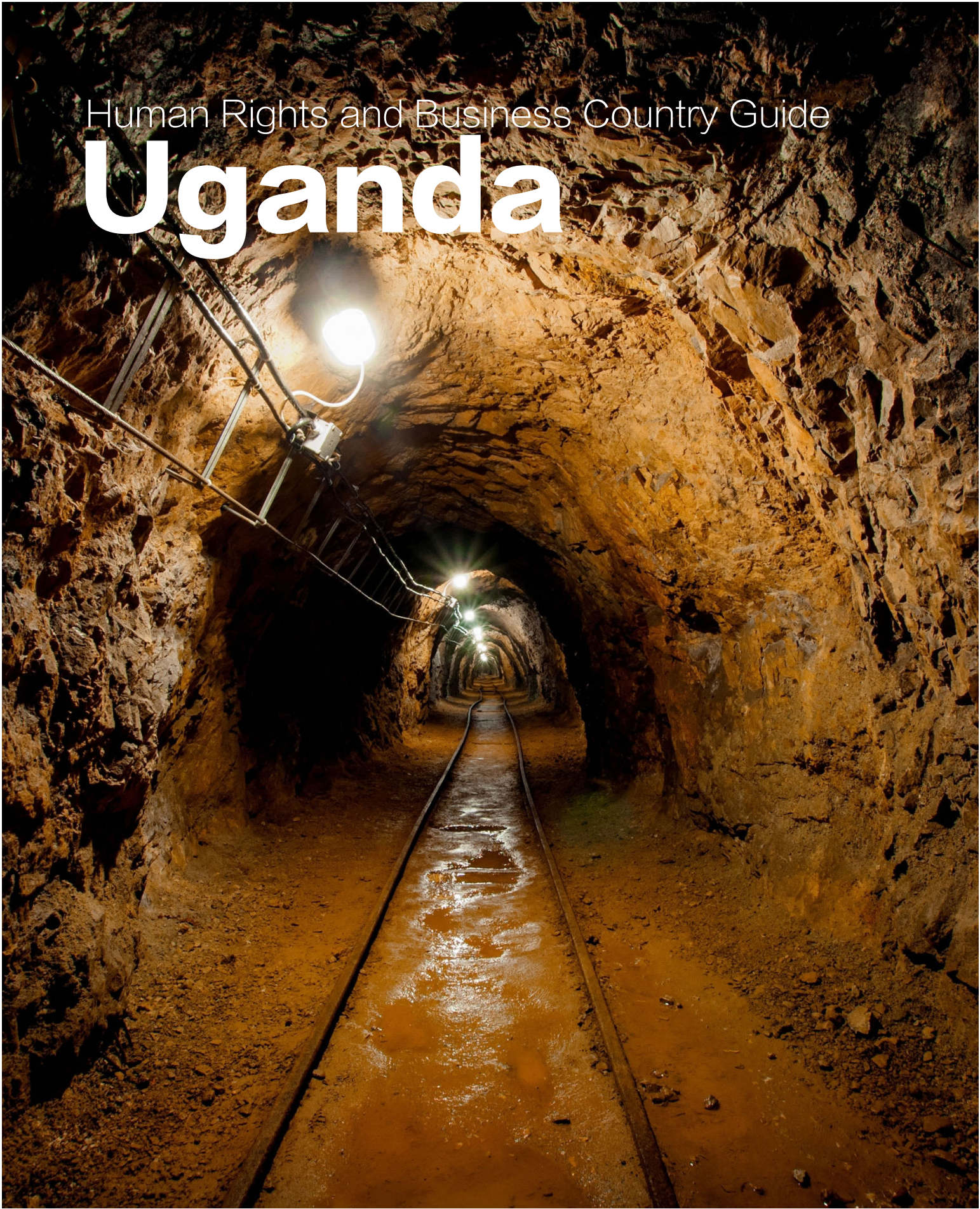


Human Rights and Business Country Guide

Uganda



THE DANISH
INSTITUTE FOR
HUMAN RIGHTS

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How to Use this Guide

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

About the Human Rights and Business Country Guide

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

For companies to manage their potential human rights impacts, they must have comprehensive information about the local human rights context in which they operate. The Country Guide provides a systematic overview of the human rights issues that companies should be particularly aware of. For each issue, it provides guidance for companies on how to ensure respect for human rights in their operations or in collaboration with suppliers and other business partners.

The Country Guide is not only a resource, but a process. This Guide was produced through a systematic survey carried out by the Uganda Human Rights Commission (UHRC) and the Danish Institute for Human Rights (DIHR) and. The aim of this Guide is to improve the human rights practices of companies operating in Uganda, including through facts-based dialogue regarding the issues presented here.

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

- Develop company policies and procedures related to human rights issues in the local environment.
- Assess and track the potential human rights impacts of business operations or in suppliers, partners and investments.
- Raise awareness among staff, suppliers and other business partners.
- Engage with workers, potentially affected communities, consumers and other stakeholders whose human rights might be affected by business operations.
- Engage with civil society organisations, government bodies or international organisations on human rights-related issues.
- Provide background information for auditors.
- Establish or collaborate with mechanisms for workers, communities and other whose human rights might be affected by business operations.
- Contribute to development initiatives that align with human development needs and priorities in the local context.

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

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

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

- Inform human rights research and monitoring related to business operations.
- Work with affected workers and communities to define human rights and human development priorities related to the role of business.
- Provide capacity-building to government, business and civil society stakeholders on human rights and business.
- Work with local stakeholders to provide recommendations to business and government.
- Facilitate dialogue and engagement with, including multi-stakeholder forums, with state agencies and businesses.

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

Country Guide Process

Uganda is currently at step 2 in the Country Guide process.

The Uganda Country Guide was produced by the Uganda Human Rights Commission (UHRC) and the Danish Institute for Human Rights (DIHR).

The Country Guide is a compilation of publicly available information from international institutions, local NGOs, governmental agencies, businesses, media and universities, among others. International

and domestic sources are identified on the basis of their expertise and relevance to the Ugandan context, as well as their timeliness and impartiality.

The initial survey of publicly available, international sources was carried out from October to December 2014. The draft was then updated and localised by UHRC and DIHR with some interaction with local stakeholders from April to September 2015.

The completed Country Guide aims to provide a comprehensive overview, on the basis of the information available, of the ways in which companies do or may impact human rights in Uganda. The current Country Guide is not meant as an end product, or a final determination of country conditions. It is intended to be the basis, and the beginning, of a process of dissemination, uptake and modification. UHRC and DIHR seek further engagement with local stakeholders, and intend to update the Country Guide on that basis.

Country Guide Content

The Country Guide contains the following information:

Areas for Attention

Each section of the Country Guide identifies areas for particular attention by businesses. The Country Guide identifies these areas through an analysis of the country's legal framework for human rights protection; enjoyment of human rights in practice; and the proximity of third-party human rights violations to company operations.

The headline and risk description describe the relevance of each issue for businesses. The text that follows the risk description presents the quantitative and qualitative information upon which this determination was based.

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

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

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

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

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

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

Cases & Media Reports

Each rights issue includes cases from human rights reports, media and courts of law where the rights issue in question has been allegedly violated or abused. These cases are drawn from local and international stakeholder consultations and reports. The cases presented here are highlights and should not be considered comprehensive.

Access to Remedy

Victims of corporate human rights abuses have the right under international law to mechanisms that provide for remedy. The UN Guiding Principles on Business and Human Rights explicitly obligate governments and businesses to provide and/or participate in such mechanisms.

The Country Guide includes information under each rights area about the remedy mechanisms available to redress violations of the right. Where possible, this also includes practice information about the effectiveness of such bodies, and the number of cases they have heard and redressed.

Human Rights Guidance for Businesses

This section includes guidance for businesses to prevent and mitigate their adverse human rights impacts. This guidance is drawn from the Danish Institute for Human Rights' (DIHR) existing library of human rights due diligence recommendations, as well as international frameworks, principles and guidelines. Where available, this section includes recommendations issued by the UHRC, Government bodies, local and international NGOs, directed specifically at companies operating in the country.

This section also includes examples of initiatives carried out by companies to mitigate their human rights impacts. These are organized into Due Diligence Initiatives—activities that aim to meet the company's responsibility not to violate human rights—and Company Development Initiatives—activities that aim to contribute to development beyond this baseline obligation.

Engagement Opportunities

Companies have a responsibility to prevent negative human rights impacts, but they also have an opportunity to contribute to positive human rights impacts. Each section of this Guide includes information for companies to link their policies and community engagement processes to ongoing governmental and institutional efforts to promote and fulfil human rights.

This includes Public Sector Initiatives—activities where the government is aiming to fulfil or promote the right in question through discrete programmes—as well as Development Priorities—themes identified by international institutions as warranting deliberate attention, or where companies could have the greatest impact with their development initiatives.

The purpose of the information in this section is to inspire further efforts and engagement by businesses, as well as to identify existing programmes that companies could support or take part in.

About the Uganda Human Rights Commission

The Uganda Human Rights Commission (UHRC) was established under the 1995 Constitution of the Republic of Uganda. The decision to establish a permanent body to monitor the human rights situation in the country was in recognition of Uganda's violent and turbulent history that had been characterised by arbitrary arrests, detention without trial, torture and brutal repression with impunity on the part of security organs during the pre and post-independence era.

Article 52 (1) of the Constitution of the Republic of Uganda (1995) mandates the UHRC to:

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

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

For more information, see www.uhrc.ug

About DIHR

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

For more information, see www.humanrights.dk

Background & Context

Overview of political and socio-economic conditions in which businesses operate. This information is designed to inform businesses of the broader political and development trends in the country

Demographics & Economy	
Population	34,856,813 (National Population and Housing Census, 2014) ¹
Ethnic Groups	Baganda 16.5 percent, Banyankole 9.6 percent, Basoga 8.8 percent, Bakiga 7.1 percent, Iteso 7.0 percent, Langi 6.3 percent, Acholi 4.4 percent, Bagisu 4.9 percent, Lugbara 3.3 percent, other 32.1 percent
Religious Groups	Roman Catholic 39.3 percent, Anglicans 32 percent, Muslims 13.7 percent, Pentecostals/Born Again/Evangelical 11.1 percent, Seventh Day Adventists 1.7 percent, Baptist 0.3 percent, Orthodox 0.1 percent, Traditional religion 0.1 percent, Others 1.4 percent, Non religion 0.2 percent
Languages	English (official), Swahili, Local dialects: Bantu - Luganda (central region), Runyankole, Rukiga, Rutoro (west and south western region), Lusoga, Lugisu, Lugwere (Eastern Uganda), Luo dialects: Ateso, Acholi, Alur and Akarimajong (Northern and Eastern Uganda)

Political Context

Governance structures and political developments

The Republic of Uganda, which had been a British Protectorate since 1894, gained independence on 9th October 1962. The political climate of the country from 1962 to 1986 was unstable and turbulent, resulting in the persistent occurrence of gross human rights violations. Since 1986, however, Uganda has made significant progress in rebuilding the country, increasing peace and security, promoting economic growth and further developing democracy.

Despite this progress, internal resistance persisted in some parts of Uganda slowing economic activity and deepening poverty. Rebel groups such as the Lord's Resistance Army (LRA) that left many dead and millions internally displaced was eventually driven out of Northern Uganda in 2005, and there have been no major security incidents since then. Economic activity has resumed in Northern Uganda, and most internally displaced persons have left the camps and returned to their homes.²

In 1995, a new constitution created a non-party, all inclusive movement system. It provides for elections by universal suffrage and reserves places in parliament and administration for marginalised

groups including women, persons with disabilities and youth. The general elections were held in 1996 under a one party system and President Yoweri Museveni emerged as the winner of the presidential election. In 2001, Museveni returned as the President of Uganda in an election that was generally considered free and fair.³

In July 2005, a national referendum was held in which the people of Uganda resolved to return to multi-party politics. In February 2006, multi-party elections were held for both the office of the president and Parliament. Museveni won the election as the leader of the National Resistance Movement (NRM). To date, 38 political parties are registered with the Electoral Commission, though only six parties were represented in Parliament.⁴ These are: NRM, the Democratic Party (DP), Uganda People's Congress (UPC), Justice Forum (JEEMA), Conservative Party (CP) and the Forum for Democratic Change (FDC).⁵

In February 2011, Museveni was elected for his third term in office. The elections were regarded by the Supreme Court of Uganda as being free, fair and peaceful.⁶ However, some challenges were noted, including poor public perception of the Electoral Commission, deficiencies in the national voter registry, unequal access to media by candidates, voter intimidation and interference by security forces in the electoral process.⁷ In the just concluded elections held in March 2016, the incumbent President Museveni was declared winners of the Presidential race with 61 percent of the votes. A petition challenging the election results was filed and subsequently determined by the Supreme Court of Uganda.⁸

Article 29 of the Constitution recognizes freedom of conscience, expression, movement, religion, assembly and association. This entails rights and freedoms for the media. In 2011, 'walk-to-work' demonstrations that started in Kampala City and spread out to other parts of the country were routinely suppressed by the police. Most the demonstrations that began peacefully ended violently. During the peaceful demonstration, organisers and participants worked with the police and were able to enjoy the freedom to assemble.⁹

The Press and media fraternity have similarly faced challenges, with reports of journalists being attacked, arrested and detained and their property confiscated by state security actors. Media organisations and publishers have faced threats of arrest and closure.¹⁰ The Regulation of the Interception of Communications Act 2011, Public Order Management Act 2013 and the Press and Journalists Amendment Bill have been criticized as being too restrictive, infringing on the rights and freedoms of the media guaranteed under the Constitution.¹¹

The right to personal liberty, privacy, fair hearing, property, movement, equality and non discrimination, among others, are explicitly stipulated under the Bill of Rights in the Constitution. Freedom from torture, cruel, inhuman and degrading punishment or treatment are also guaranteed under the constitution and enacted under the Prevention and Prohibition of Torture Act 2012, which criminalises acts of torture and provides for individual liability.

The governing structures of Uganda are laid out in the 1995 Constitution of Uganda, and are established on principles of democracy, accountability, protection of human rights and national unity and stability.

Governance is carried out through executive, legislative and judicial branches. According to the Constitution, executive power is exercised by the government headed by the President of Uganda.

Ministries, departments, agencies and national bodies are set up to enable the implementation of mandates by the executive.

The judiciary exercises its power through the courts of judicature. Article 128 of the Constitution provides for the independence of the judiciary, stating that the judiciary shall not be subject to the control or direction of any person or authority.

Legislative powers lie predominantly with Parliament, which is composed of elected representatives. 458 newly elected MPs began their term in the tenth Parliament in May 2016.¹²

Socio-Economic Context

Human development indicators and trends

Uganda experienced GDP growth rate averaging 5.0 percent from 2009 to 2014, although this rate slowed to 4.4 percent in 2012 due to the global financial crisis.¹³ The discovery of oil in western Uganda, which has the potential to transform the economy, is expected to reach 200,000 barrels per day by 2020. Production is planned to start in 2017 or 2018.¹⁴

Uganda's Human Development Index (HDI) is 0.484, falling in the Low Human Development category. Uganda ranks 164th out of 187 countries.¹⁵

According to the African Economic Outlook report, Uganda was one of only a few Sub-Saharan African countries that met the Millennium Development Goals target of halving poverty by 2015. The proportion of the population living below the absolute poverty line declined from 56 percent in 1992 to 19.7 percent in 2013.¹⁶ An estimated 7.5 million people still lived in absolute poverty in 2013, however, with up to 46 percent of the population in northern Uganda still below the national poverty line. Poverty reduction was reportedly unevenly distributed, with northern Uganda having the highest rates of poverty.¹⁷ Despite declining poverty rates, Uganda's population has doubled since 1990, and roughly the same absolute number of people still lives in poverty.

According to World Bank 2013 report, Uganda's Gini coefficient is 44.3, indicating an income distribution near the African average, much more equal than South Africa or Botswana, but less equal than Niger or Algeria.¹⁸ Uganda has the second highest fertility rate in the world at 5.8 children per woman, reducing from 7.1 in 1991.¹⁹ This rapid population growth reportedly resulted in challenges in regard to employment, agricultural production, income distribution and delivery of social services. The United Nations Development Assistance Framework 2010-2014 (UNDAF) stated that the high percentage of youth gives Uganda the highest dependency ratio in the world.²⁰

The Ugandan government and the World Bank identified the following as development priorities for Uganda: addressing gender inequalities; improving human resources capacity in education, healthcare, water, and sanitation; and increasing access to energy and transportation infrastructure.²¹ The United Nations Development Assistance Fund (UNDAF) prioritised strengthening governance mechanisms; promoting equity; increasing incomes; promoting sustainable use of the environment and natural resources; and increasing access to quality social services.²²

Development Statistics

Quantitative indicators, country rankings and ratings

Country Ratings and Rankings			
	2007	2010	2014
Reporters Without Borders: Press Freedom Index <i>(Where 1 indicates the highest degree of freedom)</i>	96	96	104
Freedom House: Map of Freedom - Political Rights <i>(On a scale of 1 through 7, where 1 indicates the highest level of freedom)</i>	5	5	6
Freedom House: Map of Freedom - Civil Liberties <i>(On a scale of 1 through 7, where 1 indicates the highest level of freedom)</i>	4	4	4
Form of government	Republic		
Most recent general election	18-19 th February 2016		
Current head of state	President Yoweri Kaguta Museveni		
Ruling party	National Resistance Movement (NRM)		
Other major parties	• Conservative Party (CP) • Democratic Party (DP) • Forum for Democratic Change (FDC) • Go Forward • Inter-Party Co-operation (IPC) • Justice Forum (JEEMA) • Peoples Progressive Party (PPP) • Ugandan People's Congress (UPC) • Farmers' Party		

Development Indicators & Trends					
	2009	2010	2012	2013	2014
GDP growth	7.3%	5.9%	3.4%	3.3%	5%
GDP growth in region	2.0%	5.0%	4.2%	4.2%	n/a
GDP per capita (PPP)	\$1,121	\$1,149	\$670.2	\$675.4	\$696.4
Human Development Index rank	143	161	161	161	161
Human Development Index score	0.442	0.446	0.456	0.484	0.484
Human Development Index score—Regional Average	0.389	0.463	0.475	0.470	0.493
HDI discounted for inequality	n/a	n/a	0.296	0.303	0.335
Gini coefficient	42.6%	44.3%	40%	44.3%	42.4%
Percentage of population below national poverty rate	n/a	24.5%	n/a	25%	n/a
Percentage of population below absolute poverty rate (\$1.25 per day)	38.9%	38%	33.2%	19.5%	19.7%

International Legal Commitments

Accession and ratification of international and regional human rights instruments

Terms:

Not Signed: Uganda has not signed the international convention and not bound by it.

Signed: Uganda has signed the international convention and has expressed the intention to becoming legally bound by it through ratification.

Ratified: Uganda is bound by the articles of the Convention and must conform to it.

Acceded: Uganda is bound by the Articles of the Convention and must conform to it. Accession is another form of ratification. It enables countries that have not been present at the signing of the convention to ratify and become a party to the Convention.

UN CONVENTIONS	
International Covenant on Economic, Social and Cultural Rights	RATIFIED
International Covenant on Civil and Political Rights	RATIFIED
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the Abolition of the Death Penalty	NOT SIGNED
Convention Against Corruption	RATIFIED
Convention Against Torture	
Convention on the Elimination of All Forms of Racial Discrimination	RATIFIED
Convention on the Elimination of All Forms of Discrimination Against Women	RATIFIED
Amendment to Article 20, paragraph 1 of the Convention on the Elimination of All Forms of Discrimination against Women (1995)	NOT SIGNED
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)	NOT SIGNED
Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity (1968)	NOT SIGNED
Convention on the Prevention and Punishment of the Crime of Genocide (1948)	ACCEDED
Amendment to article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination (1992)	NOT SIGNED
Convention on the Rights of Persons with Disabilities	RATIFIED
Optional Protocol to the Convention on the Rights of Persons with Disabilities (2006)	RATIFIED
Convention on the Rights of the Child	RATIFIED
Amendment to Article 43 (2) of the Convention on the Rights of the Child (1995)	ACCEDED

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	ACCEDED
Optional Protocol on the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	ACCEDED
International Convention for the Protection of All Persons from Enforced Disappearance (2006)	SIGNED
International Convention on the Protection of All Migrant Workers and Members of Their Families	ACCEDED
Agreement establishing the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean (1992)	NOT SIGNED
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime	SIGNED
ILO CONVENTIONS	
ILO Hours of Work (Industry) Convention (C1, 1919)	NOT RATIFIED
ILO Forced Labour Convention (C29, 1930)	RATIFIED
ILO Hours of Work (Commerce and Offices) Convention (C30, 1930)	NOT RATIFIED
ILO Night Work of Young Persons (Non-Industrial Occupations) Convention (C79, 1946)	NOT RATIFIED
ILO Labour Inspectors Convention (C81, 1947)	RATIFIED
ILO Freedom of Association and Protection of the Right to Organise Convention (C87, 1948)	RATIFIED
ILO Night Work of Young Persons Employed in Industry Convention (C90, 1948)	NOT RATIFIED
ILO Protection of Wages Convention (C95, 1949)	RATIFIED
ILO Right to Organise and Collective Bargaining Convention (C98, 1949)	RATIFIED
ILO Equal Remuneration Convention (C100, 1951)	RATIFIED
ILO Social Security (Minimum Standards) Convention (C102, 1952)	NOT RATIFIED
ILO Abolition of Forced Labour Convention (C105, 1957)	RATIFIED
ILO Discrimination (Employment and Occupation) Convention (C111, 1958)	RATIFIED
ILO Social Policy (Basic Aims and Standards) Convention (C117, 1962)	NOT RATIFIED
ILO Equality of Treatment (Social Security) Convention (C118, 1962)	NOT RATIFIED
ILO Employment Policy Convention (C122, 1964)	RATIFIED

Background & Context

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

Rome Statute of the International Criminal Court	RATIFIED
UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	ACCEDED
REGIONAL INSTRUMENTS	
African (Banjul) Charter on Human and Peoples Rights	RATIFIED
African Charter on the Rights and Welfare of the Child	RATIFIED
Protocol to the African Charter Human and Peoples' Rights on the Rights of Women (Maputo Protocol) (Reservation on Article 14)	RATIFIED
Convention Governing Specific Aspects of Refugee Problems in Africa	RATIFIED
African Union Convention on the Rights of Internally Displaced Persons	RATIFIED
African Charter on the Democracy, Elections and Good Governance	NOT RATIFIED
African Youth Charter	RATIFIED
Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court on Human and People's Rights	RATIFIED
Protocol to the African Charter on Human and People's Rights on Extending the Jurisdiction of the African Court on Human and People's Rights	NOT RATIFIED
International Conference on the Great Lakes Region Pact and 10 Protocols	RATIFIED
Treaty on the Establishment of the East African Treaty	RATIFIED

Rights Holders at Risk in the Workplace

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

Operating Environment		
	Uganda	Sub-Saharan Africa
%age of workforce informally employed	85.2 (2009)	63.5 (2012)
HIV/AIDS prevalence	7.2 (2012)	4.2 (2012)
Female labour participation rate	76 (2012)	63.5
Labour force	17.4 million (2013 est.)	
Sectors contributing to GDP	• Services 50% • Industry 26.9% • Agriculture 23.1%	
Ethnic groups	Baganda 16.5%, Banyankole 9.6%, Basoga 8.8%, Acholi 4.4%, Bagisu 4.9%, Lugbara 3.3%, Others 32.1%	
Indigenous groups and Ethnic minorities	• Batwa • Benet • Ik • Basongora	
Major religious groups	Roman Catholic 39.3 percent, Anglicans 32 percent, Muslims 13.7 percent, Pentecostals/Born Again/Evangelical 11.1 percent, Seventh-Day Adventist 1.7 percent, Baptist 0.3 percent, Orthodox 0.1 percent, Traditional religion 0.1 percent, Other Christians 1.2 percent, Non Christians 0.7 percent	
Maternity leave	60 days, 100% (2009)	

Constitution prohibits discrimination on the grounds of	Race, colour, sex, religion, political opinion, social standing or ethnic origin, HIV status or disability.
Relevant legislation	• Persons with Disabilities Act, 2006 • Employment Act, 2006 • Equal Opportunities Act, 2007 • Refugee Act, 2006 • Refugee Regulations, 2010
Responsible agencies	• Ministry of Gender, Labour and Social Development • National Council for Persons with Disabilities • Industrial Court • Uganda Aids Commission • Uganda Human Rights Commission • Equal Opportunities Commission • Federation for Uganda Employers • Parliamentary Committee on Human Rights • Parliamentary Committee on Gender, Labour and Social Development • Parliamentary Committee on Social Services
Local NGOs addressing this issue	• Uganda National Action on Physical Disability • Minority Rights Group Uganda (MRG) • Cross Cultural Foundation Uganda (CCFU) • Forum for Women in Democracy (FOWODE) • Federation for Uganda Employers • Federation for Women Lawyers in Uganda (FUE) • Uganda Women's Network (UWONET) • Global Rights Alert (GRA) • Platform for Labour Action (PLA) • National Union for disabled Persons in Uganda (NUDIPU) • Legal Action for Persons with Disabilities Uganda • Uganda Aids Network (UGANET) • Uganda Youth Network (UYN)

Country Context

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

Uganda's 1995 Constitution recognises the existence of ethnic, religious, ideological, political and cultural diversity and stipulates that the state must take measures of affirmative action in order to

redress imbalances suffered by marginalised groups. It recognises discrimination based on gender, age, disability or any other reason resulting from history, tradition or custom.²³

The Constitution and the Employment Act 2006 prohibit discrimination based on race, colour, sex, religion, political opinion, social standing, ethnic origin, HIV status or disability.²⁴ Article 45 provides that other categories not explicitly mentioned in the constitution, namely language, opinion, property, birth or other status are not excluded, especially if are contained in international human right instruments ratified by Uganda.

The Ministry of Gender, Labour and Social Development is responsible for implementing and enforcing labour laws. One of the major challenges faced by the Ministry since 2012 is inadequate budgetary allocations, which limits labour inspectors to 44 out of Uganda's 112 districts.²⁵ Planning and carrying out inspections has also been affected due to poor coordination between the Ministry and the districts.²⁶ Despite these constraints, the Department of Labour inspected approximately 400 places of employment in FY 2014/15.²⁷

The Uganda Human Rights Commission and the Equal Opportunities Commission are mandated to promote human rights and equality, including marginalised groups such as persons with disabilities and ethnic minorities. The Equal Opportunities Act 2007 aims to ensure affirmative action for all marginalised groups.

Persons with Disabilities

Overall, the disability prevalence rate in Uganda was reported to be at 12.4 percent in urban areas and 12.8 percent in rural areas. The Persons with Disabilities Act 2006 prohibits discrimination against persons with physical or mental disabilities in employment, including hiring, promotion and compensation. The Act entitles private employers who employ ten or more persons with disabilities as apprentices or regular employees to a deduction of 15 percent on all payable tax.²⁸ Despite the progressive legal regime, PWDs have criticised Government and private sector for failing to put in place an enabling work environment that will facilitate their absorption in the job market. They are often marginalised and do not enjoy their right to employment due to social and physical barriers. As a result, PWDs are vulnerable to poverty, illiteracy, poor health and a heavy burden of care.²⁹

The Ministry of Gender, Labour and Social Development and the National Council on Disability are responsible for enforcing laws protecting persons with disabilities. Underfunding reportedly inhibits the level of enforcement.

Persons Living with HIV/AIDS

The Constitution and the Employment Act prohibit discrimination based on HIV status.³⁰ The East Africa HIV/AIDS Workplace Policy 2008 promotes non-discrimination in the public sector. It requires that HIV status must not be considered in employment decisions and to ensure a working environment that is free from prejudices against people infected and infected by HIV/AIDS.³¹ The Ministry of Gender, Labour and Social Development is responsible for ensuring workplaces have HIV/AIDS policies. The Uganda AIDS Commission is responsible for nationwide efforts to prevent HIV/AIDS, including coordinating policy planning and development and monitoring progress.

Despite previous successes in fighting HIV, the HIV and AIDS Country Progress Report 2014 reported that HIV prevalence among persons aged 15-49 increased from 6.4 percent in 2005 to 7.3 percent in

2011.³² The Uganda AIDS Indicator Survey 2011 by the Ministry of Health survey found that HIV prevalence was higher among employed persons than unemployed persons. Women reportedly had a higher overall prevalence rate than men.³³

Global Rights Alert reported in 2013 that HIV/AIDS rates were particularly high in communities near oil and mining operations, as well as the families of workers who lived far from home.³⁴ Fishermen were at high risk of contracting HIV, with prevalence rates as high 40 percent in 2014 in fishing communities.³⁵ The reasons for the high prevalence rates were low literacy, lack of information and the migratory nature of fishing communities.

Ethnic Minorities and Indigenous Communities

The Constitution recognises ethnic and cultural diversity and 65 indigenous communities.³⁶ However, the Constitution's definition of the term 'indigenous' refers to 'indigenous to Africa', and does not clarify the difference between ethnic minorities and indigenous peoples according to international and regional human rights standards.

No additional protection is explicitly granted to indigenous peoples under the constitution, yet it provides for affirmative action for groups marginalised on the basis of 'any other reason created by history, tradition or custom'. The unclear distinction between ethnic minorities and indigenous peoples reportedly made ethnic minorities more vulnerable to marginalisation.

In 2012, Global Rights reported that the Equal Opportunities Act 2007 placed all ethnic minorities in the same category as other marginalised groups, and that no law provided for the specific needs of ethnic minorities.³⁷ The Uganda Bureau of Statistics defined ethnic minorities as 'ethnic groups with a population less than 25,000'. There are approximately 21 such groups, including the Batuku, Batwa, Benet, Ike, Basongora, Nyangia, Lendu and Chope in Uganda.³⁸ Under international and regional human rights law, such ethnic groups with the above-mentioned characteristics are regarded as indigenous communities.

According to the International Labour Organization (ILO), Mercy Corps and Cultural Survival, these groups have not been able to enter the labour market due to discrimination, low literacy and skills deficiencies.³⁹

The United Organisation for Batwa Development in Uganda (UOBD) reported almost half of the Batwa continue to squat on others land whilst working for their non-Batwa masters in bonded labour agreements.⁴⁰ The primary income-generating activities were reportedly temporary labour and begging. Batwa women were especially vulnerable to poor working conditions, reportedly receiving only half the wages of men's work and more likely to be engaged in forced labour.⁴¹ Minority Rights Group International Uganda also reported that ethnic minorities were excluded from various forms of economic activity and participation in civil affairs, and had high rates of unemployment.

According to Uganda's 2011 UN Universal Periodic Review (UPR), it was observed that ethnic favouritism was systemic, and discrimination against ethnic groups was common. In the Albertine Rift region, the minority Banyabindi, Lendu and Basongora tribes reported that they were marginalised and discriminated against in accessing job opportunities and education.⁴²

Women

The Ministry of Gender, Labour and Social Development is responsible for promoting gender-responsive development and gender equality. The Employment Act guarantees equal pay for equal work, prohibits sexual harassment and guarantees 60 days of maternity leave at full wages.⁴³ International standards stipulate equal remuneration for work of equal value⁴⁴ and a maternity leave period of at least 14 weeks, or 98 calendar days.⁴⁵

The Uganda Human Rights Commission stated in its 16th Annual Report that, in practice, women were often denied full length of maternity leave and at times denied full pay. In the UCHR's Oil in Uganda Report 2013, one of the negatives impacts identified resulting from oil and gas related activities was the sexual abuse and exploitation of women workers in the camps by local and foreign male construction workers. According to Global Rights Alert, the vast majority of women workers in the oil industry were cooks, cleaners and washers- all low paying jobs. Employers provided information on employment opportunities, training and employment rights were reportedly limited, in English and inaccessible for uneducated women.⁴⁶

According to the National Population and Housing Census 2014, the female working population participation was 68.4 percent, compared to 73.9 percent for men. 60.6 percent of working women were situated in urban areas, 72.7 percent in rural settings while 31.6 percent did not work. The majority of women were employed in low-wage and low-status jobs, including subsistence agriculture, household labour and other elementary occupations.⁴⁷

Although male and female youth unemployment increased by about 5 percent, between 2013 and 2015, female unemployment rate stands at a higher 22.4 percent compared to 17.4 percent for males. Several factors explain these differences in educational attainment, labour market segregation and a higher presence of temporary contracts.⁴⁸

Violence against women and sexual harassment remain serious challenges in the workplace.⁸⁹ The Uganda Human Rights Defenders Association conducted a report between March and May 2013 that reported that 90 percent of women were sexually harassed in the workplace, both during the interview process and after gaining employment.⁹⁰ A 2013 report by the Uganda Worker's Education Association (UWEA) stated that sexual harassment of women on flower farms in Uganda was persistent. Some of the reasons, according to the findings include insensitive managers who look down on women issues, cultural upbringing of women which muzzles them not to speak out on issues impacting them, and cultures which socialize women to do whatever a man says. As a result, some have contracted sexually transmitted infections through rape and forced sex, marriages have broken and victims have left their jobs, among others. Many victims were reportedly afraid to report or pursue redress due to stigma, job insecurity, ignorance of the law and their rights, or lengthy and expensive legal processes.⁴⁹

The Domestic Violence Act 2010 and the Penal Code Amendment Act 2007 reportedly did not protect or provide effective remedy for sexual harassment or rape.⁵⁰ The Sexual Offences Bill 2012, which aims to reduce sexual offences and provide compensation and justice for victims, had been delayed and not tabled by the Parliament.

Youths

The Department of Youth and Children Affairs under the Ministry of Gender, Labour and Social Development is mandated to protect and empower youth. Within individual districts, Community Development Officers manage youth issues.

According to statistics (2012) by the Ugandan Population Secretariat and the United Nations Population Fund, the population of Uganda was the youngest in the world—over 78 percent were under the age of 30.⁵¹ The International Youth Foundation stated in 2011 that the youth unemployment rate was one of the highest in sub-Saharan Africa, and continued to be exacerbated by high population growth.

Youth unemployment rate in Uganda stands at an estimated 62 percent.⁵² This estimate is an increase from 42 percent in 1997; 58 percent in 2003; 65 percent in 2006 and 53 percent in 2009/10.⁵³

The continued rise in the unemployment rate is of great concern since the youth form a large percentage of the workforce in Uganda. Not only does unemployment and underemployment affect the right to work, they also affect other rights including the rights to livelihood, food, property and housing. Over 70 percent of youth workers reportedly worked informally, and many lacked knowledge about available jobs, had limited education and could not afford basic necessities or clothes for work. Employed youth were reportedly concerned about low and unfair wages, sexual harassment and the necessity to pay bribes to obtain a job.⁵⁴

The International Youth Foundation reported in 2011 that vulnerable youth included orphans, youths with disabilities, those living with HIV/AIDS and those suffering from the psychological impacts of the war in the northern region.⁵⁵

Youth in urban areas, where jobs were scarce, were more likely to be unemployed than rural youth, who were primarily engaged in agriculture. The majority of unemployed youths were reportedly women, partly due to discrimination in access to employment, particularly in the private sector.⁵⁶

In 2013, the Ministry of Gender, Labour and Social Development reported that 400,000 people graduated from universities every year, yet only around 90,000 jobs were created.

Migrant Workers

Migratory patterns in Uganda have existed within diverse social, political and economic contexts driven by political factors, poverty, rapid population growth and the porosity of international borders. As a member of the East African Community, Uganda had adopted the Common Market Protocol, including the annexes on the free movement of persons and labour.

Movement into Uganda consisted mostly of refugees from the Democratic Republic of the Congo, Burundi, Eritrea and Ethiopia. Routine labour inspections had shown that migrant workers with similar skills as Ugandans were paid more for the same or even less work. There was an information gap on migrant workers in the country, which made it difficult to regulate the inflow and working conditions of both skilled and less skilled immigrants. At the same time, the number of Ugandans living abroad had increased steadily since 1990, and the United Nations estimated that more than 620,000 Ugandans were currently living outside the country.⁵⁷

The elimination of work visas in Uganda for the citizens of the East African Community would be reflected in an increase in the foreign-born population in the country. One of the main challenges is the lack of regular statistics and weak management of administrative sources. Not all of the collected

data is digitalised, centralised and available for analysis, or desegregated. No surveys have been conducted by Government focusing on migration or working conditions of migrant workers in Uganda.⁵⁸

Such an inadequate oversight contributes to serious and systematic violations of the rights of migrant workers. A number of abuses had been reported, involving private recruitment agencies, including confiscation of passports and fraudulent misrepresentation of the type of work for which people were being hired by businesses and companies.⁵⁹

Access to Remedy

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

Labour-related complaints can be filed with union leaders or the district labour office. District Labour Officers forward employer-employee disputes to the Industrial Court. Although the Industrial Court is operational after many years without operating, it has a five-year case backlog, poor structure and location and inadequate staffing and funding.⁶⁰ It currently has over 400 cases of employer-employee disputes to be settled on issues of non-payment of wages, unfair termination, sexual harassment and discrimination, among others.

In 2013 New Vision quoted the Speaker of Parliament as saying that there were few court interpreters for persons with disabilities, and no doctors who knew Braille or sign language to aid persons who had been abused or raped.⁶¹ The courts of judicature continue to face shortages of judicial officers with delays in hearing cases at the Supreme and Court of Appeal due to lack of quorum.

The Business Anti-Corruption Portal reported in 2013 that bribery of court officials was common, which contributed to the public's mistrust and avoidance of the judicial system.⁶²

According to the Uganda Legal Information Institute, alternative dispute resolution in the form of arbitration, mediation and conciliation takes place and is governed by law.⁶³ In rural areas many communities reportedly faced challenges in accessing formal justice mechanisms, increasing the importance and reliance on traditional justice mechanisms.⁶⁴

Under Article 52 of the constitution, the Uganda Human Rights Commission (UHRC) is mandated to receive or initiate complaints of human rights violations or abuses including those pertaining to employee labour rights infringements.

UHRC receives complaints in person or through e-mail or phone calls, among other methods; all services are free of charge. It can also refer matters to responsible state and non-state actors to provide the appropriate redress. The UHRC Tribunal hears complaints of labour rights violations and abuses, including cases of discrimination in the workplace, under a quasi-judicial process. Appeals against decisions made by the UHRC tribunal can be taken to the High Court.

The UHRC reserves the right to order payment of compensation or any other legal remedy, including mediation, for individuals whose labour rights have been infringed upon. However, the UHRC does not have the authority to hold human rights abusers criminally liable.

The Equal Opportunities Commission (EOC) also has the powers of court to eliminate discrimination and inequalities against marginalised persons or groups. The EOC can investigate cases on its own initiative or through complaints received by persons or groups who have been discriminated against. The EOC can refer the case to another institution, tribunal or authority, or order any entity to take steps or actions which will promote equal opportunities.⁶⁵

Uganda has ratified the protocol providing jurisdiction to the African Court on Human and Peoples' Rights, a regional court that aims to ensure protection of the rights established under the African Charter on Human and Peoples' Rights. The Court handles complaints submitted by the African Commission, state parties to the protocol or African intergovernmental organisations. Uganda has, however, not granted jurisdiction to the court to deal with cases submitted by individuals or non-governmental organisations. No Ugandan case has been filed at the court.⁶⁶

Media Reports

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

- *Uganda Workers' Education Association (UWEA) August 2013:* A study reveals that sexual harassment on Ugandan flower farms has persisted despite a campaign to stem it since 2005. The reasons for the persistence of the vice include: protection of the abusers by management; it is considered normal; light punishment of offenders; management undermining workers women's committees and outright malice by HIV infected offenders who want to spread the virus. Some of the respondents interviewed blamed the persistence of the vice on women's poor dress code, drug abuse by some of the abusers, workers thinking that the harassment is normal, low salaries which make the women vulnerable to accept small favours, low education among women workers, lack of training on dealing with sexual harassment and poor laws and policies.
- *Friends of the Earth International, May 2013:* Palm oil plantations on the islands of Kalangala District committed to providing employment for local communities, yet 95 percent of the jobs created were reported to have gone to migrant workers from other parts of Uganda. These migrant workers were reportedly paid wages that were much lower than the average wage on the islands.⁶⁷
- *Uganda Radio Network, 2013:* Over 4,000 refugees, including Ugandan, Congolese and Rwandan nationals, were reportedly forced to settle at Sango Bay. They were denied the opportunity to seek labour outside the camp, and did not have identification documents.⁶⁸

Human Rights Guidance for Businesses

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

Due Diligence Library

The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies

Discrimination

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

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

Fair Treatment

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

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

Privacy

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

The company has a procedure stating which kinds of workplace monitoring are allowed; what kind of personal worker information is retained; where it is stored; who has access; and why the information is necessary.

- Workers are made aware of all workplace monitoring, including cameras and Internet or e-mail monitoring, and the specific purpose of the monitoring.
- The company obtains the worker's prior written consent before gaining information from an individual with whom the worker has a privileged relationship, including a former employer, doctor or lawyer.
- Workers have access to all personal data collected about them, including data concerning disciplinary decisions and data obtained through monitoring, but excluding confidential management specific

information related to performance evaluations, salary negotiations, promotions, rotation and similar employment decisions.

Standards & Guidance

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

- International Labour Organization Core Labour Standards on Non-discrimination and the ILO Bureau for Gender Equality: Non-discrimination comprises one of the four core areas of the ILO Declaration on Fundamental Principles and Rights at Work, which comprises the ILO core labour standards. The ILO integrates gender throughout its work, with the objective of achieving gender equality as an essential feature of decent work. This can include advisory services, research and information dissemination, training and capacity building.
- Oxfam Australia: Women, Communities and Mining: The Gender Impacts of Mining and the Role of Gender Impact Assessment (2009): This Guide is intended to inform mining company staff of potential gender impacts of mining projects and introduces some tools and approaches that can be used to conduct a gender impact assessment.
- Women's Empowerment Principles (2010): Developed in collaboration between UN Women and the UN Global Compact, the Women's Empowerment Principles are a set of principles for businesses offering guidance on how to empower women in the workplace, marketplace and community.

Stakeholder Recommendations

Suggested due diligence steps from local actors

Global Rights Alert: The organisation recommends that extractive companies provide capacity building opportunities for women, including financial literacy, business skills, funding opportunities and budgeting, to help them gain employment in the oil industry.⁶⁹

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

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

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

Company Initiatives

Actions and priorities suggested by local and international stakeholders

Due Diligence Initiatives

Civil Society – Private Sector Forum: In September 2012, the Foundation for Human Rights Initiative launched the forum to address cross-cutting challenges in Uganda and to enhance good governance and development through collaboration between civil society and the private sector. Actors in both sectors recognised the importance of the UN Guiding Principles as a framework for both the state and businesses to respect human rights.⁷⁰

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

National Conference on ESCR: Uganda Human Rights Commission in partnership with Public Interest Law Clinic (PILAC) of the School of Law Makerere University, the Initiative for Social and Economic Rights (ISER), the Human Rights Network-Uganda (HURINET) and the Center for Health, Human Rights and Development (CEHURD) have organised two forums (September 2014 and 2015) for promoting advocacy for the protection, promotion and enforcement of economic social and cultural rights (including business and human rights) in Uganda.

Development Initiatives

Tullow Oil: The oil company supports Ugandan women to international training courses to help them gain skilled roles in the oil and gas sector.⁷¹

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

Madhvani Foundation: The company provides annual scholarship funds of over UGX 40 million (US\$15,907) to students pursuing scientific and technical education in undergraduate and postgraduate courses.⁷²

Engagement Opportunities

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

Public Sector Initiatives

Business, Technical and Vocational Education and Training Strategic Plan 2011-2020: With the support of the World Bank and the government of Belgium, the Directorate of Industrial Training and the Ministry of Education and Sports formulated a strategy to create employable skills and competencies for all Ugandans. The plan includes strengthening employer-based training, improving

equitable access for all to build skills, improve agricultural training and promote skills for productivity in SMEs and the informal sector.⁷³

Equal Opportunities Commission was established to take affirmative action in favour of marginalized groups and for the purpose of redressing imbalances in the workforce.

Youth Livelihood Programme (2013-2018): The Ministry of Gender, Labour and Social Development has set aside UGX 265 billion (US\$102.7 million) for a five-year programme targeting unemployed youths in all 112 districts of Uganda. The programme will grant them access to interest-free loans to start businesses, and only have to be paid back once the project has made profits equivalent to the loan amount.⁷⁴

USAID/Uganda Supporting Access to Justice, Fostering Peace and Equity 2012-2017: With funding of US\$15 million, the SAFE program aims to support peace-building and conflict mitigation in Uganda by strengthening mechanisms for resolution of conflicts over land, oil and ethnic diversity. Through training, technical assistance and financial support to civil society organisations, SAFE focuses on the oil-rich Albertine region, the Lord's Resistance Army-affected northern region, and central Uganda as initial entry points.⁷⁵

Rights Holders at Risk in the Community

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

Operating Environment		
	Uganda	Sub-Saharan Africa
Life expectancy	59.19 years (2013)	57 years (2013 ⁷⁶)
Human Development Index score	0.484 (2014)	0.502 (2014)
HDI adjusted for inequality	0.335 (2014)	0.345 (2014)
Population below US\$1.25 per day	37.7% (2015)	41% (2015) (MDG 2015 report)
Literacy rate, 15-24 years old	73.9% (2015)	48 million (2015)
HDI Gender Equality Gap Index	0.517 (2014)	0.578 (2013)
OECD Social Institutions and Gender Index	0.216 (2014)	0.284 (2014)
Maternal mortality ratio (per 100,000 births)	438 deaths/100,000 live births (2015)	560 deaths/ 100,000 live births (2010)
Seats held by women in national parliament (Inter Parliamentary Union)	35% (2015)	23.2% (2015)
Constitution prohibits discrimination on grounds of:	Race, colour, sex, religion, political opinion, social standing or ethnic origin, HIV status or disability	

Major ethnic and indigenous groups	• Batwa • Benet • Ik • Basongora
Recognition of indigenous groups in law	The Constitution does not mention an express protection for indigenous peoples but provides for affirmative action in favour of marginalised groups.
Relevant Laws	• The Constitution of Uganda, 1995 • The Persons With Disabilities Act, 2006 • The Equal Opportunities Act, 2007 • The Land Act Cap 227 and Land Amendment Act 2004 & 2010 • Employment Act, 2006 and regulations • Equal Opportunities Act, 2007
Responsible agencies	• Ministry of Finance and Economic Development • Ministry of Gender, Labour and Social Development • Equal Opportunities Commission • Uganda Human Rights Commission • National Council for Disability • Ministry of Internal Affairs
Local NGOs addressing this issue	• Legal Action for Persons with Disabilities Uganda • Uganda National Action on Physical Disability • Uganda National Action on Physical Disability • Minority Rights Group Uganda • Cross Cultural Foundation Uganda (CCFU) • Forum for Women in Democracy (FOWODE) • Uganda Women's Network (UWONET) • Global Rights Alert (GRA) • NUDIPU • Legal Action for Persons with Disabilities Uganda • UGANET • Uganda Youth Network (UYN) • HURINET • Global Alert
Development Frameworks	• National Development Plan 2015/2016-2019-2020

Country Context

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

The Constitution promotes national unity, peace and stability while calling on every effort to be made to integrate all Ugandans. It recognises the existence of ethnic, religious, ideological, political and cultural diversity.⁷⁷ The Constitution affirms that the state must take measures of affirmative action in order to redress imbalances suffered by marginalised groups. It defines marginalised groups based on gender, age, disability or any other reason resulting from history, tradition or custom.⁷⁸ Furthermore, Article 21 prohibits discrimination based on race, colour, sex, religion, political opinion, social standing or ethnic origin, HIV status or disability.

The Uganda Human Rights Commission (UHRC) and the Equal Opportunities Commission (EOC) are mandated to promote human rights and equality, including those of minority groups.¹³⁸ The EOC was created in 2009, under the Equal Opportunities Act 2007, to eliminate discrimination and inequalities on grounds of ethnic origin. The EOC is also mandated to take affirmative action in favour of marginalised groups.

The UHRC was established in 1995 with a mandate, as a National Human Rights Institution, to protect the human rights of all Ugandans. The Ministry of Gender, Labour and Social Development is responsible for the empowerment, protection and promotion of the rights and obligations of vulnerable groups, but is not specifically mandated to address the needs of ethnic minorities.

Ethnic Minorities

In Uganda, there are approximately 21 major ethnic minority groups which include the Batwa (6,700 people), the Benet (20,000 people), Ik (1,500 people), , the Batuku and Lendu.⁷⁹ The Batwa primarily live in the south-west region, and the Ik live near the Uganda-Kenya border.⁸⁰

The lack of comprehensive national legal and policy frameworks is a persistent challenge that inhibits the promotion and protection the rights of minority groups. For instance, the Equal Opportunities Act of 2007 provides protection for all marginalised groups, without taking into account their specific needs and rights.

According to the UN Office of the High Commissioner on Human Rights and Minority Rights Group, ethnic favouritism is systemic in Uganda, and discrimination against ethnic minorities is common. The government did not effectively enforce anti-discrimination laws for some ethnic groups.⁸¹ In 2012, Global Rights reported that ethnic minority groups had higher poverty rates than other groups, and lower levels of education. They reportedly faced discrimination from larger neighbouring tribes, lacked access to political representation and public services and had limited participation in local and national levels to discuss their concerns and interests.

Many ethnic minority groups were located in remote rural areas, largely due to tensions with other ethnic groups. The areas where the groups lived also lacked development due to the misappropriation of resources and political malfeasance, and a view that the areas were 'backward' and therefore not given attention.⁸²

According to First Peoples Worldwide in 2012, establishment of large-scale commercial enterprises, including mining, logging, commercial plantations, oil exploration and dam construction, had resulted in large-scale disruptions of indigenous lifestyles and the degradation of ethnic minorities' living standards.⁸³ Many such groups reportedly lacked access to and control of land, partly due to government initiatives such as gazetted forests and creating national parks.⁸⁴

Persons with Disabilities

The Uganda Demographic and Household Survey of 2011 reported that 16 percent of the population had disabilities, an increase from 7 percent in 2006. According to a 2012 survey by the National Council on Disability, 55 percent of persons with disabilities were illiterate, and only 33 percent had finished an education up to seventh grade.

Article 32 of the Constitution and the Persons with Disabilities Act 2006 provide for all persons with disabilities to have equal access to education, health, employment and other state services, as well as physical access to all buildings. In order to give full effect to Article 32 of the constitution, an Equal Opportunities Commission was set up in 2009.

The Ministry of Gender, Labour and Social Development have the overall responsibility for the protection of persons with disabilities. Further, In order to promote, protect, mainstream and monitor the rights of persons with disabilities, a National Council for Disability was established. To further guide planning and budgeting, the government also developed the National Programme and Plan of Action on Disability focuses on the accessibility to basic services; physical environment and information; capacity building; conflict and humanitarian emergencies; livelihoods and employment; research and documentation; monitoring and evaluation.

Despite these efforts, laws are not effectively enforced, and many schools, public and private buildings, businesses and essential services are not accessible.⁸⁵ According to a survey conducted by Uganda National Action for Physical Disability (UNAPD) in 2013, up to 95% of public buildings in Kampala Central Business District (CBD) do not meet accessibility standards, three years after the introduction of accessibility guidelines to make them accessible to people with disabilities (PWDs).⁸⁶ Further, some sectors such as the hospitality sector have been slow in embracing necessary realignments to ensure accessibility for persons with disabilities, while priority has only been given to people with physical disabilities as compared to those with poor hearing and visual impairments.⁸⁷ Further, the Ministry of Gender, Labour and Social Development is inadequately facilitated to undertake or support significant initiatives in respect to persons with disabilities.⁸⁸

People Living with HIV/AIDS

The Constitution and the Employment Act 2006 prohibit discrimination based on HIV status. Despite previous successes in fighting HIV, the 2011 Uganda AIDS Indicator Survey reported that HIV prevalence among persons aged 15-49 increased from 6.4 percent in 2005 to 7.3 percent in 2011.⁸⁹

The Uganda AIDS Commission is responsible for nationwide efforts to prevent HIV/AIDS, including coordinating policy planning and development and monitoring progress. Global Rights Alert reported in 2013 that HIV/AIDS rates were particularly high in communities near oil and mining operations, as well as the families of workers who lived far from home.⁹⁰ Fishermen were at high risk of contracting HIV, with prevalence rates as high 40 percent in 2014 in fishing communities.⁹¹ The reasons for the

high prevalence rates were low literacy, lack of information and the migratory nature of fishing communities.

Women

The Ministry of Gender, Labour and Social Development is responsible for promoting gender-responsive development and gender equality.

There is a progressive legislative framework protecting women in Uganda and includes the following: the Land Act Cap 227 and its amendments, the Employment Act 2006, the Equal Opportunities Commission 2007, the Domestic Violence Act 2012, the Prohibition of Female Genital Mutilation 2010, the Prevention of Trafficking in Persons Act 2010, the International Criminal Court Act 2010 amongst others. In addition to this, there have been adoption and implementation of policies, programs and plans of action that promote gender equality and eliminate discrimination against women including the National Gender Policy.

Despite these efforts, there still remain several challenges in respect to discrimination against women. According to UN Committee on the Elimination of Discrimination against Women, rural women, who constitute the majority of women in Uganda, were particularly vulnerable to poverty.⁹²

Global Rights reported that female ethnic minorities were vulnerable due to traditional gender roles, lack of land ownership, denial of property and inheritance rights, and the overall lack of legal protection of ethnic minority rights.⁹³

Global Rights Alert reported in 2013 that many oil sites did not have permanent housing for staff, and that women were denied access to oil jobs due to household responsibilities. Their lack of transport to also affected their ability to obtain work.⁹⁴

Human Rights Defenders

Over the past twenty years, the government has created a relatively conducive environment that has enabled the vibrant operation of both state and non-state actors. Uganda's growing civil society sector has carried out a number of campaigns that have resulted in stronger protection of human rights. There is also evidence of increased government support and engagement with human rights organisations.

However, civil society organisations have reported several challenges in carrying out their work, including when advocating for more transparency or improved human rights practices by the extractive sector. These include lack of access to information and restrictive laws such as the Public Order Management Act 2013 and the NGO Amendment Act 2015.⁹⁵ Certain categories of civil society organisations faced consistent harassment and risk. These included gender empowerment NGOs, human rights defenders in the extractive industry, the media and civil society organisations working with, or perceived to be working with, sexual minorities.⁹⁶

Access to Remedy

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

The highest court of the formal justice system is the Supreme Court of Uganda, which deals with all matters concerning the constitution, including human rights allegations. Cases must first go through other lower courts such as the Constitutional Court, the Court of Appeal and the High Court before proceeding to the Supreme Court.

In addition to this, there are specialized courts or tribunals that form part of the judicial structure, including the Industrial Court and the Tax Appeals Tribunal.

Access to justice remains a problem, as reported by the UHRC. Barriers that impede access include poverty, public unfamiliarity with the litigation process and the technical nature of the law. The poor reportedly cannot afford transport costs or legal representation, which is confined to urban areas.⁹⁷ Global Rights reported in 2012 that indigenous groups had limited avenues for access to justice and few remedies for abuses of their rights. In Bundibugyo, where the majority of the Batwa live, there were no private law firms or paralegals, or a resident state attorney, and only one of the five courts was functional.¹⁹⁴

In 1995, Uganda established the Human Rights Commission (UHRC) to enforce the human rights of the population. The UHRC is mandated to investigate complaints made by individuals or groups, to raise awareness of human rights to the public and to defend the constitution. The UHRC tribunal can hear complaints of human rights violations and does so in a quasi-judicial process. Appeals can be made from the UHRC to the High Court. The UHRC reserves the right to order payment of compensation or any other legal remedy, including mediation, for individuals whose labour rights have been infringed upon. However, the UHRC does not have the authority to hold human rights abusers criminally liable.⁹⁸

The Equal Opportunities Commission (EOC) also has the powers of court to eliminate discrimination and inequalities against marginalised persons or groups. The EOC can investigate cases on its own initiative or through complaints received by persons or groups who have been discriminated against or marginalised. The EOC can refer the case to another institution, tribunal or authority, or order any entity to take steps that will promote equal opportunities.

Communities that have been impacted by International Finance Corporation (IFC) or Multilateral Investment Guarantee Agency (MIGA) projects can make complaints to the Compliance Advisor Ombudsman (CAO), a dispute resolution mechanism that mediates between individuals and companies. The CAO conducts investigations and provides a forum for mediation, information-sharing and facilitated dialogue.⁹⁹

According to the Uganda Legal Information Institute, arbitration and conciliation takes place and are governed by the Arbitration and Conciliation Act 2010.

The Business Anti-Corruption Portal reported in 2015 that bribery of court officials was common, and contributed to the public's avoidance of the judicial system. Judicial decisions were reportedly often based on ethnicity.¹⁰⁰

Obstacles for access to justice included affordability and the long distances from rural towns to police stations or magistrates' courts.¹⁰¹ In rural areas, many communities reportedly faced challenges in accessing formal justice mechanisms such as protracted litigation processes, huge costs of suits which can be afforded by businesses or respondents; increasing the importance of traditional justice mechanisms.¹⁰²

Uganda has ratified the protocol providing jurisdiction to the African Court on Human and Peoples' Rights, a regional court that aims to ensure protection of the rights established under the African Charter on Human and Peoples' Rights. The Court handles complaints submitted by the African Commission, state parties to the protocol or African intergovernmental organisations. Uganda has, however, not granted jurisdiction to the court to deal with cases submitted by individuals or non-governmental organisations. No Ugandan case has been filed at the court.

Human Rights Guidance for Businesses

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

Due Diligence Library

The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies

Community Engagement

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

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

Country Risk

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

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

Standards & Guidance

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

- The Forest Peoples Programme: Established in 1990, the Programme is dedicated to supporting Indigenous Forest Peoples protect their land rights and human rights. The Programme works directly with indigenous communities, assisting them in building their own capacities and exercising their human rights.
- IFC Performance Standard 7: Indigenous Peoples (2012): The IFC PS7 and its accompanying guidance offer directions on how private sector projects can respect the human rights of Indigenous Peoples through following the stated requirements.
- International Council on Mining and Metals Good Practice Guide: Indigenous Peoples and Mining (2010): The ICMM is the industry organisation for the mining and metals sector. The Guidance provides advice to companies on how they can build effective relationships with Indigenous Peoples, as well outlining ways in which companies can effectively engage throughout the lifecycle of a project.
- International Working Group for Indigenous Affairs (est. 1968): IWGIA is an international human rights organization specialising in Indigenous Peoples' rights. IWGIA works to further the understanding, knowledge, and engagement with the rights of Indigenous Peoples through publications, advocacy programmes and support of local projects.
- The Manila Declaration of the International Conference on Extractive Industries and Indigenous Peoples (2009): The Declaration is a statement on behalf of Indigenous Peoples and support organisations from 35 countries that calls on different stakeholder groups, such as extractive companies, communities and civil society organisations, to respect and uphold the recognised rights of Indigenous Peoples.
- Tebtebba Foundation (Indigenous Peoples' International Centre for Policy Research and Education): The Foundation's main purpose is to work for the respect, protection and fulfilment of Indigenous Peoples' rights and the operationalisation of Indigenous Peoples' self-determined sustainable development. The Foundation offers a number of relevant resources on issues such as traditional knowledge and traditional livelihoods, biodiversity and climate change.
- UN Permanent Forum on Indigenous Issues (est. 2000): The Forum was formed to advise the United Nations Economic and Social Council on a number of Indigenous Peoples' rights issues, such as economic and social development, culture, education, environment, health and human rights.
- UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples (est. 2001): The Special Rapporteur mandate is to advise on and monitor the human rights situation of Indigenous Peoples. This includes country reports, promoting good practice, addressing relevant human rights violations and contributing to thematic study on topics related to Indigenous Peoples.

Stakeholder Recommendations

Suggested due diligence steps from local actors

- **International Alert** recommends that oil companies create systematic approaches for the delivery of corporate social responsibility projects in district development plans, and to further incorporate communities in the planning processes.²¹³
- **The Institute for Human Rights and Business** recommends that oil companies ensure their investment licences include comprehensive human rights based due diligence assessment, and ensure that their activities do not lead to the marginalisation of communities.²¹⁴
- **UNAPD** recommends for the enforcement of Accessibility Standards 2010 by businesses in their place of operations such as ramps and lifts to enable access and employment of PWDs.

- **Initiative for Social and Economic Rights (ISER)** suggested the use of non-state non judicial mechanisms such as social accountability mechanisms (audits, etc) as an alternative to improve access to justice for victims corporate related violations or abuses. However, challenges associated with using these mechanisms for instance informal nature, inadequate follow up and enforceability should be strengthened.

Company Initiatives

Actions and priorities suggested by local and international stakeholders

Due Diligence Initiatives

CNOOC engages with communities living near oil operations by holding monthly meetings with advisory committees. The advisory committees are made up of local leaders and representatives from the community. The aim of these meetings is to update the locals as to ongoing activities within the oil fields.¹⁰³

Development Initiatives

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

MTN Uganda: The company implemented a six-month-long water project from September 2013 worth UGX 308 million (US\$119.3 million) along with the Uganda Red Cross. Ten boreholes were constructed to provide clean water for communities affected by landslides. The company aims to enhance development through basic necessities such as clean water and improved sanitation facilities.¹⁰⁴

Tullow Oil: In Buliisa District, the oil company invested US\$2 million into building a health facility including a maternal ward, operating theatre, nurses and doctors' residence and an outpatient department. The company also built two health facilities in Hoima District.¹⁰⁵

Engagement Opportunities

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

NGO Initiatives

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

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

Child Labour

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

Operating Environment		
	Uganda	Sub-Saharan Africa
Net Enrolment Ratio in Primary Education (percent both sexes)	93.7% (2014)	80% (2015)
Percentage of pupils starting grade 1 and reaching last grade of primary	32.1% (2014)	n/a
Percentage of population below 14	48.7% (2014)	47% (2014)
Restrictions on children under 18 from working	The law prohibits children from working from 7 p.m. to 7 a.m. and does not allow children to be employed in work that is 'injurious to their health, dangerous or hazardous or otherwise unsuitable'	
Minimum age of employment	14, but 13-year-olds can engage in light work, as long as it does not interfere with their education.	
Relevant laws	• Employment Act 2006 • Occupational Health and Safety Act, 2006 • Prevention of Trafficking in Persons Act of 2009 • Children Act Cap 59	
Responsible ministries	• Ministry of Gender, Labour and Social Development • Ministry of Education and Sports • Ministry of Justice and Constitutional Affairs • Directorate for Public Prosecutions • Uganda Human Rights Commission • Family and Children's Court • National Council for Children • Industrial Court	
Local NGOs addressing this issue	• Uganda Women's Effort to Save Orphans • UCRNN • ANPCANN	
Development Frameworks	• National Development Plan 2011-2015 • The African Union Commission (AUC) Children's Forum 'The Responsibility to Invest in Children'	

Country Context

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

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

The Employment Act establishes the minimum age of work at 14 years. Children under 12 years are prohibited from working, and children between 12 and 14 may engage only in light work that does not interfere with their education. Children are prohibited from working between 7pm and 7am. This complies with international labour rights standards under the International Labour Organisation and the UN Convention on the Rights of the Child.

Child labour is legally defined according to age group and includes: children 5 to 11 who are engaged in work, children between 12 and 13 who engage in at least 14 hours of work per week, and children 14 to 17 who work more than 43 hours per week or at night or engage in hazardous work.¹⁰⁶

According to the UBOS National Labour Force and Child Activities Survey 2011/2012 released in 2013, approximately 2 million children were engaged in child labour. The report indicated that majority of the working children – 93 per cent – work in the agriculture, forestry and fishing industries. The report found that the slight majority of child labourers were male (52.5%) and one in every four working children (26%) carried heavy loads at their respective workplaces. Children in rural areas were engaged in child labour more than their urban counterparts, and rural children were more likely to be engaged in work than children living in urban areas.¹⁰⁷

Child labour is particularly common in the informal sector where they reportedly work long hours with little or no pay, do not receive education, given insufficient food and are vulnerable to sexual exploitation and physical abuse by their employers.¹⁰⁸

Human Rights Watch reported in 2014 that in the Karamoja region, many children were employed in gold mining, sifting and washing sediment.¹⁰⁹ The Ministry of Gender, Labour and Social Development stated in 2012 that other sectors where children were vulnerable included domestic service, hotels and bars, commercial sexual exploitation, construction and stone quarrying. Ninety percent of child labourers were reportedly between 5 and 13. Children with disabilities were particularly vulnerable to work, as they were less likely to receive an education and faced discrimination and exclusion. Consequently, they were also more at risk for workplace health and safety hazards.¹¹⁰

The National Council of Children, the Child and Family Protection Unit, the Industrial Court, and the Ministry of Gender, Labour and Social Development are responsible for implementing and enforcing child labour laws, coordinated through the National Steering Committee on Child Labour. Each of the 112 districts in the country is supposed to have a district labour officer responsible for addressing all labour issues, including child labour. However, training, funding, and logistical support for district labour officers is inadequate.¹¹¹

Worst Forms of Child Labour

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

The Uganda Bureau of Statistics reported in 2012 that out of 2 million child labourers, 507,000 were exposed to hazardous work. One in four child labourers reportedly had to carry heavy loads at the workplace.¹¹²

According to the Ministry of Gender, Labour and Social Development in 2012, the most dangerous forms of child labour differed from region to region, and included commercial sexual exploitation, commercial agriculture, mining, construction and armed conflict.¹¹³ Children reportedly faced abuse, sexual exploitation, sexually transmitted infections, early pregnancy, exposure to chemicals, carrying heavy loads, unpaid work and long hours. According to the UBOS National Labour Force and Child Activities Survey 2011/2012, children were more likely to be involved in hazardous work in Kampala and the central region.

The Prevention of Trafficking in Persons Act of 2009 made child trafficking illegal, and provides protection and assistance for victims. It also provides for reparation for victims of trafficking to and from Uganda. Children are trafficked internally for forced labour in domestic services, agriculture and fishing. Children from the Democratic Republic of the Congo, Kenya, Rwanda, Tanzania and Burundi were also reportedly trafficked into Uganda for agricultural work and commercial sex work.¹¹⁴

It was reported in 2012 that an estimated 5,000 children were engaged in artisanal and small-scale mining in the Moroto district. They were employed either as miners or in selling food and collecting water for the miners.¹¹⁵

Education

Universal Primary Education is free until the completion of primary seven. The UN Educational, Scientific and Cultural Organisation (UNESCO) has estimated that 68% of children in Uganda who enroll in primary school are likely to drop out before finishing the prescribed seven years.¹¹⁶

The Ministry of Gender, Labour and Social Development observed that child labour was higher in poor families due to school fees and that many children worked to meet the expenses of absent or sick parents. There are also a large number of orphaned children. UPE scheme faces a myriad of issues including gender concerns, child labour and poverty.²⁵⁶

Access to Remedy

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

The Child and Family Protection Unit (CFPU) of the Uganda Police Force has officers trained in protection of children at local, district and national levels. In low-level police posts, CFPU liaison officers respond to child-related complaints. These officers have received training on family and child laws, and in turn trained other local police officers. CFPU is responsible for investigating cases related

to crimes committed against or involving children, while the Ministry of Justice and the Directorate for Public Prosecutions were responsible for prosecuting such charges.

The UHRC has the mandate to monitor, document and report on the situation of child labour in the country, through its receipt, investigations and adjudication of related complaints. It however does not have the authority to hold human rights abusers criminally liable.

Uganda has ratified the protocol providing jurisdiction to the African Court on Human and Peoples' Rights, a regional court that aims to ensure protection of the rights established under the African Charter on Human and Peoples' Rights. The Court handles complaints submitted by the African Commission, state parties to the protocol or African intergovernmental organisations. Uganda has, however, not granted jurisdiction to the court to deal with cases submitted by individuals or non-governmental organisations. No Ugandan case has been filed at the court.

Media Reports

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

- *July 2012, Uganda Radio Network:* In the Kabarole district, over 300 children under 18 were employed in factories, tea plantations and as domestic house workers, receiving low wages. The children were forced to work long hours every day. The District Labour Officer was reportedly aware of the problem, understaffing of the office meant the law could not be enforced.¹¹⁷
- *January 2011, All Africa:* A number of children were reported to be working in stone quarries crushing rocks in Mayuge District.¹¹⁸
- *January 2011, Uganda Radio Network:* Over 50 boys between 13 and 15 were found to be employed by a Chinese construction company digging trenches, sweeping roads and guiding traffic along the Fort Portal - Bundibugyo road.¹¹⁹

Human Rights Guidance for Businesses

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

Due Diligence Library

The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies

- The company does not employ workers under 15 years of age for full-time work, 13 years of age for light work and 18 years of age for hazardous work (please see the question description for exceptions).
- If the company employs minors below the age of 18, the company has a list of job functions that can safely be performed by minors.
- The company is aware of local age-levels for completion of compulsory education and does not employ workers under that age for work that may interfere with such education.

- The company has a reliable procedure to check the age of young job candidates by birth certificate, other official forms of identification, or by alternative means such as physical appearance or knowledge of historic events.
- Company apprenticeship programmes do not constitute the main portion of the workforce, are limited in duration, are performed in conjunction with a school programme (or supervised by Labour Ministers or Labour Organisations), and do not interfere with the child's compulsory education.
- If the company becomes aware that it is employing young workers below minimum age, it ensures that they are enrolled in education programme, and that their dependents are compensated for the resulting loss of income.

Standards & Guidance

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

- Business and Human Rights Resource Centre, Business & Children Portal: The Portal is an information hub developed to give practical assistance to people from all business sectors in their work and decision-making, leading to better protection of the rights and welfare of children. The Portal has sections on: issues, positive initiatives, alleged abuses, lawsuits and guidance.
- Children's Rights and Business Principles (2012): Developed by UNICEF, UN Global Compact and Save the Children, these Principles are the first comprehensive set of principles to guide companies on the full range of actions that they can take in the workplace, marketplace and community to respect and support children's rights.
- ILO Programme on the Elimination of Child Labour (est. 1992): The Programme has the overall goal of the progressive elimination of child labour, to be achieved through strengthening the capacity of countries to address it and promoting a worldwide movement to combat child labour.
- UN Committee on the Rights of the Child General Comment No.16 on State obligations regarding the impact of the business sector on children's rights (2013): The Committee is the body of independent experts that monitors the implementation of the Convention on the Rights of the Child and the Optional Protocols. In April 2013, the Committee issued a general comment on business and children's rights. The objective of General Comment No.16 is to provide States parties with a framework for implementing the CRC, particularly with regard to the business sector.
- Children's Rights in Impact Assessment – A Tool For Companies (2013): Developed by UNICEF and the Danish Institute for Human Rights, this checklist is a practical tool intended to help companies to identify and manage their impact on children's rights. The checklist contains a set of questions and indicators covering the 10 Children's Rights and Business Principles, addressing different aspects of company policies and operations and the impact on children's rights.
- Better Work (ILO, IFC): Guidance Sheet on Child Labour (2009)

Stakeholder Recommendations

Suggested due diligence steps from local actors

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

- Conduct a survey to understand the situation of children in their sector.

Child Labour

- Identify and assess the situation of children in the supply chain.
- Work with the ILO and government on the issue of child labour.
- Build schools where the company operates. If these are lacking, work with the family unit.
- Devise a strategy on how to involve youths and adults in the process.²⁶

Ministry of Gender, Labour and Social Development (Directorate for Labour Productivity and Industrial Relations) recommended that the abovementioned directorate and district labour offices should be adequately facilitated with human, financial and capital resources (in all 112 districts) in order to effectively monitor businesses / places of employment and enforce labour laws.¹²⁰

Company Initiatives

Actions and priorities suggested by local and international stakeholders

Due Diligence Initiatives

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

Implementation of Children's Rights and business principles In Uganda: The Ugandan business community signed up to the implementation of international principles to respect children's rights, eliminate child labour, provide young workers, and ensure safety of children. It was organized in September 2014 by the UNICEF, Global Compact Network in Uganda, Save the Children and the Private Sector Foundation Uganda under the theme: 'Invest in Ugandan children: Realise Uganda's Vision 2040.'¹²¹

Development Initiatives

Nile Breweries Uganda: In 2011 the company selected the best pupils from rural schools in ten districts to study in top secondary schools across the country. The scholarship fund aims to provide benefits for the poor children of the rural farmers that supply the company with sorghum and barley.¹²²

MTN Uganda: The company awarded 21 scholarships to students in June 2013 who performed well an e-learning test. MTN aims to empower students through improved electronic educational content and provides free online access to educational material.¹²³

Tullow Oil: The company built two primary schools in Hoima District, investing over US\$2 million.¹²⁴

CNOOC: The company launched a one-year, US\$50,000 basic skills training programme in Hoima to sponsor 70 youths to receive vocational skills such as metal fabrication and welding.¹²⁵

Engagement Opportunities

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

Public Sector Initiatives

Stop Child Labour Partners Forum: coordinates, monitors, and evaluates child labor-related programs and policies in Uganda. It is led by the National Council for Children (NCC), with representatives from several ministries, CFPU, and civil society groups.

National Steering Committee on the Elimination of Child Labor: coordinates child labor issues and implementation of the National Action Plan (NAP) on Elimination of the Worst Forms of Child Labor (2012/2013 — 2016/2017). It is led by the Ministry of Gender, Labour and Social Development, with

representation from several ministries, trade unions, development agencies, civil society, and media houses.

Development Priorities

National Action Plan on the Elimination of the Worst Forms of Child Labour (2012/2013 — 2016/2017): Aims to reduce the worst forms of child labour in Uganda by 2017, by increasing enrolment and completion of primary education; increasing households' access to social protection and assistance; increasing public awareness; strengthening the legal and policy framework; withdrawing, rehabilitating, and integrating working children; and enhancing tripartite collaboration among the Government, employers, and labour unions.

National Development Plan (2010/2011 — 2014/2015): Outlines Uganda's development priorities and implementation strategies. Includes an objective to promote and empower artisanal and small-scale miners, in part by training mining communities on child labour issues and enhancing monitoring of child labour in the mining industry.

Forced Labour

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

Operating Environment	
U.S. Department of State – Office to monitor and combat Trafficking in Persons Report 2015 : Tier Placement	Tier 2
Relevant laws	• Prevention of Trafficking in Persons Act 2009 • Employment Act 2006 plus its regulations : • Constitution of the Republic of Uganda, 1995 • Children’s Act Cap 59 • Penal Code Act Cap 120
Responsible agencies	• Ministry of Gender, Labour and Social Development • Ministry of Internal Affairs • Uganda Human Rights Commission • Uganda Police Force
Local NGOs addressing this issue	• Platform for Labour Action • HURINET

Country Context

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

The Constitution prohibits slavery, servitude and forced labour.¹²⁶ The Prevention of Trafficking in Persons Act 2009 further prohibits all forms of trafficking with a maximum punishment of 15 years to life imprisonment.¹²⁷ Prison labour is not considered as forced labour under Uganda’s penal system and those committed to casual labour outside the prisons are entitled to their earnings.¹²⁸

The 2015 Trafficking in Persons Report rated Uganda as a Tier 2 country, meaning that the government did not fully comply with the minimum standards to prevent trafficking but was making significant efforts to do so. Uganda is a source and destination country for women, children and men to be trafficked and subjected to forced labour.¹²⁹

In 2009, the government passed the Prevention of Trafficking of Persons Act, which prohibits the transport of persons for purposes of slavery or other forced activities. Under the law, punishments for human trafficking amount to 15 years’ imprisonment. The Counter Trafficking in Persons Office, set up under the anti-trafficking law, is mandated to lead efforts to abolish and prevent human trafficking.²⁹¹

The Ministry of Gender, Labour and Social Development has the overall responsibility for implementing and enforcing labour law while the Department of Labour, Industrial Relations and Productivity handles labour relations functions, including labour inspections and addressing labour migration. Further, The Ministry has developed guidelines to regulate and monitor foreign labour and recruitment and a total of 27 companies were issued with licenses.¹³⁰ The International Labour Organization (ILO) stated in 2013 that the department was understaffed, underfunded and had weak coordination between districts.¹³¹

Human Trafficking

The complexity of human trafficking and the lack of a national data collection system makes it difficult to ascertain the numbers of victims of human trafficking. However, Uganda has been identified primarily as a source country for trafficking. Official records from the Uganda Police Force, Interpol and the Coordination Office for Counter Trafficking in Persons (Ministry of Internal Affairs) indicated that 4 cases of transnational trafficking in persons were registered in 2010; 7 in 2011; and 45 in 2012. The government investigated 293 trafficking cases in 2014, an increase from 159 cases reported the previous reporting period. It reported 23 prosecutions and four convictions in 2014. Implementation of the law, however, has been weak, with few convictions due to challenges such as the underfunding of the Counter Trafficking in Persons Office, preventing the office from operating to its full capacity.¹³²

There were also reports of Indian, Pakistani and Chinese migrant workers that were trafficked to Uganda through networks, and are subjected to forced labour in agriculture, industry and forced prostitution.¹³³ Karamojong women and children also faced forced domestic servitude and forced cattle-herding in Karamoja. Other sectors which reportedly used forced labour were mining, brick making, stone quarrying and bars and restaurants.

Uganda Human Rights Commission in its Annual Reports has reported that it has received complaints by some prisoners of being frequently overworked when they are hired out by officials to work on private farms and construction sites. Female prisoners reportedly made handicrafts while male prisoners performed hard labour.

Access to Remedy

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

A special Investigations Unit in the Uganda Police Force handles cases of human trafficking and debt bondage. If sanctioned by the Directorate of Public Prosecutions, cases proceed to the Magistrate courts for prosecution. The Anti-Trafficking Law enforcement efforts have decreased from 28 prosecutions in 2012 to 4 in 2014. Related complaints can also be lodged at with the Uganda Human Rights Commission. In 2012, the Uganda Human Rights Commission received a total of 233 complaints of workers who were working beyond the legal 48 hours per week.¹³⁴

Uganda has ratified the protocol providing jurisdiction to the African Court on Human and Peoples' Rights, a regional court that aims to ensure protection of the rights established under the African Charter on Human and Peoples' Rights. The Court handles complaints submitted by the African Commission, state parties to the protocol or African intergovernmental organisations. Uganda has,

however, not granted jurisdiction to the court to deal with cases submitted by individuals or non-governmental organisations. No Ugandan case has been filed at the court.

Media Reports

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

- *August 2015, The Monitor:* A group of 70 migrant workers from India were duped and trafficked to Uganda under the pretext that they were being taken to South Africa. They were later deported back to India.¹³⁵
- *August 2013, The Sunday Times:* Six Rwandan women were rescued from forced prostitution in a rural town in western Uganda. The women were lured into the country under the promise of work in the hotel industry.¹³⁶
- *June 2012, IRIN News:* A suspected human trafficker was released on bail from a Kampala magistrate's court. He was investigated for exploiting more than 50 people through an illegitimate labour recruitment agency.¹³⁷

Human Rights Guidance for Businesses

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

Due Diligence Library

The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies

- Workers can give notice and leave employment within a reasonable length of time. This is clearly communicated to workers prior to starting employment.
- The company (or its recruitment agencies) ensures that it does not withhold wages or bonuses and that it pays them in a timely and regular manner.
- The company ensures it does not make deductions from wages for disciplinary measures or other deductions not authorised by national law.
- Within normal working hours workers are able to earn a living wage sufficient to meet the basic needs of themselves and their closest dependents.
- Overtime work is paid, voluntary and not compelled through threat of pay deductions, termination or other sanctions.
- The company (or its recruitment agencies) ensures that it does not retain identity cards, passports, travel documents or other personal items without which workers cannot leave employment. If letters of release or other documents are needed for the worker to leave employment, such letters are issued without delay.
- All workers are allowed to leave company premises during breaks and at the end of their shifts, and workers in company housing may freely enter and exit their accommodation at any time.

- The company (or its recruiting agencies) ensures that it does not require workers to pay recruitment fees or lodge money deposits.
- Loans or salary advancements to workers are based on fair terms that are clearly explained to the worker, are not granted to cover basic living expenses, are limited in size, and do not require the worker to remain with the company until repayment is completed.
- If the company uses prison labour it ensures that all prison workers have been convicted by a court of law, and that the work is voluntary and supervised by a public authority.
- The company ensures that it does not use labour from agencies or firms involved in human trafficking or other forms of bonded labour.

Company Initiatives

Actions and priorities suggested by local and international stakeholders

Due Diligence Initiatives

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

Engagement Opportunities

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

Public Sector Initiatives

Counter-Trafficking in Persons Office: The government of Uganda created a counter-trafficking in person's office and an anti-trafficking taskforce in the start of 2012 to increase efforts to eliminate trafficking. The government also launched campaigns to raise awareness on the issue and began to review labour recruitment agencies quarterly each year.

Occupational Health & Safety

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

Operating Environment	
Relevant laws	• Employment Act, 2006 • Employment Regulations, 2011 • National Employment Policy 2011 • Occupational Safety and Health Act, 2006 • Labour Dispute Arbitration Settlements Act 2006
Responsible agencies	• Ministry of Gender, Labour and Social Development • Directorate of Labour (Departments of Occupational Health and Safety; Labour industrial relations and productivity and Employment services) • Ministry of Public Service • Uganda Human Rights Commission • Uganda National Bureau of Standards • Medical Arbitration Board • Industrial Court
Local NGOs addressing this issue	• Platform for Labour Action • HURINET
Development Frameworks	• National Development Plan 2011-2015 • Uganda Social Development Sector Strategic Investment Plan 2011/12-2015/2016 • National OSH Policy (under way).

Country Context

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

All employers are expected to ensure that their workers are employed in a safe and conducive environment to ensure the protection of workers in the course of their duty. The Occupational Safety and Health Act 2006 also makes it the duty of every worker to take reasonable care for their health and safety and of any other person who may be affected by his act or omission. The law covers foreign and migrant workers as well as local workers.¹³⁸

In February 2015, the Ministry of Gender, Labour and Social Development listed over 300,000 public and private institutions whose workplaces do not adhere to safety and health measures. The compliance rate across the country is dismal at 30%, whereas in government institutions compliance stands at 45%.¹³⁹ In 2013, it was reported that there was at least one occupational accident per day in Uganda. Construction sites and marketplaces were considered dangerous, with numerous fires reported. Demands for compensation claims amounted to UGX 2.5 billion (US\$994,000).¹⁴⁰

In 2011, Uganda had the highest rate of construction accidents in the world, with 4,200 major injuries occurring per year. Kampala was the region with most injuries, followed by Nakawa. High accident rates were reportedly due to poor construction materials and the high density of workers on sites.¹⁴¹ According to the National Organisation of Trade Union statistics, two deaths and five injuries occurred at construction sites in 2012 due to poor safety practices.¹⁴²

According to the Commissioner for Labour, most accidents occurred in industry, with fewer in the agriculture sector. The challenges faced by the OSH Department included inadequate sensitisation of employers and employees on the OSH Act; reluctance or resistance from private investors to comply with the law; inadequate staff capacity to ensure adherence (the OSH Department had only 12 employees);¹⁴³ and competing demands under the Ministry and Directorate of Labour. The UHRC's special report on workers' rights pointed out that due to inadequate staffing of the OSH Department, some of its functions were performed by trade unions.¹⁴⁴

The Institute for Human Rights and Business reported in 2011 that the horticulture sector was vulnerable to poor working conditions, including health and safety standard violations.¹⁴⁵ Female workers in flower businesses were reportedly raped on their way to work, and old uniforms were used, exposing workers to chemicals. Workers were also reportedly exposed to the cold and not given protective gear.¹⁴⁶

An article in Uganda Radio Network from 2012 stated that in mines protective masks were not used, and that dusty conditions contributed to respiratory tract infections.¹⁴⁷ According to the International Labour Organization (ILO), there was a lack of reporting of accidents and diseases in workplaces, and data was scarce.¹⁴⁸

The Department of Occupational Health and Safety within the Ministry of Gender, Labour and Social Development is responsible for enforcing occupational health and safety standards; developing national guidelines on labour and safety; promoting awareness on health and safety in the workplace; and conducting inspections to ensure regulations are being met. It is also responsible for ensuring that workplaces have HIV/AIDS policies.¹⁴⁹

Access to Remedy

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

If an employee is injured at work, the accident should be reported to the labour office. According to law, an employee who is injured for at least three consecutive days due to an occupational accident must be compensated with full wages. In the case of a death resulting from a workplace accident, the Labour Commissioner must ensure that the employer compensates the survivors of the deceased.¹⁵⁰

Labour inspectors have the power to prosecute employers who violate occupational health and safety rights before a magistrate's court upon complaints from workers whose rights have been violated.¹⁵¹ One of the achievements by the Directorate of Labour Productivity and Employment in FY 2014/15 was that a total of 140 reported cases of violation of labour standards in work places were settled, while 100 labour complaints registered and settled.¹⁵²

Labour disputes which are not settled are referred to the Industrial Court, which became operational in 2013 after a five-year hiatus. 40 disputes were referred to the Industrial Court by the Directorate of Labour Productivity and Employment in FY 2014/15. Although judges were appointed and the Court was technically operational, it had a five-year case backlog, poor structure and location and inadequate staffing and funding. As of 2015, it had over 400 cases of employer-employee disputes to be settled.¹⁵³ Ordinary courts of law reportedly could not effectively handle disputes as labour matters were not fully appreciated by some lawyers.

The UHRC reserves the right to order payment of compensation or any other legal remedy, including mediation, for individuals whose labour rights have been infringed upon. However, the UHRC does not have the authority to hold human rights abusers criminally liable.

There have been challenges to the continued functionality of the Medical Arbitration Board, which is supposed to handle issues of compensation of injured workers. As of 2015, it had 150 such cases to handle.¹⁵⁴

Communities that have been impacted by International Finance Corporation or Multilateral Investment Guarantee Agency projects can make complaints to the Compliance Advisor Ombudsman (CAO), a dispute resolution mechanism that mediates between individuals and companies. The CAO conducts investigations and provides a forum for mediation, information-sharing and facilitated dialogue.

Uganda has ratified the protocol providing jurisdiction to the African Court on Human and Peoples' Rights, a regional court that aims to ensure protection of the rights established under the African Charter on Human and Peoples' Rights. The Court handles complaints submitted by the African Commission, state parties to the protocol or African intergovernmental organisations. Uganda has, however, not granted jurisdiction to the court to deal with cases submitted by individuals or non-governmental organisations. No Ugandan case has been filed at the court.

Media Reports

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

- *April 2015, Monitor:* Casual workers with Kampala Capital City Authority resolved to meet the executive director, Ms Jennifer Musisi, in a bid to present their concerns over poor working conditions. The workers, who included sweepers, garbage collectors and toilet cleaners, complained of working under 'poor conditions' that are 'exposing their lives to risk'. The employees said they lack safety working gear, transport allowance for late night duty and received meagre pay.¹⁵⁵
- *March 2015, New Vision:* A fire engulfed Crest Form mattress factory storage and production facilities, killing 6 casual workers. It was required to compensate the bereaved families and

injured victims. The factory had not put in place risk mitigation systems and had only one entrance and no emergency exits.¹⁵⁶

- *February 2015, New Vision*: Ministry of Gender, Labour and Social Development listed over 300,000 public and private institutions whose workplaces do not adhere to safety and health measures. Some of companies listed include Stanbic Bank, Gaz Fuel Service Station, Umeme Sub-stations, Kobil, Uganda Clays, Capital FM, Super FM.¹⁵⁷
- *October 2013, Monitor*: A former worker of the Mukwano Group of Companies received UGX 1.1 million (US\$300) as compensation from an accident at work.¹⁵⁸
- *July 2013, Big Story*: A building under construction in Kampala collapsed, killing at least four construction workers.¹⁵⁹
- *UHRC, 2013*: At Novelty Tannery, workers raised complaints that the protective gear provided was inadequate. Some employees bought their own protective gear.
- *March 2011, CAO*: Eleven former employees who worked in construction at the Bujagali Energy project on the Nile River filed a complaint with the International Financial Corporation's Compliance Advisor Ombudsman on behalf of themselves and 30 other former employees. They reported that they had not been compensated properly after sustaining injuries at the workplace.¹⁶⁰

Human Rights Guidance for Businesses

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

Due Diligence Library

The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies

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

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

- Where relevant the company has put in place special health and safety precautions for pregnant women, employees with disabilities, night workers, young workers and other vulnerable groups.

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

- The company has a procedure to ensure that all workers are provided, free of charge or deposits, with the protective equipment necessary to safely perform their job functions.
- The company is committed to ensuring that workers use the protective equipment provided and understand why it is necessary to use the equipment.
- The company ensures that all workers have the necessary training to safely perform their job functions and keeps workers fully informed, in a language and form understandable to them, of the health and safety procedures.
- An accurate record is kept of who has been trained and for what tasks.
- On a regular basis and when assigned to new tasks, workers receive training in the safe use of equipment and processes.
- A company function or member of staff is responsible for keeping informed of scientific and technological developments regarding health and safety risks and protective equipment.

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

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

Standards & Guidance

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

- IFC Performance Standard 2: Labour and Working Conditions (2012): FC PS2 is guided by the international labour standards as outlined by the ILO and covers health and safety.
- Portal for Responsible Supply Chain Management: The Portal is designed to support companies in improving the social and environmental conditions within their supply chain. The Portal offers tools and guidance on a number of supply chain issues, such as child labour, corruption and discrimination. In addition, the Portal also details sector specific resource material and pertaining legislation.
- Ethical Trading Initiative Base Code (2012) and ETI Principles of Implementation (2009): The Ethical Trading Initiative is an alliance of business stakeholders promoting the implementation of corporate codes of practice that cover supply chain working conditions. The alliance consists of companies, NGOs and trade

union organisations. The ETI Base Code has been developed as a code of labour practice, targeted generally for supply chains, and is in line with the key international labour standards. The accompanying ETI Principles of Implementation outline the requirements needed by corporate members to implement the ETI Base Code in their supply chains, including the necessary commitments, management practices and behaviours.

Stakeholder Recommendations

Suggested due diligence steps from local actors

Uganda National Bureau of Standards calls for all employers to ensure that workplaces are free from hazardous substances, provide protective gear, establish health and safety management systems, ensure workers are covered by medical insurance and provide compensation when workers are injured in the workplace.

Uganda Human Rights Commission recommends that all employers develop workplace policies that incorporate occupational health and safety requirements under the law, and provide routine training for all staff on occupational health and safety.¹⁶¹

Institute for Business and Human Rights recommends enforcement of labour laws, in particular through redistribution of resources to labour inspection functions.¹⁶²

Company Initiatives

Actions and priorities suggested by local and international stakeholders

Due Diligence Initiatives

Total: The oil company developed 12 rules to improve workplace safety and ensure that all employees and external contractors were aware of safety rules within the company. The company also appointed a health and hygiene coordinator at each site to promote occupational health and ensure that preventive health care and protection systems were in place.¹⁶³

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

Development Initiatives

Total: The company employed a Safety Caravan to drive through Uganda to train local communities on the dangers of recovering fuel from overturned tank trucks.¹⁶⁴

Unilever: The company is a member of the Private Investors for Africa coalition, which aims to promoting healthy workforces through private sector action. The coalition developed an HIV/AIDS roadmap to monitor progress against the disease. The company supports eleven business coalitions on AIDS, including in Uganda.¹⁶⁵

Engagement Opportunities

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

Public Sector Initiatives

Safeguards, Safety and Health at Workplaces 2013/2014-2017/2018: The Ministry of Gender, Labour and Social Development launched the five-year project with UGX 40 billion (US\$15.9 million) to improve safety in workplaces and prevent diseases. Plans include inspecting workplaces for certification and safety standards, and to inform workers on safety at the workplace.

Trade Unions

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

Operating Environment	
Private-sector workers belonging to a union	100,548 persons unionised
Relevant laws	• Labour Disputes (Arbitration and Mediation) Act, 2006 • Labour Unions Act, 2006 • Employment Act, 2006 • Employment Regulations, 2011 • National Tripartite Charter on Labour Relations, 2013 • Constitution of the Republic of Uganda, 1995
Largest trade unions and union confederations	• Central Organization of Free Trade Unions (COFTU) (union confederation representing 24 trade unions) • National Organisation of Trade Unions (NOTU) (union confederation representing 20 trade unions) • Independent Unions (140,000 members) • National Union of Plantation and Agricultural Workers (92,675 members) • Uganda National Teacher's Union (83,000 members)³⁴⁵ • Uganda Building Construction, Civil Engineering, Cement & Allied Workers' Union (4,540 members)
Responsible agencies	• Ministry of Gender, Labour and Social Development • Uganda Human Rights Commission
Local NGOs addressing this issue	• Federation for Uganda Employers • Platform for Labour Action (PLA) • Foundation for Human Rights Initiative (FHRI) • UN Global Compact Local Network • HURINET
Development Frameworks	• Tri partite national charter on industrial relations

Country Context

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

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

According to the Labour Market Country Profile 2014, there were 40 unions registered in Uganda, with a membership of about 440,000, equivalent of 3% of the labour force or 13% of workers in the formal sector.¹⁶⁶ Trade unions are empowered to operate independently of the political system, with worker representatives filling five seats in parliament.

The Ministry of Gender, Labour and Social Development is the lead Ministry responsible for labour administration in the country. The two national trade union federations are the National Organisation of Trade Unions (NOTU) and the Confederation of Free Trade Unions (COFTU), with all trade unions required to join them. NOTU adopted a new constitution in 2012, including youth and women committees and informal sector associations.¹⁶⁷

A Labour Advisory Board was created in September 2011 as a forum to advise the government on labour legislation and policy. Currently, it is non-functional with the expiry of terms of its members. The Registrar of Labour Unions is responsible for ensuring compliance with the rights to join and form trade unions and can investigate employers for compliance with these rights.¹⁶⁸

In May 2013, a National Tripartite Charter on Labour Relations was signed by representatives from the Ministry of Gender, Labour and Social Development, the Federation of Uganda Employers, NOTU and the Central Organisation of Free Trade Unions. The Charter aims to improve labour relations and reduce employer-employee conflicts.¹⁶⁹ The International Labour Organization welcomed the initiative and noted that, under the Charter, the government should provide mechanisms for dialogue, tripartite consultations and negotiations to help the parties to implement the terms of the Charter.¹⁷⁰

Barriers to Unionisation

The Constitution and the Labour Unions Act of 2006 recognise the right to form and join trade unions. Under the Labour Unions Act 2006, the formation and registration of unions requires no prior authorisation or approval by the Registrar of the Ministry of Gender, Labour and Social Development, and there is no requirement for a minimum number of members.

The Labour Unions Act prohibits an employer from interfering with the formation or administration of a labour union.¹⁷¹

In practice, permanent and contractual workers enjoy the privilege of joining, forming and having their trade unions recognised by employers or sub-contractors compared to casual or seasonal workers.

There have been no reports of government interference in union activity. The Institute for Human Rights and Business, however, reported that a number of companies prohibited their employees from forming, joining and organising unions; failed to recognise the rights of unions and delayed with negotiating collective bargaining agreements.¹⁷² The UHRC also noted that some businesses' supervisory and managerial staff were not members of trade union because they held sensitive positions and the employers regarded it as a conflict of interest.¹⁷³ The International Trade Union Confederation (ITUC) reported in 2012 that it was prohibited for workers to form unions in Export Processing Zones.¹⁷⁴

One of UHRC's investigation findings on enjoyment of labour rights in selected factories in 2011 and 2013 was that workers were not adequately represented in trade unions. Some of the representatives of labour unions had never met workers to discuss their issues. Further, workers, including those who were unionised, were not aware of the role and importance of labour unions.¹⁷⁵

Anti-Union Discrimination

Article 29 and 40 of the Constitution prohibit anti-union discrimination. In 2014, there were reports of anti-union discrimination in which companies were accused by labour activists of denying promotions and not renewing contracts as a means to prevent employees from joining unions.

Telecommunication companies and Chinese- and Asian-managed firms reportedly discriminated against unions, and there were reports of these companies threatening to exclude workers who joined unions from pension funds.¹⁷⁶

Collective Bargaining

The Constitution and the Labour Unions Act guarantee the right to collective bargaining; companies are required to enter into collective bargaining agreements (CBAs) with registered unions.¹⁷⁷ The government recognised unions for negotiation; public service unions were able to negotiate employment terms and wages. Unions must obtain a document of recognition prior to engaging in collective bargaining.

The National Organisation of Trade Unions reported that 18 CBAs were signed during 2013, with 13 more under discussion. This is an increase from the seven CBAs signed during 2012.¹⁷⁸

In 2014, there were allegations that some employers ignored the legal requirement to enter into CBAs, and some reportedly used subcontracting and outsourcing services or employed workers temporarily to avoid CBAs. According to a study by the African Labour Research Network, many workers did not have an input in the creation of the CBAs, and most of them were ignorant of their contents.¹⁷⁹

Further, the International Trade Union Confederation's 2012 Annual Survey of Violations of Trade Union Rights reported that many employers refused to negotiate with trade unions and that the number of casual workers without contracts and union representation was increasing. The high unemployment rate also reportedly weakened employee bargaining power.¹⁸⁰

During its systematic investigations on the state of enjoyment of workers' rights in 2011 and 2013, UHRC reported some of the companies delayed with negotiating collective bargaining agreements because of the bargaining power that would be given to their workers.¹⁸¹

Strikes

Article 29 of the Constitution guarantees the freedom to assemble and to demonstrate peacefully. Government policy requires the labour force and management to ‘make every effort to reconcile labour disputes before resorting to strike action’. This directive reportedly presented unions with a complicated set of restrictions; if reconciliation failed, the labour force should give notice and submit its grievances to the Ministry of Labour, who often delegated the dispute to the Industrial Court. The Minister of Gender, Labour and Social Development reportedly seldom permitted strikes without a decision from the Industrial Court that ‘every effort’ had been exhausted.¹⁸²

According to the Foundation for Human Rights Initiative, employees who are not working under a collective bargaining agreement or are not part of the state’s essential services are free to strike without notice. Yet the foundation noted that peaceful strikes in Uganda appeared to be the exception rather than the norm.¹⁸³

In 2013, local media reported 18 strikes over low salaries, wages, delayed salaries and poor working conditions. The same report stated that the police occasionally used excessive force to disrupt striking workers.¹⁸⁴ For example on May 13th 2014, anti-riot police arrested and later released on bail nine market vendors for participating in unlawful assembling. The market vendors had apparently gathered at Kampala City Council Authority to complain about the high market rates. In some cases, what may started as peaceful sit down strike escalated into violence with workers destroying company property, leading to the use of force by company security or police.¹⁸⁵

There have also been reports of strikes by local employees on grounds of discrimination, working conditions and the pay of foreign workers.

Access to Remedy

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

Anyone with a labour dispute can report this dispute to the Labour Officer. The Officer meets with the parties and can appoint a conciliator to resolve the dispute or refer the dispute back to the parties and advise on how to negotiate.

Persons whose right to form and join a trade union are restricted have the right to bring a claim to the Industrial Court. The Minister of Labour can refer a dispute to the Industrial Court if either side does not follow the recommendations of the board of inquiry, which is set up by the Minister to investigate labour disputes.

Although the Industrial Court is operational after many years without operating, it has a five-year case backlog, poor structure and location and inadequate staffing and funding. It currently has over 400 cases of employer-employee disputes to be settled on issues of non-payment of wages, unfair termination, sexual harassment and discrimination, among others.

Arbitration has emerged as the preferred mode of resolving disputes, especially in respect to commercial disputes. The Centre for Arbitration and Dispute Resolution has been operational and instrumental in operationalising and growing the jurisprudence of arbitration in Uganda.

Workers can also lodge a complaint with the Uganda Human Rights Commission in case of allegations of a labour rights violation or abuse. The UHRC reserves the right to order payment of compensation or any other legal remedy, including mediation, for individuals whose labour rights have been infringed upon. However, the UHRC does not have the authority to hold human rights abusers criminally liable.

Uganda has ratified the protocol providing jurisdiction to the African Court on Human and Peoples' Rights, a regional court that aims to ensure protection of the rights established under the African Charter on Human and Peoples' Rights. The Court handles complaints submitted by the African Commission, state parties to the protocol or African intergovernmental organisations. Uganda has, however, not granted jurisdiction to the court to deal with cases submitted by individuals or non-governmental organisations. No Ugandan case has been filed at the court.

Media Reports

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

- *August 2015, Uganda Radio Network:* Over 800 workers held a sit down strike at Kinyara Sugar Works demanding a raise from UGX 5,500 to UGX 10,000 (US\$1.30 to US\$ 2.60) per task and formal employment contracts, which would give them access to sugar coupons and medical services at Kinyara Health Centre. However, what started as a peaceful strike turned violent as the striking workers set unspecified hectares of sugar plantations ablaze.
- *November 2014, U.S. Department of State:* Farm workers at Wagaggai Flowers went on strike over low wages and poor working conditions. Twenty-five workers were reportedly dismissed due to their involvement in the strike.¹⁸⁶
- *October 2013, All Africa:* Security guards went on strike, claiming their salary was too low and only paid in instalments.¹⁸⁷
- *December 2012, ITUC:* The Uganda Nurses and Midwives Union were denied the chance to select a new leader at the Annual General Meeting. Rather, the Ministry of Gender, Labour and Social Development interfered to appoint the secretary general.
- *April 2012, ITUC:* Workers at Tembo Steels Uganda Limited organised a sit-down strike against poor working conditions, workplace accidents, ill treatment and sexual exploitation. Previous protests in 2010 were not addressed. The Uganda Mines, Metal, Oil, Gas and Allied Workers Union intervened to discuss workers' grievances with management.¹⁸⁸
- *March 2012, ITUC:* Officials of the National Organisation of Trade Unions were denied access to the premises of Tilda Uganda, a rice processor, to meet with workers over worker welfare. Anti-riot forces and police were deployed to deny them access.
- *August 2011, Daily Monitor:* Thousands of workers in a flower firm in Entebbe went on strike over low wages and for not receiving payment for overtime work. The managers called police who fired teargas into the strikers to disperse them.¹⁸⁹

Human Rights Guidance for Businesses

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

Due Diligence Library

The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies

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

- The company has a commitment to recognise the rights of its workers to freedom of association and collective bargaining, including the right to freely form and/or join independent trade unions, and this commitment is clearly communicated to all employees.

Trade Unions

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

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

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

Company Initiatives

Actions and priorities suggested by local and international stakeholders

Due Diligence Initiatives

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

Working Conditions

Employment status, wages, working hours and social security.

Operating Environment	
Minimum wage	UGX 6,000 (US\$2.30) per month
Living wage	UGX 110,000 - 720,000 shillings (US\$42 – US\$279), depending on number of children
Percentage of workforce informally employed	85 percent of working population involved in informal sector; informal contribution to GDP is more than 20 percent.
Relevant laws	• Minimum Wages Advisory Boards and Wages Councils Acts, 1964 • Minimum Wage Statutory Instrument No. 68 of 1984 • Employment Act, 2006 • Workers Compensation Act, 2000
Responsible agencies	• Ministry of Gender, Labour and Social Development • Ministry of Finance, Planning and Economic Development • National Social Security Fund • Minimum Wages Advisory Board • Uganda Human Rights Commission
Local NGOs addressing this issue	• Women Working Worldwide • Foundation for Human Rights Initiative • Platform for Labour Action • National Alliance of Informal Economy Workers Organisation
Development Frameworks	• National Development Plan 2011-2015 • National Development Plan 2016-2022 • Decent Work Country Programme (2013-2017)

Working Conditions: National Law		
	Uganda	International standard
Standard working hours per week	56 hours (In industries that employ workers on an hourly basis)	48 hours
Overtime pay rate	1.5 times (if exceeds 48 hours per week)	1.25 times
Holidays with pay, per year	For every four months of continuous employment, an employee is entitled to seven days of paid annual leave	3 weeks
Maximum daily working hours	10 hours	10 hours
Maximum weekly working hours	48 hours (or 56, including overtime, with employee agreement)	48 hours
Uninterrupted weekly rest period	24 hours per 7 days	24 hours per 7 days

Country Context

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

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

Uganda is party to the East African Community Free Trade Agreement, which contains labour provisions on gender equality, working conditions and discriminatory law and practices. In 2013 Uganda and Kenya concluded a bilateral agreement to waive the work permit fees to allow for free movement of labour between the two countries. In 2014, Uganda promised to waive work permit fees for all EAC citizens, following Rwanda and Kenya.¹⁹⁰

In 2012, there was high growth rate in the unskilled labour force, which contributed to the high levels of unemployment and under-employment. According to the latest data from the Uganda Bureau of Statistics, unemployment was three times higher in urban areas than in rural areas. The increasing youth population was expected to increase unemployment, as many lacked technical or professional skills.¹⁹¹

Wages

According to the Foundation for Human Rights Initiative, union representatives and employees had unanimously expressed the need for a law providing for a minimum wage. The minimum wage was set at UGX 54,000 (US\$21.10) per month in 2003, but has not been implemented, with the 1984 rate of UGX 6,000 (US\$2.30) per month still being recognised.¹⁹² Wage Indicator reported in 2012 that 23 percent of workers were paid below the poverty line of UGX 403 (US\$0.20) per hour.¹⁹³

The Institute for Human Rights and Business stated that the outdated minimum wage impeded the attainment of a decent standard of living for workers.¹⁹⁴ The latest data from the Ugandan Bureau of Statistics reported that 75 percent of workers did not earn a living wage, and 34 percent of private-sector employees earned less than UGX 20,000 (US\$10) per month.⁴⁰⁹

Women Working Worldwide released a report in 2013 which calculated the wages earned by flower workers in Uganda to be UGX 82,000 - 150,000 (US\$32 – US\$58) per month, while the living costs for meeting basic needs was estimated to be UGX 110,000 - 720,000 (US\$43 – US\$279), depending on whether workers were single or had families.¹⁹⁵

In June 2015, the Cabinet approved the members of a Minimum Wages Advisory Board, which will undertake studies and make proposals about a minimum wage for government consideration.

Working Hours

The standard workweek is 40 hours for workers paid on an hourly rate. Overtime pay is set at 1.5 times the standard rate, in line with the international standard.¹⁹⁶

The Employment Act sets the maximum working hours per week at 48. Upon agreement between the employer and employee, working hours can be increased, provided they do not exceed an average of 10 hours per day or 56 per week over a three-week period. While international standards allow exceptions to the maximum workweek, hours should not exceed an average of eight hours per day over a three-week period.¹⁹⁷

The Foundation for Human Rights Initiative (FHRI) reported in 2011 that failure to pay overtime was an issue in the private sector. Instead of paying for overtime, employers compensated by giving time off, which FHRI maintained was against the law because non-compliance with payment for overtime could not be traded off for compliance with weekly rest.⁴¹⁶

Under the Employment Act, workers are entitled to minimum weekly rest period is 24 hours and three weeks of holiday per year, which complies with the international standard. Workers have the right to sick pay. Women are entitled to two months of paid maternity leave and fathers have the right to four days' paternity leave.

In its 2011 study, FHRI found that for some employees, taking leave was very difficult in practice, especially in rural areas. Many employers reportedly failed to notify their employees of their sick leave, and fired them for taking leave.¹⁹⁸

During its systemic investigations of workers' rights in selected factories in Uganda, UHRC noted that the regulation of working hours was generally respected. At some workplaces, employees were exploited, and at times company policies provided for 12 working hours.

Social Security

The Constitution highlights social security in its National Objectives and Directive Principles of State Policy, including protection of the aged, fulfilment of general social and economic objectives and the provision of medical services. The constitution is, however, silent on matters of disability, unemployment and illness, falling short of international norms.

Pension and retirement benefits are provided primarily through two state-regulated mechanisms: the National Social Security Fund (NSSF) in the private sector and the Public Service Pension Scheme (PSPS) in the public sector. Only 5 percent of the working population are covered under these formal protection schemes.¹⁹⁹

The NSSF provides for old-age pensions and compensation for survivors, work injuries and disability for workers in the formal sector, covering 1.3 percent of the population. The Minister of Finance and the Central Bank of Uganda oversees the fund. It operates in 24 locations around Uganda, and has 47 officers responsible for ensuring that employers pay in. It covers all employers with five or more employees between the ages of 16 and 55, excluding those under the government Pensions Act.²⁰⁰

In practice, there have been problems associated with the NSSF which included 'the lump-sum payment structure, the minimum age of access being higher than that of life expectancy, and the absence of regulations providing mechanisms for enforcement.'²⁰¹ According to the Bertelsmann Foundation in 2013, as social safety nets were only available for a minority of the population, the majority relied on traditional and informal safety nets provided by networks of extended family and local communities.²⁰²

Informal Sector

Uganda has a working population of approximately 14 million individuals working in the formal and informal sector. Of these 14 million, 85 percent are in the informal sector.²⁰³ Compared to other countries in the East African Community, as well as sub-Saharan Africa, Uganda's informal sector is relatively small. The majority of informal workers were reportedly female. The U.S. Department of State reported in 2014 that child labour was especially common in the informal sector.

The Foundation for Human Rights Initiative reported that dominant activities in the informal sector included: subsistence agriculture, market vendors, small-scale manufacturing (for example wood products and handcrafts) and transport.²⁰⁴

According to Wage Indicator in 2012, workers without written employment contracts were vulnerable to poor working conditions, and 45 percent were paid less than the poverty line wage.

The National Alliance of Informal Economy Workers Organisation is an organisation for the working poor for informal sector rights formed in 2004 with around 1,500 members. The organisation aims to promote respect and observance of informal workers' rights and work as a link between the members and the relevant authorities in representing and negotiating for better terms and conditions of work.²⁰⁵

In its Special Report on the Enjoyment of Workers' Rights in Uganda, UHRC found that annual, maternity and sick leave was only granted to permanent and contractual workers and not for those employed by sub-contractors. When leave was taken, only 70 percent of the leave pay was given and the 30 percent which was to be paid upon return of the employee was never paid. The Commission

learned that this complaint was taken up with the Workers' Member of Parliament but had yet to be resolved.

Access to Remedy

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

The Department of Labour, Industrial Relations and Productivity division of the Ministry of Gender, Labour and Social Development is tasked with dispute resolution, handling individual labour complaints and administration of workers' compensation.

Although the Industrial Court is operational after many years without operating, it has a five-year case backlog, poor structure and location and inadequate staffing and funding.²⁰⁶ It currently has over 400 cases of employer-employee disputes to be settled on issues of non-payment of wages, unfair termination, sexual harassment and discrimination, among others.

The UHRC reserves the right to order payment of compensation or any other legal remedy, including mediation, for individuals whose labour rights have been infringed upon. However, the UHRC does not have the authority to hold human rights abusers criminally liable.

Communities that have been impacted by International Finance Corporation or Multilateral Investment Guarantee Agency projects can make complaints to the Compliance Advisor Ombudsman (CAO), a dispute resolution mechanism that mediates between individuals and companies. The CAO conducts investigations and provides a forum for mediation, information-sharing and facilitated dialogue.

Uganda has ratified the protocol providing jurisdiction to the African Court on Human and Peoples' Rights, a regional court that aims to ensure protection of the rights established under the African Charter on Human and Peoples' Rights. The Court handles complaints submitted by the African Commission, state parties to the protocol or African intergovernmental organisations. Uganda has, however, not granted jurisdiction to the court to deal with cases submitted by individuals or non-governmental organisations. No Ugandan case has been filed at the court.

Media Reports

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

- *April 2015, Monitor:* Casual workers with Kampala Capital City Authority resolved to meet the Executive Director, in a bid to present their concerns over poor working conditions. The workers, who included sweepers, garbage collectors and toilet cleaners, complained of working under 'poor conditions' that were 'exposing their lives to risk'. The employees said they lacked safety gear, transport allowance for late night duty and received meagre pay.
- *December 2013, Acholi Times:* A widow of a worker at a Chinese construction company asked for compensation for her dead husband's salary and for transporting the body to be buried. The company stated that the man was not on duty when he died.²⁰⁷

- *December 2013, Acholi Times:* A workers union accused a Chinese firm of having paid daily wages of UGX 7,000 (US\$2.80) and UGX 2,000 (US\$0.10) for lunch allowance, and deducted fuel costs from an employee who was on duty.
- *May 2013, Daily Monitor:* Over 300 workers at a Riley Packaging factory went on strike over poor working conditions and low pay. Casual labourers were reportedly not paid according to the stated amount in their contracts, and were forced to work 12-hour shifts. The Uganda Horticultural, Industrial, Service Providers and Allied Workers Union secretary general stated that they had sued the packaging company for gross violations of workers' rights.²⁰⁸
- *April 2013, CAO:* The chairman of an informal association of former Bujagali construction workers filed a complaint with the CAO on behalf of himself and 300 workers at the construction camp and dam site. The complaint concerned unpaid wages and benefits dating back to 2008. In November 2013 the parties agreed to engage in voluntary dispute resolution process facilitated by the CAO.²⁰⁹
- *June 2012, New Vision:* Workers at Uganda Clays called off a strike to protest low pay and poor working conditions, including harassment and insufficient health services, after grievances were resolved between workers and the managers.²¹⁰
- *June 2011, Daily Monitor:* Tea factory workers in Kyenjojo District went on strike to protest against poor pay and maltreatment. Employers had reportedly not provided medical care for sick workers.²¹¹

Human Rights Guidance for Businesses

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

Due Diligence Library

The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies

Working hours

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

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

Working Conditions

- Where overtime per worker systematically exceeds 12 hours per week, the company increases its workforce to correspond to production targets, or puts in place measures to increase worker productivity and reduce overtime.
- Workers are allowed at least 24 consecutive hours of rest (or more if provided by national law or industry standards) in every seven day period.
- The company ensures that workers have no less than a 30-minute break for every 4 hours of work (or more if provided by national law or industry standards) and that workers are allowed to use toilet facilities whenever necessary and not just during designated breaks.

Wages

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

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

Leave

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

- Workers are granted at least three weeks of paid holiday leave per year or more if required by national law or collective agreements. Part-time and short-term workers are provided with paid holiday leave proportionate to the number of hours worked, at a rate equal to that of permanent full time employees.
- Workers are entitled to paid sick leave in accordance with the applicable national law. If sick leave is not provided for in national law, the company consults with union or worker representatives to establish alternative means of protection in case of illness or injury.
- The company ensures that sick leave is not deducted from workers' vacation time.
- Female workers are entitled to no less than fourteen weeks of paid maternity leave per child.
- The company grants compassionate or parental leave to workers who have recently adopted a child or children, or have taken on the responsibility to care for foster children or other dependent children.

Employment status

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

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

Standards & Guidance

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

- Ethical Trading Initiative Base Code (2012) and ETI Principles of Implementation (2009): The Ethical Trading Initiative is an alliance of different business stakeholders promoting the implementation of corporate codes of practice that cover supply chain working conditions. The alliance consists of companies, NGOs and trade union organisations. The ETI Base Code has been developed as a code of labour practice, targeted generally for supply chains, and is in line with the key international labour standards. The accompanying ETI Principles of Implementation outline the requirements needed by corporate members to implement the ETI Base Code in their supply chains, including the necessary commitments, management practices and behaviours.
- Institute for Human Rights and Business and Global Business Initiative on Human Rights, State of Play: The Corporate Responsibility to Respect Human Rights in Business Relationships (2012): The Report examines how the UN Guiding Principles can contribute and guide the complex network of business relationships that now exist in a global economy. It explores how companies of all sizes are now beginning to implement human rights considerations and the UN Guiding Principles into both traditional and contemporary business relationships.
- Portal for Responsible Supply Chain Management (est. 2008): The Portal is designed to support companies in improving the social and environmental conditions within their supply chain. The Portal offers tools and guidance on a number of supply chain issues, such as child labour, corruption and discrimination. In addition, the Portal also details sector specific resource material and pertaining legislation.
- IFC Performance Standard 2: Labour and Working Conditions (2012): IFC PS2 is guided by the international labour standards as outlined by the ILO and covers a range of aspects, including: terms and conditions of employment, non-discrimination, health and safety, and forced labour. The Standard addresses employees, contracted workers and supply chain workers.
- International Labour Organization: The International Labour Organization (ILO) is the UN agency responsible for preparing and overseeing international labour standards. The mission and objectives of the ILO are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue on work-related issues.
- OECD Guidelines for Multinational Enterprises (2011): The OECD Guidelines are recommendations addressed by governments to multinational enterprises operating in or from adhering countries. Chapter 5 is on employment and industrial relations, aligning with the international labour standards of the ILO.

Company Initiatives

Actions and priorities suggested by local and international stakeholders

Due Diligence Initiatives

SAB Miller: The company has created a sustainability assessment tool where suppliers of the company are ranked according to their sustainability practices. The company hosts a supplier's day where they brief suppliers on CSR issues. It also conducts audits on suppliers.²¹²

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

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

Engagement Opportunities

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

Public Sector Initiatives

The Expanding Social Protection Programme (2010-present): In September 2010, the Ministry of Gender, Labour and Social Development, supported by funding from the Department of International Development, Irish Aid and UNICEF launched a pilot national social protection system. The programme is piloting two types of direct income support: an Old Age Grant to citizens above 65 years (or 60 years in Karamoja sub-region), and Vulnerable Family Support Grants of 25,000 shillings per month (US\$0.32 per day) to vulnerable household members based on their age, sex and disability status. The grants will cover up to 600,000 people in 14 districts. As of February 2014, the Ministry reported that 113,000 beneficiaries were receiving grants; 32 billion shillings (US\$12.5 million) has been disbursed to date.²¹³

NGO Initiatives

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

Environment

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

Operating Environment	
Percentage of population with access to improved water sources	75 (2012)
Environmental Performance Index rank	135/178 (2014)
Food Security Index rank	74/109 (2014)
Relevant laws	• National Environment Act (NEA) • National Forestry and Tree Planting Act, 2003 • The Wild Life Act, 1996 • The Water Act Cap 152 • The Mining Act 2003 and Regulations • The National Environment (Minimum Standards For Discharge Of Effluents Into Water Or Land) Regulations No. 5/1999 • The National Environment (Minimum Standards For Management Of Soil Quality) Regulations, 2001 • The National Environment (Noise Standards And Control) Regulations, 2003 • The National Environment Impact Assessment Regulations, 1998
Responsible agencies	• Ministry of Lands, Housing and Urban Development • Ministry of Water and Environment • National Environment Management Authority (NEMA) (Directorate of Environment Monitoring and Compliance) • Ministry of Agriculture, Animal Industry and Fisheries • Ministry of Energy and Mineral Development • Uganda Wild Life Authority
Local NGOs addressing this issue	• Greenwatch Uganda • Advocates Coalition for Development and Environment (ACODE) • National Association of Professional Environmentalists (NAPE)

Development Frameworks	• Uganda Vision 2040 • Second National Development Plan (NDP II) 2015/2016–2019/2020 • National Development Plan 2011-2015: • United Nations World Food Programme Country Strategy 2009-2014
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Country Context

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

The Constitution and the National Environment Act (NEA) guarantee the right to a clean and healthy environment and obligate the state to protect the country's natural resources, including land, water, wetlands, oil, minerals, plants and animals. Uganda has implemented a number of measures to improve its protection of the environment, including wetlands management; reforestation programmes; control of illegal timber harvesting and trade; regulation of fishing methods; and enforcement of environmental impact assessment regulations.²¹⁴

The Ministry of Lands, Housing and Urban Development reported in 2013 that population growth and settlement expansion had put forests and wetlands as well as wildlife resources at risk. They further stated that an estimated 80 percent of environmental damage was due to land deterioration.²¹⁵

The Directorate of Environmental Monitoring and Compliance, under the National Environmental Management Authority (NEMA), is responsible for implementing and enforcing environmental regulations and laws. Environmental monitoring and management is done in consultation and partnership with relevant ministries, departments and agencies.

As part of its mandate, NEMA interacts with small, medium, large and multinational businesses. NEMA also reviews environmental impact assessments (EIAs). According to the law, EIAs should be conducted prior to the development of any business operation, though additional criteria related to the amount invested, potential impact on the environment, waste disposal and utilisation of natural resources require further assessments. The extractive sector has a range of environmental issues that are assessed and monitored at various stages of the investment process.²¹⁶

According to the 2013 Business Anti-Corruption Portal, environmental inspections were not carried out uniformly and regularly due to bribery and lack of funding and staffing. Oil in Uganda reported in 2013 that NEMA officials were not present in the field to enforce environmental guidelines.²¹⁷ Corruption and a lack of capacity were at least partly responsible for environmental degradation, especially in the fishing and extractive sectors.⁴⁶⁰ There have been complaints that some companies can be stubborn and unethical and pull strings to get out of their responsibilities.²¹⁸

The Environmental legislation and policies are currently undergoing a comprehensive reform process.

Participation & Access to Information

NEMA is mandated to review EIAs. Under the National Environment Act, EIAs should be undertaken when the project has or is likely to impact the environment.²¹⁹ Developers should take all necessary measures to seek the views of affected people and to ensure that mechanisms are in place to deal with negative impacts.

EIAs are conducted by businesses with help of private consultants. They are reviewed and approved by NEMA, who is supposed for disseminating them in districts located in the affected areas. From 2010/2011 to FY 2014/2015, 591 projects were approved and 874 EIAs reports were submitted.²²⁰

A 2012 report by Oil in Uganda reported that there were only a few, around 120, trained practitioners to conduct EIAs in Uganda. Understaffing reportedly hinders the ability to handle all EIA reports, causing significant delays, though the law stipulates that the EIA process for all projects must be conducted within three months. Follow up is also reportedly weak.²²¹ In the Uganda Human Rights Commission's *Oil in Uganda* report, there were allegations of lack of independence in EIA processes undertaken by practitioners identified by NEMA.²²²

According to a 2012 Greenwatch Uganda report, concerns have been raised over the limited public involvement in developing EIAs and complaints that EIAs have been kept secret by NEMA. The ongoing decentralisation of state power has further reduced the capacity of local and municipal administrations to effectively monitor environmental performance by companies.²²³ Most of the work at the district level is done by Chief Administration Officers and District Education Officers, who have other priority responsibilities.

According to International Alert, some of the EIAs conducted for extractive activities reportedly did not include socio-economic, socio-cultural or political impacts.²²⁴

Food & Livelihoods

The Constitution guarantees the right to food security. According to the UN World Food Programme, under-nutrition continues to be a concern, with an estimated 33 percent of children under 5 being stunted, 14 percent underweight and 5 percent wasting.²²⁵

In 2013, 48 percent of Ugandans could not access enough food to provide for minimum daily energy requirements, with northern Uganda the most food insecure region (59 percent). Drought reportedly drove seasonal food scarcity in northern Uganda, where around 2 percent of households were estimated to be surviving on one meal a day, compared to 6 percent at the national level. Lack of food diversity and stunting were reportedly of greatest concern in Western Uganda.²²⁶

International Alert reported in 2013 that the Albertine Graben area, one of the most important locations for mammal, bird and freshwater fish conservation in Africa, had been adversely affected by oil extraction.²²⁷ A 2011 report by the same organisation noted that fishing and agriculture were critical in the Rift, both socially and economically, and were dependent upon a healthy, non-polluted environment.²²⁸

An article in the New Vision reported that the fishing industry employed an estimated 400,000 people directly, and contributed to the livelihoods of approximately 1.5 million more. Fish stocks have also decreased due to sand mining for the growing construction industry, as mining operations occurred within 200 metres of lake shores, despite being prohibited under NEMA regulations.²²⁹

Deforestation

The National Forestry and Tree Planting Act of 2003 manages all forest resources in Uganda. The Act stipulates that a person intending to undertake any project that may impact a forest must undertake an environmental and social impact assessment.²³⁰ Uganda's Forest Policy of 2001 emphasises the ecological and socio-economic importance of protecting the nation's forest resources and includes provisions for safeguard and conservation of forests to secure forest products and protect water resources, soils, fauna and flora. Under the policy, the government has a responsibility to control illegal practices, monitor best practices and measure environmental and social impacts. The National Forest Authority is responsible for the implementation of the policy, and provides guidelines for management of forest reserves, community forests and private forests.

Forty years ago, Uganda's natural forests covered 40 percent of the country. Recent statistics indicate that the forest cover has reduced to 20 percent in the past 15 years with the deforestation rates accelerating to 2.2 percent per year, one of the highest in the world.²³¹ According to the World Wildlife Federation (WWF), Uganda loses an estimated 6,000 hectares of forests each month. Twenty-eight districts have reportedly lost their entire forest ecosystem, and forests have been cut down for fuel to cook and to clear land for agriculture. Overgrazing reportedly affected soil quality, making it more difficult for communities to grow crops.

The Ministry of Water and Environment reported in 2012 that over 64 percent of forest cover was on privately owned lands, including communally owned lands. The rate of forest cover loss was reportedly 34 percent in these areas, compared to 12 percent in protected areas.²³²

One of the major causes of deforestation is clearing forests for large-scale developments or commercial agriculture, particularly sugarcane plantations. The Butamira Forest reserve, for example, was given away for sugar plantations, with thousands of locals kicked off the land. In 2007, there were efforts to give the Mabira Forest Reserve to Kakira Sugar Works, leading to public protests and the cancellation of the project. In 2011, the planned giveaway was revived, citing sugar scarcity and that it was the only land suitable for sugarcane plantation.²³³

In March 2012, the government declared a ban on logging, though this report did not uncover any information on the effectiveness of the ban. African Economic Outlook reported that 32 people were killed in mudslides linked to the loss of forest cover in the Mount Elgon region in June 2012.²³⁴

The palm oil project in Kalangala, supported by Bidco, the global palm oil company Wilmar International and the government of Uganda, has had devastating effect on the environment, according to Friends of the Earth Uganda. A large proportion of the palm oil plantations are in areas previously covered by natural forest. An estimated 3,600 hectares of forest have been destroyed to make way for the palm oil plantations, including 100 hectares of the protected Gala forest reserve in Bugala, Kalangala District.²³⁵

Water

The right to clean and safe water is guaranteed under the Constitution.²³⁶ According to a 2011 report by International Alert, operators of oil companies in Uganda are liable for any pollution impacting public health or safety, along with animals, including fish and plants as a result of their operations.²³⁷

According to WaterAid, over 9 million people did not have access to safe water in 2013. An article in All Africa reported in 2013 that population growth further impacted access to water, with access to water dropping from 65 percent to 64 percent from June 2011 to the first quarter of 2012.²³⁸ In 2013, WaterAid released a study stating that land tenure and land use issues impact the ability and rights of people to access clean water and adequate sanitation.²³⁹

Access to Remedy

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

The Constitution stipulates that any person who feels their right to a clean and healthy environment has been infringed may apply to a competent court for redress. Compensation for environmental or pollution damage is settled by the court in the region where the damage was caused.

The Court of Appeal, which acts as the constitutional Court, is responsible for interpretation of the constitution. Individuals whose rights have been violated by an act of Parliament, law or omission of action by a person or authority may petition the Constitutional Court for a declaration and redress.²⁴⁰

Local environmental authorities are entitled to bring action against any person whose activities negatively impact the environment and can levy a range of punishments, including: mandating that the actor discontinue harmful acts to the environment; assigning public officers to prevent the act from occurring; or ordering an environmental audit of ongoing activity.²⁴¹

Persons who have been denied a request for information may lodge an internal appeal or application with the court or lodge a complaint to the Chief Magistrate. If the decision of the Chief Magistrate is unsatisfactory to the person aggrieved, they may appeal to the High Court within 21 days.

Communities that have been impacted by International Finance Corporation or Multilateral Investment Guarantee Agency projects can make complaints to the Compliance Advisor Ombudsman (CAO), a dispute resolution mechanism that mediates between individuals and companies. The CAO conducts investigations and provides a forum for mediation, information-sharing and facilitated dialogue.

Uganda has ratified the protocol providing jurisdiction to the African Court on Human and Peoples' Rights, a regional court that aims to ensure protection of the rights established under the African Charter on Human and Peoples' Rights. The Court handles complaints submitted by the African Commission, state parties to the protocol or African intergovernmental organisations. Uganda has, however, not granted jurisdiction to the court to deal with cases submitted by individuals or non-governmental organisations. No Ugandan case has been filed at the court.

Cases

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

- *April 2016, High Court of Kampala:* The High Court ruled on *Uganda Plastic Manufacturers & Recyclers Association v. NEMA* that the effect of 'kaveera' on the environment, land, and health of human beings is irreversible and outweighs the financial gain out of the sale manufacturing and distribution of kaveera.
- *2015, Masaka Court:* The case *Bugala Farmers Association of Kalangala Vs. BIDCO, Landlord and Oil Palm Uganda Limited* was filed by Bugala Farmers Association against BIDCO for grabbing their land including the forest reserve and causing environmental destruction in the Bugala Island of Lake Victoria. The case is currently in the Masaka Court and it had ordered an injunction until the issue was addressed.
- *August, 2013:* In a public interest civil suit (National Association of Professional Environmentalists, Advocates for National Resources Governance, Greenwatch & Nature Uganda v. Rosebud Ltd & NEMA HCCS No.176 of 2013) Four NGOs sued NEMA for the encroachment of a flower farm in Lutembe wetland. NEMA was accused of breaching Ugandans' right to a clean and healthy environment by granting a certificate of approval for an environmental impact assessment to expand the farm without consultation with the Ministry of Water and Environment.
- *August, 2013, Greenwatch Uganda:* Four NGOs sued NEMA for the encroachment of a flower farm in Lutembe wetland. NEMA was accused of breaching Ugandans' right to a clean and healthy environment by granting a certificate of approval for an environmental impact assessment to expand the farm.
- *May 2013:* A petition was made by residents of Kabaale Parish, Buseruka sub-county, Hoima District, to the Minister of Energy and Mineral Development alleging violations of human rights including environmental rights in the areas earmarked for the oil refinery.
- *2013, Uganda Human Rights Commission:* In light of the oil exploration activities in the Albertine Graben, there were a number of complaints regarding environmental issues. For instance, people in Kasamene 1 Oil pad exploration area in Buliisa District complained of pollution from dust noise and a stench that affected peoples' health, especially pregnant women, children and older persons. They also reported waste containing large quantities of lead by one of the oil companies in Bugana, near River Zoria, where water was used for livestock and drinking water.
- *2013, Uganda Human Rights Commission:* In Ondiek exploration area in Nebbi District, people complained that the machinery used in the exploration was heavy, caused vibrations and made a noise that affected their sleep. At Kikaya West Oil pad, women alleged the fumes from the machines caused their cassava to rot. When the roads were graded, reports of cough and flu increased, and ripened cotton pods were reportedly soiled from the dust and could not be sold. In Nwoya District, waste was dumped on private land. Community members allege that the owner consented to allowing the dumping without being fully informed of its impacts.
- *2013:* NAPE, Green Watch, ANARDE and Nature Uganda filed a complaint against BIDCO, a landlord and OPUI on behalf of communities whose land was confiscated to establish a flower farm.

Media Reports

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

- *July 2013, Daily Monitor:* Tullow Oil Uganda said its sub-contractor had dumped two trucks of human waste in a village in Buliisa District, causing several village members to get sick. The company was previously accused of dumping toxic drilling waste in game parks and other occupied areas.²⁴²
- *May 2013, Friends of the Earth International:* Oil Palm Uganda was accused of expanding its palm oil plantations on islands in the Kalangala region without an environmental impact assessment. The 40,000 hectares set aside for the project were intended to double the domestic production of vegetable oil, creating extra oil for exporting. Local communities said the plantations were encroaching onto their lands and had reduced their ability to obtain food.²⁴³
- *May 2012, The Observer:* Kampala City Council (KCCA) Law Enforcement Officers closed Mukwano Soap Factory for alleged pollution of the environment. Among other violations, the factory failed to comply with instructions to stop emission of heavy smoke and discharging liquid chemical effluent and sewerage into Nakivubo Channel and failed to put up proper sanitary facilities for its staff, thus becoming a public health nuisance. The factory was required to change its combustion system from biomass to another source that does not emit heavy smoke and to raise its chimney pipes to an appropriate height that does not emit smoke to levels that put the general public at risk.
- *May 2012, The Daily Monitor:* MPs from Karamoja accused two companies of obtaining land without the consent of customary landowners.²⁴⁴
- *August 2011, NAPE:* A petition was delivered to the president by the National Association of Professional Environmentalists, the Save Mabira crusade and Friends of the Earth International arguing against the proposed giveaway of Mabira forest and other forest reserves.
- *August 2010, The East African:* Complaints were made against HIMA and Tororo Cement over emissions from their production processes. They reportedly lacked modern equipment capable of high production volumes and low dust emissions, leading to significant environmental damage. Local residents complained of air pollution, respiratory diseases and crop destruction. The companies said they invested in more effective technology for reducing pollution, though it remains unclear if this has had a positive impact.

Human Rights Guidance for Businesses

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

Due Diligence Library

The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies

Precautionary Approach

Does the company support a precautionary approach to environmental issues?

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

Emergency Response

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

- The company has identified the hazardous operations and the potential consequences on human health and the environment if an accident occurs.
- The company has detailed procedures, plans, equipment and training programmes to prevent accidents and emergencies.
- The company has detailed procedures, plans and equipment to effectively respond to accidents and emergencies if they occur.
- The company trains workers to respond to accidents and emergencies, including carrying out emergency drills at least once a year involving all workers.
- Where there is significant risk of impacts on local communities, the company has a procedure that enables it to immediately notify affected local communities about industrial emergencies, and informs about emergency response, evacuation plans and medical response.

Energy Consumption and Climate Change

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

- The company complies with regulation regarding use of energy resources and emissions of greenhouse gases.
- The company has a climate strategy that identifies opportunities to reduce the company's energy consumption and/or emissions of greenhouse gases.
- The company has initiated practical activities to reduce energy consumption and/or greenhouse gas emissions.
- The company provides information and trains employees to implement energy reduction measures.
- The company monitors its energy consumption and/or emissions of greenhouse gases.

- The company has defined a baseline for its greenhouse gas emissions, which includes a definition of the business operations and activities, and the greenhouse gases that are accounted for e.g. as described in the Greenhouse Gas Protocol.
- The company has targets for reducing its energy consumption and/or emissions of greenhouse gases.
- The company engages with the government and civil society organisations to develop policies and measures that provide a framework for the business sector to contribute to building a low carbon economy.

Water and Waste Water

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

- The company has the necessary permits to extract water or obtain water from the public water supply and for any waste water discharges.
- The company treats waste water before discharge to reduce adverse environmental impacts. If waste water treatment takes place outside the company's premises, the company is aware of the effectiveness of the treatment.
- The company monitors waste water discharges, including types, limit values and quantities of pollutants in the waste water.
- The company has targets for reducing water consumption and/or increasing the amount of water reused or recycled in different business operations and activities.
- The company provides information and trains workers to implement measures to reduce water consumption and reduce the need for waste water treatment.
- The company's use of water and its waste water discharges do not negatively affect the sustainability of water resources, the natural environment or the availability of water for drinking and sanitation purposes.
- The company engages with national, regional and local public authorities, and civil society organisations to address water sustainability issues related to affected water resources.

Waste Management

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

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

- The company marks areas used for storage of waste, and properly labels all containers for storing waste, including a relevant symbol of danger for hazardous waste.
- The company requests recycling/treatment/disposal receipts from transport contractors.
- The company uses licensed contractors for the transport, recycling, treatment and disposal of hazardous waste.

Air Emissions

Does the company prevent, reduce and treat air emissions?

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

Noise, Odour, Light and Vibrations

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

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

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

Biodiversity

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

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

Natural Resources

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

- The company has the necessary permits and complies with legal requirements regarding the cultivation, harvest, extraction and/or use of natural resources (e.g. wood, fish, metals, oil, coal etc).
- The company complies with legal requirements regarding the cultivation, harvest, extraction and/or use of natural resources (e.g. wood, fish, metals, oil, coal etc.).
- The company ensures that workers are trained in the sustainable cultivation, harvesting, extraction and/or use of natural resources.
- The company continuously attempts to prevent, minimise and remedy significant impacts on natural resources through environmentally friendly methods and alternative resource use.
- The company ensures that its use of renewable resources does not negatively affect the sustainability of the resource (i.e. the resource's ability to regenerate).
- The company demonstrates efforts to substitute non-renewable resources used in production with renewable resources.
- The company works with local and national public authorities as well as with international institutions to address sustainability issues related to natural resources (e.g. wood, water, fish, metals, oil etc.).

Environmentally Friendly Technologies

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

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

Standards & Guidance

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

- **CEO Water Mandate (2011):** Launched as a collaborative initiative of the UN, UN Global Compact, the Government of Sweden and a dedicated group of companies, the CEO Water Mandate is a public-private initiative designed to assist companies with the development, implementation and disclosure of policies and practices relating to water sustainability. It covers six core elements: direct operations, supply chain and watershed management, collective action, public policy, community engagement and transparency.
- **IFC Performance Standards on Environmental and Social Sustainability (2012):** The IFC Performance Standards provide directions to businesses on due diligence on environmental and social matters. Several of the standards are pertinent to environment, including: Assessment and Management of Environmental and Social Risks and Impacts (PS1), Resource Efficiency and Pollution Prevention (PS3), Community Health, Safety, and Security (PS4), and Biodiversity Conservation and Sustainable Management of Living Natural Resources (PS6).
- **Institute for Human Rights and Business, Business, Human Rights & the Right to Water—Challenges, Dilemmas and Opportunities:** This report summarises the views of various stakeholders on issues pertaining to the right to water, including consideration of the scope of a company's responsibility to respect the human right to water; the applicability of the human rights-based approach to management of water-related issues; and the business case for engaging with water-related issues.
- **ISO 14000 Standards on Environmental Management Systems:** Developed by the International Organisation for Standardisation, the ISO 14000 Standards provide businesses and organisations with a number of tools to assist in their environmental management systems. The key objective of the standards is to encourage different actors to reduce the negative impact that their activities may have on natural resources such as air, water or land.
- **United Nations Special Rapporteur on the Human Right To Safe Drinking Water and Sanitation (est. 2008):** Amongst a range of issues, the mandate of the Special Rapporteur includes

consideration of the regulation of the private sector in the context of private provision of safe drinking water and sanitation.

- **Global Water Tool (2007):** Developed by the World Business Council for Sustainable Development, this tool is designed for companies and organisations to map their water use, including risks associated with water use in global supply chains.

Stakeholder Recommendations

Suggested due diligence steps from local actors

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

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

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

Uganda Human Rights Commission recommends that:

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

Company Initiatives

Actions and priorities suggested by local and international stakeholders

Due Diligence Initiatives

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

Total: The oil company has a code of conduct and a human rights guide to ensure the company acts ethically, and holds stakeholder forums to discuss its impacts, including on sustainable development.⁵¹⁰

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

Civil Society – Private Sector Forum: In September 2012, the Foundation for Human Rights Initiative launched the forum to address cross-cutting challenges in Uganda and to enhance good governance and development through collaboration between civil society and the private sector. Actors in both sectors recognised the importance of the UN Guiding Principles as a framework for both the state and businesses to respect human rights.¹¹⁹

Development Initiatives

MTN Uganda: The company implemented a six-month water project, beginning in September 2013, together with the Uganda Red Cross. Ten boreholes were constructed to provide clean and safe water for communities that were affected by landslides. The company aims to enhance development through basic necessities such as clean water and improved sanitation facilities.²⁴⁵

CNOOC: The company has access programs in hard-to-reach area that are viewed as part of their CSR. The program includes a top-up allowances for the civil servants posted in these areas. In addition, CNOOC has assisted the local primary school by buying school supplies. It has established medical camps and promotes sanitation and hygiene in the community. CNOOC also engages with the communities and the advisory committees. The advisory committees are engaged with CNOOC on a monthly basis, communities on a quarterly basis.²⁴⁶

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

Engagement Opportunities

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

Public Sector Initiatives

Water, Sanitation and Hygiene (WASH) 2010-2014: The Ministry of Water and the Environment, with the support of UNICEF, is increasing access to functional water supplies and sanitation facilities in rural schools and communities.

Albertine Rift Monitoring Program (2012-2017): NEMA created a framework to create a publicly accessible, efficient and transparent platform to update Ugandans on environmental protections. It will also produce regular reports to the government, oil companies, local communities and academics to provide information on the ecosystem and the changes occurring in the environment.²⁴⁷

Food Storage Program (2014): The United Nations World Food Programme launched on a one-year special operation seeking to reduce post-harvest food loss in Uganda through improved storage and handling at start of the supply chain.⁵¹⁶

Land & Property

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

Operating Environment	
International Property Rights Index rank	80 out of 130 countries (2013)
Relevant law	• Constitution of the Republic of Uganda, 1995 • Land Act, Cap 227 • Land Amendment Acts of 2001, 2004 & 2010 • Registration of Titles Act Cap 230 • Land Acquisition Act Cap 226 • National Land Policy 2013 • Investment Code Act Cap 92
Responsible ministries	• Ministry of Energy and Mineral Development • Ministry of Lands, Housing and Urban Development • Uganda Investment Authority • Uganda Land Commission
Local NGOs addressing this issue	• Uganda Land Alliance • ACODE • International Alert • ACEMP • Initiative for Social and Economic Rights • ACODE • Global Rights Alert
Development Frameworks	• Albertine Graben Region Physical Development Plan 2015

Country Context

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

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

Land Administration & Distribution

The Ministry of Lands, Housing and Urban Development is responsible for initiating policies and providing national standards for all matters related to land and housing. The Uganda Land Commission holds land owned or vested in government. The Uganda Land Registry is responsible for registering lands, maintaining records of land transactions and issuing title deeds. District Land Boards hold, allocate, register and transfer land that is not owned, and are responsible for issuing certificates of customary ownership in their district.²⁴⁸

The Ministry of Lands, Housing and Urban Development reported in 2013 that approximately 19 percent of the population lived in urban areas, with only 51 percent of those living in planned settlements.²⁴⁹

A 2010 World Bank report noted that despite the relative concentration in the central region, only 4 percent of agricultural plots in the country were over 5 hectares, and regional distribution of large plots was relatively equal. Agricultural income was also similar throughout the country, without noticeable concentrations in large landholders or industrial farms. The data in the study, however, was from 2005, and recent investments in agribusiness may have resulted in some concentration of landholding or income.²⁵⁰

The 2010 USAID Land Tenure and Property Rights Portal reported that productive land was concentrated in the central regions of the country, partly as a result of colonisation, disenfranchising indigenous people and ethnic minorities. Perceptions of ethnic bias in land distribution structures have reportedly contributed to community land conflict.²⁵¹

In February 2013, the National Land Policy was passed with the goal of ensuring efficient and equitable management of Uganda's land resources to reduce poverty and create wealth.⁵²⁵ In 2014, Human Rights Watch reported that the policy was progressive in recognising minority groups' rights. It required the government to ensure that communities retained rights over ancestral lands and received prompt, adequate and fair compensation in cases of relocations.²⁵²

Four types of tenure systems are recognised under the constitution and the 1998 Land Act: freehold, leasehold, *mailo* (colonial) and customary tenure. The only tenure that has a detailed governance framework is leasehold tenure. Leaseholds are time bound and are the only tenure option available to foreign companies and citizens. Citizens may lease for up to 99 years; non-citizens may lease land for up to 49 years. Foreign companies can own properties and businesses, but are restricted in terms of land ownership.²⁵³ They may lease land for between 49 and 99 years with approval of the Uganda Investment Authority.

In respect to customary tenure, 75 percent of the land in Uganda is owned under customary tenure. Customary tenure is still important for land ownership, and tensions frequently arise over the acquisition, ownership and utilisation of land due to conflicting land-use systems and the clash between modern and traditional legal practices, which may differ between ethnic groups. Customary land remains largely unrecorded, leaving customary landowners in fear that they may lose land due to lack of authentic documentation proving ownership. Women, children and persons with disabilities were reportedly particularly vulnerable.²⁵⁴

With all land tenures, one can obtain a title of ownership. Individuals who own customary land but do not have land titles may pick up an application form from the Areal Land Committee and the District Land Board for UGX 5,000 (US\$2). The application will be dealt with by the Land Board, along with

local elders, to confirm the boundaries. They then issue a certificate which can be used to sell land or support claims for compensation.²⁵⁵

Large swaths of land remain under ownership dispute. The Uganda Land Alliance reported that there have been several allegations of land sales without the consent of land users or occupiers.

Recent years have seen increased land ownership disputes in Northern Uganda, which is primarily under customary ownership. The 20-year civil war caused internal displacement and those who returned, especially the younger generation, did not know the demarcations, causing family, inter-clan and district boundary conflicts.²⁵⁶

There have also been increased operations by local and foreign investors in the extractive, energy, agriculture and tourism sector that require large swaths of land and the acquisition licences, which in some cases are reportedly obtained without free, informed and prior consent of the land owners. Speculation and land purchases in areas proximate to planned extractive activities have exacerbated this problem.²⁵⁷

The Ministry of Lands highlighted the issue of land owners obtaining loans for land purchases from unlicensed and unregulated lending agencies. Money lenders have reportedly made applicants sign transfer forms or obtain land without agreements in place. Estate agents have also reportedly sold land before it is registered. The Ministry is devising a law to regulate estate agents and money lenders.²⁵⁸

Uganda has progressive policies regarding land, implementation and enforcement mechanisms are lacking, especially in the area of women's rights to land, as traditional customs and practices hindered access. The Ministry was reportedly overstretched in terms of capacity and resources, making it difficult to handle the disputes and conflicts over land.²⁵⁹

Land Acquisition

The constitution recognises the right to fair and adequate compensation in instances of compulsory land acquisition. One major dilemma is that although the Land Act Cap 227 1998 and the Land Acquisition Act Cap 226 provides for acquisition of land, these laws are not comprehensive enough in respect to the process of acquisition, compensation and resettlement.

In respect to land acquisition and on a positive note, the Supreme Court on October 2015 upheld a judgment of the Constitutional Court that declared Section 7(1) of the Land Acquisition Act as unconstitutional and in contravention of Article 26 of the Constitution. The court nullified the section giving government powers to take possession of citizens' land before compensation citing violation of the right to property.

According to the Business Anti-Corruption Portal, there were reports that Land Registry was not transparent and there have been complaints of corruption, including fraudulent land titles.²⁶⁰ Schools and land owned by vulnerable groups have reportedly been sold by corrupt officials to cabinet ministers, businesses and politicians.²⁶¹ In 2013, the Ministry of Lands, Housing and Urban Development stated in the National Land Policy that some land allocations to private investments were non-transparent and did not consider environmental, ecological, economic or social impacts on natural-resource-dependent communities.

In the oil-rich region of the Albertine Graben, unclear land titles have caused tensions among local ethnic tribes who all claim they should benefit from natural resource extraction. In 2013, International Alert conducted a study in the Lake Albert basin in which 10 percent of respondents stated that their households were displaced, as most of the oil exploration activities occurred within the national parks. In Kabaale Parish in Hoima District, the government estimates that over 30,000 individuals will be displaced due to the construction of the oil refinery.²⁶²

According to Initiative on Social and Economic Rights, there is a major problem in the Karamoja region in determination of land covered under mining licences given to businesses or individuals. Due to the communal land tenure system, there have been instances where more land is cordoned off to businesses than was allocated in the licence, since some owners are unable to determine the actual size of the land.²⁶³

Compensation

Article 26 of the Constitution recognises the right to property and the payment of fair, adequate and prompt compensation prior to compulsory land acquisition.

When the government took a decision to construct an oil refinery in Kabaale Parish, Hoima district, a total of 7,118 people living in 13 villages, were set to be displaced. This parish was the epicentre of complaints relating to compensation and resettlement of persons affected by the oil refinery. UHRC interacted with residents of Kigaaga B, Kyapaloni, Nyamasoga, Nyahaira, Bukona A and B and Kitegwa villages. Ministry of Energy and Mineral Development has put in place a Resettlement Action Plan to ensure fairness and transparency in the exercise. The Resettlement Plan has a grievance mechanism. However, the project affected persons alleged that the compensation exercise was marred by irregularities such as flawed valuation of property, low compensation rates and delayed compensation.²⁶⁴

According to UHRC, there is a likely contradiction in the law concerning the valuation process, given that the constitution provides for willing seller and willing buyer on one hand but also provides for compulsory acquisition where the chief government assessor determines the rates.²⁶⁵

Global Rights Alert reported in 2013 that men had majority ownership and control over land, and received the majority of compensation for loss of land. This is despite the fact that women were equally, or perhaps more, affected than men by the loss of access to crops, water, firewood and ceremonial uses of land. In Hoima and Buliisa, the main oil producing regions, women had reportedly not been compensated.²⁶⁶

In compensation in the oil sector, spousal consent is meant to be obtained before the transaction is concluded. Oil in Uganda reported in 2013 that cash compensation for relocations due to oil exploration adversely affected women, as the majority of deals were signed with males. Women reportedly did not have much say in decision-making processes.⁵⁵⁰ UHRC reported in 2013 that men registered and received compensation money for cropland damaged in oil exploration, despite the fact that women were the ones primarily engaged in agricultural labour.²⁶⁷

A 2013 International Alert report noted that it remained unclear as to what mechanism, if any, could be used to compensate communities that were dependent on restricted areas. Displaced persons reported that compensation was insufficient, and they were not able to adapt to loss of property and crops. Communities had limited knowledge on their rights to compensation. Land clearances had

reportedly been conducted with force, and homes had been destroyed immediately after their residents had been evacuated.²⁶⁸ In the same vein, the Ministry of Energy and Mineral Development stressed that no force had been used by either government or oil companies in the acquisition of land and that the land owners are only required to vacate after receiving compensation.

In 2013, an article in the Observer reported that oil companies had been accused of cheating displaced local communities. The Ministry of Energy and Mineral Development contracted Strategic Friends International to conduct the Resettlement Action Plan in the Hoima district. Most families in the 13 villages covered in the plan received between UGX 40 million (US\$15,500) and UGX 100 million (US\$38,000). Residents reportedly complained that the compensation was inadequate in regard to the crops they were growing, and some people complained that they received receipts but no money. Strategic Friends International responded to the unfair compensation claims and denied ever using coercion or intimidation to remove people from the land.²⁶⁹

Human Rights Watch reported in 2014 that some financial compensation packages were inadequate, and that non-governmental organisations which sought to educate the public about the value of their land, compensation rights and community processes faced threats of sabotage, deregistration and arrest.²⁷⁰

Free, Prior & Informed Consent

The Mining Law requires that companies negotiate a surface rights agreement with land owners before operations, and that landowners must be paid royalties once revenues begin. Human Rights Watch reported in 2014 that the law did not require companies to gain consent or communicate with local residents during exploration work. No certificates had reportedly been given recognising customary land ownership, making the communities in Karamoja region vulnerable to loss of access to minerals and clean water, forced evictions and denial of royalties. Companies had reportedly failed to build schools, hospitals, boreholes and provide jobs and money, which they had promised in exchange for compliance.²⁷¹

Human Rights Watch reported in 2014 that during exploration in Karamoja, companies did not consult community members before taking soil samples from their land and destroying crops in the process. Companies also reportedly did not acquire exploration licences from the government before mining for gold in the Moroto district. When exploration licences were granted, community members were not made aware of the contents or the signatories. Community members said companies did not consult them regarding land, impacts on the environment or employment opportunities.

After conducting special monitoring exercises in selected districts in the Albertine Graben, UHRC established that there were several violations of the right of access of information affecting the ability of the local community members to give free, prior and informed consent. UHRC established that there was a general lack of information on what was happening; there was no feedback to the project-affected persons on compensation issues even when they had direct interest in them; and there was minimal effort to enable all community members in the region to understand the legal requirements, procedures, processes and the entire management framework of the oil and gas industry.²⁷² Despite these gaps identified by UHRC, there have been some efforts by the government and oil companies to continuously engage with communities on compensation issues.

Rights Holders at Risk

The Land Act plus its amendments provide for female inheritance rights over land, and spousal consent in all land matters from which the family derives subsistence. The U.S. Department of State reported in 2013 that customary law in many areas dictated that women could not own or inherit property, control the produce of the land they work on or retain custody of children after divorce. The Marriage and Divorce Bill, which would have increased women's rights to land and property, was shelved in April 2013.

The International Federation for Human Rights reported in 2012 that women only owned 7 percent of agricultural land, despite doing most of the agricultural work. According to the Women and Girls Empowerment Project, women owned 17 percent of productive land in 2012. Women's land rights were reportedly not enforced or implemented. Women were discriminated against with respect to the Succession Act and their right to land depended on their male relatives. There are however, efforts underway to amend the Succession Act.

Ethnic minority groups who had lost ancestral ground, including the Batwa and Benet, were reportedly in danger of extinction due to continued movement in search of livelihoods and attempts to assimilate them in other dominant groups.²⁷³

Access to Remedy

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

Land disputes are resolved through numerous mechanisms, from Local Council Courts to Magistrates Courts all the way to the Supreme Court. The High Court has a Land Division dedicated to dealing specifically with land disputes. Resettlement Area Plans provide for a mechanism and so does the Land Acquisition Act Cap 223.

Uganda Land Alliance reported in 2013 that there was a lack of clear avenue for filing grievances on compensation or other land-related issues.²⁷⁴ The Business Anti-Corruption Portal reported in 2013 that, because land speculators included Ugandan Army officials, cabinet ministers and high-profile businesspeople, sustenance farmers and poor families had little recourse to complain or receive compensation.

The IS Academy stated in 2012 that there was a large gap in land dispute resolution systems, and that in general local courts handled land issues after District Land Tribunals were shut down in 2006 due to staffing and funding challenges. Local courts reportedly competed with customary dispute resolution mechanisms. Customary dispute resolution institutions that handled disputes related to land, in addition to alternative dispute resolutions, had not been legally accepted and were not officially mandated. The National Land Policy aims to legally recognise both customary and statutory systems in land rights administration, dispute resolution and land management by giving the power to undertake these functions to customary authorities.⁵⁷⁴

International Alert reported in 2013 that disputes over land, including inter-district and inter-ethnic conflicts, were reported to local councils. However, informal institutions such as clans or families were perceived to be more effective in rural areas than formal institutions.²⁷⁵

For the purposes of clarity, it must be noted that the Traditional institutions or the alternative dispute resolution mechanisms are recognised by the constitution, and may adjudicate disputes over customary tenure and settle disputes between persons over land issues. If one party does not agree with the traditional leaders' ruling, they can take the case to the Local Council Court or the Magistrates Court.

The UHRC referred 482 complaints over land disputes to other institutions in 2012, an increase from 369 complaints in 2011 and 479 complaints of land disputes were received by the UHRC in 2014.²⁷⁶

Communities that have been impacted by International Finance Corporation or Multilateral Investment Guarantee Agency projects can make complaints to the Compliance Advisor Ombudsman (CAO), a dispute resolution mechanism that mediates between individuals and companies. The CAO conducts investigations and provides a forum for mediation, information-sharing and facilitated dialogue.

Uganda has ratified the protocol providing jurisdiction to the African Court on Human and Peoples' Rights, a regional court that aims to ensure protection of the rights established under the African Charter on Human and Peoples' Rights. The Court handles complaints submitted by the African Commission, state parties to the protocol or African intergovernmental organisations. Uganda has, however, not granted jurisdiction to the court to deal with cases submitted by individuals or non-governmental organisations. No Ugandan case has been filed at the court.

Cases

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

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

Media Reports

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

- *October 2015, The Monitor:* Supreme Court upheld a judgment of the Constitutional Court (Advocates for Natural Resources v. Attorney General & Anor Constitutional Petition No. 40 of 2013) that declared Section 7(1) of the Land Acquisition Act as unconstitutional and in contravention of Article 26 of the Constitution. The court nullified the section giving government powers to take possession of citizens' land before compensation citing violation of the right to property.
- *January 2014, The Observer:* The oil company Total paid Nebbi residents compensation for land that was trampled upon during exploration during November 2012. The payment had been delayed due to disagreements over compensation rates.²⁷⁷

- *December 2013, Oil in Uganda:* Residents in Kabaale parish, Hoima district, were compensated and given a three-month ultimatum to vacate land to make way for the construction of a refinery.²⁷⁸
- *July 2013, Land Portal:* New Forests Company and the Mubende community reached an agreement concluding negotiations headed by the Office of Compliance Advisor-Ombudsman (CAO), through which the company will contribute funds for community-run cooperatives and development projects.²⁷⁹
- *May 2013, Friends of the Earth International:* In the Kalangala District, the Vegetable Oil Development Project attracted wealthy landlords who have reportedly tried to acquire land without respect to prior land tenure arrangements. The oil palm project extends over a 99-year lease and aims to plant 40,000 hectares of palm oil. As of May 2013 only 7,500 hectares had been planted, yet communities had been displaced with no compensation.
- *May 2011, CAO:* Several community members living in the area affected by Bujagali Energy's construction project filed a complaint to the CAO. Their complaint concerned compensation for assets during the land acquisition process, damage to houses, impacts on health and compensation for loss of livelihood.
- *April 2011, Human Rights House:* The German National Contact Point of the OECD Guidelines for Multinational Enterprises threw out a case against a German coffee company accused of violating human rights by evicting local Ugandans for a coffee plantation without paying compensation.

Human Rights Guidance for Businesses

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

Due Diligence Library

The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies

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

- Prior to buying, renting, acquiring or otherwise accessing land or property, whether directly or through a third party, the company identifies all existing owners and users of the land or property, including information land users and customary owners.
- The company investigates the past usage and ownership of the land or property to ensure that past users and owners have not been wrongfully removed, and that any expropriations by the authorities have been conducted in accordance with international law.
- The company consults with affected users and owners of the land or property (including women, tenants, settlers, minorities and other vulnerable groups including indigenous peoples) and seeks their free, prior and informed consent before continuing to acquire or access the land or property.

- The company ensures that its lease or purchase of residential property and sourcing of food commodities does not considerably make housing and food scarce or too expensive for the local people.
- The company ensures that affected owners and users of the land or property are adequately compensated to help them restore their standards of living or livelihoods to the same or higher than before, and that the compensation standards are transparent and applied consistently to all communities and persons affected.

Standards & Guidance

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

- **FAO Voluntary Guidelines on the Responsible Governance of Tenure (2012):** Developed by the Food and Agriculture Organisation of the UN (FAO), the Guidelines promote responsible governance of tenure of land, fisheries and forests by outlining the principles and internationally accepted standards for the responsible governance of tenure. The Guidelines inform States and non-government actors on relevant policies, strategies and activities.
- **IFC Performance Standard 5: Land Acquisition and Involuntary Resettlement, and IFC Handbook for Preparing a Resettlement Action Plan (2002):** The IFC Performance Standards are contractually binding on certain projects receiving IFC finance. PS5 is accompanied by a Guidance Note and a Resettlement Handbook that gives detailed guidance on managing resettlement and associated impacts.
- **Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources (2010):** A joint initiative of UNCTAD, FAO, IFAD and the World Bank, these seven principles cover all types of investment in agriculture, including between principal investors and contract farmers. The Principles provide a framework for national regulations, international investment agreements, global corporate social responsibility initiatives, and individual investor contracts.

Stakeholder Recommendations

Suggested due diligence steps from local actors

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

- address land conflict arising from oil production in Uganda;
- ensure that investor practices will not lead to further conflicts or marginalisation, especially in the northern and north-eastern parts of the country;
- ensure that procedures for granting investment licences include a comprehensive human rights due diligence assessment.

Human Rights Watch recommends that companies:

- consult with indigenous peoples in Karamoja through local authorities to obtain free, prior and informed consent before commencing any exploration or mining operation;
- ensure that community members are included in every step of the extractive process;

- undertake human rights impact assessments and make results available to the public;
- include marginalised groups in consultation processes, including informal caucuses of women and youth, along with councils of elders, and hold public meetings to involve communities in decision-making processes;
- set up independent grievance mechanisms which allow community members to complain directly to senior management;
- ensure that communities have the ability to approve or reject proposed projects before operations commence;
- provide communities with independent information and advice, as well as independent legal advice;
- Ensure that communities reach decisions without force, manipulation, pressure or coercion.

Company Initiatives

Actions and priorities suggested by local and international stakeholders

Due Diligence Initiatives

Strategic Friends International: The consultancy firm conducted a Resettlement Action Plan without using any armed personnel and implemented a fully-fledged grievance handling mechanism for all affected persons to register complaints. They also implemented a Community Development Assistance Programme and sensitised host communities to ensure the quick restoration of livelihoods for relocated persons.²⁸⁰

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

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

Development Initiatives

Tullow Oil: In 2012, Tullow Oil held ‘closing-the-gap’ seminars in Uganda to train local companies to understand requirements of the oil and gas industry, and funded an Enterprise Centre to support small and medium sized businesses.²⁸¹

Engagement Opportunities

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

Public Sector Initiatives

Land Registration Project May 2013: The government's Land Registration Project, a US\$100 million project supported by the World Bank and led by IGN France International Consortium, will secure land records and manage land administration and registration formalities. The project is meant to connect all users—businesses, lawyers, the government and citizens—to land and property information.²⁸²

Uganda Land Awareness Week November 2013: The Uganda Land Alliance, in partnership with the Ministry of Lands, Housing and Urban Development and Mysic Multimedia, organised a Uganda Land Awareness Week under the theme 'Land: My Life, My Future?' The event brought together representatives from the government, civil society, academia, technical leadership, development, schools and the general public to discuss land issues in Uganda.²⁸³

USAID/Uganda Supporting Access to Justice, Fostering Peace and Equity 2012-2017: With funding of US\$15 million, the SAFE program aims to support peace-building and conflict mitigation in Uganda by strengthening mechanisms for resolution of conflicts over land, oil and ethnic diversity. Through training, technical assistance and financial support to civil society organisations, SAFE focuses on the oil-rich Albertine region, the Lord's Resistance Army-affected northern region, and central Uganda as initial entry points.²⁸⁴

NGO Initiatives

Uganda Land Alliance (2010-present): The Uganda Land Alliance established the Women's Land Rights Programme with the objective of increasing women's access, ownership and control over land and productive resources. The project aims to increase land rights awareness, build capacity to enable women to demand the fulfilment of their rights and strengthen collaboration between different actors working for women's land rights.

Revenue Transparency & Management

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

Operating Environment	
World Economic Forum Global Competitiveness Ranking	129 out of 148 countries
Ease of Doing Business Index rank <i>(where 1 indicates greatest ease for doing business)</i>	132 out of 189 countries
Transparency International: Corruption Perceptions Index <i>(where 1 indicates the lowest level of corruption)</i>	140 out of 175 countries
World Bank Good Governance Indicators	
Voice and Accountability	-0.5
Political Stability	-0.9
Government Effectiveness	-0.6
Regulatory Quality	-0.2
Rule of Law	-0.4
Control of Corruption	-1.0
Government revenue	\$ 3.2 billion
Government expenditure	US\$ 3.803 billion (2013 est.)
EITI Country	No
Relevant law	• Anti-Corruption Act, 2009 • Investment Code Act Public Procurement and Disposal of • Public Assets Act, 2003 • Income Tax Act

	Public Finance Management Act 2015
Responsible ministries	- Ministry of Finance, Planning and Economic Development - Uganda Revenue Authority (URA) - Anti-Corruption Court - Public Procurement and Disposal Authority (PPDA) - Inspectorate of Government (IGG) - Office of Auditor General (OAG)
Local NGOs addressing this issue	- ACODE - Publish what you pay - Action Aid - Anti-Corruption Coalition Uganda - CSO Coalition on Oil and Gas - ISER - SEATINI
Development Frameworks	National Development Plan 2011-2015

Country Context

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

Anti-Corruption

The Anti-Corruption Act 2009 sets strict punishments for private sector corruption, including jail sentences of up to 10 years. However, according to the 2013 Business Anti-Corruption Portal, Uganda had difficulties translating its anti-corruption legal framework into practice. Corruption was reportedly widespread and increasing at all levels of government, and prosecutions of officials were rare. The issuance of licences and permits were reportedly particularly prone to corrupt payments.²⁸⁵

A number of anti-corruption institutions have been put in place, including the Inspector General of Government, Directorate of Ethics and Integrity, Criminal Investigation Directorate of Uganda Police, Office of the Auditor General and Public Procurement and Disposal of Assets, Public Accounts Committee, and the Budget Monitoring Unit. The Directorate of Ethics and Integrity coordinates the various anti-corruption institutions.

In 2010 the government passed legislation to protect whistle-blowers.⁶⁰¹ According to the 2013 Business Anti-Corruption Portal, the enforcement of anti-corruption regulations was weak and anti-corruption agencies were understaffed and underfunded.

Uganda was ranked at 140th out of 177 countries on Transparency International's Corruption Perceptions Index 2013.²⁸⁶ The Business Anti-Corruption Portal reported in 2013 that the private

sector was perceived to be less corrupt than the public sector, yet the occurrence of irregular payments and bribes were reportedly common, particularly in relation to trade and customs.

Revenue Transparency

The Uganda Revenue Authority (URA) was established by the Uganda Revenue Authority Act 1991 with the main role of collecting taxes. Under the Public Finance Management Act 2015, the revenue collected from oil and gas is supposed to be deposited in a fund, although as of October 2015 the fund had not yet been established. The Ministry of Finance is responsible for the spending of revenue collected.

Income tax and capital gains tax are collected from oil and gas sector by URA. Revenue sharing is provided within the oil legislation under the mandate of the Ministry of Finance, Planning and Economic Development and the Ministry of Energy and Mineral Development. The Oil and Gas Unit at URA is fully operational and deals with registration, filing and payments and is responsible for providing input on matters of policy, as the tax body is a member of the National Petroleum Technical Committee.²⁸⁷

In 2011, the Natural Resource Governance Institute reported that Uganda had made a series of improvements in its legal framework for revenue transparency. The 2008 Oil and Gas Policy calls for the creation of a petroleum directorate, a petroleum authority and a national oil company, and recognizes the need for implementation of the Extractive Industries Transparency Initiative, though it does not make an explicit commitment to do so.

The 2012 Oil and Gas Revenue Management Policy, according to a 2014 Revenue Watch report, further elaborated the framework for managing extractive revenues. It stated that all policy decisions related to oil revenue management would be 'subject to expert analysis and international lessons learned, including a fiscal rule to cap the amount of oil revenues available for budget spending in any given year.' A Petroleum Fund will receive all oil revenues and parliament will determine their allocation. While this promotes transparency, it also exposes these revenues to political influence.²⁸⁸

Currently, Uganda's oil production is currently projected to be relatively small, between 4,000 and 5,000 barrels per day. As production expands, it may amount to US\$2 billion in annual revenue for more than 20 years, still relatively small as a proportion of government revenue but larger than annual development assistance, around \$1.7 billion per year.

Global Witness recommended in 2014 that before the World Bank loans US\$115 million to the government of Uganda for the Oil Region Development Project, the oil sector should become more transparent.²⁸⁹ URA provides press briefs containing information on the consolidated amount of oil revenues (from the income tax collected) and submits reports to Parliament.²⁹⁰

For transparency and accountability issues, URA has established an Internal Audit and Compliance Department, a Tax investigations Department, a Legal Services and Board Affairs Department and an internal disciplinary mechanism. Complaints against staff on allegations of corruption and bribery result in investigations which are handled by the internal disciplinary mechanism. Investigations are carried out, reports are made and prosecutions are conducted by the Legal Division.

The URA tax investigation department is tasked with investigating companies or businesses that evade taxes. Cases are forwarded to legal services for prosecution. The anti-corruption court has jurisdiction over these cases. Convictions are published in the newspapers.

Taxes

In 2013, Action Aid International Uganda and SEATINI reported that the Constitution and the Investment Code Act empower the Minister of Finance to grant tax breaks, and the Minister can pay taxes on behalf of an exempt company, a system that was not transparent and unaccountable.

Currently, there are ongoing discussions on reforms to be made on the tax exemption regime, with amendments to Income Tax and VAT Amendment Acts and the Investment Code Act; reductions in exemptions given in the Income Tax and VAT Amendment laws. There are strict procedures on provision of tax holidays compared to the past where blanket exemptions were given to beneficiaries and the government will undertake to pay the taxes. Tax incentives are currently in place to encourage investment in the agriculture and energy sectors.²⁹¹

The African Centre For Energy And Mineral Policy reported in 2013 that the government depends on the declaration of mining companies and does not have a mechanism to independently verify irregularities or investigate under-reporting.²⁹²

Public Procurement

Uganda was among the first countries in Africa to establish a procurement law, the 2003 Public Procurement and Disposal of Public Assets Act (PPDA). An article in AllAfrica reported in 2013 that reforms also included establishing a complaint review system, harmonising local and central government procurement frameworks and setting standards through Standard Bidding Documents, guidelines and common user items lists with average prices.²⁹³

The Business Anti-Corruption Portal reported in 2013 that corruption was particularly prevalent in public procurement. Due to non-enforcement of the law, officials were reportedly able to reward contracts to themselves through a third party or a non-existent company. Political interference reportedly occurred when procurement related to a top official's interests.

An article in All Africa in 2013 reported that the business sector had low levels of integrity and corruption was increasing, affecting the procurement process. Reportedly, the PPDA Authority received numerous complaints annually regarding breaches or omissions of the Act, the Guidelines or a Procuring and Disposing Entity. An article in New Vision reported in 2014 that public procurement values had increased, which raised the stakes in the competition for the tenders, resulting in local companies forging documents to win.²⁹⁴

In 2013, according to the Business Anti-Corruption Portal, contracts were often rewarded to well-connected individuals and companies, and tendering processes were reportedly not carried out in a transparent manner. The organisation also stated that foreign investors were restricted in their ability to participate in governmental tenders due to corruption.

Revenue Sharing

The Constitution requires Parliament to enact laws regulating the sharing of royalties arising from mineral and petroleum exploitation and conditions for payment of indemnities arising out of exploitation of minerals and petroleum. Parliament already enacted the Mining Act 2003 and its regulations, Petroleum (Exploration, Development and Production) Act, the Petroleum (Refining, Gas Processing and Conversion) Act 2013 and the Public Finance and Management Cap 2013 to address these issues.

The Mining Act provides for royalties to be shared between the central government, local governments and the lawful owners of land; the government receives 80 percent, local governments 17 percent, and owners 3 percent. Uganda Land Alliance reported in 2013 that the Mining Act was a strong precedent to develop derivations for the oil and gas sector.²⁹⁵ Human Rights Watch reported in 2014 that communities were vulnerable to not receiving their royalties due to having no bank accounts or any legal entity recognised to receive the money.

The goal of the 2006 National Oil and Gas Policy is to utilise oil and gas resources to achieve the eradication of poverty and to create lasting value for society. According to Oil In Uganda, a Petroleum Fund has been established to invest part of the oil revenues in overseas investments to counter any adverse effects of a domestic spending boom, as well as to provide for future generations.

Global Rights reported in 2012 that 60 percent of revenues generated from National Parks were set aside for funding projects for local communities. However, many ethnic minority groups, such as the Batwa, were unaware of their rights and the policies, and did not benefit from the plan.²⁹⁶

Global Witness stated in 2014 that the oil sector, despite its potential to contribute to improved living standards, has so far been secretive, with the majority of deals and contracts not available to the public. Reportedly, it was not possible to determine whether oil company payments have actually ended up in the public budget or not.²⁹⁷

Public access to information regarding oil revenues was reportedly limited, which could affect the participation of local communities in making decisions. Uganda Land Alliance reported in 2013 that Production Sharing Agreements (PSAs) between the government and oil companies had not been shared with the public.²⁹⁸ It is unclear whether the PSAs contain any agreements to ensure that landowners and communities would both benefit. The country has not yet established frameworks to ensure the inclusion of local communities or the mitigation of environmental damage.

Public Private Partnerships

A private-public partnership (PPPs) is a medium to long term contractual arrangement between the public and private sector to finance, plan, provide or manage public infrastructure or the provision of public services. PPP frameworks provide an instrument for attracting investments and have been identified by the Ugandan government as a viable means to address constraints of financing, management and maintenance of public goods such as education, health and energy provision.²⁹⁹

To this end, the National Development Plans I and II stress the role of the government in promoting and encouraging public and private partnerships in all sectors of national development. Through a PPP the government of Uganda is able to retain ownership of some of its assets as opposed to privatization. However due to the limited or no government control over operations, this in turn leaves room for potential human rights violations. Some of the PPPs within the public services industry, such as in the energy (electricity) and water sectors have been heavily criticised, especially

on the issue of concession agreements that to some extent are detrimental to rights holders, who are burdened with high tariffs.³⁰⁰

Access to Remedy

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

The Anti-Corruption Division of the High Court was established in Kampala in 2005, and deals with corruption cases for the whole of Uganda. It functions at a satisfactory level, according to the Uganda Law Society, but has problems with delays and lost documents due to all cases being transferred to Kampala.

The Court of Appeal, which acts as the constitutional Court, is responsible for interpretation of the constitution. Individuals whose rights have been violated by an act of Parliament, law or omission of action by a person or authority may petition the Constitutional Court for a declaration and redress.⁴⁹⁴

URA has a tax appeals tribunal to review any taxation decision made by URA. The tax investigation department is tasked with investigating companies or businesses that evade taxes. Cases are forwarded to legal services for prosecution. The anti-corruption court has jurisdiction over these cases. Convictions are published in the newspapers. The Centre for Arbitration and Dispute Resolution was developed to assist in commercial disputes. The Ugandan government accepts binding arbitration with foreign investors, and authorises binding arbitration between private parties in accordance with the 1958 New York Convention.

The Inspectorate of Government/Ombudsman is responsible to parliament, and has the power to investigate, arrest and prosecute cases involving corruption and the abuse of authority or public office.

According to a 2012 report by KPMG, an estimated 80 percent of commercial disputes were settled outside the formal court system to save money and time.³⁰¹

Communities that have been impacted by International Finance Corporation or Multilateral Investment Guarantee Agency projects can make complaints to the Compliance Advisor Ombudsman (CAO), a dispute resolution mechanism that mediates between individuals and companies. The CAO conducts investigations and provides a forum for mediation, information-sharing and facilitated dialogue.

Media Reports

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

- *January 2014, New Vision:* Six road services companies were accused of unethical practices and presenting forged bid securities and certificates.
- *November 2012, City Press:* The CEO and eight company directors of MTN were summoned to appear in court on charges of avoiding more than US\$10 million in taxes. The case was thrown out by the High Court in early 2013 due to lack of evidence.

- *November 2011, Heritage v. Uganda Revenue Authority:* URA demanded 30 percent of the amount earned by oil company Heritage in transferring its assets to Tullow Oil in capital gains tax before the transaction was approved. Heritage was against paying the tax ‘based on comprehensive advice from leading tax experts in Uganda, United Kingdom and North America’ that the transaction was not taxable in Uganda. The Tax Appeals Tribunal upheld that the transaction was taxable and the amount (US\$434.9 million) assessed by URA.
- *October 2011, Business Anti-Corruption Portal:* An MP accused government officials of accepting millions of dollars in bribes from Tullow Oil. The Constitutional Court halted the oil bribery investigation in December 2011, and in April 2012, Tullow published its correspondence with Ugandan officials to clear its name. The investigation was dropped.⁶⁴⁴

Human Rights Guidance for Businesses

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

Due Diligence Library

The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies

Signalling a Non-Corrupt Environment

Does the company take a clear stand against corruption?

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

Anti-Corruption Risk Assessment

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

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

- The company has identified internal functions with the highest risk of corruption within the company and seeks to address these weaknesses.

Awareness Raising

Does the company ensure that relevant workers are properly trained?

- The company informs all workers about its anti-corruption commitment.
- The company provides regular anti-corruption training for all relevant workers within the organisation e.g. procurement and sales staff.
- Information on disciplinary procedures for violations of company anti-corruption policies is available to workers.
- The company actively seeks worker feedback and dialogue on its anti-corruption initiatives.
- The company has and promotes a function by which workers can safely report suspicion of corruption related cases (e.g. hotline or mailbox) and allocates resources to systematically address the issues that are identified.

Anti-Corruption Procedures

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

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

Agents and Other Associates

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

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

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

Communicate

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

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

Joint Actions

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

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

Standards & Guidance

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

- Transparency International Business Principles for Countering Bribery provide a checklist for companies to identify and reduce bribes and facilitation payments in their operations.
- The OECD Guidelines for Multinational Enterprises, applicable to enterprises in OECD Member States (and some others), require companies to respect human rights, including through due diligence. The OECD Guidelines constitute recommendations by OECD member states to multinational enterprises operating in or from adhering countries. The OECD Guidelines include competition, fiscal systems and anti-corruption.

Stakeholder Recommendations

Suggested due diligence steps from local actors

- **The Business Anti-Corruption Portal** advises companies considering bidding on public tenders in Uganda to use a specialised public procurement due diligence tool.
- **Human Rights Watch** recommends that businesses sourcing minerals from the Karamoja region establish a thorough due diligence process and regularly monitor operations to ensure that indigenous peoples' rights are respected.
- **Institute for Business and Human Rights** recommends that the Government works with oil companies to address potential and actual conflict (including land conflict and revenue distribution) arising in relation to oil production in the country.²² In particular, recalling the history and the ongoing conflict in northern and north-eastern Uganda, procedures for issuing investment licences should include a comprehensive human rights based due diligence assessment to ensure that investors' practices do not trigger further conflict or lead to further marginalization of the area.

Company Initiatives

Actions and priorities suggested by local and international stakeholders

Due Diligence Initiatives

Tullow Oil: The company set up a whistle blowing telephone line, and investigated 16 cases in 2012, with two employees leaving the company as a result. They also provided a Code of Business Conduct awareness training for over 1,100 people.

Total: The oil company has a code of conduct and a human rights guide to ensure the company acts ethically, and holds stakeholder forums to determine its impacts, including in purchasing and legal affairs.

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

Security & Conflict

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

Operating Environment	
Failed States Index	22 out of 178 countries
Freedom House: Map of Freedom - Political Rights <i>(On a scale of 1 through 7, where 1 indicates the highest level of freedom)</i>	6 (2014)
Freedom House: Map of Freedom - Civil Liberties <i>(On a scale of 1 through 7, where 1 indicates the highest level of freedom)</i>	4 (2014)
Legatum Prosperity Index: Safety & Security	134 out of 142 countries
Relevant law	• Control of Private Security • Organisations Regulation, 1997 • Police Act Cap 303 • Anti- Terrorism Act, 2002 • Prevention and Prohibition of Torture Act, 2012
Responsible agencies	• Ministry of Defence • Ministry of Internal Affairs • Office of the Prime Minister (OPM) • Uganda Human Rights Commission • Uganda Police Force (UPF) • Uganda Peoples' Defence Forces (UPDF)
Local NGOs addressing this issue	• ACEMP • HURINET-Uganda • International Alert

Country Context

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

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

The Voluntary Principles on Security and Human Rights (Voluntary Principles) 2000 is a multi-stakeholder initiative (MSI) involving governments, companies, and non-governmental organizations that promotes implementation of a set of principles that guide oil, gas, and mining companies on providing security for their operations in a manner that respects human rights. Uganda is not a member state to the Voluntary Principles, though oil companies such as Tullow Oil and Total are members. Specifically, these Voluntary Principles guide companies in conducting a comprehensive human rights risk assessment in their engagement with public and private security service providers to ensure human rights are respected in the protection of company facilities and premises.³⁰²

Public Security Forces

Human Rights Watch reported in 2014 that UPDF soldiers provided security for companies and their employees in the mining sector in Karamoja. Local residents were reportedly intimidated by security forces after they criticised mining operations or were suspicious of corruption. The army has denied allegations that they were involved in the mining sector.³⁰³

Private Security Forces

The private security industry is regulated by the Police Act and the Control of Private Security Organisations regulations 2013. The Police Act prescribes that the Minister has the authority to regulate the control of private security organisations, including establishment, registration, regulation, uniforms and equipment and fees.

An article in New Vision reported in 2013 that around 119 private security companies operated in Uganda.³⁰⁴ Private security companies were reportedly said to employ people from rural areas with no knowledge or background in security in the interest of profit while compromising security. The Uganda Police Force will soon start issuing permits to all private security guards after rigorous screening, a move aimed at standardizing the mode of recruitment, training and remuneration of private security personnel in light of weeding out incompetent guards.³⁰⁵

Global Rights Alert stated in 2013 that numerous private security agencies were deployed to protect demarcated oil wells and oil company personnel in the Hoima and Buliisa districts. Local residents had reportedly been intimidated by private armed forces.³⁰⁶

Social Conflict

Reports from Oil in Uganda and the Initiative for Peace-Building stated in 2012 and 2010, respectively, that persistent tensions over land and other economic resources in Uganda had resulted in low-intensity violent clashes. In recent years, the arrival of Congolese and Ugandan immigrants and refugees to Lake Albert had reportedly led to heightened competition over natural resources and land.³⁰⁷

Human Rights Watch reported in 2014 that community conflicts were often triggered and heightened by conflicts over land tenure, especially in regions where oil was found, or where government and private companies operated in large-scale development projects or in mining.⁶⁶³

According to the Uganda Human Rights Commission (UHRC) in 2012, vigilante justice was a serious concern. Mob attacks against criminal suspects resulted in 466 deaths during 2011 and 383 cases were reported to the police. The UHRC reported that deaths by mob justice increased in 2012, although specific numbers were not available.³⁰⁸ Witnesses rarely cooperated with police, making the investigation of such cases difficult.

Armed Conflict

The Karamoja region in the north-east is the least developed area of Uganda. Frequent inter- and intra-ethnic clashes have occurred and, according to the Bertelsmann Foundation in 2014, violence in cattle raids has exacerbated due to the availability of firearms. The Uganda People's Defence Forces were deployed in the region to disarm warriors and establish law and order.

The War Crimes Division on the High Court was set up in accordance with the International Criminal Court Act 2010, and began operations in regard to those involved in the war with the LRA in the region and to provide redress to victims. An Africa Journal article reported in 2013 that this formal justice system may cause tension with local forms of justice, including community reconciliation.³⁰⁹

Access to Remedy

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

Any individual is entitled to make a complaint against any police officer who has infringed their rights, and is entitled to any legal redress available. The Justice Law and Order Sector Annual Performance Report 2012/13 reported that the Uganda Police Force received and investigated 9,748 complaints of human rights violations by police authorities, of which 3,059 were criminal cases, 638 were handled through internal disciplinary mechanisms, 4,500 were concluded and 2,046 were dismissed due to lack of evidence.³¹⁰

The functioning of the police was constrained due to limited resources, including low pay and deficient vehicles, equipment and training.

The Court of Appeal, which acts as the constitutional Court, is responsible for interpretation of the constitution. Individuals whose rights have been violated by an act of Parliament, law or omission of action by a person or authority may petition the Constitutional Court for a declaration and redress.⁴⁹⁴

The Tribunal of the UHRC can hear complaints of human rights violations and does so in a semi-formal process. Appeals can be made from the UHRC to the High Court.⁶⁷³ The UHRC received 357 complaints in 2014 over violations on the freedom from torture and ill-treatment compared to 303 complaints in 2012.

Uganda has ratified the protocol providing jurisdiction to the African Court on Human and Peoples' Rights, a regional court that aims to ensure protection of the rights established under the African Charter on Human and Peoples' Rights. The Court handles complaints submitted by the African Commission, state parties to the protocol or African intergovernmental organisations. Uganda has, however, not granted jurisdiction to the court to deal with cases submitted by individuals or non-governmental organisations. No Ugandan case has been filed at the court.

Media Reports

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

- *October 2013, UGO News:* Four police officers were accused of torture and were tried before the police disciplinary court. They were accused of assaulting a worker who was claiming compensation after a work accident in which he lost his fingers.³¹¹
- *October 2013, UGO News:* A resident in Buzira Njovu, Mukono district was shot dead by a police officer over a land dispute. Police have been accused of siding with land purchasers in the area.
- *September 2013, UGO News:* An Indian general manager at a company in Bunga was shot dead by a private security officer in an alleged argument over salary arrears.

Human Rights Guidance for Businesses

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

Due Diligence Library

The following recommendations have been developed by The Danish Institute for Human Rights through research and engagement with companies

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

- The company regularly conducts security risk assessments, and ensures that company security arrangements, including the deployment of private guards or public security personnel, are proportionate to the security risk.
- Company security risk assessments include the risk of human rights abuses by private and public security personnel.

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

Standards & Guidance

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

- International Alert, Conflict Sensitive Business Practices: Guidance for Extractive Industries (2005): International Alert is a peace-building NGO working with civilians and other affected stakeholders in conflict areas. This Guidance is intended for companies in the extractive industries sector, providing advice on conflict-sensitive business practices and the ways in which they can contribute to peace-building.
- International Alert and Fafo Institute, Red Flags: Liability Risks for Companies Operating in High-Risk Zones (2008): The Red Flags address illicit business activities under international and national law. The initiative's objective is to clearly define what types of activities, when committed or aided by businesses, represent breaches of international humanitarian law and international criminal law.
- International Commission of Jurists, Report of the Expert Legal Panel on Corporate Complicity in International Crimes (2008): This three volume report outlines the ICJ Expert Legal Panel's findings and recommendations with regard to corporate legal responsibility for complicity in international crimes, under both civil and criminal law.
- The Dodd-Frank Wall Street Reform and Consumer Protection Act (2010): Section 1502 of the Act requires public and private companies to disclose the use of any conflict minerals in their products. This promotes greater transparency and dissuades companies from engaging in trade that may support regional conflicts.
- International Committee of the Red Cross, Business and International Humanitarian Law (2006): The Guidance explains the obligations of businesses under international humanitarian law, including noting relevant distinctions between international human rights law and international humanitarian law.

Stakeholder Recommendations

Suggested due diligence steps from local actors

- **The Uganda Human Rights Commission** recommends that businesses in the extractive sector implement the Voluntary Principles in their operations.
- **The Institute for Human Rights and Business** recommends that oil companies ensure their investment licences include comprehensive human right-based due diligence assessments to ensure their activities do not trigger conflict.

Company Initiatives

Actions and priorities suggested by local and international stakeholders

Due Diligence Initiatives

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

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

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

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

Engagement Opportunities

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

Public Sector Initiatives

Training on Human Rights: The Uganda Human Rights Commission trained 1,998 members of the Ugandan Police Force and UPDF on human rights, such as the prohibition of torture, the right to personal liberty, the right to life and standard operation procedures during disarmament.

USAID/Uganda Supporting Access to Justice, Fostering Peace and Equity 2012-2017: With funding of US\$15 million, the SAFE program aims to support peace-building and conflict mitigation in Uganda by strengthening mechanisms for resolution of conflicts over land, oil and ethnic diversity. Through training, technical assistance and financial support to civil society organisations, SAFE focuses on the oil-rich Albertine region, the Lord's Resistance Army-affected northern region, and central Uganda as initial entry points.

Sector Profiles

Agriculture & Fisheries

Operating Environment	
Sector contribution to GDP	23.1%
Sector contribution to employment	82% (1999 est.)
Major products	Coffee, tea, cotton, tobacco, cassava, potatoes, corn, millet, pulses, cut flowers, beef, goat meat, milk, poultry.
Relevant laws	• The Constitution of the Republic of Uganda, 1995 • National Agricultural Policy • National Forestry Act • National Environment Act • Employment Act 2006 and its regulations • Animal Breeding Act • Dairy Industry Act Cap 85 • National Fisheries Policy
Responsible agencies	• Ministry of Agriculture, Animal Industry and Fisheries • National Agricultural Advisory Services (NAADS) • Ministry of Gender, Labour and Social Development • National Environmental Management Authority • Ministry of Water and Environment • Ministry of Lands, Housing and Urban Development • Uganda Human Rights Commission
Local NGOs addressing this issue	• ACODE • Food Rights Alliance (FRA)
Development Frameworks	• Uganda Vision 2040

- Second National Development Plan (NDP II) 2015/2016–2019/2020
- Agriculture Development Strategy and Investment Plan (DSIP) 2010/11 - 2014/15
- National Policy for Disaster Preparedness and Management 2010

Sector Profile

The agriculture sector, which is mainly subsistence, is the backbone of Uganda's economy and employs 66 percent of the labour force.³¹² Fifty-five percent of women are employed in agriculture. The sector is dominated by food crops (51.6 percent of agricultural production), forestry (18.2 percent) and livestock production (17.8 percent). Cash crops accounted for 7.2 percent, fishing 5.1 percent and agriculture support services accounted 0.1 percent.³¹³

The agriculture sector is marked by a small scale farmers engaged in food and cash crops, horticulture, fishing and livestock farming. The goal of the government is to expedite the transformation of this sector from subsistence farming to viable commercial enterprises.³¹⁴ Exports include coffee, tea, tobacco and cotton. Plantain, cassava, sweet potato and maize are the major subsistence crops. Livestock is also a significant source of food and livelihoods.

Areas for Attention

Land Acquisition

The past 10 years have brought a boom in investment to Uganda, fuelled partly by demands for biofuels, other agricultural products and increase in large-scale private investment in commercial agriculture. The government has made land accessible for companies and foreign investors at low cost and with tax exemptions, affecting the role of local farmers and investors and compromising local communities' right to food. Steps taken to provide land to foreign investors have caused in some instances human rights violations including displacement, deaths, violence and arbitrary detention of local residents.³¹⁵

One of the more prominent cases in recent years is the palm oil project on Kalangala Island. The National Association of Professional Environmentalists, international NGOs and local leaders from reported that the project is causing food insecurity, displacement of more than 100 people without compensation and water pollution. A court case has been brought against the companies involved in the oil palm project.³¹⁶

Deforestation

The National Forestry and Tree Planting Act of 2003 manages all forest resources in Uganda. The Act stipulates that a person intending to undertake any project that may impact a forest must undertake an environmental and social impact assessment. Uganda's Forest Policy of 2001 emphasises the

ecological and socio-economic importance of protecting the nation's forest resources and includes provisions for safeguard and conservation of forests to secure forest products and protect water resources, soils, fauna and flora. Under the policy, the government has a responsibility to control illegal practices, monitor best practices and measure environmental and social impacts. The National Forest Authority is responsible for the implementation of the policy, and provides guidelines for management of forest reserves, community forests and private forests.

Forty years ago, Uganda's natural forests covered 40 percent of the country. Recent statistics indicate that the forest cover has reduced to 20 percent in the past 15 years with the deforestation rates accelerating to 2.2 percent per year, one of the highest in the world. According to the World Wildlife Federation (WWF), Uganda loses an estimated 6,000 hectares of forests each month. Twenty-eight districts have reportedly lost their entire forest ecosystem, and forests have been cut down for fuel to cook and to clear land for agriculture. Overgrazing reportedly affected soil quality, making it more difficult for communities to grow crops

The Ministry of Water and Environment reported in 2012 that over 64 percent of forest cover was on privately owned lands, including communally owned lands. The rate of forest cover loss was reportedly 34 percent in these areas, compared to 12 percent in protected areas.

One of the major causes of deforestation is clearing forests for large-scale developments or commercial agriculture, particularly sugarcane plantations. The Butamira Forest reserve, for example, was given away for sugar plantations, with thousands of locals kicked off the land.³¹⁷ In 2007, there were efforts to give the Mabira Forest Reserve to Kakira Sugar Works, leading to public protests and the cancellation of the project. In 2011, the planned giveaway was revived, citing sugar scarcity and that it was the only land suitable for sugarcane plantation

In March 2012, the government declared a ban on logging, though this report did not uncover any information on the effectiveness of the ban. African Economic Outlook reported that 32 people were killed in mudslides linked to the loss of forest cover in the Mount Elgon region in June 2012.

In 2011, an Oxfam report noted that at least 22,500 farmers had been evicted from a government-owned forest in Mubende and Kiboga districts in central Uganda to make way for a British forestry company, New Forests Company. Ugandan National Forestry Authority granted licences over the plantation areas to NFC in 2005 and removed the former residents, which it claimed were illegal encroachers.³¹⁸

Child Labour

The U.S. Department of State reported in 2014 that child labour was especially common in the informal sector.⁴³² In Uganda, 93 percent of children were found to be working in agriculture, fishing and forestry; 25 percent of children between 5 to 17 years are engaged in child labour, with 51 percent of these children doing work that exposes them to health hazards, including handling pesticides, carrying heavy loads, and using adult tools that can be dangerous for them. The highest percentage of child labourers (34 percent) is under the age of 12.

The International Labour Organisation (ILO) describes 'hazardous child labour' to involve 'work that is performed by children in dangerous unhealthy conditions that can lead to a child being killed, injured or made ill as a result of poor safety and health standards or environmental conditions.'

Some of the children are involved in the growth of cash crops like tobacco, coffee, tea, and cocoa, which are very labour intensive requiring significant attention to each plant. As a result, tobacco growers are tempted to use children as cheap labour thus, not only exposing them to long hours which could have serious health implications contrary to with Article 34(4) of the 1995 constitution of Uganda and Article 32 of the Convention on the Rights of the Child (CRC).

Section 16(1) of the Tobacco Control Act 2015 seeks to protect minors from cultivation, harvesting, growing, curing, manufacturing, importing, distributing and selling tobacco. In addition, Section 16(2) prohibits a person from importing and manufacturing for, or distributing and selling to, a minor a tobacco product. Tobacco is a very labour intensive activity requiring significant attention to each plant. As a result, tobacco growers are tempted to use children as cheap labour thus, not only exposing them to long hours but also, to poisonous fertilizers and the tobacco leaves.³¹⁹

Working Conditions

The informal sector is the fastest growing sector in Uganda and one of the dominant activities in the informal sector is subsistence agriculture. According to Wage Indicator in 2012, workers without written employment contracts were vulnerable to poor working conditions, and 45 percent were paid less than the poverty line wage.

Uganda Human Rights Commission (UHRC), while carrying out systemic investigations into the rights of workers in 2011 and 2013, established that a number of workers did not have written contracts of employment. This was discovered in some sugar cane farms and tea farms.

The minimum wage was set at UGX 54,000 (US\$21.10) per month in 2003, but has not been implemented, with the 1984 rate of UGX 6,000 (US\$2.30) per month still being recognised.⁴⁰⁶ Wage Indicator reported in 2012 that 23 percent of workers were paid below the poverty line of UGX 403 (US\$0.20) per hour.

Fishing Sector

During a special monitoring exercise to establish the enjoyment of human rights among the fishing communities in 25 districts in 2014, UHRC observed that fishermen and women worked under exploitative conditions.³²⁰ By the nature of the trade, much of the work is done at night. Findings revealed that employees worked through the cold nights without any warm clothing and little rest. Fishermen and women were found to be operating under 'conditions akin to slavery'; exposed to physical abuse, unsafe and unhygienic conditions.³²¹ Some fishermen and women were found using small illegal boats, known as 'parachutes', which can easily be overturned, leading to loss of lives. The majority of those involved in illegal fishing were lured by promises of attractive pay, but were trapped in debt to their employer.

Fishermen were at high risk of contracting HIV, with prevalence rates as high as 40 percent in 2014 in fishing communities.³²² An article in IRIN News stated in 2012 that the reasons for the high prevalence rates were low literacy, lack of information and the migratory nature of fishing communities. These communities reportedly had inadequate access to antiretroviral drugs.

The most serious human rights violations uncovered during monitoring visits by UHRC revealed a connection to poverty and social exclusion. Policy prescriptions for addressing the crisis in fisheries have centred on strengthening fisheries governance, principally through state action to combat illegal

fishing, but have had little effect on the depletion of fish stocks, degradation of aquatic environment or reduction in the economic and nutritional contributions of fisheries. According to the UHRC's report, the existing policies neither clarify nor enforce rights to ownership or access to fisheries resources by fishing communities.³²³

During UHRC's special monitoring exercise to establish the enjoyment of human rights among the fishing communities in 25 districts in 2014, it observed that children were engaged in fishing activities, many of which may be regarded as child labour as they were prevented from going to school. A number of children were found either fishing or sorting out nets after fishing.

Rights Holders at Risk: Women

Uganda's agriculture sector includes a number of risks that affect women disproportionately. Women have limited access to land; labour is typically divided into male and female and female tasks, with women typically conducting more hours of hard labour per day; extension services focus on male headed households; technology is restricted due to limited literacy and education among women; Financial services are more difficult to access due to lack of collateral (especially land) and immobility given the women's household responsibilities as well as Education and training.

Despite the critical role of women in agriculture and food production, women continue to lag behind men in access to productive resources.³²⁴

There have been reports of sexual harassment and abuse of women on flower and plantation farms.

Cases

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

- *February 2015, The Observer:* Farmers in Uganda evicted by oil palm plantations filed a lawsuit against a joint venture co-owned by palm oil company Wilmar International. The farmers, with the support of Friends of the Earth Uganda, are demanding restitution and compensation for damages three years after their land was taken for plantation development.
- *May 2014, The Compliance Advisor Ombudsman:* The independent accountability mechanism for the International Finance Corporation, part of the World Bank Group, is monitoring implementation of a mediated agreement between the Mubende community and New Forests Company (NFC) in Uganda.
- *New Forest Company:* Under the mediated agreement with local communities in Kiboga and Mubende, both parties commit to a joint program of sustainable development, with NFC agreeing to work closely with the community to build more solid, mutually beneficial relations. The affected community, in turn, has agreed to respect NFC's legal rights and the boundaries of the government of Uganda's forest reserve and engage with the company to develop long term co-operation and co-habitation. As part of the mediation process, the affected community established a legally registered cooperative society with over 900 members which has, and will, receive financial and other support from NFC as part of the agreement. A joint development

forum also created as part of the agreement facilitates the identification of development projects for implementation by the company and/or the affected community.³²⁵

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

Extractives

Operating Environment	
Sector contribution to GDP	0.3% 2012/2013 ³²⁶
Major products	Petroleum, oil, copper, gold, Cement, cobalt, iron ore
Relevant laws	• The Mining Act, 2003 • Mining Regulations, 2004 • National Environment Act • Oil and Gas Policy, 2008 • Petroleum (Exploration, Development and Production) Act, 2013
Responsible Ministries/Bodies	• Ministry of Energy and Mineral Development • Ministry of Finance, Planning and Economic Development • Uganda Revenue Authority
Local NGOs	• ACODE • International Alert • NAPE • CSO Coalition on Oil and Gas • ACEMP • ISER • Action Aid • EHAHRDP
Development Frameworks	• Uganda Vision 2040 • Environmental baseline study for the Oil Refinery project

Sector Profile

Although Uganda's economy relies heavily on agriculture, the extractive industry is a nascent sector that the government has prioritised. Extractive activities so far have focused on minerals such as cobalt, gold, copper, iron ore, tungsten, steel and tin³²⁷ and industrial minerals such as limestone, sand, marble, salt and vermiculite.

In 2006, Uganda discovered commercially viable oil deposits in the Albertine Grabben in western Uganda with an estimate of 2.5 billion barrels of oil. According to the United Nations Conference on Trade and Development's World Investment Report 2013, foreign direct investment in Uganda increased by 92 percent (from US\$894 million to US\$1.7 billion) from 2011 to 2012, largely due to investments in the oil industry.³²⁸ From 1997 to 2008, US\$500 million in private investment was made in upstream operations. The government has invested in infrastructure support, conducted assessments to ensure compliance with international best practice in exploration and signed production agreements with Tullow Oil, CNOOC, and Total.³²⁹ Oil production could reach 200,000 barrels per day by 2020, though production is only expected to commence in 2017. The last 10 years

have also seen increased artisanal, small scale, and large scale mining in the North, North Eastern, Central and South Western Uganda.

The Constitution empowers Parliament to make laws concerning the exploitation of mineral resources and revenues, and mandates that laws must take into account the interests of landowners and users, as well as preservation of the environment. The National Environment Act obligates the state to protect the country's natural resources. The goal of the 2008 National Oil and Gas Policy is to utilize oil and gas resources to achieve the eradication of poverty and to create lasting value for society.

The Mining Act 2003 vests the ownership and control of all minerals in Uganda in the government and provides for the acquisition of mineral rights. The mining legislation and policy are currently under review. The Petroleum (Exploration, Development and Production) Act, Petroleum (Gas, Refining and Conversion) Act and the Public Finance Management Act 2015 were passed to regulate oil and gas activities and revenue management, and as of 2015, the drafting of attendant regulations was in progress.

Within the Ministry of Energy and Mineral Development, the Directorate of Petroleum was created to manage the exploration and development of the oil sector, as well as regulate and develop legislation.⁶⁹⁶

Areas for Attention

Access to Information & Participation

Uganda's mining law requires negotiating a surface rights agreement with landowners before mining begins, but the law does not require any communication or consent during exploration work.

In Rupa and Nakiloro, in Moroto District, communities have indicated that they were unaware of the nature of mining taking place in their district, and that companies did not consult community members before taking soil samples from their land, destroying crops in the process.³³⁰

Human Rights Watch 2014 report stated that communities were confused about the private investors' intentions and long-term plans, were not fully conversant on mineral assessments that had been made and unaware of their own rights, the government's obligations and companies' responsibilities under national and international law. Community members said companies did not consult them regarding land, impacts on the environment or employment opportunities.

After conducting special monitoring exercises in selected districts in the Albertine Graben, the Uganda Human Rights Commission (UHRC) established that there were several violations of the right of access to information, affecting the ability of the community members to give free, prior and informed consent. UHRC established that there was a general lack of information given to communities on operations that would affect them; feedback on compensation amounts was not requested; and companies had made minimal effort to enable all community members to understand the legal requirements, procedures, processes and the management framework of the oil and gas industry.

Land Acquisition

According to the Business Anti-Corruption Portal, there were reports that Land Registry was not transparent and there have been complaints of corruption, including fraudulent land titles. Schools and land owned by vulnerable groups have reportedly been sold by corrupt officials to cabinet ministers, businesses and politicians. In 2013, the Ministry of Lands, Housing and Urban Development stated in the National Land Policy that some land allocations to private investments were non-transparent and did not consider environmental, ecological, economic or social impacts on natural-resource-dependent communities.

In the oil-rich region of the Albertine Graben, unclear land titles have caused tensions among local ethnic tribes who all claim they should benefit from natural resource extraction. In 2013, International Alert conducted a study in the Lake Albert basin in which 10 percent of respondents stated that their households were displaced. In Kabaale Parish in Hoima District, the government estimates that 7,118 individuals will be displaced due to the construction of the oil refinery.

According to Initiative on Social and Economic Rights, there is a major problem in the Karamoja region in determination of land covered under mining licences given to businesses or individuals. Due to the communal land tenure system, there have been instances where more land is cordoned off to businesses than was allocated in the licence, since some owners are unable to determine the actual size of the land.³³¹

The development of the extractive industry has led in certain instances of mass eviction and displacement. In Moroto, there were several reported instances of mining companies with exploration licenses sealing off land, thus denying communities access to their ancestral grazing areas.

Compensation

The constitution recognises the right to fair and adequate compensation in instances of compulsory land acquisition. Uganda lacks, however, a comprehensive policy to regulate the process of acquisition, compensation and resettlement.

In 2015, the Ministry of Energy and Mineral Development announced the government's proposal to authorize taking over private property before the payment of compensation. Exceptions will be made where the property taken over comprises permanent physical structures. The main purpose of this proposal is to promote investment.³³²

Article 26 of the constitution recognises the right to property and the payment of fair, adequate and prompt compensation prior to compulsory land acquisition. This contradicts with the provisions under the Land Acquisition Act, to which the reverse applies.

When the government of Uganda took a decision to construct an oil refinery in Kabaale Parish Hoima district, a total of 7,118 people living in 13 villages were set to be displaced. This parish was the epicentre of complaints relating to compensation and resettlement of persons affected by the oil sector.

UHRC interacted with residents of Kigaaga B, Kyapaloni, Nyamasoga, Nyahaira, Bukona A and B and Kitegwa villages. Ministry of Energy and Mineral Development has put in place a Resettlement Action Plan to ensure fairness and transparency in the exercise. However, the project affected persons

alleged that the compensation exercise was marred by irregularities such as flawed valuation of property, low compensation rates and delayed compensation.³³³

Global Rights Alert reported in 2013 that men had majority ownership and control over land, and received the majority of compensation for loss of land. This is despite the fact that women were equally, or perhaps more, affected than men by the loss of access to crops, water, firewood and ceremonial uses of land. In areas where there have been major oil discoveries such as Hoima and Buliisa, , women had reportedly not been compensated.

Oil in Uganda reported in 2013 that cash compensation for relocations due to oil exploration adversely affected women, as the majority of deals were signed with males. Women reportedly did not have much say in decision-making processes. UHRC reported in 2013 that men registered and received compensation money for cropland damaged in oil exploration, despite the fact that women were the ones primarily engaged in agricultural labour.³³⁴

A 2013 International Alert report noted that it remained unclear as to what mechanism, if any, could be used to compensate communities that were dependent on restricted areas. Displaced persons reported that compensation was insufficient, and they were not able to adapt to loss of property and crops. Communities had limited knowledge on their rights to compensation. .³³⁵

In 2013, an article in the Observer reported that oil companies had been accused of cheating displaced local communities. The Ministry of Energy and Mineral Development contracted Strategic Friends International to conduct the Resettlement Action Plan in the Hoima district. Most families in the 11 villages covered in the plan received between UGX 40 million (US\$15,500) and UGX 100 million (US\$38,000). Residents reportedly complained that the compensation was inadequate in regard to the crops they were growing, and some people complained that they received receipts but no money. Strategic Friends International responded to the unfair compensation claims and denied ever using coercion or intimidation to remove people from the land.

Human Rights Watch reported in 2014 that many financial compensation packages were inadequate, and that non-governmental organisations which sought to educate the public about the value of their land, compensation rights and community processes faced threats of sabotage, deregistration and arrest.

In the remote and less developed parts of Eastern and North Eastern Uganda, there were reports of threats, use of force and forced resettlement of residents without adequate consultation and compensation in order to appropriate their land for mining. Though customary tenure is the most common form of land ownership in Karamoja, acquisition of such certificates was not available, as the District Land Board has not issued any for the region. The lack of proof of legal ownership by ASM makes them vulnerable to exploitation and abuse, and denies them the benefits of mining, including the payment of royalties.³³⁶

Environment

The Constitution and the National Environment Act (NEA) guarantee the right to a clean and healthy environment and obligate the state to protect the country's natural resources, including land, water, wetlands, oil, minerals, plants and animals.⁴⁵⁶ Uganda has implemented a number of measures to improve its protection of the environment, including wetlands management; reforestation

programmes; control of illegal timber harvesting and trade; regulation of fishing methods; and enforcement of environmental impact assessment regulations.⁴⁵⁷

As part of its mandate, NEMA interacts with small, medium, large and multinational businesses. NEMA also reviews environmental impact assessments (EIAs). According to the law, EIAs should be conducted prior to the development of any business operation, though additional criteria related to the amount invested, potential impact on the environment, waste disposal and utilisation of natural resources which requires further assessments. The extractive sector has a range of environmental issues that are assessed and monitored at various stages of the investment process.

According to the 2013 Business Anti-Corruption Portal, environmental inspections were not carried out uniformly and regularly due to bribery and lack of funding and staffing. Oil in Uganda reported in 2013 that NEMA officials were not present in the field to enforce environmental guidelines.⁴⁶² Corruption and a lack of capacity were at least partly responsible for environmental degradation, especially in the fishing and extractive sectors.

A value-for-money audit by the Office of the Auditor General (OAG), released in April 2014, faulted the National Environment Management Authority (NEMA) for not doing enough to manage dangerous oil waste in the Albertine Graben. This was with specific reference to the inadequate existing regulations and guidelines on waste management that did not effectively address storage, treatment and disposal of drilling waste and that it could expose a larger part of the Albertine Graben to potential environmental risks.

UHRC received complaints of waste dumping in a consolidated site by a subcontractor approved by NEMA in the districts of Nwoya, Nebbi and Bulisa, where Total E&P Uganda was operating. Total E&P explained that where vehicles of the subcontractors were spilling wastes in the road because of overloading, they had come up with a policy of loading at 75 percent for dry substances and 50 percent for liquid substances to avoid spills.

To deal with environmental issues, NEMA drafted guidelines for waste management to guide oil companies in the interim period; prepared a Sensitivity Atlas for the Albertine Graben; was developing an oil spill contingency plan; and was reviewing the waste management guidelines.

Environmental impact assessments are conducted by businesses with help of private consultants. They are reviewed and approved by NEMA, who is supposed for disseminating them in districts located in the affected areas. From FY 2010/11 to FY 2014/15, 591 projects were approved and 874 EIA reports were submitted.

A 2012 report by Oil in Uganda reported that there were only a few, around 120, trained practitioners to conduct EIAs in Uganda. Understaffing reportedly hinders the ability to handle all EIA reports, causing significant delays, though the law stipulates that the EIA process for all projects must be conducted within three months. Follow up is also reportedly weak.⁴⁶⁶ In the Uganda Human Rights Commission's *Oil in Uganda* report, there were allegations of lack of independence in EIA processes undertaken by practitioners identified by NEMA.³³⁷

According to International Alert, some of the EIAs conducted for extractive activities did not include socio-economic, socio-cultural or political impacts.

UHRC noted that in the Albertine Graben, there have been a number of complaints regarding noise and air pollution near the Ondiek Exploration Pad area and Kikaya West Pad area in Nebbi District.

Several community members complained of increased dust and noise, and a bad smell. In one case, an oil company reportedly dumped waste containing lead in Bugana near River Zoria in Buliisa District. Other complaints included use of heavy machinery that caused vibrations.³³⁸

It is worth noting that the use of mercury or cyanide to extract gold is not common in small-scale mining in Uganda. Abandoned open gold mine pits; unfilled holes and gullies left behind by machines used to break stones; now scattered across communities are a danger to both human life and have led to environmental degradation. These open mining pits rendered livestock grazing as well as free passage of human beings impossible at ASM sites because of the risk of falling into pits.³³⁹

Mining Licenses

All minerals are held by the government on behalf of the people of Uganda and all prospecting, exploration and mining can only be carried out under a licence. Uganda's mining law requires negotiating a surface rights agreement with landowners before mining begins. Under the Mineral Policy 2001, the Department of Geological Survey and Mines (DGSM) has the mandate to regularise artisanal and small scale mining and implement awareness campaigns targeting them.

About 95 percent of artisanal and small scale mining is unlicensed, hence the lack of the required formal mining licences that permit legal artisanal and small scale mining is a big obstacle. The majority of these miners were unaware of the legal requirements that would enable them become a formal and legal small-scale gold mining groups to apply for licences and acquire formal mining rights from MEMD. This also affects their entitlement to royalties.³⁴⁰ Ignorance of the relevant land and mining rights legislation has made the artisanal and small scale miners vulnerable to exploitation by mineral buyers and licensees.

The informal nature of artisanal and small scale mining and the lack of organisation hindered miners from forming umbrella associations or community associations to formalise ASM, accumulate savings to apply for licences; inform and train miners on labour rights and mining requirements and to function as a union to collectively advocate for their workers' rights.³⁴¹

None of the artisanal miners mining gold at Rupa site Moroto District were in possession or aware of the need to obtain a location license from the MEMD. At the mining site, the gold miners operate as independent entities of each other with each miner having exclusive ownership rights over the excavated pit until the pit is exhausted.³⁴²

Working Conditions

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

Artisanal mining is a labour intensive activity with significant occupational safety risks.³⁴³ Due to the informal and disorganised nature of artisanal mining, fatal accidents were often not reported and it was difficult to implement the Occupational Health and Safety Act 2006 and Workers Compensation Act Cap 225.

At Rupa gold site and Katikekile marble quarry, all the miners, including children, lacked the appropriate protective equipment and a safe working environment which would guarantee their personal safety.³⁴⁴

The Department of Occupational Health and Safety under the Ministry of Gender, Labour and Social Development and the Department of Geological Survey and Mines under the MEMD are mandated to deal with occupational health and safety performance of artisanal miners. However, due to financial and human resource constraints, this function has not been implemented.³⁴⁵

Child labour is as high as 50 percent at some artisanal mining sites, largely due to poverty, lack of awareness of risks, low priority for education and a perception that artisanal mining is the best or only viable livelihood option available for children. The UHRC observed that children involved in artisanal mining did not go to school but were occupied with activities like digging in the open pits and tunnels, fetching water, panning and carrying small stones.

A UHRC interview with a District Labour Officer in Buliisa District revealed that the terms of employment of the some of the oil companies were not clear to employees. The communication gap was compounded by the language barrier, as locals could not understand Chinese and depended on gestures, which sometimes were not well understood. This was one of the causes of misunderstandings between the oil companies and their employees leading to termination of contracts. It was also pointed out that the four-day prior notice required before visiting the oil company was a hindrance to effective monitoring by the labour office. There were no clear guidelines by the MEMD to facilitate easy access to oil exploration areas by responsible persons.

During UHRC's special monitoring exercises in the Albertine Graben, there were allegations of fraudulent sale of communal land by several individuals without following proper procedures. Other allegations pointed to inadequate compensation to the land that had been acquired by the government. More disturbing allegations include forced signing of compensation agreements and non-payment or delayed payment of compensation.

Occupational Health & Safety

The nature of artisanal mining as a labour intensive activity increases the risk of miners to occupational health related illnesses and diseases like chronic chest pains, chest infections, stunted growth and impotence. HIV/AIDS prevalence remains high across the artisanal mining sector, partly attributed to the fact that some miners are youths and orphans who have dropped out of school and more vulnerable to sexual exploitation.

According UHRC's findings in its 16th Annual Report 2013, it was observed that some of the miners were single mothers or girls, whose incomes were often less than that of their male counterparts. In a bid to make extra income, some women and girls were reported to have engaged in the sex trade at the mine site or community.³⁴⁶

Open flooded pits and poor garbage disposal are common to artisanal mining sites. These have become breeding grounds for mosquitoes, contributing to increased cases of malaria. Furthermore, due to high poverty levels, the miners are unable to afford treated mosquito nets.³⁴⁷

At some artisanal mining sites, hundreds of miners can be concentrated in a relatively small area. With little formal organisation and no clear management or responsibility for the site. Attention to

sanitation and hygiene is poor. Lack of clean water, pit latrines and the limited knowledge of proper food handling could easily lead to outbreaks of diarrhoea. This situation could get worse in situations where large numbers of artisanal miners rush to mine the minerals.³⁴⁸

Rights Holders at Risk

According to an analysis carried out by MEMD on vulnerability in the oil refinery area, there were six categories of vulnerable groups: persons with disabilities, chronically ill persons, older persons, women, children under 5 years and ethnic minorities. UHRC noted that there were no noticeable mechanisms in place to address issues of vulnerability among affected communities.³⁴⁹

In the Albertine area, there were allegations of sexual harassment in the oil camps. UHRC encountered allegations of sexual abuse and exploitation of girls in Hoima, most especially sex workers allegedly by moneyed foreigners constructing the Kaiso-Tonya road.

Family disputes and domestic violence are on the rise as women battle their spouses for a share of the compensation money. In the oil refinery area, affected women raised a concern that only men were signing the compensation forms yet it is a requirement for spouses to sign the form. There are also gender dimensions over compensation made for the crops that had been destroyed during the oil exploratory stage.

Human & Animal Conflict

Oil exploration activities in the national park in Nwoya District, in particular the noise from stone blasting and the movement of vehicles, have caused elephants to flee into villages, destroying crops and killing villagers.

The Uganda Wild Life Authority has not committed to paying compensation for property destroyed by wild animals, but has put in place mitigation measures, including as digging trenches around the Murchison Falls National Park, bee keeping and planting of red pepper around the boundaries.³⁵⁰

The issue of human-animal conflict arose earlier during the exploration activities by Tullow Oil and CNOOC which used technology for stone blasting that emitted a lot of noise which scared the animals from the park. Total E&P now uses three-dimensional seismic surveys, which do not negatively affect the environment.³⁵¹

Revenue Transparency & Sharing

The constitution requires Parliament to enact laws regulating the sharing of royalties arising from mineral and petroleum exploitation and conditions for payment of indemnities arising out of exploitation of minerals and petroleum. Parliament already enacted the Mining Act 2003 and its regulations, Petroleum (Exploration, Development and Production) Act, the Petroleum (Refining, Gas Processing and Conversion) Act 2013 and the Public Finance and Management Cap 2013 to address these issues.

The Mining Act provides for royalties to be shared between the central government, local governments and the lawful owners of land; the government receives 80 percent, local governments 17 percent, and owners 3 percent. Uganda Land Alliance reported in 2013 that the Mining Act was a strong precedent to develop derivations for the oil and gas sector. Human Rights Watch reported in

2014 that communities were vulnerable to not receiving their royalties due to having no bank accounts or any legal entity recognised to receive the money.

The goal of the 2008 National Oil and Gas Policy is to utilise oil and gas resources to achieve the eradication of poverty and to create lasting value for society. According to Oil In Uganda Report, a Petroleum Fund has been established to invest part of the oil revenues in overseas investments to counter any adverse effects of a domestic spending boom, as well as to provide for future generations. In 2012 the remaining revenues from oil would be invested in infrastructure projects, with the priority areas being in electric power generation, road and railway upgrading, agricultural irrigation schemes and scientific and technological capacity and training.

Global Witness stated in 2014 that the oil sector, despite its potential to contribute to improved living standards, has so far been secretive, with the majority of deals and contracts not available to the public. Reportedly, it was not possible to determine whether oil company payments have actually ended up in the public budget or not.⁶²⁴

Public access to information regarding oil revenues was reportedly limited, which could affect the participation of local communities in making decisions. Uganda Land Alliance reported in 2013 that Production Sharing Agreements (PSAs) between the government and oil companies had not been shared with the public.⁶²⁵ It is unclear whether the PSAs contain any agreements to ensure that landowners and communities would both benefit. The country has not yet established frameworks to ensure the inclusion of local communities or the mitigation of environmental damage.⁶²⁷

Security & Conflict

Human Rights Watch reported in 2014 that UPDF soldiers provided security for companies and their employees in the mining sector in Karamoja.³⁵² Local residents were reportedly intimidated by security forces after they criticised mining operations or were suspicious of corruption. The army has denied allegations that they were involved in the mining sector.

The private security industry is regulated by the Police Act and the Control of Private Security Organisations regulations 2013.⁶⁵⁸ The Police Act prescribes that the Minister has the authority to regulate the control of private security organisations, including establishment, registration, regulation, uniforms and equipment and fees.

An article in New Vision reported in 2013 that around 119 private security companies operated in Uganda. Private security companies and their personnel were reportedly unfit for duty due to the poor quality of personnel employed, training offered and equipment used.

Global Rights Alert stated in 2013 that numerous private security agencies were deployed to protect demarcated oil wells and oil company personnel in the Hoima and Buliisa districts. Local residents had reportedly been intimidated by private armed forces.

Cases

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

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

Media Reports

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

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

Human Rights Guidance for Businesses

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

Stakeholder Recommendations

Suggested due diligence steps from local actors

- **Uganda Human Rights Commission** recommends that businesses in the extractive sector implement the Voluntary Principles on Security and Human Rights.
- **The Institute for Human Rights and Business** recommends that oil companies ensure their investment licences include comprehensive human right-based due diligence assessments to ensure their activities do not trigger conflict.
- **International Alert** recommends that oil companies have the staff and equipment necessary for oil spills to provide immediate response. This includes water spills as well as during transport through pipelines, or by train or truck. Companies should also have in place a mechanism to determine financial liability for the loss of livelihoods of fishermen or farmers who are affected by pollution.
- **Greenwatch Uganda** recommends that oil companies develop communication strategies to increase the amount of information accessible to communities, including in local languages; set up resource centres to provide information on the oil sector; and encourage public participation in debates about the oil sector.

Company Initiatives

Actions and priorities suggested by local and international stakeholders

Due Diligence initiatives

Total: The oil company has a code of conduct and a human rights guide to ensure the company acts ethically, and holds stakeholder forums to determine its impacts on issues, including in regard to security.⁶⁸³

Civil Society – Private Sector Forum: In September 2012, the Foundation for Human Rights Initiative launched the forum to address cross-cutting challenges in Uganda and to enhance good governance and development through collaboration between civil society and the private sector. Actors in both sectors recognised the importance of the UN Guiding Principles as a framework for both the state and businesses to respect human rights.¹¹⁹

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

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

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

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