.4 Displacement of persons and disruption of natural heritage

According to that report, approximately 5,600 people were displaced in Mbale district during the year. And according to the information obtained from Mbale district 800 households were estimated to have been affected. On 5 September, the media

reported that 37 people had been displaced then in Kisoro district (southern Western Region). (ECHO, 5 Sep 2022). On 02 September 2022. Uganda Red Cross had reported that 10 homes were filled with mud and their belongings destroyed or swept away in Bundibugyo district.

### 8.5.5.5 Disruption of the right to education

This was disrupted in different parts of the country that experienced severe floods. Floods rendered some environments inaccessible such as Tororo-Tirinyi road which was closed for some time, some school structures and homes were submerged. Schools like Victoria University located near Nabuyonga River became inaccessible.

### 8.5.5.6 The right to food

Information about this right was not readily accessible however there is an obvious disruption for the effected persons were guaranteed this right during the period in review. Report of different stake holders such as media and Red Cross reported about the severe destruction of crops in Rakai district "...crops swept away. In particular, farmers suffered destruction of crops and livestock..." (ECHO, 5 Sep 20 and 22) Appeals were made to

government to deliver food. In Mbale crops were equally destroyed and the effects of floods posed a threat to food security.



A photo showing Victoria University near Nabuyonga River that got submerged.



Gardens washed away with crops while harvested and stored food was wasted by floods. Photo taken from Mbale district.

### 8.5.5.7 Health care

Floods have also destroyed a major portion of the healthcare infrastructure and communication networks. This was more challenging for women given that access to health centres could not be guaranteed. Amidst scarcity women and children suffer more. The floods served to aggravate the already existing general health conditions for immediate health needs of the affected communities.

### 8.5.5.8 Effects on women

In terms of gender, women were more vulnerable given that their socio-economic status, socio-cultural norms, access to resources, poverty as well as opportunities to participation in policy discussions even at the local levels are ordinarily determined

by gender and so are minimal. Women lack time, access to assets and credit, treatment and access to formal institutions like banks. Patriarchal structures and power imbalances in all communities in Uganda tend to reduce women's status in society, their access to resources, opportunities and power and subsequently lead to higher female vulnerability to natural hazards.

## 8.5.6 Government and other interventions

To address the challenges posed by floods in Uganda in 2022, Disaster Management Committees gathered possible data relevant for interventions and technical meetings were held between Senior Secretaries from different sub-counties, Chief Administrative Officers (CAO), of the affected districts and Office of the Prime Minister (OPM), Ministry of Health Kampala, world Vision, Red Cross and the district officials for joint relief.

At Mbale City for example, the district Disaster Management Committee came up with the action plan for assessing and verifying the affected households, houses, livestock and crops this information was used to allocate food for a weeks' time. It was also revealed that different families had improvised



Food relief from Office of the Prime Minister inform of posho, beans and tapelines for Mbale City delivered to Resident City Commissioner (RCC's) Office

and put up together in a communal style with relatives or neighbours. Distribution of food was being given to the host families though inadequate. The UHRC was informed for example that the first relief by OPM amounted to 20,000 kgs of maize flour, 10,000 kgs of beans and 150 tapelines.

Ministry of water and Environment in partnership with National Sewerage cooperation with funds from GoU, has been supplying tree seedlings to communities for planting. Priority is focused on increased adaptation for key sectors of agriculture, water, energy and health to be able to increase sustainable agriculture and livestock production, improve forestry management, improved infrastructure and sustain a strengthened disaster risk management activities.<sup>537</sup> OPM should ensure continuous climate change learning in key sectors to promote human and institutional capacity.

As a long term intervention, there is effort focused on the research and development of National Adaptation Programme of Action for key, prioritised sectors, water, agriculture and coastal zones. While Government embarked on the sensitization programme to stop people from cultivating and constructing in wet lands but this has been resisted due to overpopulation that has led to scarcity of land.

### 8.5.7 Challenges

It is observable that the country is still challenged by effective implementation of all the legal standards for lack of rule of law and resources. Uganda has good laws which largely remain on paper and not put to proper use. Wetlands continue to be encroached upon and legally evicted residents in flood prone areas like Bududa continue to return back from areas where they are resettled. And approvals by authorities for land use/occupancy and other development projects continue to take place prior to conduct of human rights impact assessment.

The Climate Risk Country Profile for Uganda<sup>538</sup> observed that the country remains vulnerable to natural disasters like floods, this being frequently

increasing due to increasing population, human settlement leading to land degradation rapid and unplanned urbanization and weak enforcement of building codes and zoning regulations and lack of coordinated disaster response strategies expanded infrastructure, and general development of the country. The situation is exacerbated by the high levels of poverty and dependence on climate sensitive sectors such as agriculture, water, fisheries, tourism and forestry. So Uganda is ranked as a high risk country to natural disasters. It is also currently estimated that 200,000 Ugandans are affected each year by disasters with greater impact attributed to floods. Other challenges include:

- There was no adequate and active teams involved. In the western districts Red Cross worked with local people using ordinary tools like hoes to cause rescue of lives.
- In some areas, staffs who should have verified information about household effects feared for their own lives in the floods. So there was lack of data for guiding emergency actions or relevant relief.
- There was no budgetary allocations for disasters at the district level, hence districts depended solely on the office of the OPM.
- Low levels of community participation in the designed programmes, hence continued ignorance and poor cooperation between communities and central government or authorities.
- Locals' awareness of the flooding hazard still appears to be lacking, as flooding continues to occur where people live they have generally continued to staying in flood-prone areas. Amidst high levels of poverty, people are more concerned with the value of in their assets and socio-economic activities that have been carried out for many years. Despite various government mechanisms in place, continuous efforts must be done to increase the population's resilience to flooding e.g. acceptance of relocation.
- There's general lack of systemic and holistic understanding of natural systems, especially

hydrological systems<sup>539</sup> and the budgetary implications.

### 8.5.8 Recommendations

1. The Ministry of Finance and Economic Development should provide adequate funding to the National Environment Management Authority to maintain and sustain warning systems where applicable.
2. The National Environment Management Authority should track and monitor the implementation of this action plan.
3. The Office of the Prime Minister and the National Environment Management Authority should enhance Uganda's adaptive capacity by continuing investment in weather stations, expanding the country's national hydro-meteorological monitoring system, and improving networking for measuring climate parameters.
4. The Ministry of Works and Transport should review all the existing infrastructure to restructure and reconstruct the same considering the changing climate.

5. The National Environment Management Authority should enforce adherence to the rule of law which will address challenges of corruption and people settling on lakeshores, river banks, river beds, wetlands, hilltops, valleys, and forests.
6. The Office of the Prime Minister and the Ministry of Agriculture, Animal Industry and Fisheries should strengthen their technical capacity to integrate climate-smart agriculture and climate change risk management into farmers and the wider agricultural sector.

### 8.5.9 Conclusion

There is still inadequate preparedness. This led to severe impacts on fundamental human rights of the people; the right to life, restrained liberty and security. Impacted the rights to health, education, water and sanitation, as well as food security, culture and people's livelihoods. This is likely to translate into fundamental effects on national development as a goal to end poverty.

537 Uganda National Planning Authority(2018) the Uganda Green Growth Development Strategy, 2017/18-2030/31.<https://www.undp.org/content/dam/LECB/docs/pubs-reports/undp-ndc-sp-uganda-ggds-green-growth-dev-strategy-20171204.pdf>.

538 <https://www.preventionweb.net/publication/climate-risk-countryprofile-uganda>. Last accessed on 28 February 2023.

539 Hydrologic System is about information on climate, precipitation, surface water resources, groundwater resources, water quantity, water quality, impaired waters, and surface water appropriations. Hydrology encompasses the occurrence, distribution, the movement, and properties of the waters of the earth. It involves the interaction of water with the physical and biological environment (<https://www.google.com/search>) Last accessed on 20 February 2023.

## CHAPTER NINE

# HIGHLIGHTS OF THE UHRC'S INTERVENTIONS IN 2022

## 9.1 COMPLAINTS MANAGEMENT

### 9.1.1 Introduction

Article 52 (1) (a) of the 1995 Constitution of Uganda mandates the UHRC to “investigate, at its own initiative or on a complaint made by any person or group of persons against the violation of any human right” Article 53(1) gives the UHRC powers of a court to issue a summons or other orders requiring the attendance of any person before the UHRC and the production of any document or record relevant to any investigation by the UHRC; to question any person in respect of any subject matter under investigation before the UHRC; to require any person to disclose any information within his or her knowledge relevant to any investigation by the UHRC; and to commit persons for contempt of its orders. The Constitution also gives the UHRC powers to order payment for compensation or order for any other legal remedy or redress in the event of a human rights violation. This section provides highlights on complaints management by the UHRC in 2022.

### 9.1.2 Complaints received and registered

TABLE 22: NUMBER OF COMPLAINTS RECEIVED BY THE UHRC REGIONAL OFFICES IN 2022

ARUA	CENTRAL	FORT PORTAL	GULU	HOIMA	JINJA	KABALE	LIRA	MASAKA	MBARARA	MOROTO	SOROTI	TOTAL
383	373	440	435	294	547	209	182	219	555	263	470	4,370

The UHRC received a total number of 4,370 complaints in 2022. Out of the total number of complaints received, 691 complaints were registered as complaints raising alleged human rights violations as guided by the UHRC's admissibility criteria. The complaints received represented all the matters reported to the UHRC, whether admissible or not. There was a 20% increase in the complaints received from the 3,624 complaints that were received in 2021. There was also a 15% increase in the complaints registered from the 602 complaints registered in 2021. The increase in the number of complaints received and registered by the UHRC in 2022 was majorly attributed to conducting of mobile complaints handling clinics.

The Table below shows the number of complaints received<sup>540</sup> in 2022, while the next Table shows the number of complaints registered<sup>541</sup> by the UHRC regional offices in 2022.

The highest number of complaints were registered by the Soroti regional office, with 115 complaints (17%), followed by the Arua regional office, with 91 complaints (13%) and the Moroto regional office, with 83 complaints (12%).

TABLE 23: NUMBER OF COMPLAINTS REGISTERED BY THE UHRC REGIONAL OFFICES IN 2022

ARUA	CENTRAL	FORT PORTAL	GULU	HOIMA	JINJA	KABALE	LIRA	MASAKA	MBARARA	MOROTO	SOROTI	TOTAL
91	75	11	81	20	20	53	17	63	62	83	115	691

### 9.1.3 Complainants disaggregated by gender per regional office

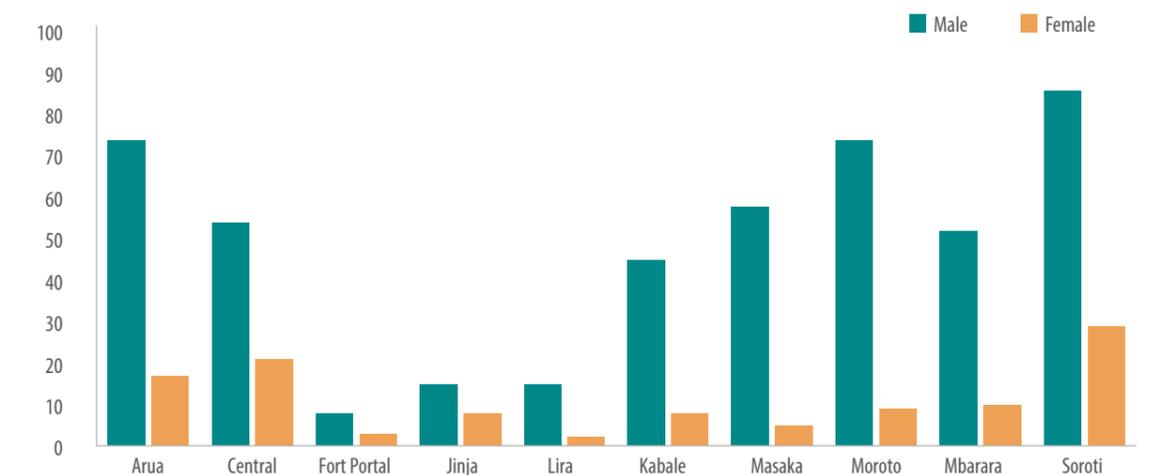
The UHRC registered complaints from 693 complainants in matters that raised human rights violations, of which the majority were male, as was the case in previous years.<sup>542</sup> There was a 13% increase in the number of complainants registered by the UHRC compared to the 611 complainants in 2021. Of the 693 complainants whose matters were registered by the UHRC, 524 (76%) were male, and 169 (24%) were female. There was a slight increase in the number of male (15%) and female (8%) complainants compared to the 457 male complain-

ants and 154 female complainants registered in 2021. More men reported complaints to the UHRC than women due to the nature of alleged violations (torture and deprivation of personal liberty), which are mostly experienced by men who conflict with the law more frequently than women. The Soroti regional office registered the highest number of male complainants, with 86, followed by Arua and Moroto, with 74. The Gulu regional office registered the highest number of female complainants, 49, followed by the Soroti regional office, with 29 complainants.

TABLE 24: NUMBER OF COMPLAINANTS DISAGGREGATED BY GENDER PER REGIONAL OFFICE

GENDER	ARUA	CENTRAL	FORT PORTAL	GULU	HOIMA	JINJA	KABALE	LIRA	MASAKA	MBARARA	MOROTO	SOROTI	TOTAL
Male	74	54	8	31	12	15	15	45	58	74	52	86	524
Female	17	21	3	49	8	8	2	8	5	9	10	29	169
Grand total	91	75	11	80	20	23	17	53	63	83	62	115	693

FIGURE 29: COMPLAINANTS DISAGGREGATED BY GENDER PER REGIONAL OFFICE



Source: UHRC

<sup>540</sup> Complaints received are all the complaints reported to the UHRC (those within outside the UHRC's jurisdiction).

<sup>541</sup> Complaints registered are those that meet the admissibility criteria of human rights violations handled by the UHRC.

<sup>542</sup> The number of complainants is more than the number of complaints registered because one complaint may have multiple complainants.

### 9.1.4 Complainants disaggregated by age per regional office

The highest number of complaints was registered in the age category of 31-59, with 374 complainants. These were followed by 275 complainants in the age category of 18-30. There was a 14% increase in the complainants in the age category of 18-30 compared to 242 in 2021. There was also an 11% increase in the complainants in the age category of 31-59 compared to the 374 whose complaints were registered in 2021. The two age categories of 31-59 and 18-30 comprise people in the most active stages of their lives and are vigilant about reporting complaints of alleged human rights violations. The two age categories are also susceptible to arrest or run-ins with law enforcement and security agencies, possibly leading to alleged human rights violations.

TABLE 25: COMPLAINANTS DISAGGREGATED BY AGE

AGE CATEGORY	TOTAL
0-17	16
18-30	275
31-59	374
60+	28
<b>GRAND TOTAL</b>	<b>693</b>

FIGURE 30: PERCENTAGE OF COMPLAINANTS BY AGE CATEGORY



Source: UHRC

### 9.1.5 Complainants disaggregated by age per regional office

The Arua regional office registered 57 complaints from people aged 18-30, while the Soroti regional office registered the highest number of complaints

from complainants aged 31-59, with 64 complainants.

TABLE 26: COMPLAINTS DISAGGREGATED BY AGE PER REGIONAL OFFICE

AGE CATEGORY	ARUA	CENTRAL	FORT PORTAL	GULU	HOIMA	JINJA	KABALE	LIRA	MASAKA	MBARARA	MOROTO	SOROTI	TOTAL
0-17	01	00	00	00	00	01	00	02	00	01	04	07	16
18-30	57	23	01	27	10	07	35	05	25	17	30	38	275
31-59	33	50	10	46	10	11	16	10	36	43	45	64	374
60+	00	02	00	07	00	04	02	00	02	01	04	06	28
<b>Grand Total</b>	<b>91</b>	<b>75</b>	<b>11</b>	<b>80</b>	<b>20</b>	<b>23</b>	<b>53</b>	<b>17</b>	<b>63</b>	<b>62</b>	<b>83</b>	<b>115</b>	<b>693</b>

### 9.1.6 Complaints received through the Uganda Human Rights Commission App

On 24 November 2022, the Uganda Human Rights Commission App was launched. Through the App, members of the public are able to lodge complaints

with the UHRC as guided by the admissibility criteria; or the complainants are given appropriate advice for matters that are not within UHRC's jurisdiction to handle. Through the App, UHRC extended its services closer to its clientele.

Between November and December 2022, UHRC received nine complaints through the UHRC App, eight from males and one from a female. All nine complainants were given legal advice on the issues they raised.

### 9.1.7 Mobile complaints handling clinics conducted in 2022

The UHRC conducted 14 mobile complaints-handling clinics during the period under review. During the mobile complaints handling clinics, UHRC received and registered complaints, gave legal advice, and conducted human rights education. The mobile complaints handling clinics were attended by 3,370 people (2,773 male and 597 female) in the districts. During the clinics, UHRC registered 185 complaints and gave legal advice to 580 people.

TABLE 27: MOBILE COMPLAINTS-HANDLING CLINICS CONDUCTED IN 2022

REGIONAL OFFICE	DISTRICT	SUB COUNTY/PRISON/POLICE STATION	NO. OF PEOPLE ATTENDED
Arua	Koboko	Bukutu Prison	316
		Lobule Prison	
Kabale	Yumbe	Waju Trading Centre	957
		Yumbe Prison	
		Rukungiri Prison	
Masaka	Masaka	Rukungiri Central Police Station	1,666
		Kanungu Prison	
Moroto	Napak	Kanungu Central Police Station	133
		Masaka Central Prison	
		Mutukula Prison	
Mbarara	Isingiro	Sembabule Prison	298
		Lolelia	
TOTAL	11	Lokopo	3,370
		Bushenyi Prison	



UHRC staff receiving complaints from inmates at Yumbe Prison during a mobile complaints-handling clinic exercise



UHRC staff receiving complaints from inmates at Yumbe Prison during a mobile complaints-handling clinic exercise



UHRC staff receiving complaints from inmates at Yumbe Prison during a mobile complaints-handling clinic exercise

### 9.1.8 Use of toll-free lines in complaints receipt and management

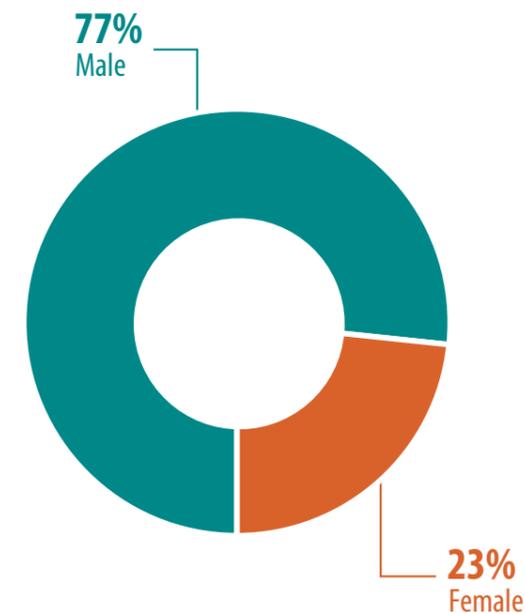
A total of **3,265** people reported complaints of alleged human rights violations and sought advice on various issues by using UHRC's toll-free lines at its various regional offices, as indicated in the Table below. The Central regional office had the highest number of callers, with 595 callers, followed by the Gulu regional office, with 555 callers. There were

more male callers (2,503) than female (762). This is attributed to the fact that some women do not have access to resources to enable them to own mobile phones to call toll-free lines. The highest number of female callers (157) called the Gulu regional office toll-free line.

TABLE 28: NUMBER OF TOLL-FREE LINE CALLERS DISAGGREGATED BY GENDER PER REGIONAL OFFICE IN 2022

GENDER	ARUA	CENTRAL	FORT PORTAL	GULU	HOIMA	JINJA	KABALE	LIRA	MASAKA	MBARARA	MOROTO	SOROTI	TOTAL
MALE	174	469	172	398	126	221	145	345	140	161	128	24	2,503
FEMALE	60	126	51	157	31	52	87	130	12	23	30	03	762
TOTAL	234	595	223	555	157	273	232	475	152	184	158	27	3,265

FIGURE 31: PERCENTAGE OF COMPLAINANTS WHO CALLED THE UHRC TOLL-FREE LINES BY GENDER



### 9.1.9 Nature of alleged human rights violations registered

The alleged violation of the freedom from torture ranked highest among the complaints registered, with **277** (36%) complaints, a 6% increase compared to 2021 (261 complaints). These were followed by complaints involving the alleged violation of the deprivation of personal liberty, at **271** (35%), making a 15% increase compared to the 236 registered in 2021. The Moroto regional office registered the highest number of complaints which involved the alleged violation of the right to freedom from torture, with 56 complaints, followed by the Soroti and Central regional offices, with 54 and 43 complaints, respectively. The allegations of torture reported to the Moroto regional office were attributed to the disarmament exercise conducted by law enforcement and security agencies during the period under review. The Kabale regional office registered the highest number of complaints involving the alleged violation of the right to personal liberty, with 50 complaints, followed by the Mbarara regional office with 48. The Moroto regional office registered the highest number of complaints involving the alleged violation of the right to life, with 11 complaints. The Table below shows all allegations per region in 2022.<sup>543</sup>

<sup>543</sup> The totals vary because a single complaint registered may have two or more alleged human rights violations.

**TABLE 29: VIOLATIONS REGISTERED AT THE UHRC REGIONAL OFFICES IN 2022**

ALLEGED HUMAN RIGHTS VIOLATIONS	ARUA	CENTRAL	FORT PORTAL	GULU	HOIMA	JINJA	MASKA	MBARARA	MOROTO	SOROTI	KABALE	LIRA	TOTAL
Torture or cruel, inhuman and degrading treatment or punishment	01	43	08	22	08	08	22	39	56	54	09	07	277
Deprivation of personal liberty (detention beyond 48 hours)	45	33	01	08	04	03	22	48	15	31	50	11	271
Denial of child maintenance	-	08	02	38	10	04	03	02	04	16	-	01	88
Deprivation of property	-	04	-	02	-	02	09	18	02	05	02	-	44
Deprivation of security of person	-	03	01	01	-	01	06	-	05	10	-	01	28
Deprivation of life	-	05	-	01	-	02	-	01	11	06	-	01	27
Denial of the right to education	-	-	-	06	01	01	-	-	02	09	-	-	19
Denial of the right to a fair hearing	-	-	-	02	-	01	01	-	02	-	-	-	06
Discrimination at the workplace (unequal pay)	-	03	-	-	-	-	-	-	-	-	-	-	03
Denial of access to medical care	-	-	-	-	-	01	-	-	01	-	-	-	02
Denial of remuneration	-	01	-	-	-	-	-	-	-	-	-	-	01
Enforced disappearances	-	-	-	01	-	-	-	-	-	-	-	-	01
Family conflict	-	-	-	01	-	-	-	-	-	-	-	-	01
Non-remittance of NSSF	-	-	-	01	-	-	-	-	-	-	-	-	01
Deprivation of privacy in home	-	01	-	-	-	-	-	-	-	-	-	-	01
<b>TOTAL</b>	<b>46</b>	<b>101</b>	<b>12</b>	<b>83</b>	<b>23</b>	<b>23</b>	<b>63</b>	<b>108</b>	<b>98</b>	<b>131</b>	<b>61</b>	<b>21</b>	<b>770</b>

**FIGURE 32: NATURE OF VIOLATIONS REGISTERED AT UHRC**



**9.1.10 Respondents in human rights complaints registered**

The highest number of complaints registered by UHRC was against the Uganda Police Force (UPF), with 411 complaints (56%), a 16% increase from 354 in 2011. The UPF was followed by complaints registered against private individuals, with 147 complaints (20%). Complaints registered against the Uganda People’s Defence Forces (UPDF) were 96 (13%), a decrease of 29% from the 135 in 2011.

There were 13 complaints registered against Uganda Prisons Service (2%). The highest number of complaints against the police were registered at the Arua regional office, with 73 complaints, followed by the Soroti regional office, with 55. The highest number of complaints against the UPDF were registered at the Moroto regional office (35 complaints), followed by the Central regional office, with 24 complaints.

**TABLE 30: CATEGORISATION OF RESPONDENTS BY REGIONAL OFFICE AND NUMBER OF COMPLAINTS REGISTERED AGAINST EACH RESPONDENT**

ALLEGED HUMAN RIGHTS VIOLATIONS	ARUA	CENTRAL	FORT PORTAL	GULU	HOIMA	JINJA	KABALE	LIRA	MASAKA	MBARARA	MOROTO	SOROTI	TOTAL
UPF	73	53	05	19	06	11	53	15	52	43	26	55	411
Private individuals	14	10	05	58	11	06	-	02	03	04	06	28	147
UPDF	04	24	01	08	02	02	-	01	07	02	35	10	96
Private business companies	-	-	10	-	02	-	01	-	-	18	-	-	31
Uganda Wildlife Authority	-	-	-	01	-	-	-	-	01	17	-	-	19
Uganda Prisons Service	-	02	-	02	01	-	01	01	01	02	-	03	13
URA	-	-	-	01	-	-	-	-	-	05	-	-	06
Local governments	-	-	-	03	01	-	-	-	-	01	-	-	05
Ministries, departments and agencies	-	01	-	-	-	-	-	-	-	01	-	-	02
Judiciary	-	-	-	-	-	-	-	-	-	-	01	-	01
State House Anti-Corruption Unit	-	-	-	-	-	01	-	-	-	-	-	-	01
<b>Totals</b>	<b>91</b>	<b>90</b>	<b>21</b>	<b>92</b>	<b>23</b>	<b>20</b>	<b>55</b>	<b>19</b>	<b>64</b>	<b>93</b>	<b>68</b>	<b>96</b>	<b>732</b>

**9.1.11 Investigations**

In fulfilment of its constitutional mandate to investigate alleged human rights violations, the UHRC investigated **1,143** complaints, an 18% decrease compared to the 2021 total of 1,387 complaints. No funds were allocated to UHRC for investigations in the financial year 2021/2022, which led to a decrease in the number of complaints investigated. Out of the 1,143 complaints investigated, **268** complaints were investigated to conclusion, while **875** were partially investigated.

**TABLE 31: COMPLAINTS INVESTIGATED PER REGIONAL OFFICE**

REGIONAL OFFICE	PARTIALLY INVESTIGATED	CONCLUSIVELY INVESTIGATED	TOTAL	BACKLOG OF COMPLAINTS AT INVESTIGATIONS LEVEL ON 31 DECEMBER 2022 <sup>544</sup>
Arua	110	0	10	80
Central	364	62	426	361
Fort Portal	26	05	31	17
Gulu	45	25	70	17
Hoima	08	19	27	30
Jinja	45	01	46	45
Kabale	00	00	00	44
Lira	41	03	44	12
Masaka	01	17	18	15
Mbarara	150	00	150	150
Moroto	39	30	69	85
Soroti	46	106	152	189
<b>Total</b>	<b>875</b>	<b>268</b>	<b>1,143</b>	<b>1,045</b>

<sup>544</sup> Backlog entails complaints that are still under investigations and are older than two years in the system from the year under review.

### 9.1.12 Investigations initiated by the UHRC

The UHRC initiated investigations into **43** incidents of alleged human rights violations. Investigations into alleged human rights violations initiated by the UHRC were triggered due to reports made to UHRC by concerned individuals and media reports on various media platforms, including print media, radio and television and social media platforms.

**TABLE 32: INVESTIGATIONS INITIATED BY THE UHRC PER REGIONAL OFFICE**

REGIONAL OFFICE	NUMBER OF INVESTIGATIONS	ALLEGED HUMAN RIGHTS VIOLATIONS	RESPONDENTS INVOLVED
Central	2	Right to life; right to freedom from any form of torture	CMI Uganda Police
Fort Portal	1	Enforced disappearance; detention beyond 48 hours	Kabarole Central Police Station
Gulu	1	Right to life	Kitgum Police Station
Lira	1	Torture; deprivation of personal liberty	North Kyoga Regional Police Oyam Central Police Station
Mbarara	37	Deprivation of property; right to freedom from any form of torture; detention beyond 48 hours	1. Ibanda District Local Government 2. Rwamurunga Police Post 3. Kabingo Police Station 4. Birere Police Station 5. Isingiro Police Station 6. Maboona Police Station 7. Nyakitunda Police Post 8. Adam Paul 9. Ishaka Police Station 10. Bushenyi Police Station 11. Kasato Police Station 12. Kampala Police Station 13. Masaka Police Station 14. Bugarama Police Post 15. Kitagata Police Station 16. Kyamuhunga Police Station 17. Bushenyi Police Stations 18. Kishabya Police Post 19. Sheema Police Station 20. Mitooma Police Station 21. Kiruhura Police Station 22. Kazo Police Station
Soroti	01	Detention beyond 48 hours	Bukedea CPS

### 9.1.13 Referrals made to other institutions

The UHRC referred **2,932** complaints to various institutions. These included land disputes and criminal and civil matters ordinarily handled by courts of law.

**TABLE 33: NUMBER OF COMPLAINTS REFERRED PER REGIONAL OFFICE**

REGIONAL OFFICE	NUMBER OF COMPLAINTS
ARU	265
CENTRAL	298
FORT PORTAL	290
GULU	198
HOIMA	111
JINJA	218
MASAKA	156
MBARARA	968
MOROTO	148
SOROTI	56
LIRA	68
KABALE	156
TOTAL	2,932

### 9.1.14 Mediations

The UHRC mediated **87** complaints during the period under review as per the Table.

**TABLE 34: COMPLAINTS HANDLED THROUGH MEDIATION PER REGIONAL OFFICE**

REGIONAL OFFICE	NUMBER OF COMPLAINTS
ARU	11
CENTRAL	03
FORT PORTAL	02
GULU	26
HOIMA	09
JINJA	02
MASAKA	00
MBARARA	01
MOROTO	03
SOROTI	29
LIRA	01
KABALE	00
TOTAL	87

There was a **61%** increase in complaints mediated by UHRC from the 54 mediated in 2021. The complaints mediated involved the denial of child maintenance; denial of access to children; denial of education (for minors); non-payment of wages; and deprivation of property. Of the 87 complaints, **65** (74%) were successfully mediated. This means that the parties were able to agree amicably and sign memoranda of understanding showing details of how they resolved their disputes and the responsibilities of each of the parties.

### 9.1.15 Resolution of complaints through the UHRC Tribunal

The UHRC Tribunal disposed of **50** complaints, of which the Tribunal awarded compensation in **44** and dismissed **6**. The majority of the disposed complaints involved violating the right to freedom from torture; personal liberty; the right to life; and freedom from forced labour. The awards were against the Attorney General for violations perpetrated by UPF (48) and UPDF (three). During the year, UHRC received an advisory from the Attorney General that suspended the conducting of Tribunals by single hearing Commissioners in preference of a Panel comprising the Chairperson and at least three members of UHRC in line with the quorum as provided for by Article 51 of the Constitution. The UHRC reorganised internally to transition from Tribunals being presided over by a single Commissioner. This included developing guidelines and standards to guide the Panel Tribunal process. In December 2022, three new members were sworn in so that UHRC was fully constituted to enable the Panels, now presiding over Tribunal hearings.

**TABLE 35: COMPLAINTS DISPOSED OF BY UHRC TRIBUNAL**

FORM OF DISPOSAL	TOTAL
Complaints awarded by the Tribunal	44
Complaints amicably settled by the parties	00
Complaints dismissed or closed	06
<b>Total</b>	<b>50</b>

### 9.1.16 Nature of complaints decided before the Tribunal in 2022

The UHRC Tribunal awarded **UGX 510,200,000** in 2022 as compensation orders.

**TABLE 36: THE NATURE OF COMPLAINTS TOTAL COMPENSATION AMOUNTS AWARDED BY THE TRIBUNAL IN 2022**

NATURE OF VIOLATION	NUMBER OF COMPLAINTS	TOTAL AMOUNT AWARDED BY THE TRIBUNAL IN RESPECT OF THE VIOLATION
Torture	26	UGX 279,200,000
Personal liberty	19	UGX 185,500,000
Life	01	UGX 40,500,000
Forced labour	01	UGX 5,000,000
<b>Total</b>		<b>UGX 510,200,000</b>

### 9.1.17 Payment of compensation/tribunal awards

The Ministry of Justice and Constitutional Affairs (MOJCA), through the office of the Solicitor General, paid out compensation awards to victims of human rights violations of **UGX 1,322,823,982**. The payments were made in compliance with compensation orders made by the UHRC Tribunal before the decentralisation of the Court/Tribunal awards directive by the government, effective 1 July 2015. The outstanding balance of awards yet to be paid by MOJCA in compliance with the Tribunal are **UGX 810,435,505**. Since the decentralisation of payment of Court/Tribunal awards, the UPF received compensation orders of **UGX 1,321,910,800** from MOJCA arising from 112 matters handled by the UHRC Tribunal. UPF has since paid out compensation of **UGX 701,366,500** and is yet to pay compensation of **UGX 570,244,300**. Uganda Prisons Service (UPS) has received compensation orders of **UGX**

**295,600,000** from MOJCA since the decentralisation of payment of awards. UPS has not made any payments for the compensation orders. In 2022, Uganda Wildlife Authority paid UGX 14,000,000 in compensation to one complainant.

### 9.1.18 Status of Tribunal files as of 31 December 2022

As of 31 December 2022, the Tribunal caseload stood at **1,750**, a **1.3%** increase from the annual closing caseload of **1,623** in 2021. As of 31 December 2022, **1,396** were pending hearing, while **354** were part heard, as summarised in the table below.

The part heard complaints are those where the witnesses are still adducing evidence, while matters pending hearing are those waiting to be heard for the first time.

**TABLE 37: SUMMARY OF CASELOAD PER REGIONAL OFFICE FOR MATTERS PARTIALLY HEARD AND PENDING HEARING**

STATUS	CENTRAL	FORT PORTAL	GULU	JINJA	MBARARA	SOROTI	ARUA	MASAKA	MOROTO	HOIMA	TOTAL
Partially heard	73	33	60	25	38	47	22	13	26	17	354
Pending hearing	210	128	218	45	89	211	132	73	148	142	1,396
<b>Totals</b>	<b>283</b>	<b>161</b>	<b>278</b>	<b>70</b>	<b>127</b>	<b>258</b>	<b>154</b>	<b>86</b>	<b>174</b>	<b>159</b>	<b>1750</b>

### 9.1.19 Challenges

1. The UHRC experienced difficulties during its investigations in securing comprehensive medical reports from health institutions as evidence to corroborate allegations of human rights violations, particularly allegations of torture.
2. As a result of the decentralisation of the compensation awards policy, victims of human rights violations are still facing challenges in claiming their compensation awards from institutions that were ordered by the Tribunal to pay them.
3. The UHRC did not have funding for investigations for the financial year 2021/2022. This slowed down the pace at which the UHRC conducted investigations of complaints of alleged human rights violations.

### 9.1.20 Recommendations

1. The Ministry of Finance should ensure adequate funding for the Ugandan Human Rights Commission to execute its constitutional mandate to investigate complaints of alleged human rights violations.
2. The Ministry of Justice and Constitutional Affairs should streamline the process of decentralising payment of Tribunal awards by the ministries, departments and agencies and follow up with the concerned ministries, departments and agencies to ensure that payments are made to victims of human rights violations in a timely manner.
3. The Uganda Police Force, Uganda People's Defence Forces, Uganda Prisons Service and other government ministries, departments and agencies should specifically budget for payment of compensation awards in line with the decentralisation of payment of Court and Tribunal awards policy. This will ensure that

compensation orders are progressively paid, and the accumulation of arrears will be minimised.

4. The Ministry of Health should conduct specialised training for health workers to build their capacity to effectively document cases of alleged torture victims who report to them for treatment.

## 9.2 CONDITIONS IN PLACES OF DETENTION

The fact that people deprived of their personal liberty are cut off from the outside world makes them vulnerable. They depend solely on the detaining authorities for basic needs and rights. By December 2022, Uganda Prisons Service (UPS) had 259 prison facilities, grouped in 19 regions with 74,414 prisoners (38,226 convicts, 35,743 on remand, and 445 civil debtors). On 31 December 2022, the Uganda Police Force (UPF) had 2,416 police stations and posts<sup>545</sup> nationwide, with 49,526 police personnel. In line with its Constitutional mandate, the UHRC continued to monitor the human rights situation in places of detention, to assess the condition of inmates and GoU's compliance with national, regional and international human rights standards regarding persons deprived of liberty.

### 9.2.1 Legal and policy framework

#### 9.2.1.1 International framework

Uganda is a party to several international instruments which provide for the treatment of detainees. These include the International Covenant on Civil and Political Rights (ICCPR),<sup>546</sup> the UN Convention Against Torture and Other Cruel, Inhuman Degrading Treatment or Punishment (CAT),<sup>547</sup> the United Nations Standard Minimum Rules on Treatment of Prisoners<sup>548</sup> and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.<sup>549</sup>

<sup>545</sup> Uganda Police Force (UPF).

<sup>546</sup> Article 7 and Article 9-11, of the International Covenant on Civil and Political Rights.

<sup>547</sup> Article 4, Article 10 and Article 13 of the United Nations Convention Against Torture and Other Cruel, Inhuman Degrading Treatment or Punishment.

<sup>548</sup> United Nations Standard Minimum Rules for Treatment of Prisoners, United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), United Nations Rules for the Protection of Juveniles Deprived of Liberty (JDL Rules), United Nations Guidelines for Prevention of Juvenile Delinquency (Riyadh Rules), United Nations Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules).

<sup>549</sup> UN Doc. A/43/173, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

### 9.2.1.2 Regional framework

The African Charter on Human and Peoples' Rights (ACHPR) guarantees the rights of detainees in more or less the same manner as the international instruments.<sup>550</sup> The African system also imposes obligations on States to extend special protection to women and children in places of detention, consistent with the Protocols to the African Charter on Human and Peoples' Rights on the Rights of Women and the African Charter on the Rights and Welfare of the Child, respectively. Equally important are the Robben Island Guidelines,<sup>551</sup> which prohibit and prevent torture and cruel, inhuman or degrading treatment in Africa.

### 9.2.1.3 National framework

The 1995 Constitution guarantees respect for human dignity and protection from inhuman treatment<sup>552</sup> for everyone, including people in places of detention. The Constitution also protects persons deprived of their liberty and the circum-

stances under which one's personal liberty may be suspended. In addition to the Constitution, human rights guarantees for detainees are also found in other laws such as the Uganda Police Force Act (Cap 303), Uganda Peoples' Defence Forces Act, 2005 (Cap 307), Uganda Prisons Act (2006), Penal Code Act (Cap 121), Trial and Indictments Act (Cap 23), and the Children's Act (Cap 59), among others. Some of these laws guarantee the rights of detainees as well as provide for the management, treatment and care of inmates in places of detention.

### 9.2.2 Places of detention inspected by UHRC in 2022

The UHRC conducted 697 inspection visits to places of detention: 374 police stations, 208 police posts, 107 prison facilities, four remand homes and four military detention facilities. The details can be seen on the Table below.

TABLE 38: NUMBER OF DETENTION FACILITIES INSPECTED BY UHRC IN 2022

REGIONAL OFFICE	PRISONS	POLICE STATIONS	POLICE POSTS	REMAND HOMES	MILITARY DETENTION	TOTAL
Arua	09	23	09	01	00	42
Central	32	77	27	02	00	138
Fort Portal	6	15	22	00	00	43
Gulu	01	39	14	00	00	54
Hoima	06	27	26	00	00	59
Jinja	08	19	12	00	00	39
Kabale	5	31	8	0	00	44
Lira	08	37	26	00	00	71
Masaka	15	21	13	00	00	49
Mbarara	06	46	25	00	00	77
Moroto	04	10	11	00	03	28
Soroti	07	29	15	01	01	53
TOTAL	107	374	208	04	04	697

### 9.2.3 Key findings in places of detention inspected in 2022

During its inspections, the UHRC noted that progress had been made in some areas, while in others, a number of human rights issues were still noted. The findings below highlight UHRC's findings in the detention places inspected during the year.

#### 9.2.3.1 Prolonged pre-trial detention

Pre-trial detainees are persons awaiting trial or the finalisation of their trial, who have not been convicted of the charges. They are legally presumed innocent, a criminal justice system principle based on the rule of law and individual liberty. International standards require that pre-trial detention

only be used if there are reasonable grounds to believe that the person concerned will abscond, interfere with the course of justice, or commit

a serious offence. International standards also mandate the widest possible use of alternatives to pre-trial detention.

TABLE 39: PRISON POPULATION ON 31 DECEMBER 2022

CATEGORY	MALE	FEMALE	TOTAL	PERCENTAGE %
Convicts	36,602	1,624	38,226	48%
Remands	34,032	1,711	35,743	51.4%
Civil debtors	341	104	445	0.6%
Total	70,975	3,439	74,414	100%

The UHRC noted that pre-trial detainees or inmates on remand remained very high at 48%, with many having been in detention for over five years. The prolonged pre-trial detention was attributed to a number of factors, including disruptions of court

sessions during the COVID-19 pandemic, arrests and detention before the conclusion of investigations, delays in sanctioning files, and irregular court sessions, among others.

FIGURE 33: COMPOSITION OF THE PRISON POPULATION



The UHRC noted that pre-trial detention contributed significantly to prison overcrowding, where inmates sometimes must wait for years before their cases are concluded. Such cases included Arua Prison, where the UHRC found 508 inmates on remand and 745 convicted inmates; Kaweeri Prison, with 383 remanded inmates and 56 convicts; Kauga Prison, with 235 inmates on remand and 64 convicts; Kitalya Prison, with 1,617 inmates on remand, and 885 were convicts.

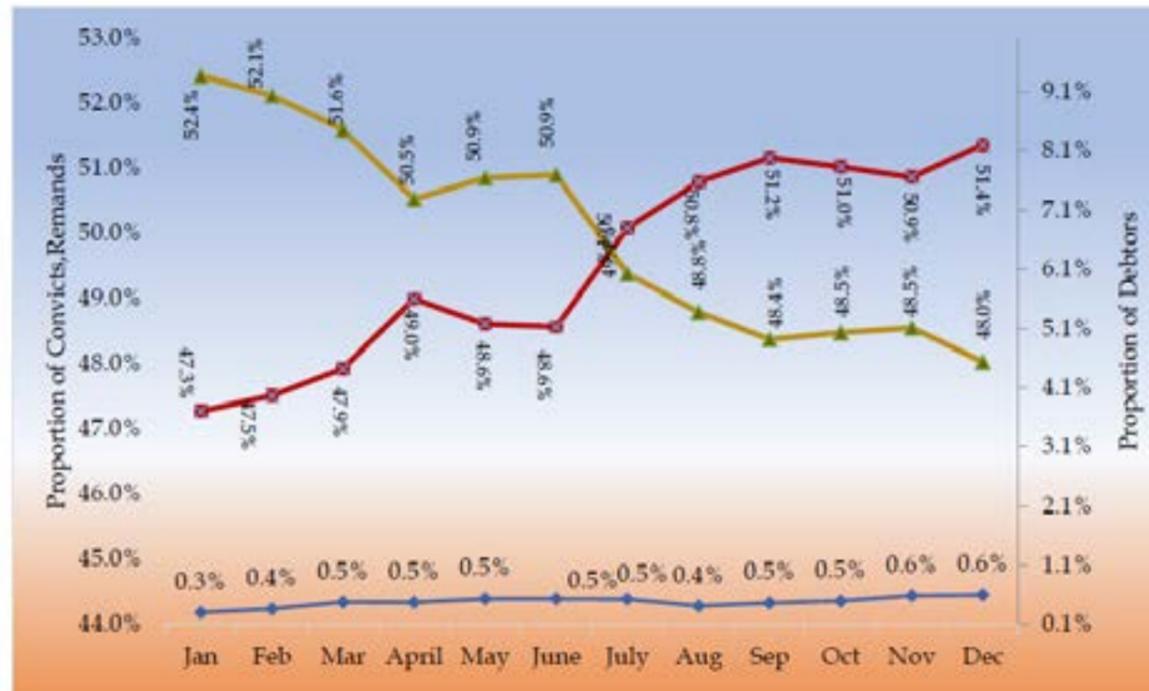
There was a general upward trend in the percentage composition of convicted prisoners and a general downward trend in the percentage composition of remanded prisoners since the beginning of the year 2022. The percentage composition of convicted prisoners increased from 47.3% in January 2022 to 51.4% in December 2022, whereas that of remanded prisoners decreased from 52.4% in January 2022 to 48.0% in December 2022. The trends of prisoners can be seen in the figure below.

550 Articles 3-7 of the African Charter on Human and Peoples' Rights.

551 The Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment.

552 Article 23-24 and Article 28 of the Constitution of the Republic of Uganda (1995).

**FIGURE 34: TRENDS OF CONVICTS, REMANDS, AND DEBTORS IN 2022**



By 31 December 2022, the Uganda Police Force had 2,416 police stations and posts, with 49,526 personnel and a territorial police strength of 30,967 personnel. The Police also had 184 Police districts/divisions, as indicated in the Table below.

**TABLE 40: POLICE NATIONAL COVERAGE**

ADMINISTRATIVE UNITS	TOTAL NUMBER
Number of administrative districts in Uganda	146
Number of police districts/divisions	184
Number of counties in Uganda	312
Number of sub-counties/towns councils/municipal divisions	2,184
Number of parishes in Uganda	10,595
Number of villages in Uganda	70,626
Total police strength as of 31 December 2022	49,526
Police strength in territorial policing <sup>553</sup>	30,967
Police strength in administration and specialised units	18,559
Total number of police stations and posts	2,416
Number of sub-counties/town councils/municipal divisions with at least one police establishment <sup>554</sup>	1,594
Number of sub-counties/town councils/municipal divisions without police presence	590

<sup>553</sup> The total number of police officers at the region, district and stations doing the day-to-day police work.

<sup>554</sup> Police coverage and presence.

**9.2.3.2 Registration and records management**

During the monitoring of places of detention, UHRC inspected various records and registers. These included lock-up registers, station diaries, admission registers, release registers, property registers, transfer of detainees’ registers, gate registers, exhibits registers, medical registers, as well as medical treatment records. UHRC notes that the existence of official registrations in places of detention is an equally important element in guaranteeing transparency, accountability and protection of those detained.

Out of the 697 places of detention inspected, the UHRC established that the majority of stations had the required registers, which were regularly used. However, a few stations had updated registers, including Akokoro Police Station, Odokomit Police Post, Awei Police Post, Adok Police Post, Ayago Police Post and Atar Police Post. At Awei Police Post, the UHRC found five suspects in detention who had not been recorded in the lockup register at the time of inspection. On this matter, the UHRC cautioned the Officer in Charge, who apologised and said he had just reported for duty and did not have money to buy a lockup register. The existence of registers demonstrated that the majority of detainees assessed by UHRC had an admission record, an inventory of their property and information regarding their judicial processes. It was noted that there was still poor storage of records where the registers were fully utilised. The UHRC also noted a lack of stationery to record statements, which remained a major challenge for police facilities. Complainants are often asked to buy exercise books and manila papers to construct a file as well as pay for fuel.

**9.2.3.3 Accommodation of inmates**

The UHRC noted that while efforts were being made to renovate or construct some facilities, human rights concerns and challenges still existed. Below are the findings regarding accommodation in places of detention.

• **Overcrowding**

It is a requirement that detention accommodation should provide adequate cubic content of air, floor space, lighting, heating and ventilation.<sup>555</sup> However, this is not always attained.

<sup>555</sup> Prisons Act 2006 and Rule 13, UN Standard Minimum Rules on Treatment of Prisoners.



Police lock-up registers being inspected by the UHRC’s staff at Bukedea CPS and Riwo Police Post on the



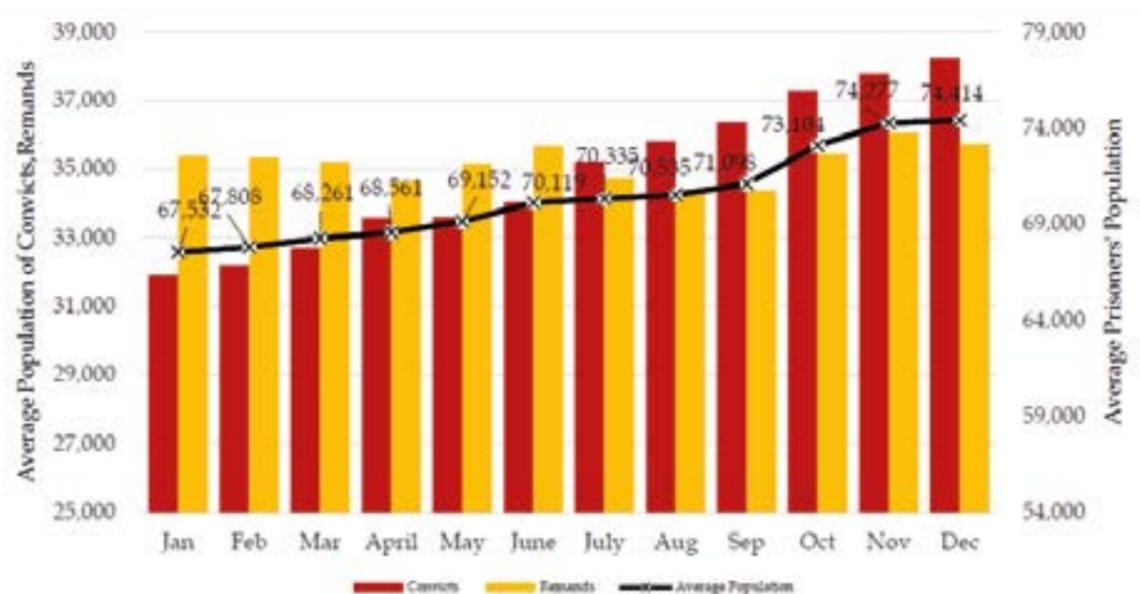
A station diary at Sidok Police Post in Kaabong district in tatters and poorly stored

The UHRC notes that prison overcrowding remained a challenge, with some prisons housing twice or up to three times their designed capacities, often with the most affected male inmates. It is a requirement that detention facility accommodation should provide adequate cubic content of air, floor space, lighting, heating and ventilation.<sup>556</sup> UHRC noted that while UPS has an accommodation capacity of 20,036 prisoners, it has a population of 74,414 inmates. This meant that the occupancy rate decreased by 371.4% due to increased prisoners' sleeping space by 0.25% (50 prisoners). Gaps in other agencies in the justice chain, such as the Office of the Director of Public Prosecutions (ODPP) and the Judiciary, adversely affect the successful and timely conclusion of investigations and securing convictions. This mainly stems from inadequate numbers and gaps in systems and procedures.

Figure 35 shows a general upward trend in the prison population since the beginning of the year 2022, indicating a monthly average of 67,532 prisoners in January 2022 to a monthly average of 74,414 prisoners in December 2022. Between

January and December, convicts increased from 31,928 to 38,226, while remands increased from 35,402 to 35,743 prisoners. It should also be noted that while the average rate of increase of remands since the beginning of 2022 was at 0.2%, convicts increased at an average rate of 1.4%. As such, the general prison population growth rate between January to December 2022 was 0.8%. The regional population of prisoners increased in the following regions: Kigezi by 6.3%, South-Eastern and Mid-Eastern by 4.1%, South-Western and Southern by 2.2%, Northern and East Central by 1.5%, Eastern by 1.4%, Western by 1.0%, North-Eastern by 0.5%, Mid-Eastern and Mid-Central by 0.4%, Kooki by 0.5%, Central by 0.9%, Mid-Northern by 1.7%, Mid-Western by 3.1% and Kampala Extra by 3.7%. The average number of children staying in prisons with their incarcerated mothers was 302. The average number of debtors in custody was 445. Prisons where the UHRC noted extreme overcrowding included Ntungamo Government male prison, whose holding capacity is 50 but was housing 150 inmates.

**FIGURE 35: MONTHLY POPULATION TRENDS OF PRISONERS IN 2022**



556 Rule 13, UN Standard Minimum Rules on Treatment of Prisoners.

**TABLE 41: REGIONAL POPULATION OF PRISONERS**

REGION	CAPACITY 3.6M <sup>2</sup>	CONVICTS	REMANDS	DEBTORS	POPULATION (DECEMBER, 2022)	BABIES	OCCUPANCY (%)	POPULATION NOVEMBER 2022	POPULATION CHANGE (%)	CUSTODIAL STAFF	STAFF RATIOS
Kigezi	324	557	1,449	27	2,033	13	627.5	1,912	6.3	271	1:8
South Eastern	991	2,025	1,648	37	3,710	10	374.4	3,564	4.1	482	1:8
Iganga	590	851	720	13	1,584	2	268.5	1,522	4.1	313	1:5
South Western	1,518	3,764	4,225	121	8,110	35	534.3	7,932	2.2	830	1:10
Southern	565	847	1,338	8	2,193	8	388.1	2,146	2.2	386	1:6
Northern	1,353	3,194	1,790	11	4,995	25	369.2	4,919	1.5	745	1:7
East Central	810	1,678	709	32	2,419	19	298.6	2,384	1.5	514	1:5
Eastern	1,561	1,692	2,679	31	4,402	29	282.0	4,342	1.4	629	1:7
Western	1,417	3,254	2,598	19	5,871	18	414.3	5,810	1.0	657	1:9
North Eastern	603	1,780	794	3	2,577	21	427.4	2,563	0.5	377	1:7
North Western	902	2,698	1,443	14	4,155	24	460.6	4,157	0.0	571	1:7
North Central	501	1,311	1,225	13	2,549	10	508.8	2,551	-0.1	366	1:7
Mid Eastern	840	1,219	1,308	7	2,534	12	301.7	2,543	-0.4	443	1:6
Central	600	1,241	1,199	17	2,457	11	409.5	2,467	-0.4	426	1:6
Mid Kooki	499	1,116	513	12	1,641	3	328.9	1,650	-0.5	316	1:5
Central	2,633	2,938	2,446	6	5,390	2	204.7	5,437	-0.9	659	1:8
Mid Northern	829	1,927	1,570	11	3,508	8	423.2	3,750	-1.7	671	1:5
Mid Western	980	2,258	1,742	9	4,009	14	409.1	4,138	-3.1	539	1:7
Kampala Extra	1,520	3,876	6,347	54	10,277	48	407.8	10,670	-3.7	1,071	1:10
<b>GRAND TOTAL</b>	<b>20,036</b>	<b>38,226</b>	<b>35,7543</b>	<b>445</b>	<b>74,414</b>	<b>302</b>	<b>372.4</b>	<b>74,277</b>	<b>0.2</b>	<b>10,266</b>	<b>1:7</b>

The UHRC noted that in light of the presidential directive for security agents to deal with the rising crime rates in Gulu City and surrounding districts by gangs commonly known as Aguu, several security operations were conducted by the Resident City Commissioner alongside UPDF. Through these security operations, many youths suspected of belonging to the Aguu gang were arrested, which led to overcrowding in police cells. The UHRC also noted that in 2022, 30,109 prisoners were produced

in court, with a daily average of 1,434 inmates. In addition, 11,007 prisoners were newly admitted from court, while 6,777 were released for various reasons. Out of those released, a total number of 3,197 convicted prisoners were released after the completion of their sentences. The Table below shows the monthly crime statistics, which indicates the number of people who appear before court, with many of these suspects ending up in custody.

**TABLE 42: POLICE MONTHLY CRIME STATISTICAL SUMMARY (JANUARY-DECEMBER 2022)**

MONTH	CASES REPORTED				PERFORMANCE					ACCUSED CHARGED			
	TOTAL CASES	CASES UNDER INQUIRY	NOT DETECTED / NPW	CASES TAKEN TO COURT	CASES SUBMITTED TO DPP/RSA	CASES WITH CONVICTIONS	CASES WITH AQUITALS	CASES DISMISSED	CASES PENDING IN COURT	MALE		FEMALE	
										M/A	M/J	F/A	F/J
January	16,921	10,412	2,701	4,438	7,004	673	-	18	3,747	5,217	158	290	33
February	17,990	10,808	2,061	5,121	7,995	814	1	19	4,287	6,065	179	351	34
March	19,424	11,786	2,278	5,360	8,536	759	2	14	4,585	6,123	192	391	17
April	18,450	11,406	2,101	4,943	7,767	717	3	10	4,213	5,808	133	344	17
May	20,180	11,727	2,268	6,185	9,063	957	5	34	5,189	7,908	208	403	18
June	19,927	11,727	2,193	6,007	8,815	895	2	15	5,095	7,052	218	385	44
July	20,630	12,085	2,484	6,061	9,240	934	6	13	5,108	7,477	168	388	19
August	20,049	11,458	2,501	6,090	9,156	1,032	8	21	5,029	7,303	236	382	45
September	20,836	12,130	2,292	6,414	9,327	1,067	3	21	5,323	8,069	198	468	52
October	20,964	11,966	2,397	6,601	9,916	1,072	3	17	5,509	8,147	196	459	16
November	20,102	11,522	2,369	6,211	9,514	993	5	23	5,190	8,051	183	412	15
December	16,180	9,472	1,734	4,974	7,541	735	0	8	4,231	5,922	106	306	16
<b>GRAND TOTAL</b>	<b>231,653</b>	<b>136,499</b>	<b>26,749</b>	<b>68,405</b>	<b>103,874</b>	<b>10,648</b>	<b>38</b>	<b>213</b>	<b>57,506</b>	<b>83,112</b>	<b>2,175</b>	<b>4579</b>	<b>316</b>

**• Lack of facilities and infrastructure**

The UHRC noted that the 259 prison facilities were all owned by the Uganda Prisons Services. However, while the Uganda Police Force had 2,416 police stations and posts, 728 were housed in local government structures, 437 were housed in rented premises, 455 were housed in UPF-owned structures, 551 were housed in community-owned facilities, and 245 were housed in church/NGO/other structures.

**TABLE 43: NATIONAL COVERAGE OF POLICE STATIONS AND POLICE POSTS**

POLICE COVERAGE AND PRESENCE	TOTAL
Total number of police stations and posts	2,416
Number of sub-counties/town councils/municipal divisions with at least one police establishment <sup>557</sup>	1,594
Number of sub-counties/town councils/municipal divisions without police presence	590
Police stations/posts housed in UPF-owned structures	455
Police stations/posts housed in rented premises	437
Police stations/posts housed in local government structures	728
Police stations/posts housed in community-owned facilities	551
Police stations/posts housed in church/NGO/other structures	245

The UHRC noted that at Kabulabula Police Station, the Officer in Charge was the one paying rent for office space as well as the detention cell. The O/C of Kabulabula informed the UHRC that the monthly rent of the police post was at UGX. 60,000, which he lacked. By UHRC's visit, the landlord still demanded a month's rent. This was also raised with the district CID, who informed the UHRC that the DPC Serere was addressing the matter.

<sup>557</sup> Police coverage and presence.



UHRC staff at Kabulabula Police Station, where office space is rented or paid for by the officers

**• Old dilapidated buildings**

The UHRC also found several detention facilities with old, dilapidated buildings or facilities. The Uganda Police Force faced the biggest challenge in terms of office space and dilapidated structures, with many Police Stations and Posts being housed in old and run-down structures. The UHRC found that police staff also had accommodation challenges, with some families sharing rooms/uniports while others renting from communities. Most of the accommodations were poor (incomplete, old and dilapidated structures) and too small to accommodate officers and their families.

The UHRC noted with concern that most police-accommodation is old, dilapidated and in a sorry state, requiring demolition, renovation and new construction. This was a general concern in all districts but notably worse in Kitgum district where CPS Kitgum was found with condemned buildings. The officers at Kitgum CPS told of a story of one of their officers who had gone for duty and returned to find his whole house flooded when it had rained heavily. At Nyadri Police Station, Lodonga Police Station and Lobule Police Post, there was completely no staff accommodation and staff in these facilities were renting at their own cost. At Lotome Police Post, one officer stays in the kitchen of the O/C.

At Dzaipi Police Station, suspects could not be held there due to a lack of suitable cells. The police officers have no toilet facilities and use a toilet at a neighbouring school. Police Stations without staff accommodation included Kashongi, Sanga,

Nyabuhikye, Burunga, Buremba, Kanoni, Migina, Keihnagara, Kanyarugiri, Kikyenyke, Bisheshe and Kinoni Police Stations, Nsasi Police Post and Kaguta Road Police detach. Other police stations with dilapidated cells included Lira Palwo Police Station-Agago, Ayilo Police Post, Amuru Police Station, Kocgoma Police Station, Awiri Police Station, Agwata Police Station, Aboko Police Post and Aloi Police Station. Uganda Police is currently distributing and setting up uniports across the region to boost accommodation and office capacity gaps.



Uniport housing Madudu police station's office with no doors and window



Termite-eaten grass thatched structure which houses Awiri Police Post in Dokolo district



Dilapidated structures accommodating Ivukula Police Station in Namutumba district



Kimogoro Police Post in Kiryandongo district



UHRC staff in front of a hut which is an office at Aboko Police Post- Namutumba district

Uganda Prisons Services has made efforts to build new facilities and renovate dilapidated ones. However, despite the commendable efforts, there are still facilities with very old structures, and overcrowding continues to affect prisons. Prison facilities found with dilapidated buildings included Kwania Prison, Apac Prison, Alebtong and Arocha Prison, Koboko Prison, Lobule Prison, Arua Prison, Lobule Prison, Bidibidi Prison, Kochi Prisons, Nebbi Prison, Moyo Prisons, Ndorwa Prison, Mparo Prison, Nakifuma Government Prison, Ngogwe Government Prison, Nyenga Government Prison, Bugungu Young Offenders Government Prison and Bugungu Government Prison Farm.

TABLE 44: DILAPIDATED POLICE FACILITIES

Agago Police Station	Kashongi Police Post	Nabingola Police Station
Amuru Police Station	Katuna Police Station	Nabingoola Police Post
Amus Police Station	Katuugo Police Post	Nabiswera Police Post
Ayilo Police Post	Katwe Police Station	Nagalama Police Station
Ayivu West Police Station	Kawala Police Station	Nagojje Police Post
Bbale Police Station	Kawempe Police Station	Nairambi Police Station
Bisheshe Police Station	Kayunga Police Station	Nakasajja Police Post
Bombo Police Station	Keihangara Police Station	Nakasengere Police Post
Bugamba Police Station	Kibalinga Police Post	Nakasongola Police Station
Bugondo Police station	Kibibi Police Station	Nakasozzi Police Post
Buikwe Police Station	Kiboga Police Station	Nakifuma Police Station
Bukomero Police Station	Kibuye Police Post	Nakitooma Police Post
Bukuya Police Station	Kidetok Police Post	Namataba Police Station
Bukwo Police Station	Kiganda Police Station	Namatala Police Station
Bulo Police Station	Kikagate Police Station	Natete Police Station
Buremba Police Post	Kikandwa Police Station	Nebbi Police Station
Burunga Police Post	Kikoni Police Station	Ngogwe Police Station
Busamuzi Police Post	Kikyenkye Police Station	Ngonge Police Post
Busanza Police Station	Kilangira Police Post	Nkungu Police Post
Busunju Police Station	Kinawataka Police Station	Nsasi Police Post
Butolooogo Police Post	Kinoni Police Station	Nyabuhikye Police Station
Buvuma Police Station	Kirongo Police Station	Nyakinama Police Station
Buwama Police Station	Kitimbwa Police Station	Nyamunuka Police Station
Bwaise Police Station	Kitintale Police Station	Nyarusinza Police Station
Chesower Police Station	Kitumba Police Station	Nyenga Police Station
Goli Police Post	Kitwe Police Station	Obongi Police Station
Hapuyo Police	Kocgoma Police Station	Odupi Police Post
Hima Police Station	Koch Police Post	Okokoro Police Station
Isunga Police Post	Kyenda Police Post	Old Kampala Police Station
Itojo Police Station	Kyenda Police Post	Oleba Police Station
Ivukula Police Station	Lira Palwo Police Station	Oraba Police Station
Jinja Road Police Station	Lobule Police Post	Parombo Police Station
Kabalagala Police Station	Lodonga Police Post	Rubaare Police Station
Kabalusoke Police Station	Lugazi Police Station	Rugarama Police Station
Kabasanda Police Station	Luwero Police Station	Ruhooko Police Station
Kafunjo Police Post	Lwampanga Police Station	Rukiri Police Post
Kagugube Police Station	Maddi Okollo Police Station	Rwashamire Police Station
Kagwara Police station	Maddu Police Station	Rwenanura Police Station
Kakabara Police Station	Madudu Police Post	Rwentoobo Police Station
Kakooge Police Post	Makindye Police Station	Sanga Police Post
Kalerwe Police Station	Manyaganyanga Police Post	Suam Police Station
Kanaba Police Station	Mbalala Police Station	Terego Police Station
Kango Police Post	Metu Police Station	Wabigalo Police Post
Kankugube Police Post	Migeera Police Station	Wandegeya Police Station

Kanoni Police Post	Migina Police Post	Warr Police Station
Kanoni Police Station	Moyo Police Station	Warr Police Station
Kapnandi Police Post	Mpigi Police Station	Wobulenzi Police Station
Kariri Police Station	Mubende Police Station	Zeus Police Post
Kasambya Police Station	Muwanga Police Post	Zeus Police Station
Kasana Police Station	Mwasa Police Post	Zombo Police Post
Kasanda Police Station	Myanzi Police Post	Zombo Police Station

• **Ventilation and lighting**

It is a requirement for detention facilities to have adequate ventilation and lighting. Proper ventilation allows detainees to breathe normally, evacuates humidity from their cells and removes bad odour. Adequate lighting is equally important for maintaining detainees’ and prison staff’s physical and mental health. However, in detention facilities such as Kwanja Prison, Apac Prison, Alebtong and Arocha Prison, the UHRC found that lighting in cells remained challenging. In the case of Arocha Prison, the wards were in uniports with poor ventilation, which made them very hot and stuffy for the inmates.

Most Police cells did not have adequate lighting, including Rwampara CPS, Ndeija, Rugando, Nyamunuka, Itojo, Kitwe, Mwizi, Rwamabondo, Rweicuniro, Rugarama, Rwahi Police Stations, and Kyangara Police Post, Mutunda Police Post, Kigumba Police Post, Kimogora Police Post, Katuugo Police Post, Watuuba Police Post, Kyankwanzi Police Station, Mulagi Police Station, Ntunda Police Post, Ntwetwe Police Station, Rusolera Police Post, Kisiita Police Post, Igayaza Police Station, Kasambya Police Post, Kirundi Police Post, Kakindo Police Post, Katikara Police Station, Walukuba Police Post, Kabolwa Police Post, Bugoigo Police Post, Butiaba Police Post, Nyamukuta Police Post and Nkoma Police Station.

In Kisoro district, among the ten detention police facilities inspected, five of them had poor ventilation or lacked accommodation for suspects and staff. These included Bunagana Police Station, Nyakabande Police Station, Mutorere Police Station, Nyakinama Police Station and Busanza Police Station. In Rubanda district, most detention facilities have poor ventilation, such as Ikumba Police Station, Bubare Police Station, Hamurwa Police Station and Bufundi Police Station. Poor lighting was also found in Itojo, Katongore, Rukiri, Mabonwa, Nyabuhikye and Keihangara police cells.



UHRC staff inspecting the only cell at Aboko Police Post in Kwanja district. The photo shows that the cell was dark and had a mud floor and a weak door. The UHRC was informed that suspects had escaped on numerous occasions.

**Newly constructed and renovated facilities**

Despite overcrowding in several prison facilities, the UHRC noted continued efforts by Uganda Prisons Services and the Uganda Police Force to improve detainees’ accommodation. In 2022, several detention facilities had newly constructed buildings and renovated facilities, including offices, cells, stores and wards for inmates. The new prison facilities were found at Ntwetwe Prison, Mbarara

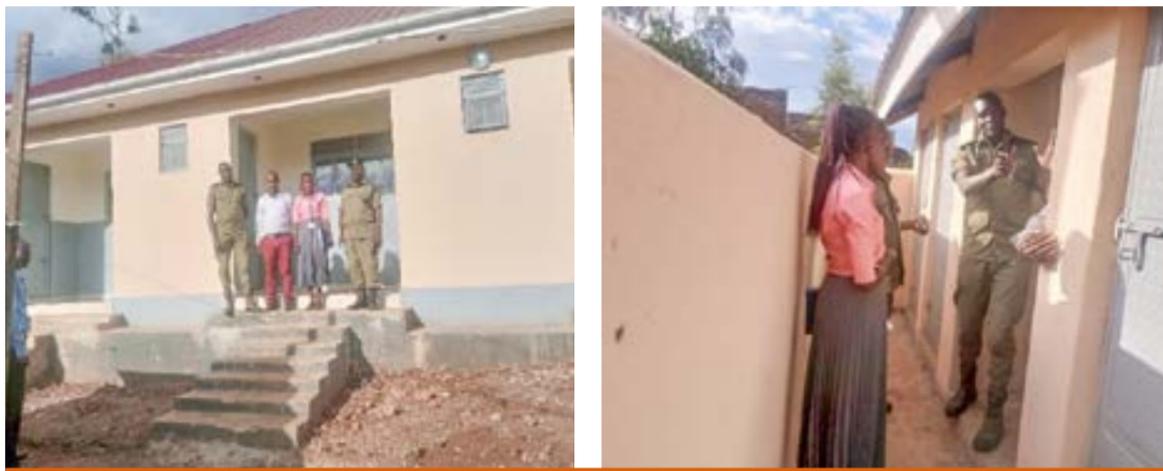
Main Prison, Nyabuhikye Prison, Kiburara GPrison, Bukulula Government Prison, Kalungu Prison, Bukulula Prisons, Mateete Prison, Lwebitakuli Prison, Kisekka Prison and Kabula Prison. Police stations included Bukedea CPS, Kalungu Police Station, Bukomansimbi Police Station, Lyantonde Police Station, Ndeeba Police Station and Kasanda Police Station, among others.



Left - New structure being constructed at Atopi Prison, with UHRC staff appreciating the new development. Right - Newly constructed female and juvenile cells at Kasanda Police Station built through local initiative.



Newly constructed Kwania and Bukedea Central Police Station



The UHRC team take a picture with DPC Bukwo at the newly constructed police accommodation with a stance latrine for both male and female officers

### 9.2.3.4 Separation of detainees

Human rights standards require that different categories of prisoners be kept in separate detention places, considering their sex, age, criminal record and reasons for detention.<sup>558</sup> As a matter of law,<sup>559</sup> women should be separated from men, minors from adults, and untried detainees from convicted detainees. Migrants detained in connection with their migrant status should also be separated from convicted persons and held in conditions as far removed from a prison regime as possible. Persons imprisoned for debt and other civil prisoners should be kept separate from persons detained for criminal offences. The primary purpose of separation is to ensure the protection and safety of persons deprived of liberty and for optimal management of prisons. It is also a measure to preserve the presumption of innocence of untried persons and provide the most appropriate prison conditions for each category of detainees. Below is what the UHRC observed regarding categorisation.

#### a) Separation of female from male cells

In all the 697 detention facilities inspected, the UHRC noted that female inmates were detained in different cells from male cells. This conformed with the required standard that men and women should, as far as possible, be detained in separate

facilities.<sup>560</sup> However, it was noted that many police stations and posts still lacked female cells. These included Maji 1 Police Post, Maji II Police Post, Nyaravur Police Station, Aber Police Station, Adwoki Police Post, Adok Police Post, Amwoma Police Station, Okwalognwen Police Post, Kangai Police Station, Abia Police Station, Aloji Police Station, Amugo Police Station, Abako Police Station, Ayago Police Post, Juba Road Police Post, Abutoadi Police Station, Majan Police Post, Awila Police Post and Akokoro Police Station, among others.

#### b) Civil debtors

The detention of people for civil debts is inconsistent with Article 11 of the International Covenant on Civil and Political Rights, to which Uganda is a State party, which provides that “No one should be imprisoned merely on the grounds of inability to fulfil a contractual obligation.” The UHRC noted that out of the 74,414 inmates detained by UPS in December 2022, 445 were civil debtors.<sup>561</sup> UHRC confirmed this during its routine and unannounced inspections in some facilities such as Mbale Main Ndorwa Government Prison, Bukedea Government Prison, Kapchorwa Government Prison, Kakumiro Bukedea Government Prison, Isingiro Government Prison, Ntungamo Government Prison and Nyabuhikye Government Prison. The UHRC also noted that the requirement<sup>562</sup> to separate civil

debtors from inmates on criminal charges was not observed. Inmates were mainly separated based on their gender due to limited space.

#### c) Mothers incarcerated with their children

The Uganda Prisons Act (2006) allows incarcerated mothers to keep their children until they are 18 months. The children of incarcerated mothers who also find themselves in detention are entitled to have their physical, emotional, social and psychological needs provided for by the authorities. Some of the children found in prison on account of their incarcerated mothers were between three months to four years old, which in some cases was beyond the authorised statutory age of 18 months. UHRC got an explanation that the reason for incarcerating mothers with their children was mainly due to the lack of or unwillingness of relatives to take care of the children while the mothers were in detention.<sup>563</sup> During UHRC’s monitoring of prisons, mothers incarcerated with their children were found in Mbale Women Prison, Isingiro Government Prison, Nyabuhikye Government Prison, Ntungamo Government Prison and Kiryandongo Government Prison. UHRC noted that most children in detention with their mothers were still breastfeeding, while others, especially those above 18 months, had no willing relative to care for them outside prison.

#### d) Juveniles detained with adult offenders

It is a requirement that juveniles should be separated from adults while in detention<sup>564</sup>. The UHRC found very few children in police custody and was informed that police were mostly reverting to diversion programmes regarding juvenile offenders. However, while most facilities had improvised special cells for juveniles, the UHRC noted that some facilities lacked juvenile cells. The detention of juveniles with adult offenders was found in a few police cells facilities, including Gulu East CPS, Odek Police Station, Bobi Police Station, Nwoya CPS, Ayivu CPS, Alebtong CPS, Juba Road Police Post, Soroti Police Station, and Kagwara Police Station. This was mainly attributed to the lack of juvenile cells at police facilities and the continued failure to ascertain the ages of suspects. The officers also raised concerns regarding the inadequate or lack

of remand homes in the respective districts and having to rely on remand homes outside the areas of jurisdiction. It was also noted that most of the facilities lacked means of transport or adequate fuel for vehicles, which caused a challenge in transporting the juveniles to remand homes.

#### e) Remand homes and juvenile cells

According to the Constitution, a child is any person under the age of 18 years, while the Children’s Act stipulates that the minimum age of criminal responsibility in Uganda is 12 years.<sup>565</sup> Given their vulnerability, the deprivation of liberty for children should only be used as a last resort and for a short period of time.<sup>566</sup> In Uganda, children in conflict with the law are detained in seven remand homes in Arua, Fort Portal, Gulu, Naguru, Kabale, Mbale and Masindi. In addition, the Kapingisa National Rehabilitation Centre is used to detain sentenced children from the whole of Uganda. The UHRC, however, notes that Uganda still faces major challenges in dealing with children who are in conflict with the law. Some of the challenges faced include; inadequate probation services, poor facilitation of the probation officers, inadequate child-friendly procedures in the criminal justice system, lack of adequate skills to handle children matters, minimal diversion of children from the formal justice system, and inadequate budgetary support for child welfare.

During monitoring, UHRC noted that the country still has very few remand homes, and children have to be transported long distances for detention, which often limits their access to parents. For example, there is only one remand home in Northern Uganda (Gulu Remand Home), which serves all the districts in the Lango and Acholi sub-regions. The UHRC noted that in the greater Ankole Region, there is no remand home to cater for Rwizi and Greater Bushenyi. The only remand homes available in southwestern Uganda are in Kabale and Fort Portal; thus, children have to be transported long distances to go to court. The UHRC also noted that most police facilities lacked juvenile cells, which caused a challenge when children were arrested for capital offences.

558 Rule 11, Nelson Mandela Rules and Rule 8 of the UN Standard Minimum Rules on the Treatment of Prisoners.

559 ICCPR, United Nations Standard Minimum Rules on Treatment of Prisoners, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

560 Rule 8(a) UN Standard Minimum Rules on Treatment of Prisoners.

561 As at 28 October 2022.

562 Rule 8(c) UN Standard Minimum Rules on Treatment of Prisoners.

563 Section 59 (4) of the Prisons Act, 2006.

564 ICCPR, Art. 10.2.

565 Children’s Act S. 88(1).

566 Children Act cap 59 Section 94(4).

Mbale Remand Home remained overcrowded. It was noted that the boys' dormitory was planned for only 42 children but by the time of the UHRC visit, the facility had 87 male juveniles in custody from Eastern and Northern Eastern regions. The authorities informed the UHRC that the facility lacked the resources to feed the children. The UHRC was also informed that children were fed based on borrowed food or support from well-wishers or parents of children detained at the remand home since the Ministry of Gender, Labour and Social Development had not facilitated it.

Due to the increasing number of children at Mbale Remand Home, there were inadequate bedding and blankets at the facility, especially among the boys. The children did not have mosquito nets which exposed them to malaria. Transport also remained a challenge at Mbale Remand Home. The UHRC found that the only available van was in poor mechanical condition and there was no facilitation for fuel to transport children to Court or take them back to their homes upon discharge.

The UHRC also found that the children lacked bathing soap as well as other necessities such as toilet paper, liquid soap, and vim, which could have contributed to some children developing skin rashes. The UHRC was informed that the facility had no appointed nurse from the Ministry of Gender Labour and Social Development (that has the sole mandate of children in conflict with the law) to handle the health-related illnesses of the children. Staff at the remand home also complained of being overworked despite receiving less pay. Inadequate staff accommodation, poor feeding and insufficient transport allowances were also reported.

### 9.2.3.5 Access to adequate food

In assessing whether there was adequate access to food in detention facilities, the UHRC noted several elements when inspecting the detention facilities, including the quality and quantity of the food provided. Progress was registered in the inmates' access to food in terms of frequency, quality and quantity. In most detention facilities, inmates had at least two meals a day, consisting of porridge for breakfast and lunch/supper comprising of food such as cassava or posho or sweet potatoes and beans. At most prison farms, the meals for inmates

were supplemented by green vegetables, potatoes and cassava, depending on what the inmates grew.

Provision of adequate food is key to maintaining the health and strength of detainees, especially those with HIV/AIDS, the sick, breastfeeding mothers, juveniles and infants.<sup>567</sup> In the prisons monitored, it was established that inmates living with HIV and AIDs were given supplementary diets such as greens, milk, sugar, eggs, silverfish and porridge whenever they were available. In most cases, their relatives or next of kin helped supplement their diet. Special meals were prepared for the Muslim inmates during the Holy month of Ramadan; a case in point was at Lukaya Prison, where rice was served as their evening meal and porridge for the morning meal. At Kakuuto Prison, meat and fish are also served. The UHRC registered a complaint at Kalongo CPS, where suspects complained of being fed half-cooked posho, which was bitter. The UHRC and Aswa Regional Police Office quickly intervened, rectifying the situation.



UHRC official tasting inmates' food at Serere Prison to check its quality

Meals in all prison facilities were served between 7-8 am for breakfast, 12-2 pm for lunch and 4-5 pm for dinner. The food served in prison was adequate in quantity and quality. Inmates were also allowed to receive raw food from relatives and private cooking was allowed within some prisons. Food items brought by relatives were allowed in the prisons after intense checks. Relatives were also required to taste the food before it was handed over to the inmates to avoid foul play.

Despite efforts made by the prisons, the same was not the case for the police. In all the police stations and posts visited, the UHRC found that the police struggled to provide detainees with even one meal daily. As previously reported in the UHRC's Annual Reports, most suspects in police custody continued to have only one meal a day or none at all. Many police posts relied on food brought by the relatives of the suspect or money given by the complainants to buy food for the suspects and in some cases where relatives did not bring food, the officers had to share their food with the suspects or use their personal money to feed them.

### 9.2.3.6 Access to clean and safe water

In 2022, the UHRC observed that most inmates could access clean and safe water through various sources such as rain harvesting, taps, boreholes, wells, swamps, springs and dams. However, some have unclean water, which isn't safe for drinking. In most facilities, the inmates boil water which they keep in their cells. In others, people buy water from hawkers. At Kyegegwa Prison, inmates fetch from the springs about 300 meters from the prison. The O/C informed UHRC that the district had installed a tank for water harvesting. However, the tank was wrongly placed, which proved difficult to harvest rainwater.

### 9.2.3.7 Sanitation and personal hygiene

In most prisons, especially those with newly constructed and renovated prisons, inmates enjoyed good basic hygiene standards.

#### a) Bucket Waste Disposal System

In the bucket system, inmates ease themselves in buckets in their cells due to the lack of indoor-toilet facilities. The UHRC found that inmates in facilities without flush toilets still used pit latrines during the day and the 'buckets' at night, which



Vegetable gardens at Mbale Women's Prison and Bukwo Prison



A jerrycan used as toilet at Ayabi Police Station Kwania district. (The urine had been kept for three days and the smell in the police cell was terrible)

are emptied during the day. The practice of waste being in the same room as human beings is dehumanising and unhygienic though it was noted it was not commonly used.

567 Rule 22, Nelson Mandela Rules, UN Standard Minimum Rules on Treatment of Prisoners.

The few prison facilities which still used the bucket system included Amita Government Prison, Kaabong Government Prison, Bukwo Prison, Dokolo Government Prison, Arocha Government Prison, Arua Main Prison, Lobule Government Prison, Kochi Government Prison, Paidha Prison, Ayabi Police Station, Kigando Police Station, Ntunda Police Post, Kasambya Police Station, Kyenda Police Station, Lusozi Police Station, Watubba Police Station, Byerima Police Post, Mulagi Police Station, Gayaza Police Station, Kikonda Police Station and Katuugo Police Post, Kihungya Police Station, Nyamukuta Police Post, Walukuba Police Post, Butiaba Police Post, Bugoigo Police Post, and Wanseko Police Post. However, the use of the bucket system continued in some police cells. Although latrines were also utilised, some were far from the police detention facilities, so suspects could not use them at night. Some police facilities, such as Sanga, Kanyarugiri, and Migina Police Stations, did not have toilets and bathrooms for staff or suspects.

#### b) Access to sanitary towels

The UHRC found that most prisons with female inmates were provided sanitary towels. It was, however, noted that most police facilities did not provide sanitary towels to female suspects due to the short periods they spend in custody and the lack of funds to cater for sanitary towels in the police budget.

#### 9.2.3.8 Access to health services

Access to medical services has improved in most

prisons. The UHRC noted that prisons lacking internal health centres could access health services from nearby government health centres. However, although there is a patient referral system and medical care provision in prisons which is better than the national average, inadequate drugs remain. It was also noted that some prisons have emergency health kits which help in the emergency medical response to staff and inmates. The emergency health kits are only used to resolve small, uncomplicated emergencies, and complex cases of inmates are referred to nearby government health facilities for treatment. Some detention facilities have healthcare personnel attached to them. The UHRC also found that in some facilities, the nearest government health facilities are far from the prisons, making it hard for the inmates to access treatment easily.

#### 9.2.3.9 Inmates' clothing and beddings

The Uganda Prisons Service registered an improvement in clothing and bedding for inmates. The inspections by the UHRC revealed that most inmates had uniforms at the time though the prison authorities reported that it was impossible to provide all the inmates with two pairs of uniforms due to limitations in funding.

Every prisoner was provided with one or two blankets to sleep on. However, the UHRC found that in most police facilities, inmates lacked bedding in the cells. Some police cells used papyrus mats, while others had suspects sleep on bare floors or torn blankets.



Inmates at Kapchorwa Prison neatly dressed in their uniform



Mats at Mbale CPS as beddings for inmates (L)



Inmates at Arapoo Police Post (R)



UHRC officials speaking to inmates at Kagwara Police Station (left) and Serere CPS (right)



#### 9.2.3.10 Work for inmates

Regulations 107(1)-(6) of the Prisons Regulations 2012 prescribes circumstances under which remand prisoners may be employed and the remuneration. The regulations stipulate that any remanded prisoner interested in working who participates in any work should be remunerated. The UHRC found that inmates' labour was used on prison farms and workshops or hired on private farms to generate income. The most common form of work for prisoners included: carpentry and joinery, building construction, handicrafts, brick-making, livestock farming and crop farming or gardening. At all the prison facilities inspected, inmates worked from Monday to Friday for 6-8 hours each day and on Saturday, inmates did light work around the prison premises.

The Prisons Services Act 2006 recognises prisoners' rights to undertake meaningful remunerated employment. When prisoners work, it

enables them to acquire meaningful and useful skills, get vocational qualifications, and helps them earn money in prison and have means for honest livelihoods after release. The UHRC noted that all the working prisoners were paid ranging between UGX 100 for unskilled labour, UGX 250 for semi-skilled labour and UGX 500 for skilled labour in most regions per day.

#### 9.2.3.11 Transportation of inmates

In all the facilities visited, prisons and police officers indicated a challenge of lack of transportation, which affected the day-to-day operations of the facilities. Prison officers stated that they had to trek long distances when taking inmates to court, hospitals, water sources, or workplaces due to the absence of vehicles. Concerns were raised that the long walks with inmates put the security of officers at risk of being attacked by inmates and created a temptation for prisoners to escape.

The UHRC established that prisons such as Paidha, Koboko, Lobule, Bidibidi and Moyo Prisons had no means to transport inmates to go to court. In many instances, inmates are escorted to court on foot. At Arocha Prison, inmates are escorted on foot to a court located 5 km away. In Kabale district, only one prison facility, Ndorwa, had a lorry to transport inmates to Court. At Mparo Prison, prison officials have to escort the inmates on foot to the courts of law, which causes a risk of prisoners' escaping. At Alebtong CPS and Dokolo CPS, inmates are required to walk for 5km to attend court. The general outcry from the police stations and posts was that they lacked facilitation in fuel and maintenance resources for the police motorcycles, which were their main mode of transport.

### 9.2.3.12 Right to worship

UHRC noted that all detention centres accepted and, in most cases, facilitated the inmates to

worship their various religions. All the police and prison facilities allowed inmates or suspects to practice their respective religions. The police and prison officers interviewed informed the UHRC that religious leaders are allowed access to the facilities to conduct prayers with inmates and suspects, especially during visitation hours and days.

### 9.2.3.13 Death in custody

In 2022, Uganda Prison Services registered a total of 273 deaths, which constituted a mortality rate of 3.9 per 1,000 prisoners. Mid-Northern and South-Western regions registered the highest death rate of 6.9 per 1,000 prisoners, while the East-Central region registered the lowest rate of 0.5 per 1,000 prisoners. All 273 deaths occurred due to natural causes such as illnesses. The mortality rates can be seen on the table below.

TABLE 45: MORTALITY RATES PER REGION IN 2022

REGION	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL NO. OF DEATH	AVERAGE POPN	MORTALITY RATE
Mid Northern	4	1	1	4	5	1	3	2	1		1	1	24	3,460	6.9
South Western	3	8	6	2	7	6	1	3	4	7	4	4	55	7,959	6.9
North Central			2	3	7							2	14	2,381	5.9
Southern	1	1	2	1	1	1		1	2			3	13	2,263	5.7
Kampala Extra	3	5	1	2	5	6	1	6	2	9	8	6	54	9,955	5.4
South Eastern	2	3		2	1	1	2	1	1	1			14	3,436	4.1
Mid Western	3		1	4		1	3			1	1	1	15	4,134	3.6
Kigezi	1			1			1	2	1				6	1,792	3.3
Eastern	2	1	1		1	1	2	2	1			1	12	3,959	3.0
North Eastern		2			2	1		1	1				7	2,378	2.9
Northern	1		1	4		1		3	2		1	1	14	4,776	2.9
North Western		1	1	1	1				2	1	1	2	10	3,971	2.5
Mid Central			1	1		3				1			6	2,420	2.5
Mid Eastern		2							2		1		5	2,235	2.2
Western		1	1	1	1	1		2	1	2	1	1	12	5,470	2.2
Iganga	1				1						1		3	1,389	2.2
Kooki						2							2	1,443	1.4
Central		2		1			1	1	1				6	4,856	1.2
East Central		1											1	2,155	0.5
<b>GRAND TOTAL</b>	<b>21</b>	<b>28</b>	<b>18</b>	<b>26</b>	<b>33</b>	<b>25</b>	<b>14</b>	<b>24</b>	<b>21</b>	<b>22</b>	<b>19</b>	<b>22</b>	<b>273</b>	<b>70,433</b>	<b>3.9</b>

### 9.2.3.14 Disciplinary measures

All prisons had fully-functioning disciplinary committees chaired by the officers in charge of

the prisons. The committees hear and determine indiscipline cases involving inmates, and a verdict is passed at the end of the hearing. The

disciplinary and orderly measures used in most detention facilities included; appearance before disciplinary committees, collecting water, cleaning of cells and toilet facilities, doing garden work, loss of remission, caning, demotion in cases of katikiros (prefects), the institution of new charges, caution, cleaning the compound, counselling and warnings to the offender. According to human rights standards, discipline and order within a detention facility should be maintained with no more restriction than is necessary to ensure safe custody and secure operation of the prison, as well as orderly community life.<sup>568</sup> The prison's disciplinary measures are provided for under the Prison Regulations 2012. However, it was noted that even though caning inmates is not sanctioned by any administrative or governing body of prisons, it was still erroneously meted on inmates by either prefects or errant officers.

### 9.2.3.15 Rehabilitation of inmates

All prisons provide rehabilitation programmes for inmates, including counselling, guidance, psycho-social support programmes, as well as teaching programmes in which inmates study from primary to university if they so wish. Vocational training was also available, through which inmates were taught various skills such as carpentry, building, gardening and tailoring. The work produced by the inmates is sold to the public, and the inmates receive a portion of their proceeds. The UHRC noted that after serving sentences, pre-settlement prison officers visit the inmate's places of origin to persuade the families of the inmates to accept them in their communities upon release. This is very good in helping the resettlement and acceptance of former convicts.



UHRC official (r) interacting and having a light moment with male inmates at Bukwo CPS



### 9.2.3.16 Staffing

The level of staffing in police detention facilities is inadequate, which affects their work. All prisons, remand homes and police stations had less than the required staff capacity. In prisons, the staff-to-prisoner ratio remained at 1:7. However, the number of prisoners per custodial staff ranged between five and ten. For the Uganda Police Force, the police-to-population ratio was 1:893, against the internationally recognised ratio of 1:500. The Police had 146 administrative districts and 184 districts/divisions with a territorial police strength of 30,967 officers. Police raised concern that this ratio was likely to worsen because the current attrition is at an average of 1,000 per year. This attrition

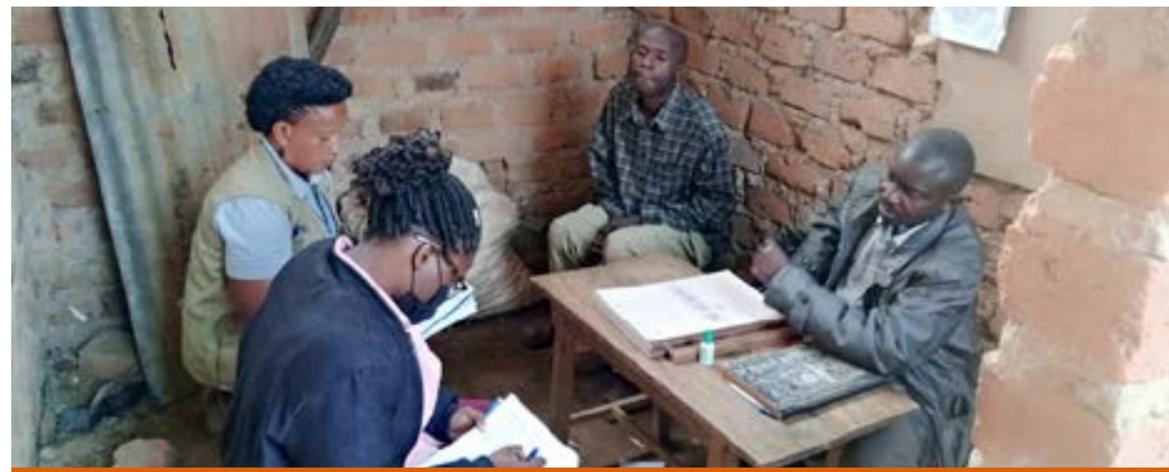
was attributed to the number of deaths, retirement, dismissals, desertion and discharge of police officers, yet they still had irregular recruitments.

By 31 December 2022, Uganda Prisons Services had an overall staff strength of 14,421 staff composed of 10,164 (70.5%) males and 4,257 (29.4%) females. Out of the 14,421 staff, 12,180 were in-service staff, including 11,652 uniformed staff and 528 non-uniformed staff, and 2,241 were trainees undergoing Prisons Academy and Training School training. Out of the 11,652 uniformed staff, 10,266 (88.1%) were deployed nationwide in custodial units across the 265 prisons. Therefore, the overall staff-to-prisoner ratio was 1:7.

568 Rule 8, Nelson Mandela Rules, UN Standard Minimum Rules on Treatment of Prisoners.

**TABLE 46: PRISON SERVICE STAFF CAPACITY**

STAFF CATEGORY	GENDER		TOTAL
	MALES	FEMALES	
<b>Uniformed</b>	<b>8,276</b>	<b>3,376</b>	<b>11,652</b>
Senior officers	357	81	438
Principal officers	413	110	523
NCOs	7,506	3,185	10,691
<b>Non Uniformed</b>	<b>279</b>	<b>249</b>	<b>528</b>
Senior officers	101	82	183
Junior Officers	178	167	345
<b>Total</b>	<b>8,555</b>	<b>3,625</b>	<b>12,180</b>
Trainees at PATS	1,609	632	2,241
CASPs	166	32	202
CPOs	257	36	319
Recruit Wdrs/Wdrss	1,186	62	1,720
<b>Grand Total</b>	<b>10,164</b>	<b>534</b>	<b>14,421</b>
PERCENTAGE	70.5	4,257	100



UHRC Team with Police Officers at Nshanjare Police Post, Rubanda district

All staff in prisons and police indicated that they received their salaries on time but that the salaries were inadequate. The officers also raised concerns regarding the salary disparities between the scientists and the arts prison officers. The UHRC was informed that scientist-prison officers, from the rank of Cadet/Assistant Superintendent of Police (C/ASP) upwards, earned between UGX 1,200,000 to UGX 4,000,000. There was concern that a C/ASP earned the same salary as the Deputy O/C of Prisons (UGX 1,200,000), which made the management of such officers difficult. The officers further

indicated that this salary disparity had demoralised the arts officers since they all perform the same duties, and there are no special duties for science officers.

The UHRC noted that accommodation for police officers still remained a challenge. Most of the inspected detention facilities had inadequate or poor staff housing facilities with cracked houses like Suam Police Station. At the newly created Mbale district, i.e. Mbale CPS (Busoba), the police officers lacked accommodation and had to commute from Mbale City Police Barracks, 5km away.



Staff accommodation at Atira Police Station (l) where is that of Kamod Police Station (r)



Staff accommodation at Chesower Police Station (L) and Madudu Police Station (r)

### 9.2.3.17 Human rights committees

The committees helped especially the inmates in educating them about their rights and bringing to the attention of the officers in charge complaints on the quality and quantity of food, overstay on remand and general welfare. The Human Rights Committees were also one mechanism put in place by UPS to handle complaints and grievances to strengthen transparency and accountability. They ensured that human rights concerns were brought to the attention of the authorities and promptly addressed. Due to their effectiveness, Human Rights Committees were found to have been instituted in Dokolo Prison, Uganda Government Prison, Erute Government Prison, Apac (Atopi) Government Prison, Arocha Government Prison, Lira Main Government Prison, Lira Women's Prison and Kwania Government Prison. The UHRC learned that the Human Rights Committees were active, and the mates used them very well to handle

human rights issues.

### 9.2.4 UHRC success stories during monitoring

UHRC registered success in the performance of its mandate during the monitoring and inspection of places of detention. Below are some of the immediate positive impacts that occurred following the UHRC's intervention during inspections and monitoring of places of detention.

- At CPS Yumbe, two male adult suspects who had been in detention for five days on assault charges were immediately released on police bond in the presence of UHRC staff.
- At CPS Paidha, two male juvenile suspects in detention in the same cell with adult suspects on charges of assault were immediately separated and put in a separate cell following UHRC's intervention.

- At Zombo Police Station, two male adult suspects detained in a very hot and unclean uniport were immediately brought out for fresh air. Their uniport was cleaned following UHRC's intervention.
- At Oleba, one male adult suspect who had been in detention for six days on charges of assault was immediately released on police bond.
- At CPS Terego, three female adult suspects who had been in detention for a week on charges of child desertion, assault and domestic violence, respectively, were immediately released on police bond in the presence of UHRC staff.
- At CPS Ayivu West, three juveniles found detained with adults were immediately transferred to CPS Arua following UHRC intervention.

### 9.2.5 Recommendations

1. The Ministry of Finance, Planning and Economic Development should increase funding to the Uganda Prisons Service and the Uganda Police Force to enable them to build better structures to have facilities suitable for human habitation and stop overcrowding.
2. The Ministry of Internal Affairs and the Ministry of Gender Labour and Social Development should ensure that juveniles are separated from adult offenders in all detention facilities.
3. Uganda Prisons Service and Uganda Police Force should completely phase out the bucket waste disposal system.
4. The Uganda Police Force should adequately facilitate all its stations and posts with the necessary stationary, equipment and transportation to enable officers to do their policing work.
5. The Uganda Police Force should provide adequate facilitation to the police to enable them to feed suspects.
6. The Ministry of Finance should increase funding to provide accommodation for police officers adequately.
7. The Ministry of Finance and the Ministry of Gender, Labour and Social Development should effectively fund the remand homes.

### 9.2.6 Conclusion

Though the UHRC notes positive interventions in conditions in places of detention, several human rights concerns, including the detention of civil debtors, inmates pending ministerial orders, and long and arbitrary detention that are underlying causes of the high prison population, still need to be addressed. Special focus should be placed on detention facilities and the vulnerable, including children incarcerated with mothers and juveniles detained with adult offenders, to ensure the effective promotion and protection of detainees' rights in detention.

## 9.3 HUMAN RIGHTS AND CIVIC EDUCATION IN 2022

### 9.3.1 Introduction

The Constitution of the Republic of Uganda mandates the UHRC under Article 52 (1) (c), (e) (f) and (g) to conduct civic education and human rights promotion activities aimed at empowering the people of Uganda with human rights knowledge, skills and a positive attitude towards observance of human rights. As such, the UHRC conducts human rights education (HRE) and awareness programmes to foster a culture of respect for human rights. UHRC imparts knowledge and skills that people need to demand their rights and fulfil their corresponding duties and responsibilities. HRE also contributes to a long-term strategy for preventing human rights violations through capacity-building programmes for both duty bearers and rights holders, including making the redress mechanisms known to the people in case of human rights violations.

### 9.3.2 UHRC's civic and human rights education interventions

In 2022, UHRC continued implementing HRE activities targeting duty bearers and rights holders in the informal and formal sectors. This was done through conducting training sessions/workshops, community barazas/meetings, roadshows using civic education vans, dialogues, development of a human rights App, radio and television talk shows, airing of spot messages, development, design and distribution of information, education and communication (IEC) materials and use of social media platforms. Members of the public also accessed the Library and Documentation Centres of the UHRC to

enhance their understanding of human rights. The interventions targeted security agencies such as the UPDF, police, staff of government MDAs, CSOs, vulnerable persons, cultural and religious leaders, local leaders, University students, teachers and students of the human rights and Peace Clubs in secondary schools, staff of DLGs and the general public.

### 9.3.2.1 Human rights education through community barazas

Human rights barazas are community meetings organised by UHRC in close collaboration with local leaders to create awareness about human rights and civic obligations. Through these meetings, the community can access immediate redress to some of their concerns that may require alternative dispute resolution like mediation or referral services. They can also register complaints of human rights violations and interact with other key stakeholders in promoting and protecting human rights, like the Uganda Police Force, legal aid service providers and local government officials.

In 2022, UHRC reached out to **21,694** community members (**12,275 males and 9,419 females**) through community barazas/meetings covering four cities and 50 districts nationwide. There was a 43.5% increase in the number of people who participated in UHRC community barazas in 2022 compared to **12,238** that participated in 2021. The increase can be attributed to UHRC's delib-

erate efforts in working with the communities to determine appropriate days and hours to conduct barazas, conducting barazas on weekends, lifting the lockdown due to COVID-19 in the country, and specifically targeting women. The Karamoja, Lango, Acholi and West Nile sub-regions specifically registered an increase in the number of female participants.

The participants were sensitised on the UHRC mandate, functions and powers, the concept of human rights, the role of local council leaders in the promotion and protection of human rights, the right to property, freedom from torture and the right to liberty, UHRC complaints handling procedures, succession/will writing and the rights and responsibilities of refugees and the host communities. The barazas enhanced the exchange of ideas and experiences and equipped participants with knowledge that enhanced their access to UHRC services. Participants were also encouraged to be vigilant and report human rights violations to relevant authorities. During the monitoring and evaluation exercise, it was revealed that one of the most significant changes after the community barazas was the fact that people were able to gain knowledge about human rights and as a result, they were constantly reminding each other of their rights and responsibilities such as in the market places. It was also reported that information received through community barazas had positively changed the social behaviour of some community members.

**TABLE 47: NUMBER OF PARTICIPANTS WHO ATTENDED THE BARAZA DISAGGREGATED BY GENDER PER UHRC REGIONAL OFFICE**

REGIONAL OFFICE	NO. OF BARAZAS	DISTRICTS/CITIES	SUB-COUNTIES	MALE	FEMALE	TOTAL
ARUA	18	Obongi, Madi Okollo, Koboko, Yumbe	Parolinya, Obongi, Drajini, Lobule, Romogi, Rigbo, Rhino camp, Apo	1,333	907	2,240
CENTRAL	11	Buvuma, Mukono, Luweero, Kassanda, Mpigi	Buvuma Town Council, Nairamba Busamuzi, Buvuma Town Council Bumunaanika, Mbirizi, Mannyogasseka, Buwama	1,167	915	2,082
FORT PORTAL	6	Kasese, Bundibugyo, Ntoroko, Fort Portal City, Kamwenge, Kabarole, Kyenjojo	Butiaba, Bullisa, Kihungya, Bullima, and Bwijanga, in Masindi sub-county	1,311	849	2,160

REGIONAL OFFICE	NO. OF BARAZAS	DISTRICTS/CITIES	SUB-COUNTIES	MALE	FEMALE	TOTAL
GULU	28	Gulu City Agago, Kitgum, Adjumani, Lamwo, Pader, Nwoya	Lapono, Porogal, Got-Apwoyo sub-county, Purongo sub-county, Lungulu Sub-counties Mucwini sub-county, Palabek Bardege-Layibi Division (Gulu West), Got-apwoyo sub-county, Angagura Pajule T/C, Parabongo Wol Town Council, Lagoro, Padhibe Padhibe East, Ukosijoni, Dzaipi, Palabek Ogili, Lokung, Agoro, Orom Puranga, Kuywee, Kotomor, Koch-Lii and Koch-Goma sub-county	1,546	1,499	3,045
HOIMA	5	Buliisa and Masindi	Buliisa and Masindi sub-county	297	162	459
JINJA	5	Paliisa, Bugweri, Jinja City and Butaleja	Igombe, Ibulanku, Buwenge Na Kagoma, Budumba, Mazimasa sub-county	385	176	561
KABALE	4	Rubanda, Rukiga	Ikumba sub-county, Kabale Municipality, Kamwezi, Muhanga	656	151	807
LIRA	14	Oyam , Kole, Amolatar and Lira City	Lira City, Iceme sub-county, Acaba sub-county, Oyam Town Council, Akalo Town Council, Akalo Town Council, Aboke Town Council, Ayer sub-county, Bala Town Council, West Division, Arwotcek sub-county, Abeja sub-county, Amolatar Town Council	622	775	1,397
MASAKA	4	Lwengo, Bukomansimbi, Kyotera, Kalangala	Malongo, Ndagwe, Kyazanga, Kiwangala, Kibinge, Kitanda, Bigasa, Kasaali, Kabira, Kalisizo, Nabigasa, Bufumira	1,159	835	1,994
MBARARA	5	Rwampara Ntungamo	Rugando, Kinoni Town Council, Nyabikungu Sub-county, Ruhaama Sub-county	305	249	554
MOROTO	13	Kotido Nabilatuk Napak Abim	North Division, Lolachat, Nabilatuk, Natiriae, Kosike sub-county, Alerek sub-county, Matany, Lokopo, Lorengecorwa, Lokitela, Nabilatuk, Awach, West Division Atung Apeitolim, Natirae	2,404	2,494	4,898

REGIONAL OFFICE	NO. OF BARAZAS	DISTRICTS/CITIES	SUB-COUNTIES	MALE	FEMALE	TOTAL
SOROTI	17	Soroti city , Namisindwa, Bukwo Kalaki, Kaberamaido, Amolatar, Bududa Kween	Bumbo trading centre, Riwo trading centre, Kabei sub-county, Suam sub-county, Kapkworos sub-county, Bululu, Kalaki, Alwa sub-county, Kobulubulu sub-county, Okile sub-county, Muntu sub-county, Soroti City west, Bulucheke sub-county, Bushika sub-county, Kwanyi sub-county, Kapkwata sub-county	1,090	407	1,497
TOTAL	130			12,275	9,419	21,694



Left: a UHRC official speaking to community members during a baraza at Tecwao Trading Centre, Ayer Sub County, Kole district. Right: Police Liaison Officer, Kalangala CPS, addressing participants at a baraza at the Kazo-Malanga landing site in Kalangala district.

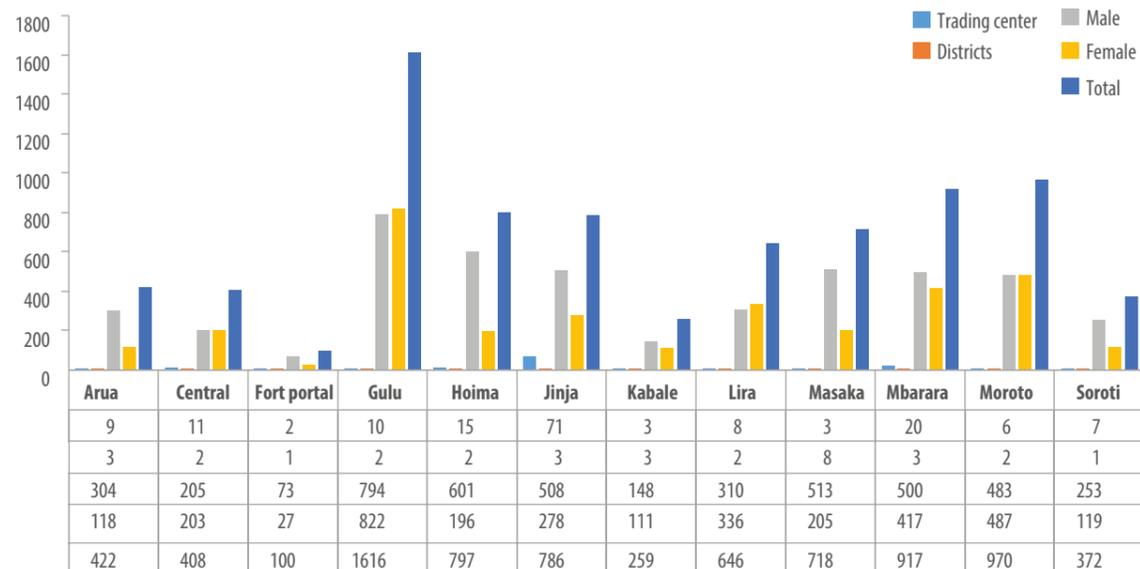
### 9.3.2.2 Human rights education through roadshows

UHRC conducted mobile human rights sensitisation activities using civic education vans fitted with loudspeakers in a number of villages and trading centres to disseminate human rights information. The roadshows were also used to distribute IEC materials to the people. The commonly used methodology for human rights sensitisation during roadshows includes educative live drama skits, role plays, screening of short human rights videos, quizzes, interactive question and answer sessions and provision of free legal aid services. The UHRC sensitised the grass root population about its mandate, functions and powers, the concept of

human rights, the rights of vulnerable persons like women and children, the right to property, duties of citizens, HRBA in service delivery, the right to personal liberty and peaceful co-existence among the refugees and the host communities.

Using the road show strategy, UHRC reached out to **8,011** people (**4,692 males and 3,319 females**) in **26** districts covering **168** trading centres in 2022. There was a 58.2% increment in the number of community members reached through the road shows in 2022 compared to 2021, which had **3,351** people (**2,089 males and 1,262 females**).

**FIGURE 36: PARTICIPANTS REACHED PER REGIONAL OFFICE DISAGGREGATED BY GENDER DURING THE ROADSHOWS**



Some of the emerging and recurrent concerns raised by participants during the roadshows included increased cases of teenage pregnancies, early forced and child marriages, moral decay, increased crime rate, defilement, alcoholism, corruption by some duty bearers in public offices, delayed access to justice, re-emergence of mob action, detention of suspects beyond 48 hours, land grabbing and evictions without compensation. Other concerns were inadequate staffing in health facilities, unprofessional conduct of some health workers, shortage of HIV/AIDS drugs in health facilities, torture of suspects by the police and other security agencies, high cases of family breakdown, child neglect, domestic violence, delayed acquisition of National Identification Cards by citizens which affected access to social services and the influx of refugees which negatively impacted on the already constrained social services, especially in refugee host districts of Koboko, Yumbe and Moyo. UHRC analyses the emerging issues to design specific interventions for the concerned duty bearers, including in-depth research.

### 9.3.2.3 Human rights training and workshops

UHRC uses training and workshops to build the capacity of key stakeholders in the protection and promotion of human rights. In such training, participants are grounded in human rights, their duties and responsibilities. Training and workshops also

provide a platform for exchanging ideas with key stakeholders to find practical solutions to existing human rights concerns in an inclusive manner.

In 2022, UHRC carried out **72** training workshops in **10** cities and **43** districts, targeting various stakeholders. A total of 3,852 people (**2,414 male and 1,438 female**) participated in the training posting a **10.5%** increase compared to **3,236** people reached in 2021. Some stakeholders targeted for the training included local council leaders, new city leaders, KCCA gender-based violence survivors, Community Development Officers, Primary and Secondary school teachers, and the Youth and Students' Guild Leaders from selected Universities and tertiary institutions. The participants were drawn from Arua, Lira, Jinja, Fort Portal, Gulu, Soroti, Mbarara, Masaka, Hoima and Mbale. The districts included Kabale, Rubanda, Kikuube, Masindi, Hoima, Bulisa, Kakumiro, Kyankwanzi, Kagadi, Kiryandongo, Buliisa, Kyankwanzi, Luwero Lugazi Municipality, Buikwe, Kampala, Njeru, Amuru, Adjumani, Kitgum municipality, Kumi, Sironko, Serere, Bukomansimbi, Lwengo, Rwampara, Isingiro, Kiruhura, Buhweju, Rubirizi, Alebtong, Oyam, Apac Kwania, Oyam, Kamuli, Tororo, Kaliro, Iganga and Kibuku. The participants gained knowledge on specific human rights issues to enable them to observe and respect human rights in addition to being human rights ambassadors in their communities.



The youths of Ikumba sub-county in Rubanda district being sensitised on their role in the promotion and protection of human rights

### 9.3.2.4 Training of the youths on mindset change

Cognizant of the critical role played by the youths in the protection and promotion of human rights in tandem with the NDP III, the UHRC conducted capacity-building training for the youths aimed at enhancing their knowledge on human rights, good governance, the rule of law, accountability, effective service delivery and human rights-based approach to development. A total of **432** youths (**258 male and 174 female**) from the districts of Kumi, Rwampara, Bukomansimbi, Alebtong, Kikuube, Amuru, Rubanda, Buikwe, Terego, Jinja, Moroto and Kyenjojo attended the training. Some of the emerging issues raised by the youths during the training included high levels of unemployment, lack of start-up capital for business, and lack of a minimum wage leading to exploitation and poor pay especially for the youths who often work as casual labourers in the oil sector, construction sites, mining and farming sectors. After the training, the youths volunteered to be human rights ambassadors in their communities and work closely with local leaders and government institutions for improved service delivery.

### 9.3.2.5 Human rights training for refugee welfare councils

The Refugee Welfare Councils (RWCs) are local governance institutions created by the Ugandan government and UNHCR in refugee settlement camps. They serve as a communication channel between the refugees and all humanitarian agencies delivering services to refugees. The RWCs also link the host community and the refugees and handle conflicts/disputes that may arise between

the two parties. UHRC's target of training the RWCs in the refugee host districts in 2022 was premised on its findings in 2021, revealing a conflict between the host communities and the refugees over access to social services. As such, the UHRC conducted training of **124 RWC (78 male and 46 female)** members in the districts of Kyegegwa, Madi Okollo, Terego, Koboko, Yumbe, Adjumani, and Obongi. The participants were drawn from the refugee settlement camps of Palorinya, Bidibidi, Loble, Imvepi, Rhino Camp, Palabek, Nyamanzi, Maaji III, Pagirinya and Kyangwali.

UHRC enhanced the participants' knowledge of human rights, duties and responsibilities specific to refugees, the laws of Uganda with a specific focus on early, child and forced marriages, sexual and gender-based violence, and peaceful co-existence. As a result, victims of human rights violations were able to report complaints to UHRC and other institutions for redress. Some of the emerging issues included the lack of sign language interpreters across institutions like the police, health centres and court, over-rationing of food for refugees by UNHCR and OPM, alleged discrimination in employment and ignorance of the Ugandan laws by refugees hence commission of crimes such as early child and forced marriages, especially among the Sudanese refugee community. Some of the recommendations arising from the training included joint sensitisation between RWCs, cultural leaders, religious leaders and Justice, Law and Order Sector (JLOS) actors to address human rights challenges that arise from time to time and continuous human rights education for refugees and host communities to promote peaceful co-existence.

### 9.3.2.6 Training workshop of JLOS actors on the practical application of the human rights-based approach in service delivery

In response to emerging human rights issues arising from refugee settlements in the districts of Adjumani, Yumbe, and Kyegegwa, UHRC trained JLOS stakeholders to build their capacity on the human rights-based approach to service delivery. A total of **117 JLOS partners (76 male and 41 female)** acquired knowledge and skills in using a human rights-based approach in the administration of justice and effective service delivery. The training also enabled stakeholders to have a joint understanding and appreciation of each institution's roles and responsibilities in attaining access to justice for all. Consequently, the actors agreed to conduct joint sensitisation drives to address some of the challenges between the host communities and refugees, strengthen the referral pathway and follow up mechanisms to ensure quick action on issues referred from relevant institutions. The training also recommended that OPM, UNHRC, LWF and other partners closely work with the district leadership of Adjumani and Lamwo to develop a standard land hire agreement to reduce the rampant land disputes between refugees and host communities.

### 9.3.2.7 Training of Community Development Officers (CDOs) on human rights-based approaches to service delivery

The CDOs play a critical role in promoting the participation of communities in community development and literacy initiatives. The CDOs are change agents who interface with communities at the grass-root level and are responsible for imparting non-formal skills to communities, disseminating information on available services and employment opportunities, and organising communities to form development groups to engage in income-generating activities and other government projects. They also act as focal point persons between the DLG and any project intervention in their areas of jurisdiction under the support of development partners and corresponding implementing partners and CSOs. They represent the voice of the voiceless in the communities they serve and play a critical role in addressing and responding to issues of vulnerability and ensure that all programmes and interventions at all levels directly contribute to the enhancement of the lives of the vulnerable persons in communities. Through their roles and responsibilities, CDOs

directly contribute to protecting and promoting human rights in their communities.

In 2022, UHRC conducted capacity-building training of **404 CDOs (208 male and 196 female)** on the human-rights-based approach to development planning and programming for enhanced service delivery. The training was organised under the theme **“Strengthening the role of Community Development Officers for a human-rights based approach to service delivery.”** The participants were drawn from the districts of Sironko, Karenga, Kabong, Buhweju, Lwengo, Apac, Kwania, Rubanda, Kaliro, Iganga, Luwero, and Hoima City. The participants were trained on mainstream human rights in planning, budgeting and implementing government programmes in line with international, regional and national laws, the NDP III and the Uganda Vision 2040. Emphasis was also made on the use of HRBA principles in implementing the Parish Development Model (PDM) and other government programmes and the critical role of CDOs in protecting and promoting human rights. Some of the emerging issues raised by the CDOs included inadequate operational funds, the top-bottom approach of planning, which has negatively affected the delivery of services, regular changes in policies such as Emyoga and PDM, inadequate skills training and capacity building for project implementation officers and inadequate monitoring and evaluation of government programmes. They also raised a concern about the selective salary enhancement for science civil servants without due consideration for arts professionals.

### 9.3.2.8 Training of teachers and school administrators on the right to education during the post-COVID-19 lockdowns

The COVID-19 pandemic affected Uganda just like other countries around the globe. Countries had to come up with measures to prevent the spread of COVID-19. Most prominently across the globe were the lockdown measures, which, although legally acceptable, limited the full enjoyment and realisation of human rights. The right to freedom of movement was impacted due to the closure of schools, places of worship and markets, among others. Specifically, the government imposed a total lockdown on schools, which meant that learners were unable to attend classes for a prolonged period. Consequently, there was

an increase in teenage pregnancies, rampant cases of early child and forced marriages, child labour, child neglect, high school drop-out and domestic violence. The lockdown also had a detrimental impact on the economy, leaving many people unemployed and unable to take care of their families, including paying school fees. Some teachers, especially in private schools, also opted for other forms of employment, while proprietors of some private schools resorted to other businesses.

With the re-opening of schools amidst the above challenges, UHRC organised training for selected vocational, secondary and primary school teachers on the human rights-based approach to education during post COVID-19 lockdown. A total of **349 (217 male and 132 female)** teachers and administrators of vocational, secondary and primary schools were imparted with knowledge on the concept of human rights, the right to education and the application of HRBA principles in the planning and implementation of the right to education and the roles of various stakeholders in the attainment of the right to education. The participants were drawn from the cities of Mbale, Gulu Masaka, Fort Portal, and the districts of Luwero, Napak, Isingiro, Oyam, Kabale, Kamuli, and Bulisa.

Some of the emerging issues included high school dropout rates since some learners opted for starting income-generating activities while others got employment during the COVID-19 lockdown period; some teachers changed their careers while some got better employment opportunities, thus leaving a gap for teaching at school; poor perfor-

mance of learners considering the long time they spent at home; child neglect by some parents, poor behavioural change/indisciplined students caused by overstay at home; teenage pregnancies; lack of facilities to support pregnant and breastfeeding students and their babies; poverty; closure of some private schools; increased cases of early child and forced marriages; high cases of defilement, incest, domestic violence and SGBV cases among others. The trainees recommended the need for psycho-social support and training in mental health and counselling for learners, parents, teachers and non-teaching staff and the need to revive and or establish Human Rights and Peace Clubs (HRPCs) in schools.

As an immediate outcome arising from the training, some schools made a resolution to revitalise and re-establish the UHRC HRPCs within their schools to strengthen the working relationship between the school administrators, Parent-Teacher Associations (PTA) and parents in order to come up with mechanisms for improved school administration for better performance. There was also the formation of a WhatsApp group to ease communication and reporting of human rights concerns within regions. One of the teachers had this to say: *“Those clubs used to be so helpful and acted as a conduit between the school administration and learners. However due to closure of schools most of them collapsed. Reopening them and having them functional is a very good move because the club helps us with keeping learners disciplined if they are taught about their rights and responsibilities.”*



UHRC officials pose for a group photo with the teachers and district officials who participated in the HRBA training held in Kamuli district

### 9.3.2.9 Human rights capacity building for women artisanal miners

Artisanal miners are subsistence miners who are not employed by mining companies but are involved in mining using their own resources and tools, which are mostly hand tools or non-industrial tools. In some instances, they participate in mining only seasonally; during rainy seasons, they are involved in agriculture, and during the dry season, they go into mining to supplement their livelihood. UHRC's monitoring interventions in the mining areas in the previous years revealed the exploitation of mainly women and children. The working conditions were also hazardous to their health and safety. To address the human rights concerns in these areas, UHRC built the capacity of **533 artisanal miners (202 male and 331 female)** under the regional offices of Gulu, Moroto, Fort Portal, and Jinja in human rights. Specific emphasis was put on fighting and reporting acts of SGBV, protecting children's rights and improving health and safety for all artisanal miners. The training also incorporated information on financial literacy.

### 9.3.2.10 Training of survivors of sexual gender-based violence

The COVID-19 pandemic triggered an increase in cases of SGBV due to the increased vulnerability of especially women and children and the fact that families were confined in the same environment for a long time due to the imposed lockdowns. Survivors of SGBV in certain areas formed groups to enable them to console each other and advocate for an end to SGBV. UHRC targeted these organised groups and empowered **269 (92 male and 177 female) survivors of SGBV** with human rights knowledge and skills to demand their rights and accountability/justice for victims of SGBV. They were also guided and introduced to the right redress mechanisms in case of further abuses. One of the immediate outcomes of the training was the immediate referral of two cases of SGBV to the police and following up of the same by UHRC to ensure that appropriate action was taken for the victims to access justice. There was also a successful on-spot mediation of a domestic violence issue in Tororo district. In addition, a total of seven Human Rights Champions groups against SGBV were established, six in Gulu and one in Tororo. The groups continued referring cases of SGBV to UHRC during the period under review.



UHRC officials pose for a photo with women GBV survivor groups involved in stones mining in Amida West sub-county, Kitgum district

### 9.3.2.11 Training of local council leaders

Local council leaders have powers under the Local Government Act and the Local Council Courts Act as courts of first instance in a number of cases. Local council leaders also play an important role in protecting and promoting human rights in

their communities. They act as a referral pathway regarding access to justice. However, most of the LC I and II leaders have never been trained since they assumed office, thus creating a knowledge gap between them as duty bearers and the people they serve as rights holders. There have also been

reports of LCs handling cases where they have no jurisdiction to do so, including mishandling some cases. UHRC conducted training of LC leaders, including councillors, on the role of LCs in promoting and protecting human rights. A total of 464 (367 male and 97 female) Local Council I and II leaders and district councillors were equipped with knowledge on the UHRC mandate, functions and powers, the concept of human rights, the mandate, powers and jurisdiction of the local council courts (LC I and II), development of human rights-based ordinances/bye-laws, mediation and referral pathways and the role of local council leaders in the protection and promotion of human rights. The participants were also given real-time information about the PDM within their jurisdiction to enable them to follow up with key beneficiaries for effective implementation. The participants were drawn from the districts of Serere, Karenga, Rukungiri, Lwengo, Lira, Oyam, Kibuku, Kyawanzi, Kitagwenda, Buikwe and Jinja City.

Key among the outcomes arising from the training was the dissolution of bye-laws which were not human rights compliant, as was the case in Njeru Town Council, Buikwe district, where the council dissolved a bye-law promoting corporal punishment. The participants also agreed to sensitise their community members on human rights further, especially the rights of women and children, which

were grossly violated. They also formed WhatsApp groups to enhance prompt reporting of cases amongst themselves and with UHRC and other Justice institutions.

Some of the emerging issues arising from the training included the need to translate the Constitution into local languages, development, dissemination and distribution of IEC materials on various human rights topics, inadequate knowledge about human rights, land-related disputes leading to criminal cases such as criminal trespass, grievous harm, murder, etc., lack of capacity and knowledge by some LC leaders on the interpretation of the law, increasing cases of human rights violations such as cases of kidnaps, missing persons and torture by security agencies, corruption by some LC leaders, high cases of incest especially in the Albertine region and Teso, increasing cases of teenage pregnancies, defilement, early child and forced marriages and domestic violence. There were also reported alleged cases of torture and extortion of money by marine police and UPDF in the districts of Amolatar, Buvuma and Kalangala, high school dropout rates, negative impacts of labour externalisation and illicit use of drugs and substance abuse, especially amongst the youths and the call for increased training in alternative dispute resolution.



UHRC officials with Local Council I and II Leaders of Njeru Central Division in Buikwe district during the training

### 9.3.2.12 Training of new city leaders

Following the establishment of 15 new cities by the Parliament of Uganda in 2020 and the operationalisation of ten cities in 2020, UHRC conducted training for city Leaders for effective service delivery, considering the critical role they play in the protection and promotion of human rights, including the advancement of development as a whole. UHRC built the capacity of **195** city political leaders and technical officers (**132 male and 63 female**) on the use of HRBA principles in the planning, budgeting and implementation for effective service delivery. The participants were drawn from the ten cities of Soroti, Fort Portal, Mbarara, Masaka, Lira, Mbale, Gulu, Hoima, Arua, and Jinja.

Emerging issues arising from the training included inadequate equipment and drugs in health facilities, alleged cases of recruitment of school-going children into acts related to the lesbian, gay, bisexual, transgender and intersex movement (LGBTI), the increasing number of street-connected children, high rates of prostitution, externalisation of labour, allegations of misappropriation of government funds meant for construction of female Wards at Soroti Regional Referral Hospital and subsequent transfer of implicated officers, alleged charging of patients in need of blood transfusion between UGX 20,000-50,000 for a unit of blood by Soroti Regional Referral Hospital and alleged impregnating of a female prisoner by a prison officer at the female wing of the Uganda Government Prisons in Soroti. The training also enabled UHRC to establish a collaborative and partnership strategy for continuous engagement with city leaders in promoting and protecting human rights.

### 9.3.2.13 Training of University and tertiary student guild leaders

For a long time, UHRC has engaged secondary schools and some primary schools in building their capacity to have a culture of respect for human rights. This has led to the establishment of Human Rights and Peace Clubs in schools and enhanced human rights protection and promotion. UHRC extended the same strategy in universities and tertiary schools, targeting student guild leaders. The training was based on the rampant cases of strikes, violence and all sorts of conflicts in universities and tertiary institutions, leading to numerous human rights violations such as depriva-

tion of freedom from torture, personal liberty, and destruction of property and, in some cases, loss of lives. The training was conducted under the theme “Promoting a culture of respect for human rights in Universities. The role of the students’ guild body”. UHRC trained a total of **200 student leaders (119 male and 81 female)** drawn from the Universities of Gulu, Mbarara, Bishop Stuart-Mbarara, Soroti, Busitema-Arapai Campus, Kyambogo-Soroti Branch, Uganda Christian University, Mukono, Nkumba, Islamic University in Uganda, Uganda Martyrs University Nkozi-Kampala branch, Kampala International University, Cavendish University, Kyambogo University, St. Lawrence University, Ndejje University, East African University, International University of East Africa, Bugema University, Muteesa I Royal University, Uganda Pentecostal University, Makerere University Business School, Soroti Comprehensive Nursing School and St Kizito Technical School, Madera in Soroti district. Consequently, students’ knowledge and capacity was built on human rights in addition to understanding their role in protecting and promoting human rights both within and outside the universities/tertiary institutions. The training also led to specific recommendations for working with the university administration and the student’s guild to establish human rights committees in universities and tertiary institutions.

The emerging issues from the training included high unemployment rates amongst the youths, targeting of students for political gains by selfish individuals, the need to design and implement youths mindset programmes, the use of electronic human rights information dissemination tools, use of art exhibitions and competitions for human rights awareness and use of animations and TikTok messages.

### 9.3.2.14 Training of security agencies

Article 221 of the Constitution of the Republic of Uganda requires security organs to observe and respect human rights in performing their duties. To facilitate the realisation of this constitutional obligation, UHRC, with support from both the government of Uganda and the United Nations Office of the High Commissioner for Human Rights, conducted training for security agents to enhance their capacity to respect and observe human rights in the performance of their duties. This was regarding the rampant cases of human rights viola-

tions allegedly perpetrated by security agents, as documented by the UHRC in its previous annual reports.

In 2022, UHRC trained a total of **609 (566 male and 43 female)** security officers drawn from Uganda Peoples’ Defence Forces (UPDF), Chieftaincy For Military Intelligence (CMI), Uganda Police Force and Uganda Prisons Service in **five** districts of Kiri-hura, Kasese, Napak, Nabilatuk, Nakasongola and **three** cities of Lira, Masaka, and Jinja. The security personnel were trained on the role of security agencies in ensuring peaceful, free and fair elections, Human rights standards, principles and safeguards during arrest and detention, human rights

and legitimate use of force and firearms during law enforcement, the Human Rights Enforcement Act, 2019 and the Prevention and Prohibition of Torture Act, 2012 among others. Some of the emerging issues from the training included more training targeting the junior UPDF officers and high-ranking commanders, a review of the UPDF training manual, and research into an observance of human rights by security agents to establish whether there is an improvement or not. A recommendation was also made to establish WhatsApp groups for the various cohorts so far trained to track the implementation of knowledge gained from the training, challenges and recommendations.



Participants in a training of University Guild Leaders at Mbarara University of Science and Technology



A photo showing the Chairperson UHRC (in red) and other participants during a high-level training for the officers and militants of UPDF at the Rapid Deployment Capability Centre-Jinja

### 9.3.2.15 Monitoring of school Human Rights and Peace Clubs

UHRC's initiative to establish clubs in secondary schools is aimed at inculcating a culture of respect and observance of human rights amongst the youth in schools. UHRC first established the Human Rights and Peace Clubs in 2002, and since then, over 300 HRPCs have been formed in secondary schools and higher institutions of learning country-wide. The Clubs are managed by a patron who is part of the school administration. Membership in the club is voluntary, and the club members elect executive members. A constitution governs the club, and the activities of the club are generated in line with the school's calendar. Some club activities include debates on topical human rights issues, human rights and peace sensitisation drives, activities aimed at promoting discipline, cohesion and unity in school, and corporate social responsibility drives like cleaning community markets and preserving the environment through planting trees and watering school plants. The UHRC has noted that HRPCs have led to enhanced respect for human rights amongst students and teachers, improved discipline and led to improved academic performance.

In 2022, UHRC specifically targeted monitoring of the HRPCs in schools where they were previously established before the closure of schools due to the COVID-19 pandemic. This was aimed at revitalizing /re-establishing the clubs where they existed and, in some cases, establishing new ones. A total of 58 human rights and peace clubs were monitored under the regional offices of Central, Mbarara, Soroti, Jinja and Arua. The HRPC members were given technical support by training club members, conducting debate competitions and providing IEC materials. As such, an HRPC was established at St. Theresa S.S.S Kigudde in Kasanda district, while club members of Nkoma Secondary School and Hamdan Girls Secondary School in Mbale City, St. Michael High School in Sonde, Mukono district, Nganwa High School in Mbarara City and Jinja S.S.S. in Jinja City were trained in human rights and operation of club activities. A total of 4,500 IEC materials were given to the HRPCs to enhance their knowledge and appreciation of human rights.

Some of the quick impacts arising from the monitoring activities of the HRPC include ensuring that the school rules and regulations are human rights complaints, as was evidenced by the review of the school rules and regulations of Hamdan Girls Secondary School in Mbale City. In addition, the school improvised ramps to ease access to the school facilities by PWDs. There was also noted improvement in discipline by the learners, and the teacher-learner relationship was reported to be improving in schools that had HRPCs.



A sample of a certificate of newly established HRPC at Nkoma SS, Mbale City



A UHRC official, patron HRPC and some club members of Logiri Secondary School pose for a photo during monitoring of the HRPCs in Arua district

### 9.3.3 Human rights media programmes

The media plays a critical role in information dissemination and awareness creation. As such, UHRC leveraged various media platforms to create human rights awareness both for rights holders and duty bearers. This was done through radio talk shows and the airing of spot messages. The UHRC also launched the UHRC App as one of the mediums of popularising the work of UHRC for effective service delivery.

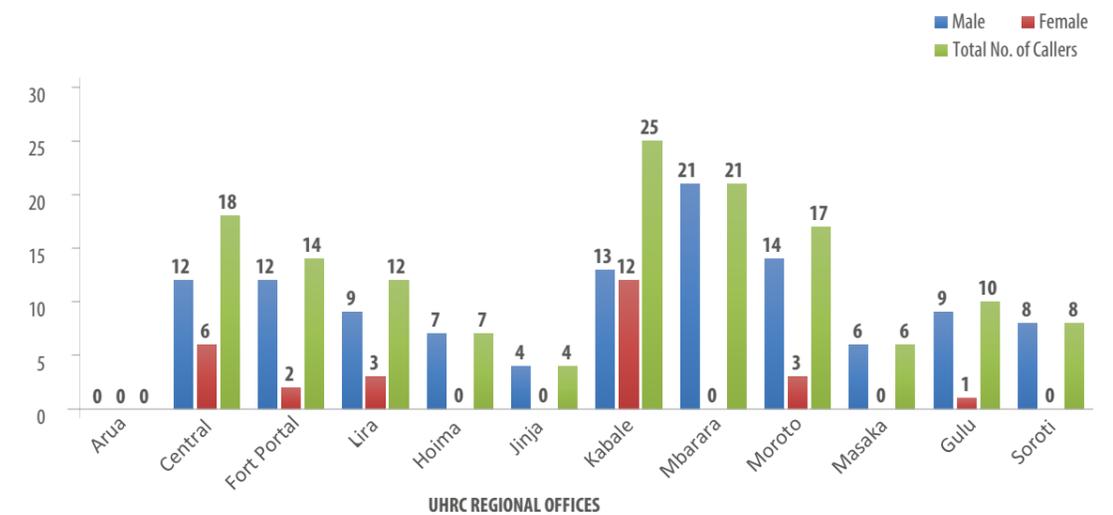
#### 9.3.3.1 Radio talk shows

UHRC conducted 34 radio talk shows on 21 radio stations in Uganda. A total of **141 callers (27 female and 114 male)** made live-in calls during the radio talk shows. The radio talk shows were aired in nine languages: English, Luganda, Lusoga, Ateso, Lugisu, Luo, Runyakole, Rukiga and Leb Lango. The talk shows were conducted in the districts of Mpigi, Lira, Lira, Kaberamiado, Amolatar, Dokolo, Abim, Alebtong, Otuke, Kole, Oyam, Apac, Kwanja, Kiboga, Kyankwanzi, Jinja, Iganga, Namutumba, Kaliro, Buikwe, Kamuli, Bugweri, Buyende, Bugiri, Luuka, Budaka, Butaleja, Paliisa, Mbale, Butebo, Namayingo, Gulu City, Gulu district, Pader, Kitgum, Amuru, Nwoya, Omoro, Lamwo, Agago, Oyam, Kole, Adjumani, Kiriyaondongo and Pakwach. The radio stations where the talk shows were held

include Radio Buwama, UBC Voice of Bundibugyo, UBC Ngeya FM, Voice of Lango 88.0 Fm, Radio 94.3 Q FM Lira, Kiboga Community Radio, Busoga One Fm, Kiira FM- Jinja, Bugwere FM, Voice of Kigezi (V.O.K), Kazo Fm, UBC West, Voice of Karamoja, 88.7 Ateker FM, Mbabule FM, Bukomansimbi Community Radio, Favour FM, Radio Maria, Favor of God FM, Radio Rupiny, Mega FM, Kyoga Veritas Radio and Open Gate FM.

The radio talk shows discussed various thematic human rights topics, which included the UHRC mandate, functions and powers, rights of women, right to property, right to freedom from torture, salient features of the Prevention and Prohibition of Torture Act 2012, the commemoration of the international day in support of torture victims, right to personal liberty, rights of suspects, duties and responsibilities of citizens, the concept of human rights, human rights implications of early, child and forced marriages, the role of rights holders and duty bearers in overcoming the effects of COVID-19, the Public Order Management Act (POMA) 2013, rights and responsibilities of children, protection of children from child labour, right to a family, domestic violence, externalisation of labour in the Middle East and the right to vote and participate in elections.

FIGURE 37: CALL-INS ON RADIO TALK SHOWS BY GENDER PER UHRC OFFICE IN 2022





UHRC officials during a talk show on Radio Maria Gulu City and Bukomansimbi, respectively

### 9.3.3.2 Spot messages

The UHRC aired out 1,849 radio spot messages across the country. The spot messages were aired in various local languages: Luganda, Rukiga, Runyankole, Luo, English, Ateso, Lugisu, Lumasaba, Lusoga, Lugwere, Alur, Lugbara, Runyoro and Swahili. The themes covered by these spot messages were early, child and forced marriages, teenage pregnancies, freedom from torture, child neglect, child labour, domestic violence, rights of women, the role of security agencies in the protection of the right to personal liberty, freedom from non-discrimination, rights of PWDs and the impact of COVID-19 on PWDs. However, there was a noticeable decline in the number of spot messages aired compared to the 4,650 spot messages in 2021, which is attributed to the budget cuts by the government stemming from the post-COVID-19 lockdown budgetary cuts.

FIGURE 38: TREND ANALYSIS OF SPOT MESSAGES, 2018-2022



Left- the State Minister for ICT and National Guidance, Hon. Godfrey Baluku Kabbyanga and the UHRC Chairperson, Advocate Mariam Wangadya launch the App at Silver Springs Hotel in Bugolobi, Kampala Right- GIZ officials explore the App features.

### 9.3.3.3 Launch of the UHRC App

UHRC, in partnership with GIZ, Launched a televised live event of the UHRC App that was developed in 2021 to provide instant human rights education to the public and allow them to lodge complaints of human rights violations online without going through the hustle of physically reaching the UHRC premises. The App can be downloaded by visiting the Google App store. Through the App, members of the public have been able to access instant human rights knowledge, interact instantly with UHRC staff online, ask any questions, login complaints of human rights violations and keep up-to-date on developments in the areas of human rights in the country.

### 9.3.4 Research on the working and living conditions of the Uganda Police personnel and their implication on the observance of human rights

UHRC conducted countrywide research on the working and living conditions of police personnel and their impact on the observance of human rights. The report, validated by the UPF top leadership, aims to improve the living and working condition of the police personnel by implementing the recommendations arising from the report. It is also hoped that the implementation of the research findings and recommendations will reduce human rights violations and enhance respect and observance of human rights by police personnel. Below is a brief outlook of the findings and recommen-

dations from the research (details can be accessed from the Research Report).

#### a) Working conditions and observance of human rights

The findings confirm that there is a correlation between the working conditions of UPF personnel and observance of human rights in that, due to the current status of working conditions, personnel were unable to perform their duties in a timely and effective manner and some instances, they totally could not execute the required duties. Consequently, the majority of them were demotivated, which affected the UPF's obligation to respect, protect and fulfil human rights. It also negatively impacted service delivery and the realisation of the rights of the personnel.

#### b) Living conditions

The findings revealed a correlation between living conditions and observance of human rights in that, as a result of the unfavourable living conditions, fundamental rights and freedoms of the personnel and their families have been violated. They include the right to life, right to work, right to privacy, right to health, right to dignity of a person, right to live in a secure and safe environment, right to a family, right to a clean and healthy environment, right to an adequate standard of living (water and sanitation), right to food, right to decent shelter/housing, conjugal rights, right to cultural identity, right to education, rights of vulnerable persons

(children, women, older persons and PWDS), freedom of expression, freedom from discrimination among others. The violation of the rights mentioned above of the personnel affected their attitude, morale and general health, which in turn affected their behaviour and quality of work.

This manifested in the form of a lack of timely response to emergencies, torture, delays in investigations and presentation of suspects to court, extortion, over-detention of suspects, confiscation of suspects' property, the disappearance of exhibits, the disappearance of vital records, excessive use of force and general vulnerability to corrupt tendencies which affects access to justice. It also resulted in a general failure to protect the life and property of citizens, which is the UPF's core mandate. The affected rights include right to life, right to freedom from torture, cruel inhuman and degrading treatment or punishment, right to personal liberty, right to fair hearing, right to police bond, right to food, right to health, and right to access their families and legal representation among others.

**c) The moderating role of socio-political factors**

The findings revealed that in pursuit of conducting their duties professionally, personnel faced interferences from other factors which, if not dealt with, would undermine the contribution made by improving working and living conditions. These included external and internal interference in their work, the attitude of personnel and the public and awareness about both criminal and human rights laws and policies.

**Key recommendations:** UHRC made the following recommendations arising out of the research findings.

**d) Working conditions and observance of human rights**

In order to ensure that personnel work in a conducive and favourable work environment to enable them to perform their functions:

1. The Ministry of Finance, Planning and Economic Development should increase funding to UPF to facilitate the construction of decent offices with the requisite facilities and amenities that are in line with human rights standards on police stations, provision of adequate equipment and supplies and dissemination of laws to all personnel.

2. The UPF should develop a standard design for a police station/post that conforms to human rights standards on police stations and ensure its progressive implementation.
3. The UPF should stop the use of uniports and other makeshift structures as offices and cells.
4. The UPF should provide adequate supplies and equipment to personnel to facilitate the proper conduct of work and mitigate the challenges associated with personnel soliciting the same from the public. UPF should specifically:
  - a) Ensure that the supplied equipment and supplies are in tandem with the geographical coverage and work requirements of specific police stations and posts.
  - b) Prioritise regular and adequate provision of basic supplies like fuel, stationery, police forms and registers and equipment like batons, guns, handcuffs, vehicles, motorcycles and scene of crime equipment, and ensure that they are well maintained and serviced to facilitate the provision of basic police services by every police unit.
  - c) Provide uniforms in full, in a timely manner and in consideration of unique duty requirements, weather and area-specific climate patterns. Expectant mothers should be provided with an appropriate office uniform to address challenges of non-deployment to duties that require uniform.
  - d) Reinstate plain clothes allowances for personnel who are bound by duty not to wear a uniform.
  - e) Investigate the sale of UPF uniforms to personnel and the public and prosecute culprits. Accordingly, UPF should also establish a mechanism for confirming that all personnel receive a full and adequate uniform.
5. The Ministry of Public Service should review UPF remuneration to address the huge gap caused by the implementation of professional pay in view of the rank-based institution. The review should cater for enhancement of the salaries of non-professional personnel; align the salaries of other professionals currently in police whose pay is not commensurate to that of their counterparts in the mainstream public

service; take into consideration the high cost of living, responsibilities and; give special consideration for personnel who handle hazardous substances, equipment, those working in hard-to-reach areas and volatile situations.

6. The UPF should, without delay, update all staff records and ensure that personnel who have missed salary are urgently paid and that those who were promoted but are not earning the right salary are also paid their dues. The records update should also provide adequate information for quickly processing retirement benefits.
7. The Ministry of Gender, Labour and Social Development should expedite the process of enacting a minimum wage to cater for the salary discrepancies among public servants and other workers.
8. The UPF should enact and implement policies that address issues raised in deployment, transfers, training and promotions. In so doing, UPF should specifically:
  - a) Implement a rotational deployment plan after a specific number of years to ensure that all personnel have equal chances of being deployed in all parts of the country.
  - b) Streamline deployment for special duty to ensure that all personnel have equal chances of accessing the accruing benefits.
9. The UPF should streamline deployment and transfers in the interim to ensure that due consideration is given to family life, gender, school-going children and facilitation for transferred personnel. The timing should specifically give due consideration to school-going children to ensure that their academics are not interrupted.
10. The UPF should revamp the police children's schools and construct new ones ensuring that they are of a high academic standard and affordable for its personnel to facilitate the right to education for their children.
11. The UPF should set up child day-care facilities to facilitate their staff to work while their children are well cared for.
12. The UPF should analyse all its staff to assess and address the manpower gaps to deal with

fatigue amongst personnel and ensure that personnel can take leave.

13. The UPF should ensure that the criteria for promotions and training are clear to all and that the processes are transparent to ensure equal opportunities for all. Special consideration should be given to vulnerable persons, especially the elderly.
14. The UPF, in collaboration with the Ministry of Public Service, should ensure that personnel who retire get immediate access to their benefits but not exceeding a period of one year and punish corrupt personnel who delay retiree's benefits.
15. The UPF should organise regular financial literacy training for its personnel to ensure proper preparation for retirement.
16. The UPF leadership should pick a special interest in managing the exodus SACCO to ensure voluntary membership, safeguard personnel's funds, and ensure access to information and participatory decision-making representative of members' views.
17. The UPF should enact and implement a policy against sexual harassment.
18. The UPF should increase office imprest and ensure all police units are effectively facilitated.

**Living conditions and observance of human rights**

In order to ensure that personnel and their families live in decent accommodation and access adequate medical services to enable them ably execute their duties, enjoy their rights and observe human rights:

1. The UPF should stop the use of uniports as a form of housing for police personnel because they are not fit for human habitation.
2. The available funding for uniports should be used to construct permanent, decent, low-cost houses, leveraging modern technology and designs to cater to all the personnel entitled to institutional housing.

3. The UPF should prioritise the renovation of existing houses where appropriate to ensure decent accommodation for the personnel.
4. The UPF should consider the construction of senior quarters or provide an adequate housing allowance to ensure decent and safe accommodation commensurate with the status of senior personnel.
5. The UPF should provide a housing allowance for personnel entitled to institutional housing but are not allocated.
6. The UPF should urgently investigate and address the unfairness in the allocation of institutional houses in order to address the plight of entitled personnel.
7. The UPF should fence off barracks to provide a safe and secure environment for personnel and their families.
8. The UPF should streamline the medical scheme, sensitise personnel about it, and ensure its implementation benefits all personnel and their families without discrimination. The scheme should also address compensation for injured personnel and a befitting burial for personnel.
9. The UPF should consider establishing a countrywide network of health facilities that can handle referred personnel from police clinics and health centres.
10. The UPF should work with the Ministry of Health and National Medical Stores to ensure that the UPF health facilities are well stocked to meet required health needs.
11. The UPF should establish a continuing programme of sensitization of its staff and families on mental health and HIV/Aids to cater for their psycho-socio needs and reduce the risks associated with HIV/Aids and mental stress.

#### The moderating role of socio-political factors

To ensure an environment that fosters professionalism in the conduct of UPF work:

1. The Ministry of Finance Planning and Economic Development should allocate funds to UPF and UHRC to facilitate the dissemination of laws and policies as well as the training of personnel in the requisite laws and human rights in line with the duty of the State to train/provide constitutional education to security personnel and the community as provided for under Articles 4 (b) and 52 of the Constitution of Uganda.
2. The Judiciary should ensure the availability of regular court services at every sub-county to enhance access to justice and protection of human rights.
3. The Office of the Director of Public Prosecutions should ensure the availability of ODPP services at every sub-county to facilitate expeditious handling of cases to enhance access to justice for all.
4. The Ministry of Internal Affairs should construct more prisons in areas where police services and courts exist without a prison facility.
5. UPF should ensure the availability of requisite laws and policies in all stations and posts, especially in user-friendly formats like pocketbooks, flyers etc., to facilitate its personnel in taking the right decisions.
6. UPF should expedite the approval and implementation of policies that address the issues in training, promotions, deployments and transfers.
7. UPF should empower their personnel not to take unlawful instructions and protect them against undue influence.
8. UPF should ensure adequate deployment and facilitation to safeguard personnel from harm by some members of the public.
9. The UPF should prioritise the dissemination of the Police Human Rights Policy so that personnel can appreciate it as a fundamental instrument in their work.
10. The UPF should build the capacity of police personnel in modern skills of investigations and provide adequate facilitation to enhance adherence to the 48-hour constitutional requirement.

11. UPF should review the approach to the training on human rights in the police training schools from one-off sessions to integrated/mainstreamed courses. It should be a requirement for instructors in police training schools to be well-grounded in human rights.
12. UPF Leadership should ensure that the training department is operationalised at the lower levels to ensure adequate monitoring of compliance and application of the knowledge acquired during training.
13. UPF should develop a comprehensive media strategy covering social media to adequately share information with the public, particularly documenting the positive stories from police, in order to improve its public image.
14. UPF should strengthen mechanisms for addressing alleged corruption cases by personnel and ensure that punitive measures are taken against those that are proven in accordance with the existing national legal framework.
15. The UPF Directorate of Human Rights and Legal Services and the Professional Standard Unit (PSU) should be strengthened to be more effective in empowering Police personnel to comply with human rights standards and protect them from undue reprisals.
16. The UPF should do everything possible to end impunity and enhance accountability for human rights violations committed within and/or outside the UPF.

#### 9.3.5 Commemoration of national and international human rights days

UHRC, in conjunction with other key stakeholders, jointly organised activities to commemorate key human rights days by disseminating information about their relevance and putting key human rights issues to the forefront under several themes that

were specific to given days. The commemorated days included: World Press Freedom Day, the UN Day in support of victims of torture and international human rights day. UHRC worked closely with government MDAs, members of the media, CSOs, international agencies, human rights defenders and survivors of torture to commemorate international days.

##### 9.3.5.1 World Press Freedom Day

The 2022 World Press Freedom Day was organised under the theme: *'Journalism under digital siege'*. The day was used to raise awareness about the importance of the media in the protection and promotion of human rights through organising public dialogues and cross-cutting media campaigns. Through commemorating the 31st world press freedom day since 1991, UHRC and other partners re-echoed the government's commitment to respect press freedom in Uganda and created awareness on the role of the media in promoting and protecting human rights. The activity was jointly organised and supported by the Ministry of ICT and National Guidance, the United Nations High Commissioner for Human Rights (OHCHR) in Uganda, Media Focus in Africa, Uganda Media Sector Working Group (UMSWG) and the African Center for Media Excellence (ACME).

##### 9.3.5.2 Public Dialogue at the ICT Hub in Nakawa and Mestil Hotel

The above dialogue attracted a total of **680 participants**, with **120 people (62 male and 58 female)** physically attending, **560 people** following live on YouTube and others following on Twitter, Facebook and Instagram. The UHRC Chairperson, Mariam Wangadya, OHCHR Country Representative Robert Kotchani and the United Nations Resident Coordinator in Uganda, Susan Ngongi Namondo, gave keynote addresses, while Rosemary Kemigisha made a presentation on the role of the media in the protection and promotion of human rights. The State Minister for National Guidance, Hon. Godfrey Baluku Kabbyanga, was the Chief Guest.



UHRC Chairperson Mariam Wangadya and OHCHR Country Rep. Robert Kotchani addressing the sideline press conference at the ICT-Hub Nakawa



The State Minister for National Guidance Hon. Godfrey Baluku Kabyanga addresses the media during the same sideline briefing

### 9.3.5.3 Public dialogue to commemorate World Press Freedom Day at Mestil Hotel

A dialogue was held on 5 May with panellists comprising Edline Wanyama, Legal Officer, Collaboration on International ICT Policy for East and Southern Africa (CIPESA); Catherine Ageno, a Broadcast editor at KFM/Nation Media Group Uganda; Giles Muhame, the Managing Editor,

Chimp Reports and President, Online Media Publishers Association; Roland Byagaba, an Innovations Officer at Media Challenge Initiative and Penelope Nankunda, a Content Manager-Digital at Vision Group. It was **physically attended by 200 participants, while 100 people watched the live coverage on YouTube**. It focused on the rights and responsibilities of the media and the protection and promotion of the rights of media personnel in the digital age. The keynote address was given by Robert Kabushenga, former Vision Group CEO, while Charles Odoobo Bichachi, a committee member at UMSWG and Editor at Nation Media and Commissioner Jacklet Atuhaire Rwabukururu of the UHRC, made presentations during the dialogue. UHRC and its partners further used the event to recognise and give awards to outstanding media personalities namely Ben Bella Ilakut, a longstanding Lecturer of Journalism, Uganda Media Women's Association (UMWA) and Baylon Katahikire, a newspaper vendor for 32 years.

### 9.3.5.4 UN-International Day in Support of Victims of Torture (26 June)

UHRC, in partnership with the German-Ugandan Development Cooperation (GIZ), United Nations Office of the High Commissioner for Human Rights (UNOHCHR), Penal Reform International (PRI), Refugee Law Project (RLP) and the Women Human Rights Defenders Network -Uganda (WHRDN-U) organised activities to commemorate the UN International day in support of torture victims. The commemoration was organised under the theme: **"You too can be a victim; stand up against torture"**. Some key activities included e-public dialogue, which was broadcast on NBS TV on 25 and 26 June 2022. Both activities aimed at raising awareness of the acts of torture and a call to duty bearers to prohibit its use in line with the existing human rights legal framework. The talk shows were also used to sensitise the rights holders about the available redress mechanisms as UHRC marked 35 years since the UN declaration of the Convention against Torture in 1987 and 10 years since the enactment of the Prevention and Prohibition of Torture Act No.3 in September 2012 by Uganda.



Left- The Chairperson UHRC delivering opening remarks via Zoom Right- a UHRC Official elaborates on a key human rights issue during the NBS TV Morning Breeze show on 24 June

### 9.3.5.5 International Human Rights Day (10 December)

UHRC, in partnership with the UN Office of the High Commissioner for Human Rights (OHCHR), the Germany Agency for International Corporation, the French Embassy, Wakiso District Local Government under the auspice of Wakiso district Human Rights Committee, the Uganda Law Society, the Refugee Law Project, African Centre for Treatment and Rehabilitation of Torture Victims (ACTV), FIAN Uganda, CEHURD, FREEDOM and the National Alliance of Agriculture Cooperatives in Uganda held the Commemoration activities under the theme: **"Dignity, freedom and justice for all"**.

The commemoration activities included a Joint Press Conference at the UHRC Headquarters on 5 December 2022, peaceful procession around the Nakawuka area in Wakiso district and human rights awareness through the use of IEC materials and one on one discussions with the participants at Nakawuka Playground on 10 October. The commemoration activities attracted **1,103 participants, out of whom 160 (102 male and 58 female)** were drawn from government MDAs, CSOs, NGOs, Human Rights Defenders and media members who directly participated in the procession. Additionally, **765 followed online, and 178** attended physically without participating in the procession.



Left: IHRD 2022 procession in Nakawuka Township Right: UHRC Exhibition stall being managed by the staff from the UHRC Central Regional Office.

### 9.3.6 Human rights awareness through information, education and communication (IEC) materials

To enhance and strengthen its human rights education and awareness function, the UHRC printed and distributed 22,350 IEC materials during the period under review on various human rights themes targeting different stakeholders. Through IEC materials, stakeholders were empowered with information in their local languages to enhance their understanding of human rights, duties and responsibilities. Stakeholders also got to know more about UHRC services which enhanced UHRC's visibility and stakeholder's ability to access the services closest to them. The specific languages included: English, Madi-Tii, Dho-Adhola, Lufumbira, Kiswahili, Ateso, Runyoro, Rutooro, Leb-Lango, Nga'Kari-mojong, Lugwere, Rukonzo, Lutwa, Lunyala, Luma-saba, Pokot, Kumam, Dhu-Alur, Lusoga, Leb-Acholi, Kupsabiny, Aringa-Ti, Lugbara Ti, Lusamia, Lunyole and Luganda. Special consideration was given to PWDS by printing Braille versions.

### 9.3.7 Human rights awareness and information through the library and documentation centre

UHRC uses the Library and Documentation Centre as one of the mechanisms of providing information and awareness about human rights to the staff and members of the general public at no cost. Besides the Library and Documentation Centre at the Head Office, there are libraries at each of the 12 UHRC Regional offices. In 2021 due to the COVID-19 restrictions, there was limited physical access to the libraries. However, in 2022 the libraries were opened to the public for physical access, and the main categories of clients were lawyers, students, researchers and journalists. To ensure uninterrupted access to human rights information and related information for the execution of work and promotion of access to justice, UHRC renewed its subscription to the Consortium of Uganda University Libraries (CUUL) and the Online Law Library, which provides access to online E-resources (laws, peer-reviewed articles, E-books and journals) which can be accessed regardless of one's location. This eased access and retrieval of information for staff and members of the public. UHRC also ensured access to up-to-date laws, acts, bills, statutory instruments, and gazettes by subscribing to UPPC for physical copies. This was in addition to the procurement of law books for the newly

opened offices of Lira and Kabale to facilitate them in the execution of their duties. UHRC received 101 textbooks about human rights and other subjects and 236 law items from UPPC which enriched its collection.

### 9.3.8 Challenges

1. The budget cuts imposed by the government on UHRC activities, coupled with inadequate funding from development partners due to the COVID-19 pandemic, limited the level of UHRC's engagement with communities especially through barazas, road shows, development of IEC materials and media programmes.
2. Inadequate knowledge of human rights and the laws by the communities in Uganda, coupled with deep-rooted cultural practices, illiteracy, negative perceptions about human rights, alcoholism, corruption, and irresponsible behaviour by some duty bearers, have continued to impact the protection and observance of human rights impacting the most vulnerable members of society, especially women, children and the youths.
3. The inadequate reach of justice, law and order services in some communities has led to delayed access to justice which undermines efforts of UHRC in educating the populace about available redress mechanisms for human rights abuses and violations, resulting in actions of mob justice and general lack of trust in the justice system.
4. Continued failure by the government to approve the draft National Civic Education Policy continues to affect the effectiveness of civic education delivery in Uganda.

### 9.3.9 Recommendations

1. The Ministry of Finance, Planning and Economic Development should increase and prioritise funding the UHRC to ensure adequate civic and human rights education, which is critical for sustainable development.
2. The Office of the Director of Public Prosecutions and the Judiciary should extend their services to every district to correspond with Uganda Police Services for easy access to justice for all to create an enabling environment for the observance of human rights.

3. As recommended in the previous annual reports, the Ministry of Justice and Constitutional Affairs should fast-track Cabinet's approval of the draft Civic Education Policy.

### 9.3.10 Conclusion

The UHRC was able to keep various sections of the population engaged and delivered civic and human rights education services, budgetary cuts occasioned to the UHRC in general and delivery of civic and human rights education in particular notwithstanding. Given the critical role civic and human rights education play in building a culture of respect for human rights and making known the available redress mechanisms to enhance access to justice and accountability for human rights violations, Parliament should seriously prioritise funding human rights and civic education in Uganda as a matter of national importance.

## 9.4 FINANCE AND ADMINISTRATION IN THE FINANCIAL YEAR 2021/2022

### 9.4.1 Introduction

The finance and administration directorate supports implementing UHRC activities to achieve the strategic objectives as laid out in the strategic plan. The directorate activities include budgeting, financing activities and managing human resources, logistics, procurements and disposals, IT systems and public relations. It comprises the following units: Policy and Planning, Human Resources and Administration, Procurement, Finance and Systems. During the period under review, UHRC activities and operations included complaints management, civic education, monitoring and inspections of places of detention and other facilities of human rights interest, and administrative tasks/operations. These were funded by the GOU and development partners.

### 9.4.2 Funding

Unlike activities reported based on the calendar year, the financial information is based on a financial year, in this case, FY 2021/22, because funding was provided on that basis.

#### a) GOU funding

GOU remained the major funding source for UHRC, providing a total of UGX 20.845 billion. It

was supplemented by contributions from development partners who provided a total of UGX 1,542,692,963. These were: Justice, Law and Order Sector (JLOS), the German Cooperation for International Development (GIZ), United Nations Development Programme (UNDP), UNICEF and UNFPA. GOU provided 93.1% of the funding, and development partners 6.9%. GOU funding increased by 10.29% from UGX 18.903 billion in 2020/21 to UGX 20.845 billion in 2021/22 as donor funding reduced from 26% to 6.9%. The increase in GOU funding was attributed to the salaries of the volunteers who were paid under the Democratic Governance Facility (DGF) programme and on capital development vote. The reduction in donor funding resulted from the suspension of the operations of the DGF, which had been the second major source of funding for UHRC in the past 20 years. While GOU funding was much more than that of development partners, 94% of it was released mainly for operations and administrative expenses. Only 6% financed the core activities for implementing UHRC's constitutional mandate.

#### b) Donor funding

The total funding received from development partners during the FY 2021/22 was UGX 1,542,692,963 per the Table below.

**TABLE 48: CONTRIBUTIONS FROM DEVELOPMENT PARTNERS**

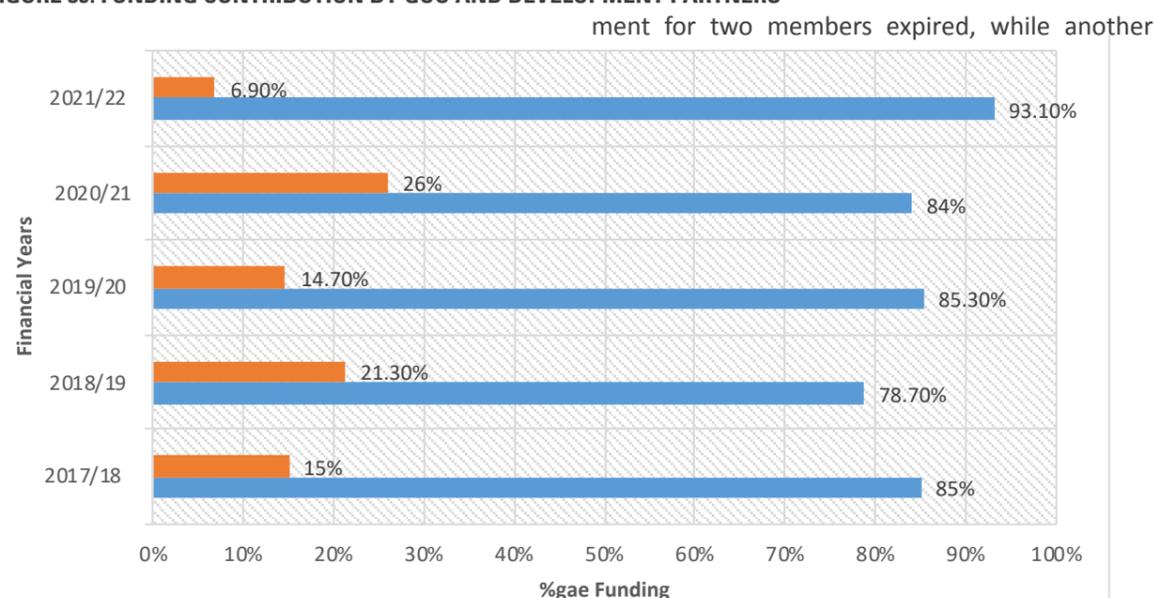
DEVELOPMENT PARTNER	AMOUNT IN UGX
JLOS	340,000,000
GIZ	867,189,463
UNDP	92,500,000
UNICEF	183,718,500
UNFPA	59,195,000
Total	1,542,602,963

The United Nations Office of Commissioner for Human Rights (OHCHR) paid for some services in kind as OHCHR and the Chinese Embassy. The GIZ provided IT equipment, office furniture, a motor vehicle and other items in kind to UHRC. The funding from development partners was mainly for core activities such as the human rights tribunal hearings investigations, monitoring and inspections, human rights civic education, development and production of ICT materials as well as staff capacity development. The Table below shows the funding trend for the last five years.

**TABLE 49: GOU AND EXTERNAL FUNDING TO THE UHRC OVER THE LAST FIVE YEARS**

EXPENDITURE ITEM	2017/18 UGX IN BILLIONS	2018/19 UGX IN BILLIONS	2019/2020 UGX IN BILLIONS	2020/2021 UGX IN BILLIONS	2021/2022 UGX IN BILLIONS
Wage	6,595	6,595	6,595	6,595	7,595
Non-wage	12,267	12,267	12,256	12,256	12,250
Capital development	0,412	0,412	0,0518	0,0518	1,000
Total funding from GOU	19,274	19,294	18,903	18,903	20,845
External sources	3,397	5,235	3,263	3,593	1,542
Total funding GoU plus external sources	22,671	24,529	22,166	22,496	22,387
% of GoU contribution	85%	78.7%	85.3%	84%	93.1%
% development partners contribution	15%	21.3%	14.7%	26%	6.9%

**FIGURE 39: FUNDING CONTRIBUTION BY GOU AND DEVELOPMENT PARTNERS**



### 9.4.3 Human resource management

#### a) Members of UHRC

At the beginning of 2022, UHRC was fully constituted with seven members, including the Chairperson. However, in February 2022, the contract appoint-

died. Consequently, by the end of November 2022, UHRC had three members and a chairperson. In December 2022, another three members of UHRC were sworn in. This affected service delivery in promoting and protecting human rights, particularly the tribunal hearings.

**TABLE 50: STAFFING LEVELS FOR THE YEAR ENDING DECEMBER 2022**

TITLE	APPROVED POSITIONS	STAFFING	FEMALE	MALE
Chairperson	1	1	1	0
Members of UHRC	6	3	2	1
Substantive staff	220	205	119	86

#### b) Members of Staff in UHRC service

Between January and December 2022, UHRC appointed 11 substantive staff to fill vacant positions. Other staff exited due to various reasons, as illustrated in the table below.

**TABLE 51: RECRUITMENT AND EXIT OF STAFF IN 2022**

ACTIVITY	TOTAL NUMBER	FEMALE	MALE
Appointed substantive staff	11	9	3
Assignment of duties	5	4	1
Resignations (substantive)	2	1	1
Non-renewal	5	1	4
Terminated	2	1	1
Dismissal	1	1	0
Reinstatement	2	1	1
Death	2	1	1

#### c) Training and capacity building for staff and other national and international institutions

UHRC trained staff in various programmes, as highlighted in the table below.

**TABLE 52: TRAINING PROGRAMMES CONDUCTED BY THE UHRC**

TRAINING PROGRAMMES/INTERVENTIONS	NO OF PARTICIPANT	FEMALE	MALE
Masters (students)	6	4	2
PGD (students)	3	1	2
PGD (Bar course LDC)	1	1	0
Diploma in Human Rights	2	2	0
Professional Courses CPA	6	1	5
Professional Courses(CIPS)	2	1	1
Degrees	2	1	1
<b>Training workshops/seminars /retreats</b>			
Training in communication skills and performance management for all support staff	35	0	35
Performance management feedback and review to staff in nine regional offices.	69	44	25
Human Rights Based Approach training of Trainers (TOT) for HRO-Education and HRO-Investigations	50	35	15
Induction training for new staff	15	11	4

The UHRC considers staff capacity building very critical in enhancing their knowledge and skills to perform their duties and be innovative and resourceful. The support staff acquired communication skills not only to improve in their day-to-day roles but also to be able to articulate the basic information about the UHRC and human rights in their different communities and to maintain the corporate image of the UHRC. The human rights-based approach (HRBA) is one of UHRC's strategies for integrating human rights into all government

actions and programmes. Therefore the training enabled staff to have the capacity in HRBA to be able also to sensitise other duty bearers and rights holders and monitor the implementation of HRBA in fulfilment of UHRC's constitutional mandate to promote human rights in Uganda. However, the UHRC's adequate service delivery is inhibited by inadequate human resources since the Ministry of Public Service has not yet approved UHRC's proposed staff structure of 469 staff which was submitted in 2016.

#### 9.4.4 Regional coverage of UHRC 2022

In 2022, UHRC opened two regional offices in Lira and Kabale to bring the total of regional offices to 12. UHRC also has 11 field offices, as shown in the Table below. A regional presence enables UHRC to

take human rights services closer to the people. It is also a step towards UHRC's desire to have a presence in each district. The UHRC's current regional presence is demonstrated in the Table below.

**TABLE 53: COVERAGE OF UHRC REGIONAL AND FIELD OFFICES**

REGIONAL OFFICE	DISTRICTS COVERED	FIELD OFFICE
Arua	Arua City, Arua, Terego, Maracha, Pakwach, Zombo, Yumbe, Moyo, Koboko, Obongi	Moyo
Central	Kampala City, Buvuma, Buikwe, Mukono, Kayunga, Mpigi, Butambara, Ngomba, Mubende, Kasanda, Mityana, Kiboga, Nakaseke, Luwero, Nakasongola, Wakiso	Buvuma
Fort Portal	Kasese, Bundibugyo, Kitagwenda, Kyenjojo, Kyegegwa, Kamwenge, Kabarole, Ntoroko, Fort Portal City	Kasese, Bundibugyo
Gulu	Gulu City, Pader, Agago, Lamwo, Kitgum, Amuru, Nwoya, Omolo, Gulu	Kitgum, Pader
Jinja	Jinja City, Jinja, Kamuli, Buyende, Kaliro, Mayuge, Iganga, Luuka, Bugweri, Namutumba, Bugiri, Namayingo, Busia, Tororo, Butaleja, Pallisa, Butebo, Budaka, Kibuku	0
Hoima	Hoima City, Hoima, Kikuube, Kakumiro, Kibaale, Kagadi, Buliisa, Masindi, Kiryandongo, Kyankwanzi	0
Kabale	Kabale, Kisoro, Kanungu, Rukungiri, Rubanda, Rukiga	0
Lira	Lira City, Lira, Amolatar, Apach, Kwania, Otuke, Oyam, Kole, Dokolo, Alebtong	0
Mbarara	Mbarara City, Mbarara, Ibanda, Kazo, Kiruhura, Buhweju, Bushenyi, Mitooma, Rubirizi, Sheema, Isingiro, Rwampara, Ntungamo	0
Masaka	Masaka City, Masaka, Kalangala, Lwengo, Rakai, Kyotera, Lyantonde, Sembabule, Kalungu, Bukomansimbi	Kalangala
Moroto	Moroto, Kotido Nakapiripirit, Napak, Abim, Kalenga, Kaabong, Amudat, Nabilatuk	Nakapiripirit, Kotido
Soroti	Soroti City, Soroti, Kaberamaido, Kapchorwa, Kween, Bukwo, Manafwa, Bulamburi, Bududa, Namisindwa, Kumi Bukedea, Katakwi, Kapelebyong Amuria, Serere, Ngora	Kapchorwa, Kaberamaido

#### 9.4.5 Construction of own office premises at headquarters, regional and field offices

Apart from Gulu regional office, UHRC is renting all its office premises at headquarters, regional and field office levels, and it is very costly. During the year under review, UHRC was given plots of land by Soroti City Council and Moyo Municipal Council on which to construct its offices. UHRC is in the process of transferring the titles of the said plots into its names. The European Union offered funds for the construction of Moyo office premises through the EU Supreme Project. However, the construction of the UHRC headquarters on Buganda Road and the regional office in Soroti needs funders since UHRC has no budget for the construction of offices.

#### 9.4.6 Transport

By January 2022, the UHRC fleet was only 39 vehicles. During the year under review, seven new vehicles were acquired to increase the fleet to 46. However, out of the 46 motor vehicles, 16

had been grounded and earmarked for boarding off. Out of the 30 running vehicles, only 15 were in good mechanical condition. It is these that were available to serve the entire UHRC personnel, including eight members of UHRC and staff that are chauffeur-driven by appointment as well as all other staff at the head office in the 12 regional and 11 field offices. UHRC operates country-wide, including in hard-to-reach areas and therefore, a reliable and sound fleet is a must. UHRC services could be enhanced by providing an additional 43 new vehicles, the current minimum required to enhance the timely implementation of activities. In addition, two of the 11 field offices are based on the islands of Lake Victoria, namely, Buvuma, which covers 54 islands and Kalangala, covering 84. The islands can only be accessed by water transport. UHRC requires speed boats to enhance the timely implementation of activities on the islands instead of the hitherto approach of hiring available local boats, which was not only costly but also largely unreliable, rudimentary and often unsafe.

**TABLE 54: STATUS OF UHRC FLEET**

NO. OF VEHICLES UHRC NEEDS	NO. OF VEHICLES PRESENT	VEHICLES EARMARKED TO BE BOARDED OFF	VEHICLES RUNNING BUT IN BAD STATE	VEHICLES IN GOOD CONDITION	VEHICLES AVAILABLE FOR USE (2022)	NO. OF VEHICLES REQUIRED
A	B	C	D	E	F=D+E	G=A-E
58	46	16	15	15	30	43

**9.4.7 Information and communication technology**

Information and communication technology (ICT) is a vital and integral part of UHRC’s operations. UHRC has invested in ICT infrastructure and systems to stimulate efficiency and support management planning, analysis and monitoring of its performance. With support from GIZ, the Chinese Embassy and the EU, UHRC acquired hardware which included 27 laptops (note-books), 20 all-in-one desktop computers, 12 flat-bedded scanners, one zoom solution, one heavy-duty photocopying machine, seven heavy-duty printers, six cameras, and two high power PA megaphones. To disseminate human rights information, enhance communication with the general public and make reporting human rights violations easy, UHRC developed and launched an interactive UHRC App, which can be downloaded and installed on Android and Mac mobile phones. The full automation of all UHRC’s business processes still remains a big challenge due to inadequate funding.

**9.4.8 A-Status accreditation**

UHRC maintained its A-Status accreditation by the Global Alliance for Human Rights Institution (GANHRI), which certified its compliance with international requirements for a fully functional national commission. This is the fifth round that UHRC has got A-Status accreditation. Accreditation is based on the Paris Principles, which define a fully functioning NHRI as that with a broad mandate based on universal human rights standards and competence; autonomy from the government; independence guaranteed by statute or constitution; pluralism, including through membership and/or effective cooperation; adequate resources and adequate powers of investigation. The A-Status enables UHRC to participate as a voting member in international and regional fora of NHRIs, maintain observer status during the Universal Periodic Review (UPR), and make statements to the Human Rights Council. The next review will be in October

2023.

**9.4.9 Public affairs management**

The Public Affairs Unit is responsible for managing the communications function and image/brand as well as the visibility of UHRC in fulfilment of its mandate of protection and promotion of human rights in Uganda. UHRC strives to maintain beneficial linkages with its various stakeholders, including the general public.

**a) Chairperson’s stakeholder engagements**

The Chairperson had various stakeholder engagements to develop, maintain and promote Commission relations and partnerships, among which were the following:

- A meeting with Eamon Gilmore, the European Union (EU) Special Representative for Human Rights and H.E Attilio Pacifici, the Ambassador of the EU to Uganda held on 5 April 2022 on the pertaining human rights situation in the country.



Gilmore (C), Chairperson, Hon. Wangadya (2nd R) and Pacifici (R) with Commissioners and the Secretary (L)



Farewell for Mr. Kotchani Robert Country Representative OHCHR

- A meeting on 16 August 2022 with the Chinese Ambassador to Uganda, which Members of UHRC, Hon. Crispin Kaheru, Hon. Shifra Lukwago and Hon. Jacklet Atuhaire also attended. The Ambassador pledged support to the UHRC.
- Together with members of the UHRC, she received a delegation from the Commonwealth Secretariat, United Kingdom, comprising Steve Onwuasoanya, the Human Rights advisor to the Secretariat and Ekanayake Mudiyansele Priyantha Sumedha, who visited from 17-21 October 2022 to offer technical support to UHRC on its role as the National Human Rights Institution in Uganda.
- Bidding farewell to former OHCHR Country

Representative Robert Kotchani on 8 September 2022. She described him as: “A man with enormous talent, a relentless advocate for Human Rights, an avid mobilizer yet so humble and polite.”

- Together with members of the UHRC, paying their last respects to the late Queen Elizabeth II at the British Council in Kampala, Uganda. They were welcomed by the British High Commissioner, H.E Kate Airey and signed a condolence.
- Joining H.E Ambassador Fukuzawa Hidemoto at the Embassy of Japan in Kampala, Uganda, on 13 July 2022 to commiserate with Japan over the assassination of its Prime Minister. The former Japanese Premier Shinzo Abe was assassinated on 8 July 2022 at a campaign trail

in the city of Nara, Japan.

### b) Press Conferences

UHRC held press conferences and issued press statements either alone or jointly mainly as part of the commemoration activities to mark the different international Days discussed above. A special press statement was issued on 14 February 2022 concerning a demonstration staged at the Office of the High Commissioner for Human Rights

regarding the alleged disappearance of Novelist Kakwenza Rukirabashaija and Samuel Masereka, National Unity Platform (NUP) coordinator, Kasese district.

### c) Participation in open days/corporate social responsibility

UHRC participated in open day activities of stakeholders as follows:

**TABLE 55: OPEN DAYS AND CORPORATE SOCIAL RESPONSIBILITY**



The UHRC team at the MTN Marathon

### 9.4.10 Planning and budgeting

The UHRC Strategic Development Plan 2020/21-2024/25 was disseminated in all UHRC offices for staff to know and appreciate the UHRC strategic direction for the Plan period, the UHRC interventions in the Plan period and the linkage with the 3<sup>rd</sup> National Development Plan (NDP III) and the Governance and Security Programme (GSP) objectives. Budget Consultative meetings were also held in all regional offices to enable staff to participate in the FY 2023/2024 budgetary processes. Monitoring and evaluation was undertaken in the regions to assess the extent to which UHRC activities contributed to respect for human rights.

The UHRC, in compliance with the government planning and budgeting frameworks, prepared and submitted on time the Budget Framework Paper and Ministerial Policy Statement to Government, albeit the disruptions in the online budgeting

system. All quarterly, semi-annual and annual performance reports were prepared and submitted to the same ministry and the GSP Secretariat in the prescribed formats on time. UHRC continued to excel regarding budget compliance certification conducted by the EOC with a 0.55 percentage points increase from 75.45 in FY 2020/21 to 76% in FY 2021/22.

### 9.4.11 Challenges

1. UHRC is inadequately funded by the government in terms of activities and human resources.
2. The salaries of UHRC staff remain grossly uncompetitive, hence high labour turnover, which affects its capacity to deliver on its core mandate of protecting and promoting human rights in the country.

3. UHRC is constrained in reaching everywhere in the country, including hard-to-reach areas.
4. The lack of speed boats for transportation on the islands constrains the Buvuma and Kalangala Field offices and affects the timely implementation of activities.
5. The lack of funds for UHRC to extend beyond the current regional reach means that many people, especially at the grassroots, have challenges accessing UHRC services.
4. The Uganda Human Rights Commission should be allocated the funds to acquire speedboats for the two field offices (Buvuma and Kalangala) based on the islands.
5. The Ministry of Finance, Planning and Economic Development should make budgetary provisions for capital development to construct the Ugandan Human Rights Commission headquarters and regional office premises.
6. The Ministry of Finance, Planning and Economic Development should provide adequate funding for the Uganda Human Rights Commission to invest significantly in information, communication and technology. This includes affordable internet of appropriate speed, equipment, software and apps to support case management, human rights education, and monitoring.

### 9.4.12 Recommendations

The Ministry of Finance, Planning and Economic Development should make deliberate efforts to improve the Medium-Term Expenditure Framework (MTEF) to address the underfunding of UHRC. This includes the following.

1. The Uganda Human Rights Commission should stop depending on donor funding for core activities.
2. The Uganda Human Rights Commission should have sufficient funding from the Ministry of Finance, Planning and Economic Development to pay competitive wages to staff to address the challenge of high staff turnover.
3. The Uganda Human Rights Commission should be allocated the funds to acquire at least 43 new vehicles and maintain the existing fleet.
7. The Ministry of Finance, Planning and Economic Development should allow budget allocations to build the capacity of staff in information, communication and technology and digital management to acquire skills to be effective in the new reality of digital migration. The Ugandan Human Rights Commission staff require skills to effectively implement the digital media and communication programmes that are currently the global communications channels, defend rights and freedoms online, and participate in internet-assisted innovations to protect and promote human rights.

# THE UHRC'S POSITIONS ON BILLS AND ITS ADVISORY ROLE TO THE UGANDAN GOVERNMENT

## 10.1 INTRODUCTION

The Uganda Human Rights Commission is mandated under Articles 52 and 53 of the Constitution of the Republic of Uganda to promote and protect human rights. In discharging its mandate, the UHRC monitors the government's compliance with international treaties and conventional obligations on human rights and makes recommendations to Parliament on effective measures for the promotion of human rights.

Furthermore, the UHRC is mandated to review and analyse bills in order to ensure that they are in compliance with international human rights obligations and standards and not in conflict with existing laws. It is on this basis the UHRC reviewed and submitted its positions on the following:

1. The Competition Bill, 2022
2. The Uganda Human Organ Donation and Transplant Bill, 2022
3. Human rights advisory on the disparity between science and arts teachers' salaries.

## 10.2 UHRC'S POSITION ON THE COMPETITION BILL, 2022

### 10.2.1 General background to the Bill

The primary goal of the Bill is to promote and safeguard competition in the national economy;

to protect consumers from unfair and misleading market conduct, to provide for the establishment, powers and functions of the competition. In this case, the Bill indicates that it is intended to control the anti-competitive behaviour of firms that have a negative impact on competition in Uganda's market that is to maintain and control prices; vertically, including exclusive, dealing, resale price maintenance, geographical limitations on activities and tied dealing; misuse of market power by monopolies and large firms; and control of mergers and acquisitions to ensure that they do not impair overall competitive conditions in the market.

The UHRC notes that the competition law is timely and highly welcome considering the fact that Uganda has never had a national competition law. The regulation of competition has been applied on a sector-specific basis. The key sectors here have been telecommunications<sup>569</sup>, electricity<sup>570</sup>, insurance<sup>571</sup>, banking<sup>572</sup> and energy. It is also important to note that such provisions are restricted to those sectors and are not comprehensive enough for the purpose of competition law.

### 10.2.2 Positive aspects of the Bill

The UHRC welcomes the initiative of the Bill, which intends to fill the gap in the laws of Uganda in regard to control of anti-competitive behaviour of firms that have a negative impact on competition in Uganda's market, and notes the following positive aspects:

569 Through the Uganda Communications Commission which is statutorily mandated to promote, monitor and enforce fair competition in the communications sector.

570 The Electricity Regulatory Authority is required to promote competition in the sub-sector, and to investigate any market player who commits any act or omission in breach of fair competition

571 The Insurance Regulatory Authority has a general mandate to promote effective competition in the insurance sector in the interests of consumers, the growth and development of the insurance sector and the development of an inclusive insurance sector.

572 Bank of Uganda has an overarching mandate to monitor market conduct in the financial institutions sector

#### a) General protection of consumers

The Bill seeks to encourage and maintain market competition, safeguard the interests of customers and market freedom in Uganda. The Bill mainly focuses on avoiding certain activities in the market that hurt the businesses or consumers or both sectors and curb the practices violating the ethical behaviour of the market. More so, the Bill considers the interests of the consumers and allows the participants in the Ugandan market to trade with freedom.

#### b) Prohibition of anti-competitive agreements and practices

Clause 8 indicates that agreements, decisions or conduct in respect of the provision of goods and services across the entire value chain and which cause or are likely to cause an adverse effect on competition in the market are prohibited. Agreements or activities which contravene this prohibition are deemed to be void. Establishing whether an agreement, decision or conduct has as its object or effect the prevention, restriction or distortion of competition is usually not straightforward, and the Competition Bill contains a non-exhaustive list of examples. These include; price-fixing, territory-marking, bid-rigging or collusive tendering, tie-in arrangements, exclusive supply and distribution agreements and resale price maintenance. In assessing whether an agreement or conduct is anti-competitive, the Technical Committee shall consider whether the agreement or activity in question results in the creation of barriers to new entry, forces existing competitors out of the market, or results in consumer benefit or pro-competitive impact. Consistent with an internationally recognised exception, an agreement or conduct shall not be anti-competitive where it is shown to contribute to improving production and distribution and promote technical and economic progress while allowing consumers a fair share of the benefit.

#### c) Regulating fair competition in the market

The primary goal of the Bill is to control anti-competitive behaviour of firms that have negative impact on competition in the Uganda market.

#### d) Clause 10:- Prohibition of abuse of dominant position

Under Clause 10 states that an organisation is deemed to be dominant if it possesses a substantial level of market power, and organisations with a dominant position are prohibited from abusing that position. In assessing the 'dominant position', the Technical Committee shall refer to a number of empirical and subjective factors, market share being one of them, and the Competition Bill provides a threshold of 35%. The other factors are subjective guideposts as to whether an organisation enjoys significant market power. Only the abuse of the dominant position results in an infringement of the prohibition and the non-exhaustive list of specific conduct which may constitute abuse include:

- Directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions;
- Limiting production, markets or technical development to the prejudice of consumers;
- Applying dissimilar conditions to equivalent transactions with other trading parties;
- Making the conclusion of contracts subject to acceptance by the other parties, of supplementary obligations which have no connection with the subject of the contracts; and
- Conduct designed to exclude competitors (including predatory pricing, refusal to deal, refusal of access to essential facilities, among others).

#### e) Clause 14(1) Regulation of mergers and their effect on the market

Clause 14(1) provides that an enterprise which proposes to enter into any merger, acquisition or joint venture shall give notice of the merger, acquisition or joint venture to the ministry in the manner and form prescribed by the minister by regulation, and any merger entered into in contravention of this section is void.

**f) General protection against the creation of monopolies or monopolistic tendencies and practices**

The UHRC notes that the Bill is meant to promote competition between enterprises and leaves the market unbound by the manipulation of stronger trading enterprises. This, in the long run, will safeguard Ugandan markets from monopolies and monopolistic tendencies and practices.

**10.2.3 UHRC's observations and recommendations**

**TABLE 56: OBSERVATIONS AND RECOMMENDATIONS ON THE COMPETITION BILL**

RECOMMENDATION	
<p><b>Clause 1: Applications</b></p> <p>The UHRC notes that the scope of application is limited, which may exclude key actors in trade.</p>	<p>1. The Act should apply to all persons, including the Government, State corporations and local authorities, as far as they engage in trade.</p> <p>2. There is a need to widen the scope to extend to extraterritorial jurisdiction for Ugandan citizens and companies outside Uganda who want to compete and do business in Uganda. These should include:</p> <ul style="list-style-type: none"> <li>a) a citizen of Uganda or a person ordinarily resident in Uganda;</li> <li>b) a body incorporated in Uganda or carrying on business within Uganda;</li> <li>c) any person in relation to the supply or acquisition of goods or services by that person into or within Uganda; or</li> <li>d) any person in relation to the acquisition of shares or other assets outside Uganda resulting in the change of control of a business, part of a business or an asset of a business in Uganda.</li> </ul>
<p><b>Clause 2: Interpretation</b></p> <p>The UHRC notes that some keywords in the Bill need to be interpreted for better clarity.</p>	<p>1. Define the word 'competition'.</p> <p>Means competition in a market in Uganda and refers to the process whereby two or more persons:</p> <ul style="list-style-type: none"> <li>a) supply or attempt to supply to; or</li> <li>b) acquire or attempt to acquire from the people in that market the same or substitutable goods or services;</li> </ul> <p>3. Define the word 'market'</p> <p>Means a market in Uganda or a substantial part of Uganda and refers to the range of reasonable possibilities for substitution in supply or demand between particular kinds of goods or services and between suppliers or acquirers, or potential suppliers or acquirers, of those goods or services.</p>
<p><b>Clause 3: Administration of the Act</b></p> <p>The Bill indicates that the Act will be administered by the Ministry responsible for trade.</p>	<p>The Bill should establish an Authority to be known as the Competition Authority. The Authority should be independent, perform its functions, and exercise its powers independently and impartially without fear or favour. The Authority should also be a body corporate with perpetual succession.</p>

**CLAUSE**

**Clause 4: Functions of the Ministry (Authority)**

The UHRC notes that the functions of the Ministry (Authority) under the clause are limiting and therefore need to be broadened in scope.

**Clause 4: Functions of the Ministry (Authority)**

The UHRC notes that the functions of the Ministry (Authority) under the clause are limiting and therefore need to be broadened in scope.

**Clause 6: Technical Committee and customer protection**

The Bill directs the Ministry to put in place a technical committee to administer the functions of the Ministry.

**Clause 7: Power of Ministry to order for cancellation of agreements**

The Bill under Clause 7 gives the Ministry power to order for termination or cancellation of an agreement that is anti-competitive. Whereas this is welcome, the termination of an agreement is one that requires a judicial or quasi-judicial process. This has to be clearly spelt out to avoid legal action arising from the same.

**Clause 8: Prohibition of anti-competitive practices**

Clause 8 prohibits persons from entering into agreements or making decisions that are anti-competitive. However, the term 'person' is not defined to include a company or any other legal entity that will enter into agreements.

**Clause 20: Procedure of making inquiries**

Clause 20 provides that the Ministry may institute an inquiry upon receipt of a complaint or reference from any concerned third party or on the basis of knowledge or information acquired by the Ministry from any source. The UHRC notes that no indication has been made in terms of the time frame required to address a complaint.

**Additional clauses**

**10.2.4 Conclusion**

The UHRC notes that the proposed Competition

Bill 2022 is a positive step intended to curtail the

anti-competition practices and tendencies that promote unfair advantage. Further, the Bill is intended to promote market competition, safeguard the interests of the consumers and market freedom in Uganda. This is progressive as it will protect businesses regardless of size and avoid edging out of the relatively small enterprises by the big ones.

**RECOMMENDATION**

The UHRC recommends that the Authority should have the following functions:

- a) Promote and enforce compliance with the Act;
- b) Receive and investigate complaints from legal or natural persons;
- c) Promote public knowledge, awareness and understanding of the Act and the duties, functions and activities of the Authority;
- d) Promote the creation of consumer bodies and the rules to be followed by such bodies in protecting their interests;
- e) Recognise consumer bodies duly registered under the Act in their areas of operation to represent consumers;
- f) Make available to consumers information and guidance on the Act and the rights and remedies available to consumers;
- g) Carry out inquiries, studies and research into matters relating to the interests of consumers;
- h) Study government policies, procedures and programmes to assess their effects on competition and consumer interests;
- i) Investigate impediments to competition, including a whole or in particular sectors and publicise the findings;
- j) Investigate and report on anti-competitive practices.

**10.3 THE UHRC'S POSITION ON THE HUMAN ORGAN TRANSPLANT AND DONATION BILL**

**10.3.1 General background to the Bill**

The World Health Organization, the United Nations' specialised agency for health, adopted in the 1991 World Health Assembly the Guiding Principles for Human Organ Transplants (Resolution WHA 40.13), which have had a great influence on professional codes and legislation. These principles emphasised voluntary donation, non-commercial

**transplantation, and the preference for deceased donors over living donors**

as well as for genetically-related donors over non-related donors. On 22 May 2004, the 57th World Health Assembly adopted Resolution WHA 57.18 concerning human organ and tissue transplantation. This recommends the extension of the use of living donors, in addition to deceased donors, and to take measures to protect the poorest and vulnerable groups from 'transplant tourism' and the sale of tissues and organs, including attention to the wider problem of international trafficking in human tissues and organs.

The UHRC recommends that non-natural persons could be included in the definition of 'person' in section 2 of the Bill. The UHRC recommends that the time for an inquiry is a reasonable time to complete an inquiry.

**transplantation, which means that many people who would have benefited from such intervention will die. The Ministry should ensure that the growing demand for organ transplants and the strict limits on available supply as the direct cause of many deaths during inquiry**

is a reasonable time to complete an inquiry. The UHRC notes that the time for an inquiry is a reasonable time to complete an inquiry.

**It is that UHRC notes that the growing demand for organ transplants and the strict limits on available supply as the direct cause of many deaths during inquiry**

is a reasonable time to complete an inquiry. The UHRC notes that the time for an inquiry is a reasonable time to complete an inquiry.

Uganda, over a long period, has had no law governing the transplanting and donating of human organs and yet it is becoming an increasingly important part of health care that requires urgent and constant attention. On the other hand,

573 Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, 68th Session Item 69 (b) of the provisional agenda\* Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms.

human organs in Uganda have for a long time been unlawfully transplanted, donated, and even stolen because of the absence of any law to regulate the activity (Refer to the UHRC 24<sup>th</sup> Annual Report, 2021). These have been consequent of and advertently supported inhuman and illegal activities like human trafficking, kidnap and murder. This created the need for a law regulating and governing the transplanting and donating of organs in Uganda in order to prevent the above-mentioned challenges as well as promote health care in the country.

### 10.3.2 Objectives of the Bill

The major objective of the Uganda Human Organ Donation and Transplant Bill is to establish a legal framework for the regulation of organ, cell and tissue donation and transplant in Uganda. Secondly, the Bill is aimed at protecting the dignity, identity, and integrity of the activity and persons involved, as well as providing for the consent of the persons involved in the transplanting and donating of organs in Uganda. It is also to guarantee the non-discrimination and respect of persons as well as their fundamental rights in relation to transplanting and donating organs, cells and tissue in the country. It seeks to establish a procedure for organ, cell and tissue transplantation and donation and also create a database of the donors and recipients of the organs. The Bill also aims at creating penalties and offences regarding the transplanting and donating of organs in Uganda to fast-track the prohibition and sanctioning of human-organ trafficking in Uganda. This will be handled by the Human Organ Donation and Transplant Council, which is provided for in the Bill.

### 10.3.3 Positive aspects of the Bill

The Bill has a number of positive aspects that not only regulate but also protect the procedure of transplanting and donating human organs in Uganda including the following.

- **State's Obligations**

Uganda has ratified a number of international and regional human rights instruments with stipulated rights which will be operationalised by this Bill. These include the right to health which is secured under Article 12 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR), 1966. The right to security of a person and the freedom from torture, cruel, inhuman and degrading treatment will be protected as provided under International Covenant on Civil and Political Rights (ICCPR). The right to privacy and the right to information will also be realised as provided under the ICCPR.

- **Establishment of an independent institution to regulate and supervise all dealings in organ transplantation and donation**

Clauses 7 and 14 of the Bill provide for the establishment of the Uganda Organ Donation and Transplant Council, which is meant to oversee the transplantation and donation of organs, cells and tissue in Uganda. This is commendable because the Council will be charged with regulating, organising and supervising all national human organ transplant and donation activities. It will also oversee, coordinate, and regulate as well as ensure the safety and quality of the processes of acquiring and donating human organs, cells and tissue in the country.

- **Criteria for transplant centres**

The Bill provides for safeguards and quality control of places authorised to conduct transplant procedures. Clause 30 of the Bill provides for the criteria for considering a specialised hospital as a transplant centre. The criteria are limited to hospitals with fully-fledged emergency care and surgery services such as intensive care units, specialised medical professionals, etc. This is a commendable safeguard which will help in improving the quality of human organ transplant and donation activities.

- **Prohibition of children as potential donors**

The Bill excludes and prohibits children and persons below the age of 18 years from organ donation. Children are vulnerable and are never in a position to consent to such procedures. Clause 72 explicitly prohibits any donation from a living child. This provision is important in protecting children from exploitation and abuse. However, this provision only applies to living children.

- **Protection of poor and vulnerable persons**

The risk of exploitation of vulnerable and poor persons is high. Guiding Principle 5 of WHO Guiding Principles on Human Cells, Tissue and Organ Transplantation states that: "the human body and its parts cannot be the subject of commercial transactions"<sup>574</sup>. In order to protect persons from exploitation, the Bill under Clause 86 prohibits commercial dealings in human material for transplantation. This means that money or any other form of compensation for organs, tissues or cells other than reimbursement of donation-related expenses is prohibited. The sale of one pair of organs, such as eyes or kidneys, by a living donor for financial or other forms of compensation is also prohibited.

UHRC notes that allowing the practice of organ selling inherently runs the risk of promoting the notion that some persons have less worth than others and that persons have a price, which is incompatible with dignity. The success of transplantation as a lifesaving treatment should not require nor justify victimizing the poor or vulnerable people as the source of organs for the rich. The UHRC, therefore, welcomes this provision in the Bill.

- **Provision of a national waiting list**

Clause 53 describes the donation scheme (the national waiting list) as a fair and equitable system. It is explicitly stated in subsection (5) that access to organs, cells and tissues shall be provided without regard to recipient sex, age, religion, race, creed, colour or financial standing. In other words, access to transplant organs, cells or tissues is based on the principle of non-discrimination.

574 WHO Guiding principles on Human Cells, Tissue and Organ Transplantation –principle 5

- **Requirement for registered practitioners to obtain authority and consent before harvesting any tissue**

Under Clauses 61 and 67 require all registered medical practitioners in transplant centres will be required to obtain consent before harvesting any tissue, cell or organ from a donor. Clause 71 also provides for the authority to remove human organs, tissue and cells. The process of obtaining the consent shall be written or spoken in a language that is understandable to the donor or the donor's next of kin under subclause 61(6). The UHRC believes that obtaining consent from any donor before a donation procedure is necessary to ensure that the right to health is respected and protected.

- **Informed consent**

Any intervention in the health field can only be carried out after the person concerned has given free and informed consent to the procedure. Clause 67 (4) (b) and (c) includes the responsibility of the Council to inform the donor of the long-term benefits and risks relating to the procedure. This will enable donors to make informed decisions about the donation. In accordance with the WHO guiding principles on human cell, tissue, and organ transplantation, there needs to be an adequate balance of the interests of recipients and donors. Benefits to both parties should outweigh the risks of donation and transplantation.<sup>575</sup>

- **Revocation of consent**

Donors should be free to revoke or withdraw consent at any time before the procedure is done. The UHRC is happy to note that the Bill provides for an option of revocation of consent. Under Clause 94, a person may revoke the consent given at any time before harvesting of organs or cells without giving any justification.

<sup>575</sup> <https://benefits.to/bothapps.who.int/iris/bitstream/handle/10665/341814/WHO-HTP-EHT-CPR-2010.01-eng.pdf?sequence=1>.

### 10.3.4 Human rights concerns arising from the provisions of the Bill

UHRC notes the Bill still has some clauses which raise human rights concerns and may either require review or reconsideration.

#### CLAUSE

#### RECOMMENDATION

##### DEFINITION AND PROOF OF BRAIN DEATH

The definition of brain death is important in all deceased donor transplantations. Accepting brain death is often the most problematic, yet it has not been defined in the Bill. For one to be brain dead, there should be mandatory and sound medical evidence that the brain is irreversibly dead. While the public, in most cases, generally accepts medical conclusions of brain death, there have been occasional cases where families have rejected medical diagnoses of brain death by the medical team. The UHRC, therefore, notes that the term brain dead is not defined in the interpretation section even though the term is mentioned in Clause 69 of the Bill.

The UHRC recommends that there is a need to define the meaning of brain dead in the definition section.

##### COMPENSATION FOR LOSS OF EARNINGS

Clause 86 prohibits commercial dealings in human material for transplantation and stipulates that “monetary or any other form of compensation for organs, tissues or cells other than reimbursement of donation related expenses is prohibited.” Clause 88 (2)(a) allows for payments which do not constitute financial gain or comparable advantage, in particular compensation for living donors for loss of earnings or any justifiable expenses caused by the removal or related medical examinations. The UHRC is concerned that the provision for compensation of loss of earnings could result in commercialised dealings of organs, tissue and cells under the pretext of compensation for lost earnings.

The UHRC recommends that the Bill excludes any clauses which could be misconstrued, misinterpreted or exploited to cause commercial dealings in human material for transplantation.

##### NEED FOR CLARITY ON THE WAITING LIST

Clause 52 of the Bill provides that the Council shall establish and maintain a national waiting list for potential organ, tissue and cell donors and recipients drawn from designated transplant centres, hospitals and health centres. However, the UHRC is concerned about the criteria and priority of the waiting list. The concerns relate to:

- a) Who gets priority to receive an organ, tissue or cell;
- b) Whether priority will be based on the urgency of a patient to receive an organ, severity of a person's illness, age, first come, first served or other factors;
- c) Whether social and economic social status or other factors will influence this decision.
- d) Whether a donor has an option to donate to a relative or preferred individual.

The Bill does not provide for situations where a donor may prefer to donate to a particular individual. In such circumstances, it is not clear whether the donor can donate to a preferred individual or whether the Council will instead follow the list.

UHRC recommends that the Bill make provision for situations where individuals donate to relatives or friends who may not be on the list. It should also give clarity on the priority groups of persons to receive organs.

##### MEDICAL AND PSYCHOSOCIAL SUPPORT TO DONORS

UHRC is cognizant of the fact that organ transplantation is very expensive and limited to the surgical and continuing rehabilitation processes. The Bill does not indicate how the donors will be assisted medically and psychologically in the recovery process which might take long, depending on the procedure taken. UHRC is particularly concerned about the vulnerable persons who might not be able to meet those costs.

The UHRC recommends that the Bill explicitly includes a provision for medical and psychosocial support to donors who might require long-term care after the removal of organs. This will be aimed at assisting the donors to recover and not for payment for donation of organs.

## CLAUSE

### ABSENCE OF COMPLAINTS PROCEDURES

The Bill does not provide for any complaints or redress procedures for donors or their relatives when a surgery goes wrong or is mishandled. In Clause 14, the Bill provides that the Council may investigate any complaint of breach of any of the provisions of this Act or any other applicable law; however, it does not give procedures to victims or their next of kin on how a complaint may be made.

### ACCESS TO INFORMATION

While it is clearly articulated in Clause 37(4)(5), that the public will have access to information regarding the donation of organs, tissues or cells, the wording of the provision leaves room for designated transplant centres to establish or produce their individual material/literature, thus giving room for inconsistency in information for dissemination. The right to health includes the right to receive, impart and seek health-related information in an accessible format.

### 10.3.5 Conclusion

The enactment of a law on organ donation and transplantation is key in addressing several human rights violations that Ugandans face. These have been at the forefront in recent years, from murders of women in Wakiso and extraction of their body organs to human trafficking and kidnap of people to different countries for organ extraction without their knowledge or consent. However, with the enactment of this law, the Government will ensure that organ donation and transplantation are made in a safe and regulated environment to ensure that those in need of organs can readily access them in Uganda and that donors are well-informed and able to consent to safety procedures.

## RECOMMENDATION

Clear complaints procedures should be included in the Bill to ensure access to justice and redress for any violation of rights.

The UHRC recommends that all material/literature relating to organ donation should be standardised and regulated. Information should also be accessible, available, acceptable and of good quality for all.

# UPDATES ON UGANDA'S REPORTING TO INTERNATIONAL AND REGIONAL HUMAN RIGHTS MECHANISMS

## 11.1 INTRODUCTION

Uganda's commitment to advancing and promoting human rights is not only rooted in her history as a former British colony but is also accentuated by her recent history, which was characterised by rampant human rights violations. As a safeguard to the promotion and protection of human rights, Uganda became a Member of the United Nations and the African Union and subsequently committed itself to the promotion and protection of human rights. Uganda's commitment has since then been demonstrated by her ratification of the following:

- i) where the treaty relates to armistice, neutrality or peace;
- ii) in the case of a treaty in respect of which the

ification of the nine core international human rights treaties, including the ICCPR, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Elimination of All Forms of Discrimination Against Women and Convention on the Rights of the Child.

The Uganda Human Rights Commission's mandate under Article 52(1) (h) of the 1995 Constitution of Uganda, as amended, is to monitor Government's compliance with international and regional treaties, conventions and obligations on human rights that

- Attorney General has certified in writing that its implementation in Uganda would require an amendment of the

have been ratified and make recommendations to enhance protection and protection.

In this regard, the UHRC monitored the Government's compliance with international treaty and convention obligations on human rights in 2022. This chapter presents updates on ratification, including the nine core or fundamental International Labour Organization Conventions and makes a focus on the domestication of the ICCPR. It also gives an update on Uganda's status of submission of reports to the treaty bodies in 2022, highlights the special procedure

Constitution.

mandate and gives recommendations and a conclusion.

## 11.2 RATIFICATION PROCESS IN UGANDA

'Ratification', 'acceptance', 'approval' and 'accession' mean, in each case of the international act so named, a State establishes on the international plane its consent to be bound by a treaty. Article 123(2) of the 1995 Constitution stipulates that Parliament shall make laws to govern ratification of treaties, conventions, agreements or other arrangements made under

Clause (1) of this article. Parliament passed the Ratification of Treaties Act (RTA) Cap 204 (Laws of Uganda) in 1998. The RTA Cap 204 defines a treaty to include a convention, agreement or other arrangement made under Article 123(1) of the Constitution.

Section 2 of the RTA provides that all treaties shall be ratified as follows:

- a) by the Cabinet in the case of any treaty other than a treaty referred to in paragraph of this section; or
- b) by Parliament by resolution:

**TABLE 57: RATIFICATION STATUS FOR UGANDA AS AT 10 FEBRUARY 2023**

TREATY	SIGNATURE DATE	RATIFICATION DATE: ACCESSION (A) SUCCESSION (D)	DENUNCIATION DATE
Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT)		03 Nov 1986 (a)	
Optional Protocol of the Convention against Torture (CAT-OP)			
International Covenant on Civil and Political Rights		21 Jun 1995 (a)	
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty (CCPR-OP2-DP)			
Convention for the Protection of All Persons from Enforced Disappearance (CED)	06 Feb 2007		
CED Article 32 - Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance			
Convention on the Elimination of All Forms of Discrimination against Women		22 Jul 1985	
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	30 Jul 1980	21 Nov 1980 (a)	
International Covenant on Economic, Social and Cultural Rights (ICESCR)		21 Jan 1987 (a)	
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)		14 Nov 1995 (a)	
Convention on the Rights of the Child (CRC)	17 Aug 1990	17 Aug 1990	
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (CRC-OP-AC)		06 May 2002 (a)	
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography (CRC-OP-SC)		30 Nov 2001 (a)	
Convention on the Rights of Persons with Disabilities (CRPD)	30 Mar 2007	25 Sep 2008	
Optional Protocol to the CRPD on Individual complaints procedure		25 Sep 2008	
Art 6-7 on inquiry procedure under the CRPD		25 Sep 2008	
The African Charter on Human and Peoples Rights		1986	
Protocol to the African Charter on Human and Peoples Rights		22 July 2010	
African Charter on the Rights and Welfare of the Child			
Protocol to the African Charter on Human and Peoples Rights on the Rights of Older Persons.			

**Eight fundamental ILO conventions ratified by Uganda**

The UHRC notes that Uganda has also ratified nine fundamental ILO conventions. These include:

- a) Forced Labour Convention, 1930 (No. 29). [4 Jun 1963]
- b) Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87). [2 Jun 2005.]
- c) Equal Remuneration Convention, 1951 (No. 100). [2 Jun 2005.]
- d) Abolition of Forced Labour Convention, 1957 (No. 105). [4 Jun 1963.]
- e) Discrimination (Employment and Occupation) Convention, 1958 (No. 111). [Jun 2005.]
- f) Minimum Age Convention, 1973 (No. 138). Minimum age specified: 14 years [25 Mar 2003.]
- g) Worst Forms of Child Labour Convention, 1999 (No. 182). [25 Mar 2003.]
- h) Right to Organize and Collective Bargaining Convention, 1949 (No. 98). [4 Jun 1963.]

**11.3 DOMESTICATION**

Uganda being a dualist State means that all international treaties and conventions that have been ratified should be domesticated through the legislative process. The UHRC this year (2022) focused on the domestication of the ICCPR, trying to assess the extent to which the Government has domesticated the standards provided for under the ICCPR. Some of the provisions of the ICCPR have been domesticated into national law as follows;

**TABLE 58: PROVISIONS OF THE ICCPR DOMESTICATED INTO NATIONAL LAW IN UGANDA**

ARTICLES	STATUS OF DOMESTICATION
Article 1: The right to self-determination.	<ul style="list-style-type: none"> <li>• This right is protected by the 1995 Constitution of the Republic of Uganda under the National Objectives and Directive Principles of State Policy, particularly Objective IV, IX and X.</li> </ul>
Article 2: Protection of all individuals within the State Party's territory to the rights recognised in the Covenant without distinction of any kind such as race, colour, sex or language.	<ul style="list-style-type: none"> <li>• The 1995 Constitution of the Republic of Uganda under Article 21 protects all persons within Uganda from discrimination based on any ground, including race, tribe, ethnic origin, colour, social or economic standing.</li> <li>• The Equal Opportunities Commission Act 2007 was enacted to eliminate discrimination and inequalities against any individual or group of persons on the ground of sex, age, race, colour, ethnic origin, tribe, birth, creed or religion, and economic or social standing.</li> <li>• The Human Rights Enforcement Act 2019 gives a procedure for the enforcement of human rights.</li> <li>• The Uganda Human Rights Commission Act 1997 was enacted to promote and protect human rights for all within Uganda.</li> </ul>
Article 3 of the ICCPR: Equal rights of men and women to the enjoyment of all civil and political rights as set forth in the present Covenant.	<ul style="list-style-type: none"> <li>• Article 21 of the 1995 Constitution of the Republic of Uganda provides for equality and non-discrimination and that all persons are equal before and under the law and shall enjoy equal protection of the law.</li> </ul>
Article 4 of the ICCPR: Protection of human rights during a state of emergency	<ul style="list-style-type: none"> <li>• The 1995 Constitution of the Republic of Uganda under Article 46 provides for the protection of human rights during a state of emergency.</li> <li>• Article 44 of the Constitution prohibits the derogation from particular human rights during a state of emergency, such as the right to freedom from torture, cruel, inhuman and degrading treatment or punishment; freedom from slavery and servitude, the right to a fair hearing and the right to an order of habeas corpus.</li> </ul>

Article 5 of the ICCPR: Limitation of Rights in the Covenant

- The 1995 Constitution under Article 43 provides a general limitation on the enjoyment of human rights and freedoms where such rights prejudice the enjoyment of the rights of others or the public interest.

Article 6 of the ICCPR: Every human being has the inherent right to life

- Article 22 of the 1995 Constitution protects the right to life and provides that no one shall be deprived of their right to life except in the execution of a sentence passed in a fair trial by a court of competent jurisdiction.
- The Children's (Amendment) Act 2016 in Section 104A prohibits the death sentence for any person below the age of 18 years.
- The Law Revision (Penalties in Criminal Matters) Miscellaneous (Amendment) Act, 2019 removed reference to the mandatory death penalty in specific legislation and restricts the application of the death penalty to only the most serious offences.

Article 7 of the ICCPR: No one shall be subjected to torture, cruel, inhuman or degrading treatment or punishment

- The 1995 Constitution under Article 24 prohibits any form of torture, cruel, inhuman or degrading treatment or punishment against any person in Uganda.
- The Prevention and Prohibition of Torture Act (PPTA) 2012 and the Prevention and Prohibition of Torture Regulations 2017 provide that acts of torture should be prohibited and punished in Uganda.
- The Uganda Human Rights Commission Act 1997 operationalised the Uganda Human Rights Commission, which was established under Article 51 of the 1995 Constitution to protect all human rights as enshrined in the Constitution.
- The Human Rights Enforcement Act 2019 gives effect to Article 50(4) of the 1995 Constitution by providing for the procedure of enforcing human rights under Chapter Four of the Constitution in conformity with the ICCPR. In Section 10, it provides for personal liability for infringement of rights and freedoms; in Section 14, it provides for the loss of immunity from prosecution where a person has violated the rights of another.

Article 8 of the ICCPR: No one shall be held in slavery; slavery and slave trade in all their forms shall be prohibited. No one shall be held in servitude. No one shall be required to perform forced or compulsory labour.

- Article 25 of the 1995 Constitution prohibits the holding of any person in slavery or servitude and this right is one of the non-derogable rights under Article 44 of the Constitution.
- The Children's Act 1997 (as amended) prohibits the employment of children in any activity that may be harmful to their health, education or mental and physical or moral development.
- The Penal Code Act, Cap 120, prohibits the buying of any person as a slave and the habitual dealing of slaves.
- The Employment Act 2006 prohibits forced or compulsory labour as well as the employment of children in harmful activities.

Article 9 of the ICCPR: Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.

- Article 23 of the Constitution protects the right to personal liberty except in the prescribed cases.
- The Penal Code Act, Cap 120 (sections 239-248) criminalises offences that deprive persons of their personal liberty, such as kidnapping, abduction and wrongful confinement.

Article 10 of the ICCPR: All persons deprived of their personal liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

- Article 23 of the 1995 Constitution prohibits the deprivation of personal liberty except under very specific circumstances authorised by law.

Article 11 of the ICCPR: No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

- Article 287 of the 1995 Constitution promotes the respect of international law and treaty obligations to which Uganda is a State Party.
- Order 37 Rule 2(d) of the Civil Procedure Rules provides that for the debtor to be subjected to civil imprisonment, the creditor must satisfy court that the debtor is guilty of wilful refusal or culpable neglect to pay the debt.

Article 12 of the ICCPR: Everyone lawfully within the territory of a state shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

- Article 29 of the 1995 Constitution protects the right to movement and to move freely throughout Uganda and to reside and settle in any part of Uganda.

Article 13 of the ICCPR: An alien lawfully in the territory of a State to the present Covenant may be expelled from there only in pursuance of a decision reached in accordance with the law.

- Aliens in Uganda are protected under the Aliens (Registration and Control) Act, Cap 61 of 2000 and the Uganda Citizenship and Immigration Control Act, Cap 66.

Article 14 of the ICCPR: All persons shall be equal before the courts and tribunals. Everyone charged with a criminal offence shall be presumed innocent until proven guilty according to the law.

- Article 21 of the 1995 Constitution provides that all persons are equal before and under the law and Article 28 of the Constitution protects the right to a fair, speedy and public hearing before an independent and impartial court or tribunal established by law.
- Article 28(3) of the Constitution provides that anyone charged with a criminal offence shall be presumed innocent until proven guilty.
- Article 44 of the Constitution guarantees the right to a fair hearing as one of the absolute rights.
- The rights of the accused are also provided in other laws that Uganda has domesticated, including the Magistrates Courts Act, Cap 16; the Trial on Indictment Act, Cap 23; the Criminal Procedure Code Act, Cap 116; the Prisons Act, 2006 and the Police Act, Cap 303.

Article 15 of the ICCPR: No one shall be held guilty of any criminal offence on account of any act or omission that did not constitute a criminal offence, under national or international law, when it was committed.

- The Penal Code Act Cap 120 under Section 6 provides that ignorance of the law does not afford any excuse for any act or omission which would otherwise constitute an offence unless knowledge of the law by the offender is expressly declared to be an element of the offence.

Article 17 of the ICCPR: No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

- Article 27 of the 1995 Constitution protects the right to privacy of person, home and other property, and no one shall be subjected to an unlawful search of the person, home or other property.
- Other laws that protect privacy include the Data Protection and Privacy Act, 2019; the Computer Misuse (Amendment) Act, 2022; the Regulation of Interception of Communications Act, 2010; the Anti-Pornography Act, 2014 and the Electronic Signatures Act, No.7 of 2011.

Article 18 of the ICCPR: Everyone shall have the right to freedom of thought, conscience and religion.

- This right is protected under Article 29 of the 1995 Constitution.
- Other laws include the Penal Code Act, Cap 120 (Sections 118-122).

**ARTICLES**

**STATUS OF DOMESTICATION**

**REPORTING**

Article 19 of the ICCPR: Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds.

- Article 29 of the 1995 Constitution protects the right to freedom of speech, expression, thought, opinion and conscience.
- Article 41 of the Constitution protects the right to access to information.
- Other domesticated laws include the Press and Journalist Act, 1995; the Access to Information Act, 2005; the Media Act, 1996; the Uganda Communications Act, 2012; the Regulation of Interception of Communications Act, 2010; the Penal Code Act, Cap 120 and the Computer Misuse Act 2011 (as amended).

**PROCESS**

Once a state party has acceded to or ratified a human rights treaty, it assumes a legal obligation to report on the implementation of the rights and standards enshrined in that treaty. The state is required to submit an initial report within one or two years after the treaty enters into force and after that periodic reports at an interval specified by the relevant treaty. The reporting system is an essential tool for a state to assess what it has achieved and what more it needs to do to promote and protect human rights in the country.<sup>576</sup> Treaties with reporting obligations at the international level include:

Article 20 of the ICCPR: Any propaganda for war shall be prohibited by law. Any advocacy of national, racial or religious hatred that institutes incitement to discrimination, hostility or violence shall be prohibited by law.

- The 1995 Constitution under the National Objectives and Directive Principles of State Policy under Policy III on National Unity and Stability calls upon all organs of State and the people of Uganda to promote national unity, peace and stability.
- Other laws include the Penal Code Act, Cap 120, which prohibits the promotion of sectarianism, and the Uganda People's Defence Forces Act, Cap 307 (Sections 129 and 130).

Article 21 of the ICCPR: The right of peaceful assembly shall be recognised.

- This right is protected under Article 29 of the 1995 Constitution, the Public Order Management Act, 2013 and the Police Act, Cap 303 (Section 32).

Article 22 of the ICCPR: Every person shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

- This right is protected under Article 29 of the 1995 Constitution and the Public Order Management Act, 2013; the Non-Governmental Organisations Act, 2016; the Public Entertainment Act, Cap 49 and the Uganda Communications Act, 2012.

Article 23 of the ICCPR: The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. The rights of men and women of marriageable age to marry and to found a family shall be recognised.

- The 1995 Constitution under Article provides for the rights of the family and the rights of men and women to marry and found a family as well as equal rights at the time of marriage, during the marriage and at its dissolution.
- Other laws include the Marriage Act, Cap 251; the Marriage and Divorce of Mohammedans Act, Cap 252; the Hindu Marriage and Divorce Act, Cap 250; the Divorce Act, Cap 249 and the Customary Marriages Registration Act, Cap 248.

- a) International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).
- b) International Covenant on Economic, Social and Cultural Rights.
- c) International Covenant on Civil and Political Rights.
- d) Convention on the Elimination of All Forms of Discrimination against Women.
- e) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Article 24 of the ICCPR: Every child shall have, without any discrimination as to race, colour, sex, language, and religion, national or social origin, the right to such measures of protection as are required by his status as a minor. Every child shall be registered immediately after birth and shall have a name. Every child has the right to acquire a nationality.

- The 1995 Constitution provides for the registration of all births, marriages and deaths in Uganda under Article 18 and Article 34.
- Other laws include the Children (Amendment) Act, 2016; the Registration of Persons Act, 2015 and the Immigration Control Act, 2009.

Article 25 of the ICCPR: Every citizen shall have the right and opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives; to vote and to be elected at genuine periodic elections.

- Chapter Five of the 1995 Constitution provides for the people's representation and the Electoral Commission's establishment.
- Other domesticated laws include the Electoral Commission (Amendment) Act, 2020; the Political Parties and Organisations Act, 2005; the Parliamentary Elections Act, 2005 (as amended); the Presidential Elections Act, 2005; the Local Government Act, 1997 (as amended); the National Youth Council Act, Cap 319; the Persons with Disabilities Act, 2019; the Kampala Capital City Authority Act, 2010; the Public Health (Control of COVID-19) Rules, 2020 Statutory Instrument 83 of 2020.

- f) Convention on the Rights of the Child.
- g) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).
- h) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OP-CRC-SC).

Article 26 of the ICCPR: All persons are equal before the law and are entitled, without any discrimination, to equal protection of the law.

- This right is protected under Article 21 of the 1995 Constitution.

Article 27 of the ICCPR: In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right to the community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

- The rights of ethnic minorities are protected by the 1995 Constitution under National Objectives III and VI and articles 32, 36, 37 and 180 (2) (c) of the Constitution.
- Other domesticated laws include the Equal Opportunities Commission Act, 2007; the Institution of Traditional or Cultural Leaders Act, 2011; the Uganda Wildlife Act, 2019 (Section 32) and the Land Act, 1998.

- i) Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict (OP-CRC-AC).
- j) Convention on the Rights of Persons with Disabilities.
- k) International Convention for the Protection of All Persons from Enforced Disappearance (CPED).

**11.5 UGANDA'S REPORTING STATUS IN 2022**

**Universal Periodic Review**

As mentioned earlier in our 23<sup>rd</sup> and 24<sup>th</sup> Annual Reports, the Ugandan Government made specific measures (voluntary pledges) when its human rights record was reviewed in 2011 and 2016 under the Universal Periodic Review processes to ensure the promotion and protection of human rights in the country. The third review was made in January 2022, and the report was adopted. A total of 278 recommendations were received; out of these, 140 were noted, and the Government accepted 138 recommendations.

Overall, Uganda was commended for legislative, policy and institutional developments relevant to human rights that have been made, including:

- The Prevention and Prohibition of Human Sacrifice Act.
- The National Action Plan on Albinism.
- The National Action Plan on Business and Human Rights,
- The Human Rights Enforcement Act, 2019.
- Persons with Disability Act, 2020.
- National Strategies to end child marriage and teenage pregnancies, 2015-2020.

Uganda was encouraged to:

- Ensure respect and protection of the rights to equality and non-discrimination.
- Investigate allegations of excessive use of force by security agents.
- Ensure freedom of expression and assembly.
- Adopt a comprehensive National Action Plan on Human Rights in close collaboration with stakeholders, including the UHRC.
- Strengthen the Inter-Ministerial Committee on Human Rights for comprehensive reporting and follow-up recommendations from international and regional human rights mechanisms.
- Ratify treaties it's yet party to, like the Convention on Enforced Disappearance, optional protocol to the Convention Against Torture, and other cruel, inhuman and degrading treatment.

<sup>576</sup> <https://www.ohchr.org/sites/default/files/Documents/Issues/HRIndicators/MetadataReportingCompliance.pdf> accessed on 10 February 2023

- Abolish the death penalty and ratify the optional protocol to the ICCPR on the abolition of the death penalty.

As previously-reported recommendations accepted in the first and second cycles have to a large extent, been implemented like the adoption of the National Action Plan on Business and Human Rights, the National Action Plan on Albinism, the enactment of laws like the Data Protection and Privacy Act, 2019; the Computer Misuse (Amendment) Act, 2022, Succession Amendment Act,<sup>577</sup> the Human Rights Enforcement Act among many others. The other voluntary pledge that was adopted on 31 October 2022 was the establishment of a Cabinet Sub-Committee on Human Rights whose mandate is to investigate the alleged human rights abuses in the country. In a nutshell, the Committee was established to support monitoring and reporting on issues of human rights in the country. One key voluntary pledge that needs to be urgently implemented is the adoption of the National Action Plan on Human Rights.

#### Committee on the Convention against Torture

Uganda also submitted a report to the Committee on the Convention against Torture, which was reviewed in November 2022. Overall, in response to the allegations of widespread torture or ill-treatment, the Committee recommended:

- Prompt, impartial investigation by an independent body.
- Authorities should launch investigations whenever there are complaints of torture or ill-treatment or reasonable grounds to believe they have been perpetrated.
- Suspected perpetrators should be suspended from duty immediately for the duration of the investigation.
- Comprehensive disaggregated information relevant to all complaints of torture or ill-treatment should be compiled, including information on investigations, disciplinary measures and prosecutions.
- Enactment of the Witness Protection Bill.

- Awareness raising, capacity building and training in all law enforcement agencies on effective implementation of the Prevention and Prohibition of Torture Act (PPTA) and the PPTA Regulations, and ensuring sanctions against officials who do not implement the PPTA.
- Abolition of ‘ungazetted’ or unauthorised places of detention or safe houses.
- Strengthened capacity and improved funding for the UHRC.

#### International Covenant on Civil and Political Rights

The report under ICCPR that was submitted in 2020 is due for consideration in October 2023. By the time of writing this report, the Government was responding to the List of Issues to the ICCPR Report.

#### African Commission on Human and People’s Rights

At the regional level, the Government submitted a combined 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> periodic report to the African Commission on Human and People’s Rights in November 2022. Uganda was due to submit a report to the Committee on the Convention of the Rights of Persons with Disabilities in October 2022. The draft report was developed and validated in 2022 but is yet to be approved and submitted.

### 11.6 UN SPECIAL PROCEDURES MANDATE HOLDERS

United Nations Special Procedures Mandate Holders are independent subject-matter experts nominated by the Human Rights Council who can engage with governments on a range of thematic issues. At the invitation of governments, mandate holders may conduct country visits and issue recommendations.

These visits enable Special Rapporteurs to highlight a country’s good laws, policies and practices and to make recommendations to the Government. For instance, the last official visit was conducted in 2007 by Paul Hunt, a former Special Rapporteur on the Right to Health. He also visited UHRC and made a recommendation for the establishment of a Right to Health Unit, which UHRC has since adhered to.

### 11.7 CHALLENGES OF TREATY BODY REPORTING AND IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS

1. Overly slow process in developing, preparing and submitting periodic reports.
2. Non-ratification of treaties that are key for the promotion and protection of human rights.
3. Non usage of the database on recommendations.
4. Inadequate funding to the Inter-Ministerial Committee and ministries, departments and agencies involved in fulfilling treaty body reporting obligations.
5. Non-invitation of special procedures mandate holders.

### 11.8 RECOMMENDATIONS

1. The Government of Uganda should consider issuing standing invitations to UN Special Procedures Mandate Holders for Persons with Albinism for food security. It should also accept requests of special mandate holders to enhance its efforts in protecting and promoting human rights.

2. As earlier reported, the Government of Uganda should urgently ratify pending treaties, especially those signed, for example, the Optional Protocol to the Convention against Torture and the International Convention for the Protection of all Persons from Enforced Disappearance, 2006 and the Optional Protocol to the ICCPR regarding the abolition of the death penalty.
3. The Ministry of Foreign Affairs, the Ministry of Gender, Labour and Social Development and the Ministry of Justice and Constitutional Affairs should follow up on the implementation of pending voluntary pledges like the National Action Plan on Human Rights and recommendations made by treaty bodies.

### 11.9 CONCLUSION

The Government of Uganda is commended for its tremendous efforts in adhering to its treaty body obligations, as reflected in the work covered under this chapter and the preceding ones. The UHRC encourages the Government of Uganda to consistently fulfil the obligations as spelt out in each of the treaties in a timely manner.

<sup>577</sup> The Act allocates 20% estate to the surviving spouse of a person who died intestate. It also criminalizes the act of evicting or attempt to evict a surviving spouse who is entitled to occupy a residential holding.



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