

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

## **EXECUTIVE SUMMARY**

1. This report focuses on the state of economic, social and cultural rights issues in Uganda and identifies salient emerging issues over the last four and a half years. Part I of this report describes the methodology. Part II describes Uganda's normative framework on economic, social and cultural rights while part III discusses the realisation of economic, social and cultural rights within the country, specifically: the highest attainable standard of physical and mental health, education, adequate housing, food, culture, social security and the right to just and favourable conditions of work.
2. As described in part II, overall, the government has taken commendable steps to pass legislation and policies to safeguard economic, social and cultural rights. However, as discussed in part IV, the realisation of economic, social and cultural rights is still inadequate as a whole. The government is yet to pass the National Human Rights Action Plan, which would provide strategic oversight for the realisation of human rights in the country. Insufficient attention has been devoted to human rights education. The government has not domesticated key international obligations concerning the rights to health, food and culture and has not ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Despite the sector specific laws and policies enacted, very few enforcement mechanisms exist to ensure the laws and policies are implemented. There are also still gaps in the legal and policy framework, which undermine planning, and implementation. Despite the strong economic growth each year,<sup>i</sup> the government has consistently failed to mobilise and allocate maximum resources consistent with the international commitments it has made on particular economic, social and cultural rights. Yet low government spending has a retrogressive effect on the realisation of these rights. Inadequate attention has been paid to safeguarding the rights of indigenous populations and other vulnerable groups. This report makes recommendations on specific areas that can be strengthened. Adopting these recommendations will enable holistic long-term progressive realisation of economic, social and cultural rights in Uganda.

## **I. METHODOLOGY**

3. This report was developed after a national consultation of civil society organisations working on economic, social and cultural rights issues in Uganda. A number of civil society groups, both national and regional convened to discuss priority economic, social and cultural rights issues to be addressed during the UPR at a meeting on 27 January 2016 facilitated by the Initiative for Social Economic Rights (ISER). After the meeting, organisations worked in thematic groups based on their area of expertise to identify issues and generate reports on

specific rights. Key issues and recommendations from those reports were collated into this report by the Initiative for Social Economic Rights (ISER) under the auspices of the Coalition on Economic, Social and Cultural Rights. This report relies on government statistics but also on primary data collected by organisations that are signatories to this report.

## **II. NORMATIVE AND INSTITUTIONAL FRAMEWORK TO PROMOTE ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

4. Uganda is a party to several international instruments that enshrine economic, social and cultural rights including the right to adequate housing,<sup>ii</sup> food<sup>iii</sup>, education,<sup>iv</sup> health,<sup>v</sup> culture,<sup>vi</sup> work and social security.<sup>vii</sup> These treaties obligate Uganda to progressively realise these rights, meet certain minimum core obligations and uphold principles of non discrimination.
5. Domestically, the National Objectives of Uganda's 1995 Constitution obligate the State to ensure Ugandans enjoy decent shelter, health, food security,<sup>viii</sup> free and compulsory basic education and to take measures to ensure every citizen can attain the highest standard of education possible.<sup>ix</sup> The Constitution also enshrines certain rights in its bill of rights. Article 30 guarantees the right to education for everyone and article 34(2) enshrines the child's right to basic education. Article 40 protects the right to work by requiring Parliament to enact laws to provide for the right to "work under satisfactory, safe and healthy conditions"; ensure "equal payment and non discrimination" and reasonable working hours and paid holidays. It also provides for collective bargaining and negotiation and protects women workers during pregnancy and after birth. Article 237 of the Constitution guarantees ownership of land by repealing laws that had made all land public land.
6. The State has also passed key legislation and policies to protect certain economic, social and cultural rights. The Land Act (1998) guarantees security of tenure by protecting tenants by occupancy, who cannot be evicted without compensation. The 2004 amendment of the Land Act guarantees all spouses rights of ownership and the 2010 amendment criminalises unlawful evictions of tenants by occupancy, requiring court orders before a bonafide tenant is evicted. The Education Act implements the Constitutional provisions on the right to education. The Historical Monuments Act of 1967 protects cultural rights. Uganda has put in place a number of policies to provide strategic planning to realise economic, social and cultural rights. Central to these policies are the National Development Plan II II, 2015/16-2019/20 and Vision 2040 which provide strategic oversight to ensure the country's social economic transformation. There are also policies specific to each sector. Some of the salient ones include the Uganda National Land Policy 2013, the National Health Policy, National Shelter Strategy, Food and Nutrition Policy 2003, the National Agricultural Policy 2015, National Employment Policy (2010) and the National Social Protection Policy (2015).

## **III. IMPLEMENTATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS: ACHIEVEMENTS, BEST PRACTICES, CHALLENGES, CONSTRAINTS, AND RECOMMENDATIONS**

### ***CROSS CUTTING ECONOMIC, SOCIAL AND CULTURAL RIGHTS ISSUES***

7. Over the last four and a half years, the government has undertaken some efforts to realise

economic, social and cultural rights. In 2011, the government of Uganda accepted a number of recommendations to strengthen human rights institutions and to intergrate human rights instruments with domestic law.<sup>x</sup> It also received a number of recommendations on carrying out human rights education, particularly in areas of the country that have been destabilised as a result of rebel groups. Following this review, Uganda pledged to develop a National Human Rights Action Plan (NAP).

8. The government of Uganda has taken some steps to implement these recommendations. Through the Uganda Human Rights Commission, it has initiated the process of developing the NAP and set up a countrywide consultative process. This plan once fully developed and implemented will set out a roadmap for coordinating the implementation of human rights commitments in the country. It was expected that the NAP would be integrated into the National Development Plan II (NDP II). Doing so would have resulted in the allocation of resources to human rights activities/programmes. However, this has not materialised since the NAP remains in draft form.
9. There is also still insufficient attention paid to human rights education and Uganda needs to domesticate its international obligations. The rights to health and food are not enshrined in the Bill of Rights in the Constitution and the UNESCO Convention is yet to be domesticated.
10. Uganda is yet to ratify key human rights instruments including the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (2013).
11. **Recommendation: Government should fast track the passing of the National Action Plan.**
12. **Recommendation: Government should implement programs for human rights education.**
13. **Recommendation: Government should domesticate all international legal instruments that have been ratified and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

## *RIGHT SPECIFIC ISSUES*

### A. The Right To Adequate Housing

#### *Lack of Security of Tenure and the Lack of Comprehensive Guidelines on Evictions Leave Residents of Informal Settlements Vulnerable to Forced Evictions*

14. The lack of security of tenure and comprehensive guidelines on evictions continue to hinder the enjoyment of the right to adequate housing in Uganda. The majority of Uganda's urban population reside in informal settlements in urban areas and do not have legal title to the land on which they reside. They often face mass evictions without prior compensation or alternative accommodation. In 2014, the government evicted more than 40,000 residents described as encroachers on public land living close to Port bell Railway line to Kampala and

Kyengera railway line to Namanve. The evictions were carried out at night without providing adequate notice to the residents and in contravention of its international and national obligations on the right to adequate housing.<sup>xi</sup>

- 15. Recommendation: The government should put in place measures to ensure security of tenure and finalise National Evictions Guidelines to ensure proper procedures before, during and after evictions especially for the poor and vulnerable groups like women.**

#### *Gaps in the Policy Framework Deny Large Numbers of the Urban Population Decent Housing*

16. The government has drafted key policies that would provide strategic oversight for the housing sector in Uganda but they have not been passed. Examples include the National Housing Policy, which aims to ensure “well integrated sustainable human settlements, where all have adequate shelter with secure tenure”<sup>xii</sup>, National Urban Policy, Landlord and Tenants Bill, Solid Waste Management Strategy, and National Evictions Guidelines. Without these policy and legal frameworks in place, there is no consolidated plan for housing development and this affects the realisation of the right to housing. For example the current ministries, authority and department bodies in the housing sector are not well coordinated due to the lack of a National Housing Policy. The country lacks a comprehensive national urban policy to deal with the rapidly increasing rate of urbanization in the context of the right to housing and this affects the realisation of the right to housing, especially for the two thirds of the urban population that lacks decent housing.<sup>xiii</sup>. There is no regulation of the private sector yet development of housing estates has largely been left to the private sector.

- 17. Recommendation: The government should pass the National Housing Policy and adopt a comprehensive national urban policy addressing the problems arising from the rapidly increasing rate of urbanisation.**

#### *Inadequate Resource Allocation*

18. The housing sector in Uganda is chronically underfunded. The 2013/2014 and 2014/2015 budgetary allocations to the housing sector were 0.020% and 0.025% of the national budget respectively. Yet the country’s housing needs are growing. The country’s population rapidly increased from 24.2 million in 2002 to 34.9 million in 2015.<sup>xiv</sup> Without adequate funding to implement the commitments made in government policies, the right to adequate housing will not be realized.

- 19. Recommendation: Government should increase the budget allocated to the housing sector from 0.025% to at least 0.075% prioritising ensuring affordable housing for low-income families.**

## **B. The Right to Food**

#### *Weak Legal and Policy Framework on the Right to Food*

20. The government has put in place policies on the right to food but they are yet to be operationalised through legislation and are not binding. There is a draft Food and Nutrition Bill but it does not appear to be on track to be passed. Without a legal framework to

implement the international and constitutional obligations on the right to food, it will be difficult to enforce and monitor the country's realisation of the right to food. For example a Uganda Food and Nutrition Council is provided for in the Food and Nutrition Policy as a statutory body that coordinates food and nutrition programs nationally and monitors the implementation of the Food and Nutrition Policy but it has never been enacted.

21. **Recommendation: The government should strengthen the legal and policy framework for food by expediting the passing of the Food and Nutrition Act.**

#### *Inadequate Financing of the Agricultural Sector*

22. Inadequate resource allocation hinders the realisation of the right to food in Uganda. The budget for agriculture has not exceeded 4% of the national budget over the last decade. The budget for agriculture for 2015/2016 was 479.96 billion shillings. It is expected to increase to 630.42 billion shillings in the fiscal year 2016/2017. This is below the 10% target Uganda has to meet as a signatory to the 2003 Maputo declaration. Moreover, the meagre budget does not cater for affordable credit facilities yet during its UPR review in 2011 Uganda agreed to implement policies to support affordable credit. Without government subsidisation of affordable credit facilities, there is limited access to affordable credit for farmers. Existing credit facilities often have high interest rates and short repayment periods. Affordable credit facilities for farmers are pivotal to ensuring the increased agricultural production necessary to meet the growing food needs of the population.
23. **Recommendation: The government should increase the budgetary allocations for agriculture and food production to at least 10% of the national budget and part of the funding should be allocated to establishing a National Agricultural Bank to extend affordable credit to farmers to stimulate agricultural productivity in order to improve food security.**

#### *Chronic Food Insecurity Requires Provision of School Meals*

24. In 2011, Uganda was urged to implement policies to support school meals programs. School feeding is currently the responsibility of parents according to article 5 of the Education Act. However, chronic food insecurity in areas like North Eastern Uganda prevents parents from providing food for children at home, later on at school.<sup>xv</sup> In Karamoja, approximately 103,000 people faced severe food insecurity and 248,000 were under stress due to extended periods without rain.<sup>xvi</sup> An "Out of School Children Study in Uganda" found the lack of school meals has contributed to high rates of school dropouts and poor performance in school.<sup>xvii</sup>
25. **Recommendation: The government of Uganda should develop a relevant policy to establish a Public School Feeding Program for all schools in order to protect the right of children to food and education. This requires increasing funding to the education sector by allocating funds earmarked for school feeding.**

### C. The Right to Education

### *Failure to Achieve Equitable Access to Quality of Education*

26. In 2011, the government was urged to “undertake additional efforts to improve the functioning of the education system, in order to ensure quality education for all children” and “to improve the education standards to lay a firm foundation for its economic development.” The quality of education remains poor. Although the government has put in place Universal Primary Education and Universal Secondary Education, the quality of education in state institutions is poor. There is a high rate of teacher absenteeism and a high student to teacher ratio. For example in the lower primary level,<sup>xviii</sup> each class is taught by only one teacher for all the learning areas yet the numbers are overwhelming with a 1:65 pupil to teacher ratio in schools in Kampala and a higher ratio in other parts of the country. A survey by the Initiative for Social Economic Rights in Apac district in North Eastern Uganda found a 1:121 pupil to teacher ratio.<sup>xix</sup> The curriculum taught is predominantly theoretical, and learning assessments done by organisations like Uwezo reveal that few students have mastered basic literacy and numeracy skills. In Primary 3 only one out of ten students have Primary 2 level literacy and numeracy skills and by the time they reach Primary 7, two out of ten children have not mastered these basic skills. Moreover, there are regional disparities in the quality of education. Children in Central and Western regions consistently outperform children in Eastern and Northern regions. If Uganda is to achieve sustainable development through Education, it needs to take measures to improve the quality of the education system.

**27. Recommendation: The government should design and implement a plan of action for improving the quality of public education in Uganda including reassessing learning outcomes.**

### *Inadequate Education Financing Affects Quality of Education*

28. At Uganda’s last UPR, Uganda was urged to “increase public expenditure on education.” While the budgetary allocation to the education sector seems to be increasing in nominal terms, when the inflation rate and the incremental enrolment rates due to the high population growth are taken into account, the budgetary allocation to the education sector has actually been declining in real terms from 16.85% to 13.65% over the last four financial years.<sup>xx</sup> This is below the targets Uganda committed itself to, specifically the Education For All (2000) recommended target of 20% of the budget and the Dakar Framework for Action (2000) target of 6% of GDP target. The budget for basic education is even much less. Capitation grants, which replace revenue lost by schools when school fees for state schools were abolished, are currently 10,000USH per child per year, which is less than three dollars without adjusting for inflation. A study done by Twaweza reveals it is insufficient to buy books and learning materials.<sup>xxi</sup> Low government investment in education has a retrogressive effect on the right to education and in particular affects the quality of education.

**29. Recommendation: The government should immediately increase financial investment in the public education sector to the minimum international target of 6% of GDP or allocate 20% of the budget to education, prioritising funding for basic education.**

### *Unmonitored and Unregulated Expansion of the Private Sector Detrimentally Affects the Right to Education*

30. Unmonitored and unregulated expansion of private sector provision of education hinders the realization of the right to education in Uganda and disproportionately affects the availability and accessibility of education for children from poor families. Amidst declining state investment in public education and inadequacies in the public education system, the number of private actors providing education has increased. According to a survey conducted by Initiative for Social and Economic Rights in August 2014 on privatisation in education in Uganda<sup>xxii</sup>, every parent whose children attended private primary schools indicated that they were forced to resort to that option due to the various inadequacies in the public education system<sup>xxiii</sup>, or the absence of a public school in their area. As a result, private education is no longer merely a choice but is sometimes the only option. Yet most parents cannot afford private schools. Over 80% of early childhood development centers are privately owned and financially inaccessible to the majority of Ugandans.<sup>xxiv</sup> While there has been a growth in low fee private schools, a survey by the Initiative for Social Economic Rights found that even these schools charge fees including school development fees, scholastic material, school uniforms and examination fees that place them out of reach for students from poor families. Rather than complement state funded education systems, expanding privatisation of education — as it increasingly becomes the only viable alternative — increases school dropout rates because of the high costs of tuition and other fees.
31. While international human rights law recognises the freedom to establish private educational institutions<sup>xxv</sup>, these institutions are not meant to supplant the State’s obligation to provide the right to education. The State has an obligation to regulate private providers, monitor and evaluate their compliance with educational outcomes and the minimum education standards set by the State.<sup>xxvi</sup>
32. **Recommendation: The government should take all necessary measures to regulate the private educational sector by monitoring their compliance with education standards and reviewing and amending if necessary its laws and policies governing private education providers.**

#### **D. The Right to the Highest Attainable Standard of Health**

##### *Consistent inadequate budget allocation to the health sector Affects the Quality of Health*

33. During the 2011 UPR, Uganda agreed to raise the health care budget to 15% in line with the Abudja Declaration target. Uganda's health sector remains significantly under-funded, at 8.6 % of total government expenditure and this subsequently impacts on access to quality health care services.
34. **Recommendation: The State should increase the budget for health care to 15% in line with the Abudja Declaration.**

##### *Absence of a National Health Insurance Scheme*

35. In 2011, Uganda accepted the recommendation to establish a national health insurance scheme for the poor. Cost remains one of the barriers to accessing health care in Uganda. Households spend 37% of their budget on out of pocket costs for healthcare.<sup>xxvii</sup> The WHO recommends a maximum of 20% out of pocket expenditure to avoid household impoverishment. Without national health insurance, Ugandans paying high out of pocket costs risk household impoverishment, particularly for low-income earners and vulnerable groups like people with disabilities. The process of enacting a National Health Insurance law has been on-going for ten years. The Bill was presented to Parliament in 2014 but the Ministry of Finance, Planning and Economic Development has not yet issued a certificate of financial implication that would enable cabinet to debate the Bill and present it in Parliament for further discussion before it is passed.
- 36. Recommendation: The State should expedite and fast track the process for the enactment of the National Insurance Bill which should adequately provide insurance cover for all categories of the population including the informal sector without discrimination and pay attention to principles of equity.**

#### *Inadequate Access to Palliative Care Services in Uganda*

37. Access to palliative care services is a basic human right that is fundamental to realising the right to health and human dignity.<sup>xxviii</sup> Ugandans are increasingly facing problems associated with life-threatening illness that necessitate relief from suffering through early identification, correct assessment and treatment of pain and the provision of physical, psychosocial or spiritual support. The government and civil society working in the area of palliative care have realised key milestones in the provision of palliative care in the country. A public private partnership between the Government of Uganda and Hospice Africa Uganda has resulted in the provision of morphine free of charge. Uganda has amended statutory instruments to allow non-physicians to prescribe oral morphine. Despite these milestones, the provision of palliative care is limited. Estimates by the government reveal slightly over 10% of individuals in need of palliative care can access it and the care provided is predominantly medical yet palliative care requires a holistic approach including the provision of psychosocial or spiritual care.<sup>xxix</sup>
38. The inadequate provision and access to palliative care reflects the lack of a national policy to guide the development and sustainability of palliative care service delivery. Although steps have been taken by the Ministry of Health and civil society to enact a provisional policy, this process has stagnated for more than twelve months. Fast tracking the National Palliative Care Policy would strengthen palliative care by guiding and streamlining the planning, budgeting, implementation and evaluation of palliative care services in the country.
- 39. Recommendation: The government should strengthen palliative care at all levels by fast tracking the National Palliative Care Policy.**

### E. Right To Work And To Just And Favourable Conditions Of Work

#### *An Outdated Minimum Wage Does Not Enable Workers To Earn A Decent Living*

40. Uganda has an outdated minimum wage that does not enable workers to earn a decent living for their families today and this contravenes its human rights obligations and its responsibilities under the ILO Minimum Wage Fixing Machinery Convention, 1928 (No 26).<sup>xxx</sup> The prevailing minimum wage rates were set in 1984 and currently amount to six thousand Uganda Shillings, which is approximately two dollars per month. This does not take into account inflation and the declining value of the shilling and is insufficient for workers to live on. The Committee on Economic, Social and Cultural rights at Uganda's last review in 2015 urged Uganda to revise the minimum wage without delay. A minimum wage advisory board was appointed in June 2015 to conduct studies and make recommendations on the minimum wage and a Private Members Bill entitled the Minimum Wage Bill was filed in December 2015. The government needs to fast track the passing of the Minimum Wage Bill. Doing so would protect vulnerable workers by putting in place a basic social protection floor, tackle poverty and mitigate the growing inequality. It would enable workers to live in dignity by offering them a decent standard of living. Currently, unscrupulous employers take advantage of workers, paying low wages in a bid to maximise profit.

**41. Recommendations: The government should fast track the passing of the Minimum Wage Bill.**

#### **F. The Right to Social Security**

##### *Inadequate Provision of Social Security, which is limited in Scope and Excludes the Informal Sector*

42. There is inadequate coverage of social security. A pilot Social Assistance Grants for Empowerment (SAGE) programme, which provides regular, predictable income support to older persons and vulnerable households is limited in scope and excludes a number of vulnerable households. It only covers 110,000 direct beneficiaries and 500,000 indirect beneficiaries in 15 districts out of 112. It also offers a uniform amount of compensation, failing to take into account beneficiaries' unique needs. Moreover, the majority of Ugandan workers are in the informal sector and they are often excluded from social security since they cannot access the benefits of the National Social Security Fund scheme and pension schemes. Only 3% of Ugandans have access to social security.<sup>xxxi</sup>

**43. Recommendation: The Government should review its social protection interventions to increase coverage by expanding the SAGE to all 112 districts and expand the provision of social security to the informal sector including by fast tracking the pension liberalisation bill.**

#### **G. The Right to Culture**

##### *Lack of Ministry To Provide Strategic Oversight and Inadequate Resource Allocation*

44. There is no substantive government ministry to promote cultural heritage activities, and the budgetary allocation to the culture sector has remained negligible (0.003% of the national

budget) despite an increase from Ugandan Shillings 15 to 24 trillion in financial years 2014/15 and 2015/16 respectively.

45. **Recommendation: Create a substantive Ministry responsible for promotional of culture, with a budget allocation of at least 1% of the total National Budget.**

#### *Failure to Safeguard Rights of Indigenous People and Marginalised Populations*

##### *Displacement from Ancestral Land*

46. In Uganda's first UPR in 2011, Uganda accepted recommendations to "pursue accommodative dialogue with indigenous communities, with a view to minimize disruptive approaches to their lifestyle and traditions while improving their life conditions and to continue to take legislative and administrative measures to improve the rights of BATWA people." It also accepted to "continue efforts to protect the rights of marginalized and vulnerable population." The government of Uganda has put in place revenue sharing mechanisms with indigenous communities that reside next to national parks and other cultural sites. For example the Ba'amba and Babwisi in Rwenzori region and the Benet on the Mount Elgon have been allowed controlled access to resources including cultural sites located in the protected areas. The revenue accumulated funds schools, roads and health services for these communities. Despite these measures, many ethnic communities continue to be displaced from their ancestral land without free prior and informed consent as the government creates National Parks and allows companies to exploit other natural resources. Interviews carried out by the Uganda Consortium on Corporate Accountability and the Initiative for Social Economic Rights found that ethnic communities in Rata village in Rupa County, Moroto were not consulted before their land was given to mining companies that had licences to mine limestone.<sup>xxxii</sup>
47. **Recommendation: Government should enter into Memoranda of Understanding with communities near natural reserves allowing them access to their cultural resources/sites located within the protected areas and ensure companies exploiting natural resources seek the free, prior and informed consent of these communities.**

##### *Lack of instructional Materials in Indigenous Languages*

48. Language is an important aspect of cultural identity. Uganda's thematic curriculum allows children in lower primary schools to be educated in their local language. However, this doesn't benefit indigenous minorities who lack instructional materials and personnel trained in their languages. This results in the gradual erosion of these languages as groups choose to learn in languages where instructional materials are available. For example, the Ik children in Kamion Sub County, Kaabong District, learn in N'gakarimojong, the Paluo children in Kiryandongo district learn in Acholi, Alur or Langi, leading to the erosion of Lebpaluo. Batuku children in Ntoroko district learn at school in Rutooro and the Bagwe in Busia learn in Lusamya. Among the Benet in Kween district, Kupsabiny is the local language of instruction, resulting in the loss of Kumosop, the Benet language.
49. **Recommendation: Government should support the development of instructional materials and facilitate the training of personnel in indigenous minority languages, and**

**the Ministry of Education, Science, Technology and Sports, through the National Curriculum Development Centre and Uganda National Examinations Board, should include minority languages in the national curriculum for schools.**

## ENDNOTES

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<sup>i</sup> In FY 2014/15, the real GDP at market prices grew by 5%. Uganda Bureau of Statistics Abstract (October 2015) at page 73.

<sup>ii</sup> Article 25 of the Universal Declaration of Human Rights (1948); article 11 of the international Covenant of Economic, Social and Cultural Rights (1966); article 5 (e)(ii) of the International Convention on the Elimination of All forms of Racial Discrimination (1965), article 14, § 2(h) of the Convention on the Elimination of all Forms of Discrimination against Women (1979); article 27, § 3 of the Convention on the Rights of the Child; section III, § 8 of the Vancouver Declaration 1976; section 1 and section 8 of the Istanbul Declaration on Human Settlements (1996); article 20 of the African Charter of the Rights and Well Being of the Child (1990).

<sup>iii</sup> Article 25 of the Universal Declaration of Human Rights (1948) states that “everyone has the right to a standard of living adequate for the health and wellbeing of himself and his family, including food”. Article 11 of the International Covenant on Economic, Social and Cultural Rights (1966) provides for the right to an adequate standard of living including adequate food and obligates the government to take measures to improve methods of food production and distribution. The African Union 2003 Maputo Declaration on Agriculture and Food Security requires government signatories to address the root causes of agricultural crises in Africa.

<sup>iv</sup> Article 26 of the Universal Declaration of Human Rights; article 5 of the UNESCO Convention against Discrimination in Education; articles 13 &14 of the International Covenant on Economic, Social and Cultural Rights; articles 28 & 29 of the Convention on the Rights of the Child; article 10 of the Convention on the Elimination of All forms of Discrimination against Women; article 17 of the African Charter on Human and Peoples’ Rights; article 11 of the African Charter on the Rights and Welfare of the Child.

<sup>v</sup> Article 25 of the Universal Declaration of Human Rights (1948); article 12 of the International Covenant on Economic, Social and Cultural Rights (1966).

<sup>vi</sup> The 2005 UNESCO Convention on the Protection and Promotion of Cultural Diversity.

<sup>vii</sup> Regionally, Uganda is a member of the East African Community and is signatory to the East African Community Charter and the Common Market Protocol all which recognize and call for the harmonization of labour laws and policies across the region for improved integration.

<sup>viii</sup> See National objectives XIV (b), and XXII (a, b & c) of the 1995 Constitution of Uganda. They obligate the State to: “(a) Take appropriate steps to encourage people to grow and store adequate food; (b) Establish national food reserves; and (c) Encourage and promote proper nutrition through mass education and other appropriate means in order to build a healthy State.”

<sup>ix</sup> The National Objective and Directive Principle of State Policy XVIII Educational Objectives provides that: “(i) the State shall promote free and compulsory basic education; (ii) the State shall take appropriate measures to afford every citizen equal opportunity to attain the highest educational standard possible; (iii) individuals, religious bodies and other nongovernmental organisations shall be free to found and operate educational institutions if they comply with the general educational policy of the country and maintain national standards.”

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<sup>x</sup> Uganda was urged to “intergrate international human rights instruments into domestic law” and to “[c]ontinue to harmonize its domestic legislations with those international human rights instruments that Uganda is a party”. It agreed to “[c]ontinue efforts to build and strengthen national human rights and democratic institutions,” to ensure “the independence and adequate capacity of the Uganda Human Rights Commission” and to “[c]ontinue to take measures to ensure an effective compliance with the legislations regarding the most vulnerable groups of the population.”

<sup>xi</sup> Committee on Economic, Social and Cultural Rights, General Comment 7, Forced evictions, and the right to adequate housing (Sixteenth session, 1997), U.N. Doc. E/1998/22, annex IV at 113 (1997)

<sup>xii</sup> Draft National Housing Policy

<sup>xiii</sup> National Development Plan II 2015/16-2019/20 at page 7.

<sup>xiv</sup> 2014 National Population and Housing Census Provisional Results in Uganda Bureau of Statistics Abstract (October 2015) at page 13,  
[http://www.ubos.org/onlinefiles/uploads/ubos/statistical\\_abstracts/Statistical%20Abstract%202015.pdf](http://www.ubos.org/onlinefiles/uploads/ubos/statistical_abstracts/Statistical%20Abstract%202015.pdf)

<sup>xv</sup> Famine Early Warning System Network 2013

<sup>xvi</sup> August rapid crop and food security assessment conducted by the Ministry of Agriculture, Animal Industry and Fisheries, World Food Program and the UN Food and Agricultural Organization (FAO) (2014).

<sup>xvii</sup> The Republic of Uganda, UNICEF et al., *Out of School Children Study in Uganda* (March 2014).

<sup>xviii</sup> Primary one to primary three.

<sup>xix</sup> Interview held by the Initiative for Social Economic Rights with Apac district Local council V/ Secretary for social services on 11/07/2011.

<sup>xx</sup> It was 16.85% in fiscal year 2010/11, 15% in 2011/12, 14.61% in 2012/13 and 13.65% in 2013/14.

<sup>xxi</sup> Twaweza, *Capitation Grant for Education: When Will It Make A Difference? Policy Brief* TZ.08/2010E.

<sup>xxii</sup> Initiative for Social, Economic Rights & The Global Initiative for Economic, Social and Cultural Rights, *Privatisation, Discrimination and the Right to Education in Uganda*  
[http://www.iseruganda.org/images/downloads/privatisation\\_discrimination\\_and\\_right\\_to\\_education.pdf](http://www.iseruganda.org/images/downloads/privatisation_discrimination_and_right_to_education.pdf)

<sup>xxiii</sup> Respondents were selected by random sampling at churches or mosques and schools, as well as the researchers’ neighborhoods and comprised of parents with children in both low-fee and middle-class private schools in central Uganda. 76 out of the 100 respondents had children in private schools.

<sup>xxiv</sup> National Development Plan II 2015/16-2019/20 at page 34.

<sup>xxv</sup> Article 11 (4) of the African Charter on the Rights and Welfare of the Child and article 13 (3) of the International Covenant on Economic, Social and Cultural Rights.

<sup>xxvi</sup> Article 13 of the International Covenant on Economic Social and Cultural Rights; *see also* article 29 of the International Covenant on the Rights of the Child which emphasises that private educational institutions should be allowed, but these institutions must be:

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“Subject always to the observance of the principle set forth in paragraph 1 of the present article [on the aim of education] and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State”.

<sup>xxvii</sup> Health Sector Development Plan 2015/16-2019/20 at page 46.

<sup>xxviii</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 14, E/C.12/2000/4 (Aug. 11, 2000) at para 34.

<sup>xxix</sup> Draft National Palliative Care Policy Uganda, 31 March 2015.

<sup>xxx</sup> Article 23 of the Universal Declaration of Human Rights (1948) affirms that “everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.” It further states that “everyone, without any discrimination, has the right to equal pay for equal work”.

<sup>xxxi</sup> National Development Plan II at page 70.

<sup>xxxii</sup> Interviews of communities in Rata village, Rupa County, Moroto and Kosirosi Mining site carried out in March 2016.