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Committee on Economic, Social and Cultural Rights

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Item 6 (a) of the provisional agenda

**Consideration of reports: reports submitted by States parties
in accordance with articles 16 and 17 of the Covenant**

List of issues in relation to the initial report of Uganda

Addendum

Replies of Uganda to the list of issues*

[Date received: 5 June 2015]

I. General information

Question 1

1. Civil society were involved in the preparatory process of the initial report of Uganda. They were part of the consultations and data collection process as well as validating the data collected for the initial report preparation in order to present a true picture of what the status of economic social and cultural rights was. The following organisations were consulted, HURINET as leader of the CSOs on economic Social and Cultural rights, FIDA Uganda, FHRI, Cross Cultural centre, among others.

2. The NGO amendment Bill has been presented to Parliament for debate. Members of the Civil Society with strong views on the proposed amendments have an opportunity to present their views before the relevant committee of Parliament for consideration.

3. The major amendment is to provide for transparency and accountability. The Non-Governmental Organisations need to appreciate that they need to be accountable to the public like other public bodies.

* The present document is being issued without formal editing.



Question 2

4. Legislative measures include; the Domestic Violence Act 2010, the Prohibition of Female Genital Mutilation Act, 2010, the Land Act 1998 as amended, the Prevention of Trafficking in Persons Act 2009, Evidence Act Cap 6, the Succession Act Cap 162 as amended, the Mental Treatment Act, Cap 279, Public Health Act Cap 281.

5. The Constitution of the Republic of Uganda 1995 in its national objectives and directive principles of state policy clearly provides for economic social and cultural objectives. In its article 8A it allows for these objectives to be applied in courts of law. Furthermore the Constitution clearly provides that it is the supreme law of the land and any other law or custom which is inconsistent with it shall be null and void to the extent of its inconsistency. Consequently, the customary laws applied by the local council courts are consistent with the provisions of the Covenant.

Question 3

6. The Judicial Studies Institute has developed a training manual for a module for training of judicial officers on gender sensitive legislation. The module aims at preparing judicial officers with the relevant knowledge, skills and attitudes “to handle gender issues that enhance the enforcement of human rights without discrimination” and to equip judicial officers with analytical skills to discover and interpret discriminatory provisions in law and discriminatory behavior in practice. The training manual developed in 2013 specifically takes into account the State Party’s obligations to the implementation of objectives relating to Uganda’s legislation to international human rights standards and best practices. The training module was developed by Judges and lectures in the faculty of law at the main and oldest university that trains most of the lawyers in the country.

7. There is training in economic social and cultural rights as a unit in university faculty of law and a diploma in human rights at the Law Development centre.

Question 4

Mandate of Uganda Human Rights Commission

8. Uganda Human Rights Commission (UHRC) is the national human rights institution and its mandate is provided for under Article 52 of the 1995 Constitution of the Republic of Uganda. This mandate is to essentially protect and promote all human rights in Uganda, which would consequently include economic social and cultural rights which are contained in the Constitution of the Republic of Uganda. The Constitution under Chapter 4 and the National Objectives and Directive Principles of State Policy recognizes social, economic and cultural rights.¹ As illustration of UHRC’s coverage, in 2008, Uganda Human Rights Commission set up a Right to Health Unit to spearhead the Commission’s special programs geared to protect the Right to Health.

Resources allocated to Uganda Human Rights functioning

9. In FY 2013/2014, Uganda Human Rights Commission received funding from the Government of Uganda and development partners. The Government of Uganda contribution was Uganda Shillings 9.78 billion which accounted for 75% of the total funding received by the Commission while donor contributions was at Uganda Shillings 3.28 billion representing 25%. The total funding available in the financial year was Uganda

¹ Article 30 recognizes right to education; Article 37 recognizes right to culture; Article 40 recognizes economic rights.

Shillings 13.6 billion. The Government of Uganda's contribution has progressively increased from UGX 7.27 billion in FY2010/2011 to UGX 9.28 billion in F/Y 2014/2015 representing a 25.6% increase.

10. UHRC total funding needs as of FY2013/2014 were at Uganda Shilling 13.8 billion. As such the Government of Uganda needed to fulfill a funding gap of UGX 2.8 Billion. Efforts are clearly being made to ensure funding to Uganda Human Rights Commission is progressive taking into account the limited resource envelope.

Efforts to implement the recommendations made the Commission

11. The Parliament of Uganda (which is the legislative arm of the government) has a Human Rights Committee whose main mandate is to follow up the implementation on recommendations made to the government institutions by the Uganda Human Rights Commission. Essentially the Human Rights Committee requires that relevant Government Ministries/departments or agencies, to report to them the progress they have made in implementing the recommendations of the Uganda Human Rights Commission.

12. This means it provides an accountability mechanism in which the Government can ensure that the various MDAs are indeed aware of the recommendations being made by Uganda Human Rights Commission and are making efforts to ensure that the recommendations made are being implemented.

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Article 1 – Land and natural wealth and resources

Question 5

13. Free prior informed consent of populations affected by oil and gas activities is a requirement in Uganda before government acquires or accesses land or any other property owned by affected people. This is done through advance consultations with affected communities to explain the proposed activity, its impacts on the communities, proposed mitigation measures and benefits. It is after such advance consultative and sensitization meetings where community views are sought that acquisition or access commences with full participation of the affected people.

Question 5 (second sentence)

14. According to section 135 of the Petroleum (Exploration, Development and Production) Act, a licensee is prohibited from exercising any right under a licence without the written consent of the relevant authority, and without the written consent of the land owner. The licensee is also under the obligation to take into account the interests of the community after obtaining consent.

15. In case of any disagreement, the matter is to be referred to the Minister for resolution.

16. According to section 136 of this Act, a land owner in an exploration or development area shall retain the right to graze stock upon or to cultivate the surface of the land insofar as the grazing or cultivation does not interfere with petroleum activities or safety zones in the area.

17. Under section 84 of Petroleum (Refining, Conversion, Transmission Act 4 and Midstream Storage) Act, a person may submit a written or oral complaint to the Authority

in respect of the construction or operation of a facility or undertaking of a midstream operation.

18. Community residents participation in decision making on distribution/allotment of funds received from Extractive Industries, has been catered for in the Public Finance and Management Act No. 3 of 2015.

19. According to section 75 (1) of this Act, the Government shall retain ninety four percent of the revenue from royalties arising from petroleum production and the remaining six percent shall be shared among the local governments located within the petroleum exploration and production areas of Uganda.

20. Section 75 of the Public Finance Management Act No. 3 of 2015, gives the proportions on how the payment of royalties will be spread to benefit all citizens.

21. We have not yet started the actual extraction of the oil. The risks have so far been taken care of under the following laws indicated above.

22. Compensation for land acquired by Government in public interest is guaranteed by the Constitution under Article 26. The Constitutional Court in the case of *Advocates for Natural Resources Governance and Development & 2 Ors v. Attorney General & Anor* (Constitutional Petition No. 40 of 2013) has held that compensation should be done before the property is taken.

23. Resettlement and awareness campaigns have also been undertaken on the ongoing oil and gas activities in the affected area through community meetings, radio announcements and programmes, publications and stakeholder workshops.

24. Information dissemination is critical to the success of any resettlement activity. Government prioritizes communication and has developed a National Communication Strategy for the oil and gas sector which is under implementation. In addition, project specific communication plans are developed to meet the communication needs of specific categories of people. Resettlement Action Plans (RAPs) are developed for different projects and each RAP has a clear communication plan. These are complimented by the general communication interventions undertaken as part of the implementation of the communication strategy.

What is the local content programme for those areas?

25. In Uganda Local content in the oil and gas sector is a high priority on Government's development agenda. The requirements for Local content development is rooted in the petroleum legislative framework. The National Oil and Gas Policy for Uganda of 2008 presents two main objectives that advocate for optimum national participation in oil and gas activities, and support to the development and maintenance of the national skills and expertise. The Upstream and downstream petroleum laws further emphasize the need for participation of Ugandan nationals through employment, training and supply of goods and services to the Industry among others.

26. In an effort to ascertain the level of preparedness of the country to support oil and gas operations, a study for enhancing National participation in the oil and gas sector was undertaken and concluded in September 2011. This revealed the inadequate capacity of Ugandans and Ugandan companies to support the petroleum industry. As a result Government embarked on a consultative process of developing a National Content Policy and Plan.

27. The National Content Plan will guide Government's initiatives for the development of Ugandans and Ugandan firms to participate in the Oil and Gas Sector. On the other hand, the Policy will guide the Ministry of Energy, Licensed Oil Companies and Petroleum

Service Companies in the identification, planning, implementation and monitoring and evaluation of National Content Development in the Country, including the operation areas.

28. Other efforts put in place to support local content development include:

- (a) Employment opportunities for communities that host the specific operations;
- (b) Establishment of a unit within the Ministry of Energy and Mineral Development to coordinate the implementation of national content development initiatives in the oil and gas sector;
- (c) Mobilization of local service providers to formulate an umbrella association of Oil and Gas service providers. Through this association, local farmers have been mobilized to provide food supplies to the operation Camps;
- (d) Advocate for employment of Ugandans through regulation of inflow of expatriate workers in the oil and gas sector. In addition specific attention is given to employment of people at a local level especially for unskilled labour;
- (e) Training of Government personnel in Oil and gas discipline; Engineering, Geosciences, Law, Economics and Finance in order to facilitate efficient management of the resource. The Oil Companies scholarship programs have special considerations for people from the areas of their operations;
- (f) Government established a Petroleum Technical training Institute with in the Albertine Graben. This was intended to provide an opportunity to the local people to train and acquire skills to benefit from the opportunities available in the Oil and Gas Sector;
- (g) Continuous efforts to review and harmonize the procurement procedures of Oil companies with a view of enabling local companies to effectively participate;
- (h) The International Oil Companies operating in these areas have undertaken social investment programmes in the communities such as scholarships and training opportunities, support to health awareness and education initiatives, agricultural support and enterprise development among others.

What other programmes are being undertaken in the affected areas that are beneficial to the resettled or compensated people in the activity areas?

29. Besides, fair and adequate compensation to those affected by property acquisition for activities, additional compensation in form of a disturbance allowance is also provided. This disturbance allowance is usually either 15 or 30% depending on the vacation notice given and government has so far been paying 30% disturbance allowance to all people whose property/land is permanently acquired for oil and gas operations.

30. Additionally, before people are compensated, they are taken through financial training to equip them with skills to prudently utilize compensation money. Training is undertaken using materials developed in local languages.

31. Livelihood restoration interventions have been put in place to benefit the resettled people in order to ensure quicker restoration of their livelihoods. These interventions are in form of projects such as piggery, poultry, and crop farming among others as determined in consultation with affected persons.

Question 6

32. The land policy clearly points out the inadequacies in the Land Act, there are plans to amend the land Act to address the identified challenges. The current systems still work with clear defined modalities within the different tenure systems.

33. Through several Government programmes like Northern Uganda Social Action Fund, Government has been facilitating return of IDPs by constructing facilities like schools, health centres and providing iron sheets for roofing houses as well as seedlings and cuttings to plant food.

34. Due to displacements caused by Natural Disasters, the Government set up camps in the in Sebei Sub region. These camps are located in Teriet/Kapkoros, Titim, Kapsekek, Kisito/Yatui, Kwoti – Kapchesombe, Cheberen, Rwanda/Kisangani with over 927 households.

35. The Government has been supporting in terms of: Food and nonfood items, Security, Medical care.

36. Current and planned interventions are; Land was acquired for their permanent resettlement, Land survey and demarcation are ongoing, 94 households are already resettled in acquired land.

37. In the Elgon Subregion; Hazard: High risk of landslides, Over 400,000 people are under threat in 5 districts of Bududa, Manafwa, Sironko, Bulambuli and Bukwo.

38. Current and planned interventions. The government has acquired over 2,900 acres of land for resettlement of the vulnerable community within the region –Bulambuli district, Identification and registration of the affected households was completed Land survey and physical planning is ongoing.

Question 7

39. The persons evicted from their lands went to court to challenge the taking of their land and the court agreed with them and awarded them compensation for their land and developments.

Article 2, paragraph 1 – Maximum available resources

Question 8

40. The Government of Uganda has adopted the “Zero Tolerance” to Corruption Policy (2009). The policy correctly recognizes that fighting corruption requires measures beyond legislation and sanctions against corruption. It also requires restoring public sector ethics and creating behavioural change. The “National Anti-Corruption Strategy (NACS) stipulates a planning framework” to make a significant impact on building the quality of accountability and reducing the levels of corruption in Uganda. There are general anti-corruption laws including the Anti-Corruption Act, 2009, the Inspectorate of Government Act, 2002, the Public Finance and Accountability Act, 2003, the Leadership Code Act, 2002, Whistle Blowers Act, 2010, the Public Procurement and Disposal of Public Assets Act, 2003, Budget Act, 2003, Access to Information Act, 2005, the Audit Act, 2008. These laws are the heart of the national legal framework that is relevant for the fight against corruption.

41. Although the sector has greatly improved the fight against corruption, there is need to strengthen the capacity of the various institutions to effectively fulfil their mandates; improve compliance with accountability rules and regulations; and providing effective parliamentary oversight, legislation, and national budget scrutiny.

42. The Anti-corruption court has been established with magistrates assigned to handle corruption cases and the High Court anti-corruption division.

43. The law does not provide protection to any public officer engaged in corruption regardless of their status as long as evidence is sufficient to sustain charges against you. According to the 2014 statistics and 2015, corruption cases stand as follows:

Row Labels	B/F	Registered	Completed	Case disposal rate	Pending
Anti-corruption	264	376	360	96 percent	280

Question 9

Education Budget

44. The Ministry has had a big share of the National budget in the FY2014/15 amounting to 13.7%. This is projected to increase in the next financial year. The projection for 2015/16 shows that universal primary education will be increased from 50.12b to 68.54b indicating an increase of 18.42b. Universal secondary education will rise from 108.02b to 129.51b indicating an increase of 21.49b.

Health Budget

45. There has been steady increase in the budget allocation to the health sector in the last strategic planning period from Ugandan Shillings 737.60 billion in financial year 2009/10 to 1,234.4 trillion in 2015/2016.

46. The budget allocation to the health sector for the financial year 2015/16 is 1,234.4 trillion.

Trends in financing in the last five years

FY	GOU funding	Donor projects	Total	Per capita expenditure UGX	Per capita expenditure In US\$	GOU expend. on health as a % of total govt. exp.
2003/04	207.8	175.27	383.07	14,969	8.6	9.6
2004/05	219.56	146.74	365.5	13,813	8.0	9.7
2005/06	229.86	268.38	498.24	18,213	9.98	8.9
2006/07	242.63	139.23	381.86	13,518	7.84	9.6
2007/08	277.36	141.12	418.48	14,275	8.4	9.0
2008/09	375.46	253.00	628.46	20,810	10.4	8.3
2009/10	435.8	301.80	737.60	24,423	11.1	9.6
2010/11	569.56	90.44	660	20,765	9.4	8.9
2011/12	593.02	206.10	799.11	25,142	10.29	8.3
2012/13	630.77	221.43	852.2	23,756	9	7.8
2013/14	710.82	416.67	1,127.48			8.7
2014/15		1,127				
2015/16	782.46	451.95	1,234.4	32,214	12	

Efforts to increase funding

47. Reaching the Abuja target is a process and is dependent on the overall revenue capacity thus a progressive realization. Meanwhile, the Government is undertaking a number of strategies and reforms to increase domestic funding to the health sector.

1. Finalisation of Health Financing Strategic by June 2015 (includes dedicated health taxes) and the Introduction of the National health Insurance Scheme to harness private resources.
2. Mobilisation of grants and loans to fund capital investments for example US\$ 130 million from World Bank, US \$ 88 and US\$ 130 million from the Islamic and African Development Bank respectively among others.
3. National Development Plan II, (2015/16 to 2019/20) also prioritises health. Spanish, Italian Saudi fund under human capital development whose programmes will be given priority in Project Implementation Plan (PIP).

Article 2, paragraph 2 – Non-discrimination

Question 10

48. The Government delegation takes note of the concern of the Committee regarding the views expressed on sexual orientation. The delegation accordingly reiterates that the Government of Uganda respects the rights of every individual as enshrined in the International and local legal instruments that Uganda is party to. Uganda does not discriminate or persecute homosexuals and lesbians.
49. The constitution of Uganda guarantees the rights of all citizens and there is no discrimination on the grounds of colour, sex/gender, tribe/ethnicity etc.
50. If there are any reported cases of human rights violation the courts are ready and willing to provide the appropriate redress in accordance with the laws of Uganda.

Question 11

Housing and standard of living

51. As of 2012, there were 6.82 million households living in 6.2 million housing units with an average household size of 5.0 persons. Most houses are owned by men due to the disparity in the incomes of men and women, although family houses are by law considered matrimonial property. The annual need for new housing for the entire country is estimated at 200,000 housing units of which 135,000 are rural and 65,000 in urban areas resulting from the population growth of 3.4 percent per annum and 5.2 percent urbanization rate. The estimated construction rate of reasonably good houses is estimated at 40,000 housing units in the rural areas and 20,000 urban areas. This will create a deficit of 135,000 houses nationally of which 95,000 are in rural areas and 45,000 in urban areas. In line with the projected fertility decline, Uganda will need about 12.6 million new housing units in the next thirty years. This means that Government in partnership with the private sector will invest in constructing appropriate housing estates in planned urban and rural areas to provide decent urban settlements.

Sanitation

52. Safe water coverage in rural areas has improved from 61 percent to 65 percent and sanitation coverage has improved from 51 percent to 70 percent during the period FY2005/06 and FY 2013/14. The low sanitation coverage is attributed to low priority setting among some rural communities and local governments, inappropriate toilet technologies and weak supply and enforcement mechanisms. There have been many efforts to educate the populace and increase the demand for improved sanitation services, but with limited progress. In addition, utilisation of the sanitation services remains a major challenge.

53. Since 2006, the Water and Environment sector has constructed 11 dams with a total storage capacity of 14.7 Million Cubic Metres (MCM) in the water stressed and cattle corridor belt and 959 small to medium size valley tanks, with total storage capacity of 3.108 MCM in the selected livestock keeping districts countrywide. Total storage capacity for water increased from 17 million cubic meters in 2008/09 to 27.5 million cubic meters in 2012/2013, an increment of 62 percent.

54. To expand the use of water from the facilities created, the Ministry of Water and Environment constructed nine (9) windmill-powered water systems in Karamoja sub-region creating a total volume of 105,120 cubic metres of safe and clean water annually for both livestock and human consumption. However, the cumulative water for production Storage Capacity is currently meeting only 5.5 percent of the total demand of 499 million M3. Expansion of water storage capacity is not happening fast enough due to limited private sector players (investors and CSO).

55. Over NDP 11 the sub-sector will focus on: increasing access to safe water in rural and urban areas; increasing sanitation and hygiene levels in rural and urban areas; increasing functionality of water supply systems; incorporate gender analysis, implement water resources management reforms and promote catchment based integrated water resources management.. The sector targets to: Increase water supply coverage in rural areas from 65 percent to 79 percent while ensuring that at least each village has a clean and safe water source; During NDPII the sector priority is to ensure access to descent, adequate, safe and affordable housing and basic facilities for all. This will contribute to increase from 6.2 million housing units in 2012/13 to 7.8 million units in 2019/20. Much as the sub-sector has registered a number of achievements, there are several challenges that affect its operation. These include: High cost of building materials which limits the population's ability to access descent housing; high interest rates and stringent terms that do not support long term mortgage financing; a total backlog of 1.6 million housing units due to overcrowding and sub-standard structures. This increased from 611,000 units in 2006 for both rural and urban households. The nearly threefold increase is a result of the country's rapid population growth.

Education

56. On education, the National policy is that there is a government secondary school in every sub county and a Universal primary school in every parish. The Northern and Eastern regions of Uganda benefit from this arrangement. Liberalization of Education has also allowed establishment of numerous private schools in these regions.

Health

57. A number of policies, strategies and guidelines in place; In addition to government of Uganda funding the sector is benefiting from.

58. The Saving Mothers Giving Life project in six districts of the Northern Uganda for US\$ 11 million annually.

59. Maternal, Neonatal health project supported by UN working as one group.

60. The accelerated plan to reduce maternal and child health makes provision for region specific interventions which are based on disease burden.

61. Sharpened plan for accelerated reduction of maternal neonatal and child health Provides for targeting some specific focuses on regions with high burden.

Question 12

62. The interventions at the district level are meant to reach all people in the district including ethnic minorities. Aware of their vulnerability training on human based approach to programming has been undertaken to train district staff in planning unit to deliberate target the ethnic minorities in their planning and budgeting. However, the ethnic minorities still face a number of challenges though Government services are designed to reach all Ugandans they have limited level of getting formal employment due to limited level of education, consequently limited access to social security. The health centre 4 is available within the reach of the ethnic minorities. Efforts have been made to address the issue of access to and ownership of land by providing alternative land to the ethnic minorities.

Question 13

63. Uganda Population and Housing Census Report (2002) indicated that one out every 25 persons in Uganda had a disability. The Uganda National Household Survey, (2005/06) indicated that persons with disabilities constituted 7% of the population while that of 2009/10 indicated that Persons with disabilities were at 16% of the Ugandan population translating to approximately 5.2 million persons with disabilities.

64. The Constitution of the Republic of Uganda stipulates the rights and freedoms every Ugandan should enjoy, including the right to basics of life and a life of dignity. The National Objectives and Directive Principles of State Policy under Objective xvi provides for the recognition of the dignity of persons with disabilities and sign language as a constitutional obligation. Article 35 of the Constitution states that Persons with Disabilities have a right to respect and human dignity, and the state and society shall take appropriate measures to ensure that they realize their full mental and physical potential. Further, the Constitution of Uganda provides for enactment of laws and policies to address the concern of persons with disabilities.

65. The Parliamentary Elections Act Section (12 (g) provides for promotion of equal participation through appropriate means, civic education of the citizens of Uganda on the purpose and voting procedures, of any election, including where practicable, the use of sign language.

66. Further Section 37, of this Act provides for representation of special interest groups in Parliament and there are five Representatives in Parliament who are doing a good job. In order to promote political participation, Government has ensured that Persons with disabilities are represented at all levels of decision making in Uganda. There are about 56,000 persons with disabilities at all levels of decision-making.

67. The Constitution of Uganda provides for enactment of laws and policies to address the concern of persons with disabilities. Article 59 (1) provides for every citizen above eighteen years of age and above has the right to vote, Parliament is making laws to provide for the facilitation of citizens with disabilities to register and vote, accessibility of voting stations, among others.

68. The Land Act 1998 provides for rights of children, women and Persons with disabilities not to be denied access to ownership of land, among others.

69. A person with Disabilities Act of 2006 have provided for accessibility into schools, health facilities, and public places and is with penalties to those who violate the different aspects of the law.

70. Equal Opportunities Act, 2007 also prohibits discrimination on grounds of disability.

71. The government of Uganda finalized a Special Needs Education policy which among others provides for inclusive education for people with disabilities, enhanced training of special needs education teachers and establishment of special schools for people with special needs. A department in charge of special needs education is also in place at the Ministry headquarters and the local governments.

Article 3 – Equal rights of men and women

Question 14(a)

72. The Marriage and Divorce Bill (2009), is still before the 9th Parliament. The Legal and Parliamentary Affairs Committee completed its scrutiny of the bill and submitted its report on the Bill in January 2013. The Bill was then included on the Business Order Paper of Parliament. In March 2013, Parliament reviewed the Committee's report on the Bill and also reviewed the bill clause by clause. After considering 22 of the 178 clauses of the Bill, it was realized that further consultations were needed on some of the clauses in the Bill that were regarded as contentious. Members of Parliament were given time to consult further with their constituencies about the Bill. The contentious provisions in the Bill include: exchange of marriage gifts (bride-wealth), parental consent at the time of marriage; definition of matrimonial property; property sharing at the dissolution of a marriage, whether due to natural causes or in case of divorce; cohabitation and property rights of cohabitees; protection against abuse of conjugal rights of married persons and the title of the Bill (Marriage and Divorce). The Bill is yet to be rescheduled for debate. The Government remains committed to complete the review process on the Marriage and Divorce Bill as soon as the Bill is rescheduled for debate and enactment by Parliament.

73. The divorce concerns have been taken care of in the Marriage and Divorce Bill.

74. The Penal Code Amendments have been addressed in the proposed Penal Code Amendment Bill 2012.

75. Uganda Law Reform Commission is leading the process of amending the Succession Act. Consultations are ongoing with views from members of Parliament, administrator general and line ministries received to inform the Amendment Bill.

Question 14(b)

76. Through the affirmative action and establishment of the Equal opportunities commission, the gender segregation is being addressed and the gender wage gap is reducing by ensuring women attain higher education standards and are able to compete for better paying jobs. The policy of equal pay for work of equal value is emphasised in the Employment Policy.

77. Microfinance institutions are being regulated to minimise exploitation of vulnerable groups.

Question 14(c)

78. Through affirmative action such as in education and leadership positions, access to land is improving with current ownership of land by women standing at 39% from 27% in 2010.

III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Article 6 – Right to work

Question 15

79. In Uganda, unemployment trends have been variously established at 3.5% in 2002/03; 1.9% in 2005/6; 3.6% in 2009/10 as well as 2.1% in 2011/12 according to the Uganda Bureau of Statistics National Labour force and Child Activities Survey Report (2013: 60).

80. The impacts of the measures to combat unemployment have led to reduction in unemployment rate. For the youth Government has adopted the following measures:

- Youth livelihood programme where youth form groups and are given funds for business enterprises repayable.
- Youth venture capital fund.
- Skilling Uganda is an intervention to impart skills to the youth for self-employment opportunities.
- Attracting direct foreign investment where investors are investing in Uganda and creating jobs.
- Liberalisation of the economy where the private sector has opened up opportunities through businesses set up and creating job opportunities which youth benefit from in the areas of education through schools and universities, hotels, transport sector, tourism sector, radio and television, telecommunications sector, construction sector right from construction materials like bricks, metal to actual construction. Within the agricultural sector, the youth are along the value chain in marketing and agro processing and mechanized agriculture.
- Political space has been created for the youth with representation from lowest levels of political space to Parliament. This has given them a platform to air their views and provide employment opportunities.
- Micro finance institutions are lending to young people to facilitate them to create their own jobs.
- Government through the Ministry of Education has enhanced Career Guidance and Counselling to school goes to enable them make reasonable career choices in order to combat the problem of unemployment. Various IEC materials on career issues and employability skills have been developed and distributed by the Ministry of Education.

Challenges

81. There has been a challenge in dealing with the creative industry with no systems for identifying and promoting talents and provision of support to the identified talented people.

82. The youth who are interested in quick gains and therefore reluctant to join ventures which take long to materialize.

Article 7 – Right to just and favourable conditions of work

Question 16

83. The last minimum wage in Uganda was set in 1984 at six thousand (6000/=) by Statutory Instrument No. 38 of 1984.

84. The currency reform of 1987 adjusted the minimum wage to sixty thousand shillings (60,000/=).

85. The General Notice No. 176 and in accordance to section 3 (1) of the Minimum Wages Advisory Boards and Wage Councils Cap 224 Laws of Uganda in 1995 the Minister responsible for Labour appointed the Board which studied the wages in different sectors of the economy and recommended fifty three thousand five hundred eighty three shillings (53,583/=) which were presented to cabinet on 6th October, 1999.

86. Cabinet decided that a study by Ministry of Finance Planning and Economic Development be conducted on wage policies in other developing countries to learn from their experience. May 2015 the Cabinet Memorandum CT (2015) has been tabled twice in parliament seeking to consider and approve the proposed Minimum Wage Advisory Board to study and come with a minimum wage for the country.

87. It is expected that a set minimum wage will allow a decent standard of living for workers and their families.

Question 17

88. As a result of ILO debate in 2006 it was found that in most developing countries labour inspectors were not able to carry out their roles and functions due to understaffing, under funding and limited training, ITC – ILO developed a curriculum on Building modern and effective labour inspection system. FY 2013/14 the Ministry of Gender, Labour and Social Development in collaboration with ILO trained labour officers.

89. To increase the number of districts covered, the Employment Act No. 6 of 2006 under section 9 (4) requires every district commission to appoint a district labour officer.

90. Through the political leadership, all the local governments have been instructed to recruit and train labour officers.

91. Currently 35 districts have recruited substantive labour officers.

Question 17 (second sentence)

92. The Industrial court was established by law under section 7 of the Labour Disputes (Arbitration and Settlement Act) No. 8 of 2006 with the mandate to arbitrate on labour disputes referred to it and adjudication on the questions of law.

93. The Court is fully functional since 1st July, 2014 with two court Judges, Registrar support staff and panellists.

94. FY 2015/16 the Industrial Court is allocated 0.656 Billion (Ministry Policy Statement).

Article 8 – Trade union rights

Question 18

95. The 1995 Constitution of the Republic of Uganda in chapter four, Article 29 and 40 provide for social and economic rights of persons in the country. Article 40 (3) of the

Constitution provides for the right of every worker to form and join a trade union of his/her choice, to collective bargaining and representation.

96. The government of Uganda enacted the Labour Unions Act No. 5 in 2006 that regulates and provides for the rights for workers to form or join a labour union of his/her choice and prohibits interference by employers with the right to association.

97. To ensure inclusion of the casual and temporary workers, the Labour Union Act puts no minimum number required to enable the workers to form or join a union.

98. In the inspection checklist, unionization of workers is one of the areas where the labour inspectors through labour inspections, have to ensure compliance at workplaces.

99. There are forty (40) registered unions and two union centers – National Organization of Trade Unions (NOTU) and the Central Organization of free Trade Unions (COFTU).

Article 9 – Right to social security

Question 19

100. Uganda in 2012 enacted the Uganda Retirement Benefits Regulatory Authority (URBRA) which is government owned and semi-autonomous agency responsible for the regulation, licensing, supervision and control of the retirement sector.

101. The Authority is mandated to develop guidelines to allow liberalization of the retirement sector.

102. The Retirement Benefits Sector Liberalization Bill 2011 is expected to liberalize the sector and is expected to remove the monopoly over mandatory contribution to N.S.S.F, ensure proper management and action taken in interest of beneficiaries, permit free choice, and ensure integrity and confidence in the sector.

103. There are proposals to amend the NSSF act to allow for more products in the interest of social security.

104. The draft social protection policy provides for avenues to extend social security to the informal sector.

Question 20

105. The Government is in the process of reforming its Pension system which is currently non-contributory in nature and pay-as-you-go arrangement paid at the time the civil servant leaves service under different modes ranging from mandatory, death, early retirement, retrenchment etc. It is a defined benefits scheme where certain parameters are used in determining and paying the benefits at retirement. Two types of benefits are paid namely; Commuted Pension Gratuity and Pension payable for life for those living and for 15 years for deceased persons. These benefits are regularly paid from the consolidated fund of Government. However, there incidences of delays in releasing the money leading to late payments and creation of pension and gratuity arrears. Currently all pension benefits are paid by the Ministry of Public Service but Cabinet has directed that effective from July 1st 2015 pension and gratuities shall be decentralized to the respective votes.

106. The proposed reforms have stalled but will be sent back to Cabinet with a reviewed Cabinet Paper for consideration and Approval before end of 2015. Some activities like sensitization of stakeholders is ongoing in order to popularize the scheme and ensure ownership. It is proposed that a Public Service Pension Fund will be established to be managed by competent persons and overseen by a Board of Trustees and Supervised by Uganda Retirement Benefits Regulatory Authority. The system will be contributory in

nature like NSSF with Government contributing 10% and employees 5% totalling to 15%. The reformed system has not started yet but still in advanced proposal stage.

Article 10 – Protection of the family, mothers and children

Question 21

107. In 2000, the Government of Uganda introduced the ‘Sexual Offences (Miscellaneous Amendments) Bill’ to Parliament. The Bill sought to amend and consolidate the various laws on sexual offences which included: revision of procedural and evidential requirements during the trial of sexual offenders; combat sexual violence, provide for the punishment of perpetrators of sexual offences and other related matters. In 2007, several amendments were made to the existing laws including the Penal Code (Amendment) Act, 2007 (Act No. 8 of 2007), the Magistrates Courts (Amendment) Act, 2007 (Act No. 7 of 2007) and the Local Council Courts Act 2006 (Act No. 13 of 2007). Then in 2010, laws on Domestic Violence and the Prevention of Female Genital Mutilation were enacted. The amendments to the existing laws as well as the enactment of the two legislations covered most of the provisions which had been included in the Sexual Offences (Miscellaneous Amendment) Bill 2000.

108. The Government of Uganda has made other reform proposals to address gaps in the law relating to sexual offences. Currently, there are five separate Bills each seeking to amend an existing substantive Act. These proposals are still before the Cabinet for approval before they are sent to Parliament for consideration. These Bills include: The Penal Code (Amendment) Bill, 2012; the Trial on Indictments (Amendment) Bill, 2012; the Magistrates Courts (Amendment) Bill, 2012; the Evidence (Amendment) Bill, 2012 and the Venereal Diseases (Amendment) Bill, 2012. These bills, when enacted into law will be important for addressing various kinds of violence, especially sexual violence, against women and girls.

Steps being taken to expedite the bills

109. The above bills on sexual offences are currently before the Cabinet for consideration and approval of principles.

110. In addition, Uganda has executed various prevention programmes which include: mobilizing communities to act on violence against women and girls through- working with Men Action Groups, Faith Based Organizations, traditional and cultural institutions, schools and media and girl child education movement. These initiatives continue to increase community awareness about the vice, reduce social tolerance to violence against women, and ensure that perpetrators are reported and appropriate action taken in accordance with the state laws.

111. The different stakeholders that are involved in the community mobilization and sensitization on GBV use both community dialogue and SASA methodology for community sensitization on GBV among other methodologies.

112. Uganda has trained key duty bearers on DVA and FGM Act, Regulations and guidelines in Karamoja, Sabin, Busoga, Western and Northern regions.

113. Uganda has procured and disseminated DVA and its regulations FGM Act and its regulations and guidelines for distribution to the different key duty bearers.

114. Uganda has established and launched GBV shelters in 5 districts of Mbarara, Masaka, Moroto, Lira and Gulu.

115. Uganda has established National GBV data base awaiting national level and district level training to operationalise the utilization.

Question 22

116. Uganda has a child labour policy and action plan to combat child labour. Sensitizations against evils of child labour have been done.

117. Since the establishment of the Anti- Human Sacrifice Police Task Force set up in 2009 successful prosecutions have been undertaken on cases reported and investigated.

118. Early and forced marriages are prohibited through the constitution and other legislations such as the Penal Code Act and Domestic Violence Act.

119. The Uganda Registration services bureau is in charge of registering births.

Question 23

120. Various factors are responsible for rising numbers of street children in Uganda and are categorized into the push and pull factors. Push factors are those negative factors that push the children to the streets such as domestic violence, separated parents, lack of food. The pull factors are those that entice children to the streets that is money, food given on the streets. Lasting solutions to the problem of street children lies in addressing the push and pull factors. Government has been withdrawing children from the street and there is a multi sectoral taskforce dealing with street children, their withdrawal and reintegration into family environment.

121. The reintegration process will require the following, dialogue on removal from streets, rehabilitation including counselling and treatment, tracing for their origins before eventual reintegration in their families with a resettlement package. Skills development for older children and reintegration into UPE for younger children. Reintegration also requires talking to communities and families to accept the children back to the community and accepting to parent them and show them love.

Article 11 – Right to an adequate standard of living

Question 24

122. The nutrition action plan was developed to guide implementation of the policy and interventions are ongoing to deal with nutrition concerns. To reduce food insecurity, Government has been implementing sensitization sessions and agricultural extension services.

123. In addition the Government of Uganda, through the Ministry of Gender, Labour and Social Development with support from the Development Partners- UKAID/Department for International Development (DFID), Irish Aid and UNICEF, has been implementing the Senior Citizens Grant under Social Assistance Grants for Empowerment (SAGE) scheme. Since September 2010, the scheme provides older persons of 65 years (60 years for Karamoja region) and above a monthly social grants (about US\$10). As of to date, the grants were reaching some 110,000 beneficiaries in 15 districts. The pilot scheme is part of the Expanding Social Protection Programme currently being implemented in 15 districts, is intended to provide lessons for the Government to guide in putting in place a system for social protection in the country. So far the Senior Citizens Grants is the most comprehensive intervention yet put in place by the Government of Uganda to specifically target old age poverty and welfare of the older persons and has contributed to addressing nutrition and poverty among the beneficiaries. It is hoped that if funding is realised, the scheme will be rolled to cover all older persons in the country.

Question 24 (second sentence)

124. The National Food and Nutrition strategy is being implemented and the Food and Nutrition Bill is still in Parliament and has not yet been passed into law.

Question 25

125. Safe water coverage in rural areas has improved from 61 percent to 65 percent and sanitation coverage has improved from 51 percent to 70 percent during the period FY 2005/06 and FY 2013/14. The low sanitation coverage is attributed to low priority setting among some rural communities and local governments, inappropriate toilet technologies and weak supply and enforcement mechanisms. There have been many efforts to educate the populace and increase the demand for improved sanitation services, but with limited progress. In addition, utilisation of the sanitation services remains a major challenge.

126. Safe water coverage in the large towns stands at 77 percent while piped sewerage is estimated at 6 percent. The rest of the inhabitants rely on on-site sanitation facilities. Safe water coverage in the small towns has significantly increased from 55 percent to 60 percent as a result of completion of new construction works under the Water and Sanitation Development Facilities (WSDFs) arrangements instituted by the Ministry of water and Environment in the last 3 years.

127. Government has been providing boreholes and protected wells to rural areas and piped water coverage to rural areas has improved. The cost of water in urban areas is affordable.

Question 26

128. The urban councils have clear plans to improve housing conditions of urban areas by ensuring proper houses are in the urban areas. With private sector support improved houses have been constructed in some areas. The challenges have been in financing social housing for the marginalized.

129. The Census 2014 enumerated persons who spent the Census Reference Night within the boundaries of Uganda. These included both Household and Non-household Population. Out of the 34.9 million persons enumerated, 34.4 million (99 percent) were enumerated in private households. The remaining half a million were enumerated in hotels, institutions or as homeless/floating population.

130. It is this population not in household that appear as homeless. The non-household population constitutes a very small component (1.5 percent) of the total population. The data shows that the non-household population is predominantly male dominated with 61 percent being males, giving a Sex Ratio of 156 males per 100 females, compared to 94 percent for the household population.

Article 12 – Right to physical and mental health**Question 27**

131. The proposed National Health Insurance bill was approved by first parliamentary counsel and now with the Ministry of Finance for a certificate of financial implications before tabling it to Parliament.

132. The design of scheme provides for all citizens of Uganda in the formal and informal sector to belong to an insurance scheme and incorporates private commercial and community health insurance schemes.

133. Scheme further provides for a solidarity fund for the indigents and other individuals deemed unable to pay premiums.

Question 28

134. Through the laws implemented there has been a reduction in maternal infant and under-five mortality. Efforts have continued to be made in budget allocations improvement in staffing levels and health centres and facilities and community health volunteers.

Question 29

135. There are several efforts aimed at reducing maternal, infant and under five mortality rates. A number of policies, strategies and guidelines in place, these are:

- Adolescent health policy guidelines 2012.
- Sexual and reproductive health rights policy guidelines 2012.
- Safe abortion standard management guidelines to operationalise article 22/2, on the abortion under the law.

136. We have a Costed Implementation Plan for family planning (2015–2020) and one of the objectives is to increase age-appropriate information, access, and use of family planning amongst young people, ages 10–24 years.

137. Key Investments:

- Procured and distributed Maternal and New born equipment worth USD 4 million under the Uganda Health System Strengthening Project (UHSSP) to 230 health facilities which include NRH, RRH, GH PNFPs and HCIVs country wide.
- A total of US \$ 5 million UN commission on commodities for providing 13 commodities to everyone who needs them was implemented by implementing partners.
- A total of US\$ 7.5 million for 3 years for contraceptive supplies annually under UNFPA.
- A USAID supported contraceptive and condoms supply in-kind worth US\$ 8 million.
- Procured and distributed Reproductive Health commodities including contraceptives worth USD 3.3 million by Government of Uganda and USD 8.6 million through the UHSSP.
- Donors also procured contraceptives including condoms worth USD 23 million.
- Renovation of 21 general hospitals ongoing and Renovation and equipping 24 health center IVs (where caesarean section and emergencies are handled /mini hospitals) is ongoing at a cost of US\$ 90 million loan from the World Bank.
- Completed upgrading two regional referral hospitals and fully equipping them. They also received 2 mobile workshop trucks for maintenance of medical equipment.
- General and specialized medical equipment worth US\$ 8 million were delivered in the country. The equipment were delivered and distributed to the 46 health facilities that will be renovated under HSSP.
- Procurement and distribution of contraceptives, gloves, safe delivery (mama) kits under National Medical Stores and through a third party distribution agent to the private and Private not for Profit health facilities on going.

- A countrywide drive in 2013 recruited; doctors (196), anaesthetists (53) and midwives (1,067) for lower level facilities.
- Currently 2,000 more key cadres are being recruited.
- Mentored 700 health workers on provision of Emergency Obstetric and Newborn Care including Post Abortion care and Long term and permanent methods of Family Planning.
- A sharpened plan, “A Promise Renewed” to accelerate investment in maternal, newborn and child health, and improve RMNCH outcomes was launched in November 2013.
- 390 health workers were awarded scholarships in FY 13/14 and their allowances and fees have been paid.
- 366 Health workers were offered scholarships from hard to reach areas and the category of health workers pursuing priority disciplines where there is currently few practitioners for example Ear, Nose and Throat, Radiology, Internal Medicine, Orthopedics among others. Over 100 health workers have completed management courses on MSc. Hospital Management and advanced Diploma in Health Services Management.

138. Other interventions include:

- Formation and strengthening of Maternal and Perinatal Death Review committees in all 14 regional referral Hospitals and 70% of General Hospitals and this data has been used to sensitize stakeholders at district and regional level on the roles in promotion of maternal and newborn health and addressing maternal health issues.
- Procured and distributed VHT registers for the VHTs to mobilize, register and refer women to Health facilities.
- Capacity building in Emergency Obstetric and newborn Care to address the major direct causes of maternal and Perinatal deaths.
- Focused advocacy and community mobilization to embrace antenatal care and facility-based obstetric care with skilled attendance at birth.
- Implementation of Emergency Obstetric and newborn Care interventions, advocacy & institutionalization of mandatory maternal death notification & reviews.
- With investments and other policy and strategic interventions, facility based deaths have reduced from 168 per 100,000 to 146 per 100,000 in the (FY2012/13 – FY2013/14).

Question 30

139. Abortion is permitted on grounds of health of the mother if the pregnancy causes harm to the health of the mother.

140. The penal takes precedence over guidelines in the hierarchy of our laws. The guidelines have to be consistent with the law.

141. The Ministry of health has finalized updating guidelines for all health professionals on managing abortions related cases were including the unsafe ones and providing services on a timely manner including a referral process (this was done in collaboration with CSOs and aimed at removing issues of misinterpreting the legal issues on abortion).

142. Safe abortion standard management guidelines aimed at operationalising article 22/2, on the abortion under the law.

143. Completed a costed implementation plan (CIP) for family planning is place to address factors that affect sexual and reproductive health rights that lead to high maternal and infant mortality.

Question 31

144. Mental Health in rural areas is handled through the following:

- The medicines for mental health conditions are available according to essential drug list. The lowest HC II has at least one antipsychotic, antidepressant and antiepileptic drug in the kit provided by National Medical Stores.
- At community level, Village Health Teams are being trained in mental health and so far 1,200 VHT members have been trained and scale up is underway. This aimed at providing services nearer to the affected households and communities.

Mental Health Bill

145. The bill has been gazetted and is ready for tabling in Parliament. It seeks to create a health advisory board and tribunals and puts in mechanisms for protecting rights of people with mental illnesses.

146. It also defines rights of People with disabilities and standards of managing mental health patients.

147. The HIV/AIDS Prevention and Control Bill was enacted into law in May 2014 and is now the HIV and AIDS Prevention and Control Act, 2014. It provides for prevention and control of HIV and AIDS, including protection, counseling, testing, care of persons living with and affected by HIV and AIDS, the rights and obligations of persons living with and affected by with HIV and AIDS, and the establishment of the HIV & AIDS Trust Fund.

148. The section on mandatory testing criminalising confidentiality were amended and there is no mandatory testing.

Articles 13 and 14 – Right to education

Question 32

149. The right to education is recognised in Article 30 of the 1995 Uganda constitution which states that “All persons have a right to education.”

150. The Government of Uganda started the UPE in 1997 with the overall objective of increasing equitable access to, improving progression and enhancing completion of primary education.

151. The implementation of UPE program since 1997 resulted to increased access from 2.5 million to 8.5 million in 2013. The Pupil/Book ratio has stagnated at an average of 4:1 during the period 2009 to 2013. The repetition rate reduced from 11.7 percent in 2009 to 10.3percent in 2013. The pupil teacher ratio has stagnated at 49:1 between 2009 and 2013 at the national level. The gender gap in primary schools has narrowed to about 1 percent (50.5 percent girls and 49.5 percent boys).

152. Beyond the year 2009, more girls accessed schools than boys. In 2010, 50.06: 49.94 for both girls and boys while in 2012 the gender was at parity with 50:50 for both girls and boys in primary schools. The achievement of gender parity in primary education can be explained by the role of the government not only adopting a number of policy positions to redress gender disparities in education but also collaboration with various development partners such as UNICEF and civil society organizations such as World Vision, Plan

International in Uganda to establish gender responsive educational programmes to boost girl child education and eliminate disparities.² Also the implementation of initiatives that have favoured the girl child education that included among others the bursary scheme for needy and bright children, increased provision of separate customized sanitary facilities for girls, implementation of affirmative actions for the girl child and creation of gender friendly learning environments in primary schools.

153. Steps have been taken by the State Party over the years to ensure that women and girls realise this right. This has been achieved through a number of policies and programmes which include: The Universal Primary Education (UPE) Programme, Universal Secondary School programme; Affirmative action in enrolment of girls into higher institutions of learning and provision of same opportunities to access grants and scholarships for education for women, men, girls and boys. The measures undertaken by the education sector have included incorporation of sex related materials in the curriculum at all levels, measures to ensure equality in representation in student bodies, preparation of gender equality policies and plans in education institutions, campaigns to influence social stereotypes at various levels, relaxing the admission requirements for the female disadvantaged students, designing and implementing female targeted scholarships and providing free education for all at primary and secondary levels.

154. Whereas there is private education, the Government still covers the majority of the schools such that the poor children benefit from Universal Primary Education in Government schools.

155. Regarding measures to ensure access to UPE for all children and in particular children of ethnic groups, government has ensured construction of a UPE school in each of the parishes in Uganda including in regions occupied by ethnic groups and indigenous people. The policy of Inclusive education in these schools enables children with special needs to also access these schools. Growth of private education has increased access to education at all levels. Girls and boys equally attend these schools. In situations where girls living in poverty cannot afford, the option of UPE schools is available. There is a deliberate government effort to ensure girls increased access to higher education through awarding them an extra 1.5 points on admission. This helps girls living in poverty to access government scholarship at these higher institutions. There are also efforts to give the girls psychosocial support through appointment of senior women teachers and teachers in charge of Guidance and Counselling to encourage them not to drop out.

156. Quality of education is being improved through early grade reading program, continuous professional development training for in-service teachers, co-curricular activities, Guidance & Counselling services to learners and use of participatory teaching and learning strategies. In-service teachers are encouraged to upgrade and a teachers' scheme of service is now in place.

Article 15 – Cultural rights

Question 33

157. The Constitution clearly in its Directive Principles of State policy No. XXIV, provide for Cultural objectives as follows; Cultural and customary values which are consistent with fundamental rights and freedoms, human dignity, democracy and with the Constitution may be developed and incorporated in aspects of Ugandan life.

² ESSAPR, 2010/11.

158. It further provides that the State shall:

- Promote and preserve those cultural values and practices which enhance the dignity and well-being of Ugandans.
- Encourage the development, preservation and enrichment of all Ugandan languages.
- Promote the development of a sign language for the deaf.
- Encourage the development of a national language or languages.

159. Directive principle XXV on Preservation of public property and heritage provides that; The State and citizens shall endeavour to preserve and protect and generally promote the culture of preservation of public property and Uganda's heritage.

160. There is the Uganda culture policy which provides a policy framework for the promotion of culture. The constitution further recognizes cultural leaders and makes a law to recognize and regulate the institutions.

Question 34

161. Findings from UNHS 2012/13 show that seven in every ten private secondary schools (71%) in the urban area had computers, while four in every ten in the rural area had computers (42%). Public telephones are available in some schools; results showed that among the private schools, close to one in every ten schools in the rural area had a public telephone, while about three in every ten had a public telephone in the urban area (30%).

162. There are service providers throughout rural areas providing internet through modems that can be used in rural areas with some private companies investing in very remote areas.
