

## **UNCT - Uganda 2<sup>nd</sup> UPR Report March 2016**

### **I. Introduction**

This report is prepared by the UNCT-Uganda and examines Government of Uganda's implementation of 1<sup>st</sup> UPR recommendations and voluntary pledges. Within the reporting period Uganda did not grant request for an official visit of any Special Rapporteur

### **II. Background**

Uganda has over the recent five years experienced economic growth with average Gross Domestic Product growth of 5.5% and national poverty headcount of 19.7%. Its per-capita income and life expectancy have both increased coupled with significant progress in the reduction of both under-five and infant mortality rates. The above positive indices including peaceful general elections in February 2016, have been undercut by high population growth rate, inequitable distribution of growth dividends, incidences of poverty, high under and unemployment as well as unequal access to and control of productive assets by women and youths.

### **III. Legal, Policy and Institutional Framework**

Uganda has ratified all the core regional and international human rights/refugee instruments except for CED, OP II-ICCPR, OP-CEDAW, OP/CAT, OP-ICESCR and the 1961 Convention on the Reduction of Statelessness. While Uganda is timely with its reporting obligation to most regional treaty bodies, the same cannot be said regarding international mechanisms.

The 1995 Constitution of Uganda and other laws provides the overarching framework for human rights promotion and protection. Within the reporting period, Uganda retained its key human rights institutions and ministries including the National Human Rights Commission, Equal Opportunities Commission, Ministry of Gender, Labour and Social Development, Ministry of Justice and Constitutional Affairs and Law and Justice Order Sector (JLOS). Uganda also adopted some human rights oriented laws and policies including the Prevention and Prohibition of the Torture Act, 2012 and created the standing parliamentary committee on human rights with a mandate to ensure that proposed laws and government policies are complaint with international human rights standards. It also adopted a human rights based National Development Plan II in 2015 and is about finalizing the National Human Rights Action Plan.

Despite this progress, and bearing in mind that Uganda is a signatory to several human rights treaties, its Parliament had within the reporting period promulgated laws that fall short of international human rights standards including the HIV/AIDS Prevention and Control Act, Public Order Management Act, the Anti-Pornography Act, the Anti-Homosexuality Act, and the Anti-Terrorism (Amendment) Bill. Furthermore, some of its human rights institutions are still challenged by resource and other constraints including the Uganda Human Rights Commission (UHRC) that witnessed a protracted delay in the appointment of its commissioners.

### **Recommendations**

- Expedite the adoption of the National Human Rights Action Plan and ensure that laws and policies are human rights compliant.
- Adequately fund and support national human rights institutions and relevant line ministries and ensure that human rights is mainstreamed in governance.

### **IV Promotion and Protection of Human Rights**

#### **a) Equality and Non Discrimination**

The Equal Opportunities Commission (EOC) became functional in 2012 with the mandate to ensure equal opportunities for all members of society. During the review period, the EOC set up its complaints handling system and initiated measures to address systemic discrimination particularly in the public sector.

In order to address social and economic risks of vulnerable and marginalized groups, Uganda within the reporting period, adopted a National Social Protection Policy and Action Plan, Social Assistance Grants for Empowerment (SAGE) programme as well as Vulnerability Grant for Labour Constrained Households. Uganda is also making efforts aimed at the implementation of the Convention on the Rights of Persons with Disabilities (CRPD).

Despite that the Constitution of Uganda expressly recognizes the principle of non-discrimination for all human beings and cognizant that Uganda is making efforts to review its legislation from a 'nondiscriminatory' lens, there are still some discriminatory provisions in the Penal Code Act on "unnatural offenses" that support legal and social aversion towards homosexuality or LGBTI persons. There is also in existence harmful traditional practices and stereotypes that perpetuate discrimination against women, children, persons with disabilities, sexual minorities, ethnic minority groups, most at risk populations and people living with HIV.

### **Recommendations**

- Ensure adequate mainstreaming of disabilities in the planning and budgeting processes.
- Conduct systematic audit and review of legislations to ensure nondiscrimination and expedite the consideration of legislations to guarantee effective enjoyment of equality rights.
- Continue to expand provision of social assistance and direct income support to vulnerable individuals and households and collect, analyze and disseminate disaggregated disability-specific data for policy formulation and programming

#### **b) Rights of Women**

Within the reporting period, critical laws and policies to protect women from discrimination were introduced including in the National Development Plan II and in the Uganda Vision 2040. The Public Finance Management Act, 2015, requires each sector to comply with gender-mainstreaming in their annual budget frameworks. In 2015, the Government of Uganda launched the Uganda Women Entrepreneurship Program, aimed at empowering women economically. The Ministry of Gender Labor and Social Development (MGLSD) has also developed a "Multi-sectorial Framework for Monitoring and Reporting on the Implementation of Commitments and Obligations on Gender Equality and Women's Empowerment (GEWE) and Human Rights". Uganda has strengthened the capacity of different stakeholders to respond to Violence Against Women (VAW) and girls, by developing tools and guidelines on prevention and response. The Police Form A3 was improved in 2012 to facilitate access to medico-legal services for SGBV survivors. In July 2015, the Government launched the National Gender Based Violence Database and is now including the GBV statistics in the Uganda Police Force (UPF) Annual Crimes Statistical Data Report. In August 2015, the Supreme Court of Uganda recognized that the refund of bride price by the woman's parents or relatives upon a failed marriage is unconstitutional.

Despite these gains, challenges relating to the implementation of these laws and policies such as lack of monitoring and accountability systems, limited budget allocations to support the implementation of interventions, and the lack of collection and analysis of gender disaggregated data persist. Additionally, negative socio-cultural attitudes and beliefs condoning Gender Based Violence (GBV) and child marriages continue. Also, the Marriage & Divorce Bill remains pending in spite of efforts to adopt it into law.

### **Recommendations:**

- Consider ratifying the OP-CEDAW and expedite efforts to enact the Marriage and Divorce Bill in compliance with international standards; strengthen the legal protection against sexual offenses and address gaps in the Penal Code Act and Evidence Act.
- Take the necessary steps to implement the multi-sectorial framework for monitoring and reporting on the implementation of commitments and obligations on GEWE and human rights in Uganda; and ensure collection, utilization and analysis of gender statistics and support effective operationalization of the Gender and Equity Certificate

### **c) Rights of Children**

As at the end of 2015, the estimated rate of birth registration in Uganda is 68.4% having risen from 30% in 2009. Within the reporting period, the situation analysis of children was completed along with an assessment of children with disability. While concerns about children were highlighted in the NDP II, Uganda is currently conducting a comprehensive national survey on violence against children. Also, the Ministry of Gender, Labour and Social Development developed a National Action Plan on Elimination of Child Marriage and Teenage Pregnancy and is undertaking a national strategy on child protection and a national strategy and action plan on violence against children in schools. Although not officially approved, the draft Action Plan to address child sacrifice has been developed and is being implemented. Also an audio video guidelines enabling children to be protected as witnesses, victims in courts have been approved and diversion guidelines drafted and awaiting approval by the judiciary. A toll free child helpline (116) is in place to support children to report directly in cases of child abuse or exploitation.

Despite these positive developments, funding of the social development sector which is in charge of child protection and child care remains low (about 0.5% of the budget) and thus affects delivery of services for care and protection of children. Violence against children is condoned and Government's investment in civil registration is still meagre. Separation of probation and social welfare functions is yet to be achieved leading to delay in processing of children's cases, inadequate or no representation of children in court.

### **Recommendations**

- Ensure a comprehensive and functional national and subnational system that prevents violence against children and delivers quality response services to children; develop a comprehensive and costed child protection policy to influence public financing of all services for children including protection services.
- Strengthen 'justice for children' interventions and ensure monitoring at all levels to address case backlog of children and ensure integration of child friendly justice practices in relevant institutions including prosecution, courts, probation services and police.
- Develop a Civil Registration Policy and a costed national strategic plan for birth and death registration; provide child sensitive social protection to reduce economic vulnerability and protection of children and develop a child participation policy to ensure that voices of all children are heard.

### **d) Rights to life, liberty and security**

#### **The death penalty**

There has been no execution in Uganda since 1999. Bearing in mind that there is a *de facto* moratorium, coupled with the fact that Uganda has not signed the Second Optional Protocol to the ICCPR which is aimed at the abolition of the death penalty, the death penalty is still enforceable in Uganda. In 2013, the "Sentencing Guidelines for Courts of Judicature" were issued with the aim of strengthening "humane, predictable and consistent sentencing." The Guidelines recommend that the death sentence be imposed only in exceptional circumstances. However, in 2015, Uganda enacted into law, the Anti-Terrorism (Amendment) Act which imposes a mandatory death penalty for acts of terrorism.

#### **Freedom from torture, cruel, inhuman and degrading treatment and punishment**

Articles 24 and 44 (a) of the Constitution of the Republic of Uganda prohibit torture, inhuman and degrading treatment and punishment. In 2012, Uganda enacted into law, the Prevention and Prohibition of Torture Act that provides a compliant definition of torture and establishes individual criminal liability for acts of torture. However, the implementation of this law remains a challenge and there has been so far no successful investigation, prosecution and conviction of any perpetrators of torture under this law.

#### **Arbitrary arrests and detention by security forces**

Article 23 of the Constitution of the Republic of Uganda guarantees the right to personal liberty, however, there are concerns regarding incommunicado detention, (in cases of counter terrorism operations), thereby violating article 23 (2) of the Constitution that prohibits detention in places not authorized by law. Furthermore, violations against the constitutionally guaranteed detention period of 48 hours persist in police facilities across the country.

### **Recommendations**

- Take urgent steps to ratify the 2<sup>nd</sup> Optional Protocol to the ICCPR and abolish death penalty; review and amend laws with mandatory death penalty.
- Implement the Anti-Torture Law and ensure effective system for preventing all forms of torture, cruel, inhuman and degrading treatment and punishment.
- Ensure that detention and detention places meet the constitutional requirements and other thresholds

#### **e) Administration of Justice and Rule of Law**

Uganda has taken several measures to strengthen human rights in the administration of justice. It made key appointments to the Judiciary in 2015 including the Chief Justice and Deputy Chief Justice positions which were vacant for over two years. In early 2015 the Directorate of Public Prosecutions (DPP) had its largest ever recruitment of 90 State Attorneys. The Judiciary and DPP are also seeking to streamline their case management systems and introduce an e-case management system that will improve the task of registering, tracking and following-up on cases.

However, there are a number of systemic weaknesses that continue to undermine access to justice, especially for the poor and marginalized groups. The Legal Aid Bill/Policy, the Witness Protection Law, Children (Amendment) Act, the Marriage and Divorce Bill, Sexual Offences Bill, among others, remain pending. In other cases, laws have been passed but without accompanying regulations thereby impeding their proper implementation, for example, the Prevention and Prohibition of Torture Act 2012, and the Public Order Management Act 2013.

Access to justice for the poor and marginalized groups is further constrained by the continued absence of a National Legal Aid Policy framework and law. The Judiciary Administration Bill 2012 which seeks to provide for increased financial and technical independence of the Judiciary has been pending in Cabinet since 2013. The overall case disposal rate is still at 30.6% as reported in the JLOS Semi-Annual Performance Report 2014/15. Other challenges in the justice system include the limited number of judges and magistrates in courts, budgetary constraints within the judiciary, prolonged pre-trial detentions, poor detention facilities and prison congestion. Additionally, Uganda continues the practice of imprisoning civil debtors in contravention of international human rights standards.

Geographical access to justice institutions is low especially in rural areas, causing the public to rely on informal justice processes which is presently operating without a clear framework. Also, in the absence of Local Council Courts (LCCs) which play a key role in complementing formal courts in the administration of justice further inhibits access to justice.

### **Recommendations:**

- Take urgent steps to pass key legislation that are central to the administration and access to justice such as the Judiciary Administration Bill, the Legal Aid Policy; the Children Amendment Bill; the Witness Protection Bill; the National Transitional Justice Policy and Law; the Amnesty Act (Amendment) Bill, the Law Revision (Penalties in Criminal Matters) Miscellaneous Amendment Bill, the PWD (Amendment) Bill, among others.
- Ensure effective and timely investigation and prosecution of officers implicated for committing human rights violations and take appropriate action to ensure increased women's access to justice by facilitating the full implementation of the measures to overcome gender bias and delays in the justice delivery system.

**f) Rights to religion, belief, expression, association, assembly and participation in political life**

Article 29 of the Constitution of the Republic of Uganda specifically lays out the legal standards for the protection of the freedom of conscience, expression, movement, religion, assembly and association. Despite these constitutional provisions, Uganda has, in the period under review, enacted a number of laws that restricted the exercise of the public freedoms including the Public Order Management Act (POMA) and the Anti-Pornography Act.

**Recommendations:**

- Take urgent steps to provide clear guidelines and procedure in the application of the POMA in line with human rights standards on policing.
- Take steps to urgently amend and harmonize the powers of the Police to control, authorize and ban assemblies in POMA, the Penal Code Act, and the Police Act in line with the international human rights standards

**g) Human Rights and Counter Terrorism**

Uganda's efforts to address the threats of terrorism is appreciated including the adoption and amendment of the Anti-Terrorism Act. However, in a bid to draw the delicate balance between the imperative of averting terrorism and respect for fundamental human rights and freedoms, certain sections of the Anti-Terrorism law, particularly on powers of the Minister of Internal Affairs and the Inspector General of Police, offend human rights.

**Recommendation**

- Take steps to amend the Anti-Terrorism Law and ensure that powers of the IGP are subject to judicial oversight.

**V Economic, Social and Cultural Rights**

**a) Right to the enjoyment of the highest attainable standard of physical and mental health,**

Budgetary allocations to health in Uganda shows an average increase of 20% per annum in absolute terms. However the allocation to health as a percentage of the total budget reduced from 9.6% in 2003/04 to 8.6% in 2014/15. It has also developed a health financing strategy to address the challenges in household out of pocket expenditure on health. Uganda has also prioritized health infrastructure development as reflected in the current health sector development plan and made significant progress towards curbing the rising HIV prevalence in the country. In addition, it has expanded coverage and improved access to ARVs for most HIV positive individuals by increasing the number of ART facilities from 475 in 2011 to 1603 by June 2014. By adopting the WHO recommendations of Option B+ and ART initiation for every HIV+ individual who is below 15 years of age, the country has increased access to ART by HIV+ pregnant women and children to very significant proportions. Furthermore, the rapid scale up of Voluntary Male Medical Circumcision (VMMC) to over 1 million males in just three years has complemented the prevention efforts against new HIV infections.

Despite these gains, the health care financing in Uganda has been largely dependent on household resources (43%) and over dependent on donor funds for key health sector interventions. Health care infrastructure is also a major challenge and physical accessibility to health facilities is still poor particularly in most of the Northern, Western and Eastern regions where the average distance to hospital is 20Kms. Right to health in Uganda is also influenced by a number of social cultural issues, gender stereotypes compounded by inaccurate information or no information, low literacy rates, weak transport and communication systems for referral and significant human resource shortages especially in the rural areas.

## **Recommendations**

- Increase spending on health commensurate with the current high population; establish mechanisms to reduce out of pocket expenditure and strengthen the infrastructure for health including transport and communication for referral.
- Take urgent steps to strengthen the capacity and skills of health workers and improve services offered by health care facilities increase recruitment and retention in rural areas by provision of special allowances for the hard to reach and stay areas and increase coverage for community based interventions.

### **b) Maternal and Infant mortality**

Uganda achieved the MDG 4 having attained 54/1000 live births. It developed a Reproductive Maternal Newborn Child and Adolescent Health (RMNCAH) Sharpened Plan to provide a framework to accelerate progress towards improvement of reproductive, maternal, newborn, child and adolescent health status. The plan prioritizes investments in high impact interventions and with a focus on the most disease burdened regions and population groups. However, Uganda did not meet its MDG target of reducing maternal mortality ratio to 131/100,000 live births by 2015. The slow progress for maternal mortality reduction is attributed to inadequate access to quality lifesaving reproductive and maternal health services, high fertility rate and high unmet needs for family planning services, low access and use of modern contraceptives, unsafe abortions due to unwanted pregnancies, prevalence of child marriages and adolescent pregnancy and insufficient public expenditure on RMNCAH.

## **Recommendations**

- Take steps to increase investments in the health system and infrastructure interventions including numbers of health skilled workers and ensure improvement in equitable distribution and availability of reproductive and child health commodities, supplies and equipment.
- Take necessary steps to scale up integrated RMNCAH services in order to increase physical access and acceptability, pay attention to integrated management of childhood illnesses at community and facility level and ensure provision of gender responsive and human rights programming for RMNCAH service provision.

### **c) HIV/AIDS**

Uganda made gains in the reduction of vertical transmission of HIV/AIDS through policy and programmatic shifts including the adoption of option B+ in 2012 and recently the Child-plus treatment in 2013. With the roll out of the Option B+, the 1st Polymerase chain reaction to detect HIV in DNA (PCR) positivity rates declined from 8.7 per cent from September 2012 to 5.3 per cent by April 2014. The government continues to implement the National OVC Policy and action plan through specific interventions for care and protection of orphans and vulnerable children including children affected by HIV/AIDS. A prototype for the national Condom Logistics Management Information System (CLMIS) was developed by Ministry of Health, a national condom needs assessment was conducted and a national condom Action Plan 2015/17 was prepared.

In terms of systems strengthening, Uganda implemented the 2011/12-2014/15 National Strategic Plan (NSP) for HIV that was aligned to the Global HLM targets, as well as the development of the 2015/16-2019/20 HIV Strategic Plan that is further aligned to the global targets of 90-90-90. Additional efforts include the HIV and AIDS investment case for Uganda 2015, the National M&E plan 2015/16-2019/20 and the 2015/16-2017/18 National plan of action which further intensify the HIV response.

The integration of Tuberculosis and HIV resulted in about 81% of HIV positive TB patients being put on ART in 2014. Uganda has signed a new grant agreement with Global Fund for US\$226 million to fight HIV/TB as well as to build resilient and sustainable systems for health in the country. Uganda has also made progress in the timely compilation and submission of key national and international reports

including the 2014 HIV country progress report, the annual HIV estimation and projection, the 2015 modes of transmission study, the joint annual AIDS review report among others.

Despite these gains, including that the absolute number of HIV/AIDS-related deaths in children aged 0-4 years has decreased by more than half between 2000 and 2012, the number of deaths in adolescents aged 10-19 years has increased from less than 50,000 to over 100,000 during the same period. HIV is now the second leading cause of death among adolescents, with 300 deaths per day. The HIV and AIDS Prevention and Control ACT 2014 contains commendable provisions and presents an opportunity for a strong response against HIV. However, there remains certain clauses believed to render the act ineffective and defeat its main objective, such as Mandatory/Routine HIV testing, Disclosure or Release of HIV Test results to third parties, Attempted Transmission of HIV and Intentionally Transmission of HIV.

Another challenge is that Uganda is still experiencing a generalized HIV epidemic. According to the AIDS Indicator Survey (2011), the HIV prevalence in the general population increased from 6.3% in 2004/5 to 7.3% by 2011. There were marked variations in the prevalence rate by social dynamics and geographical areas with the highest being in the central region (10%) and the lowest being in the Mid-Eastern region (4.1%). The prevalence was higher among women 8.3% compared to men 6.1%. Overall, 3.7% of young women and men age 15-24 are HIV positive.

Also, the overall funding for HIV/AIDS in Uganda remains predominantly donor funded. The national aids spending assessment (2012) demonstrated that in terms of funding for the AIDS response the government of Uganda contributed 12%, development partners 68% and the remaining 20% was financed through private sources and out-of pocket money. Between 2011 and 2014, the estimated number of people living with HIV increased from 1.3 million to 1.5 million. The stagnation of the HIV prevalence could be partly due to the high coverage of ART programs where the number of people living with HIV enrolled on ART increased from around 330,000 in 2011 to about 750,896 in 2014. Uganda has registered a 27% decline in new HIV infections for the period of 2010 to 2014 with a reduction in aids related deaths from about 74,000 in 2004 to 32,000 by the end of 2014 representing a 56% decline.

## **Recommendations**

- Make efforts to enhance the decentralization of HIV services, increase human resources and train health workers on human rights based approaches and resolve supply chain bottlenecks.
- Take steps to strengthen national capacity to improve quality, access and utilization of prevention of mother to-child transmission of HIV (PMTCT), pediatric, maternal and adolescent AIDS/TB care and treatment services and increase public expenditure for the national HIV/AIDS response
- Conduct nationwide size estimation for all MARPS sub-categories to inform targeted and scaled programming at community level as well as the development of national size estimation guidelines that define the local context of MARPS in Uganda.

### **d) Right to Education**

Within the reporting period, primary school enrollment is 96% and over 8.5 million children are enrolled in schools compared to 2.5 million in 1997. The gender gap in primary schools has today narrowed to about 1% (50.5% girls and 49.5% boys). However, approximately 8 per cent of school going age children 6-12 years have never enrolled in primary and there are concerns about the quality of education. The primary completion rate in 2014 was 69% for girls and 71% for boys. There are major regional and district level differences in completion rates. Dropout rates remain high especially among girls as a result of teenage pregnancy, social norms that discourage girls' education and due to lack of sanitary facilities during menstruation. Data from the Ministry of Education show that only 9% of 2.5 million children with disabilities were enrolled in either pre-primary, primary or secondary schools over the 2009-11 period. Within primary schools, a human rights education curriculum is integrated in social studies education. A national action plan on violence against children in schools was launched by the Ministry of education and interventions to prevent and address violence in schools are being implemented. The national Pupil Classroom ratio has improved from 68:1 in 2009 to 57:1 in 2013. Though there has been an increase in the annual education sector funding, its percentage share of the budget has stagnated at around 13.3%.

Despite efforts focused on improving quality of learning, the quality of education in primary schools is still low as demonstrated particularly by the declining literacy and numeracy rates. The national achievement levels in primary school for literacy are currently at 56.20% for P3 and 40.15% for P6; and numeracy rates are at 69.9% in P3 and 40.4% in P6. Rural schools are particularly disadvantaged. The growth of enrolment has increased demand on delivery inputs particularly classrooms, teachers, instructional material and teacher's houses. There exists inequality between urban schools and rural schools. Transition of children from primary to secondary remains low especially among girls. The secondary education budgetary allocation as a percentage of the sector budget has declined from 37 percent in 2009/10 to 28.8 percent in 2013/14.

### **Recommendations**

- Take steps to increase equitable access, quality and sustainability of primary education that is inclusive and innovative to impart relevant knowledge and skills.
- Take steps to urgently address school dropout, low completion rates especially among girls and approve and implement the Uganda Integrated Early Childhood Development Policy, with sufficient funding and targeted interventions for the most vulnerable children.

#### **e) Right to adequate nutritious Food**

While, generally the country is food secure, there are pockets of food insecure communities mainly in Karamoja region inhabited by pastoralist communities. Since 2011, some relevant policies were put in place: the national agriculture policy, the national seeds policy, fertilizer policy, animal feeds policy and regulations on seeds, pesticides and fertilizer. These policies and regulations present opportunity for improved and coordinated delivery of services to increase food production. However, the potential is curtailed by implementation challenges associated with resource limitations as less than 5% of the national budget is allocated for agriculture.

### **Recommendations**

- Take steps to increase resource allocation to support the implementation of agriculture policy frameworks, continued development of capacity of service providers at national and subnational level to empower agriculture value chain actors and need to emphasize on increasing access to quality production inputs and addressing food disruption barriers.

#### **f) Right to Safe Water and Sanitation**

According to the Water and Environment Sector Performance report 2015, the national water coverage for rural areas is 65% from 64% the previous year while functionality is estimated at 88% from 84 % in the previous two years. The urban access to safe water is estimated to be 73% similar to 72.8% in the previous year. However, the average functionality is 92%, up from 89% in the previous year. For treated water sources over the year 99.2% of the sample taken for water quality analysis from treated water supplies complied with the national standards for potable water with regard to bacteriological quality and exceeding the WHO and national standard of 97% and 95% respectively. On average, the overall compliance of both physio-chemical and bacteriological parameters to the national standard was 98.7%.

The same report puts access to sanitation coverage at 77% for rural areas. However most of these latrines do not meet the standard WHO/UNICEF Joint Monitoring Program (JMP), which estimates that only 35% of the rural people in Uganda have access to improved sanitation with 10% estimated to be practicing open defecation. The pupil: latrine stance ratio is 1:67 compared to the acceptable standard of 1:40 while access to hand washing facilities is estimated at 38% for schools.

### **Recommendations**

- Take steps to improve access to and use of safe drinking water and as well as improved sanitation and personal and environmental hygiene practices, including in schools and with particular attention to girls and rural populations.

**g) Right to adequate Housing and land related rights**

The legal and institutional framework for land management is expressed in Chapter 15 of Constitution of the Republic of Uganda and the Land Act (1998). It establishes a plural legal system encompassing constitutional, statutory and customary law. Uganda adopted a land policy in 2013 with the aim of restructuring land rights administration. The ambiguities of the tenure system, the existence of complex and overlapping rights, claims to land, as well as insufficient land dispute resolution mechanisms, as laid out in the law, have exacerbated disputes on land across the country. There are additional challenges affecting the land tenure, such as the return of over one million internal displaced persons in Northern Uganda, and the perspectives of extractive industries, tourism, and other businesses, which rely on the availability of land. The unresolved land conflicts in Northern Uganda have raised human rights concerns related forced evictions. Lack of safeguards and compensations for these practices undermines the rights to adequate housing and security of tenure. In relation to the right to housing, as of 2012, there were 6.82 million households living in housing units with an average household size of 5.0 persons. The national Household Survey of 2012 indicates that overall, 71 percent of households in Uganda lived in dwellings with floors made of earth while only 27 percent lived in dwellings with cement floors.

**Recommendations**

- Take steps to streamline the land use and clarify the roles and capacity of local governments in terms of compensation requirements upon compulsory acquisition. Create appropriate institutional framework aimed to strengthen the land conflict resolution mechanisms.

**VI. Climate Change**

Over the last five years, Uganda has also witnessed a number of natural and human induced disasters that have culminated in the loss of life, destruction of livelihood assets and undermined food security. To reduce the vulnerability of its population, economy and environment to climate change and disasters; and in line with international commitments, Uganda has: (i) developed a National Climate Change Policy (NCCP) 2015 and its costed Implementation Strategy; (ii) integrated the priorities NCCP 2015 in its second National Development Plan (NDP II) 2015/16 -2019/20 as well as key sector policies and development plans (iii) put in place guidelines for integrating climate change in sectoral and local development plans and budgets; and (iv) developed key sectoral National Adaptation Programmes of Action (NAPAs). In addition, Uganda has also developed a national Policy for Disaster Preparedness and Management that establishes the mechanisms and structures for effective and practical management of disasters; instituted and operationalized the National Emergency Coordination and Operations Centre (NECOC) to coordinate emergency responses as well as increase the level of preparedness through contingency planning and early warning; and strengthened the institutional capacity of all 112 District Local Governments to reduce, manage and respond to disaster risk.

Despite these commendable efforts, Uganda’s resilience to the negative impacts of climate change remain abound and thus increase potential for human rights violations. They include inadequate capacity for effective climate change response and adaptation; weak coordination mechanisms for synergistic action and absence of meaningful engagement of the private sector on climate change issues.

**Recommendations**

- Take steps to establish appropriate legal framework for Climate Change Policy implementation and compliance, ensure that efforts to adapt and mitigate climate change are guided by relevant human rights norms and principles including the rights to participation and information, transparency, accountability, equity, and nondiscrimination

- Take steps to enact legislation required to appropriate budget resources needed to institute a mechanism of disaster preparedness and management capabilities.

## **VII. Migrants, refugees, asylum seekers and IDP's**

For over five decades, Uganda has been generously hosting refugees and asylum-seekers. The government has maintained access to territory and asylum for persons forced to flee to Uganda as a result of conflicts and instability. It has a favorable protection environment for refugees including freedom of movement and residence anywhere within the country. Refugees and asylum seekers in Uganda have access to government issued identification documents, birth, death, marriage and education certificates. On 27 April 2015, the Government launched the Refugee Information Management System (RIMS) in line with the requirements of the Registration of Persons Act, which was passed by Parliament in February 2015. This Act makes it mandatory for all persons in Uganda to be registered and that such registration must be compatible with the National Registration Database. Refugees have the right to work and as such refugees have positively contributed to Uganda's economic and social development. Refugees have the right to own property, access education and health services.

Since April 2015, refugees have access to machine readable Convention Travel Documents (CTDs) issued through the Ministry of Internal Affairs which has facilitated their movement and access to business and education opportunities outside Uganda. On 20 January 2012, the Government waived the birth and death registration fee for refugees and this has resulted an increase in registration rates of refugee children born in Uganda. Refugees living in refugee settlements have access to a farming plot, an important foundation for sustainable livelihoods. However, the size (varying between .25 ha and 1.0 ha) and quality of land provided is unlikely to allow refugees to move much beyond subsistence farming. In a bid to further enhance the socio-economic integration of refugees in Uganda, the Government of Uganda has integrated refugee protection and management into the broader national development context by incorporating it into the National Development Plan II.

There is free access for refugees to health care services in Uganda at the same level as nationals. The Government through Ministry of Health has included refugees in the health sector performance reports and in the Health Sector Strategic and Investment plans 2015/6-2020/1. Refugee servicing health facilities benefit from supervision, medicine and medical supplies; and health workers where possible. However, inadequate quantities of medicines and medical supplies from government for the health facilities remains a challenge.

The Government of Uganda is committed to finding alternative legal status for about 15,000 refugees from a group of protracted refugees who have been in Uganda for over two decades and that have developed strong social and family links in Uganda with little, if any, links with their country of origin. The group includes Congolese who fled after the assassination of Prime Minister Lumumba in 1961; Rwandans who fled the genocide and who now would fall within the scope of the Cessation Clause, (1959-1998); South Sudanese who fled the previous civil strife and never repatriated in 2005 after the attainment of self-determination in South Sudan.

### **Recommendations:**

- Implement obligations under the 1954 Convention relating to the Status of Stateless Persons and initiate the process of acceding to the 1961 Convention on the Reduction of Statelessness in line with its pledge in this respect during the 60th Commemoration of the 1951 Convention.
- Align the provisions of the 1995 Constitution, the Refugee Act 2006 and the Citizenship and Immigration Control Act and put in place procedures for naturalization of refugees with strong links to Uganda by virtue of births, marriages and long stay.