



NATIONAL
COALITION OF
HUMAN
RIGHTS
DEFENDERS
UGANDA



**JOINT SUBMISSION TO THE UNIVERSAL PERIODIC REVIEW
(UPR) 40TH, SESSION OF THE UPR WORKING GROUP-THE
UNITED NATIONS HUMAN RIGHTS COUNCIL**

On The Republic of Uganda (3rd Cycle)

THE STATE OF YOUTH RIGHTS IN UGANDA

9TH, JULY, 2021

BY:

**Youth Rights Cluster Under the National Stakeholders' Forum for the
UPR-Uganda**

(Center for Constitutional Governance (CCG) as the Cluster convener; Reach a Hand Uganda (RAHU) as the Co-convener; Youth Line Forum (YLF); Youth Connect Uganda (YCUds); Youth Equality Center (YEC); National Youth Council (NYC); Sexual Reproductive Health and Rights (SRHR) Alliance; Action for Fundamental Change & Development (AFFCAD); Uganda Network of Young people Living with HIV (UNYPA); African Youth Development Link; Taala Foundation; Action for Youth with Disabilities (AYDU); Awesome Minds Speak; Center for Policy Analysis; She Leads Consortium; Thenuel Debate and Literary Fronesis (TDELFF); Kagoma Youth Development Network; Youth Forum for Social Justice; INUA; Smart Youth Network Initiative; Nile girls Forum; West Nile Youth Empowerment Center; Action for Youth Development; Gender and Livelihoods Opportunities For Rural Youth; Amuru Youth Development Forum; Rwenzori Echoes of Hope for Development

CONTACT:

Center for Constitutional Governance (CCG) as the Cluster convener

Plot 14 Muwafu Road, Ministers Village, Ntinda Kampala, Kampala, Uganda

Reach a Hand Uganda (RAHU) as the Co-convener

Plot 7502, Block 244, Heritage Village, Kansanga, Gabba Road

Phone: + 256 414 697 037 Email info@reachahand.org

INTRODUCTION

a) About the Submitting Organisations

1. **The Youth Human Rights Defenders (HRD)** convening under the Youth Rights Cluster are organisations and or individuals that promote and strive for the protection and realization of rights of and fundamental freedoms of the youth at the local, regional, national or international level. This definition includes individuals within the age range of 18 to 30 years, organizations or groups who promote and protect the rights of the youth¹, as well as individuals who are not within the age cohort of 18 to 30 years but strive for the protection of youth's rights.
2. **Center for Constitutional Governance** is a Constitutional watchdog established in 2015 working on promoting constitutional governance in areas of regulatory policy making and governance directing attention towards democratic governance with promotion of civil and political rights in Uganda. CCG has been working on civic space in Uganda since 2015 together with other civic society actors with the enjoyment of fundamental rights and freedoms at the core of this work.
3. **Reach A Hand Uganda (RAHU)** as a co-convenor is a youth serving nonprofit organization based in Uganda that focuses on youth empowerment programs with an emphasis on, Sexual Reproductive Health Rights of young people between the ages of 12–24 years including HIV/AIDS awareness and prevention.

b) About this report

This report is a culmination of efforts of all the 26 member organisations of the Youth Rights Cluster as listed above. The members convened and agreed on the issues to focus on for the report compilation. Various member organisations of the cluster brought in various information from their various expertise on youth rights. Uganda accepted 148 recommendations in the previous 2016 Universal periodic Review. However, there was only one recommendation specifically targeting the Youth and their rights and 5 others indirectly, on human trafficking that affects mainly youth;

- a) 115.139 Continue to implement socioeconomic and development policies for safeguarding the rights of youth (Pakistan);
- b) 115.15 Strengthen its efforts to enforce the Prevention of Trafficking in Persons Act (Timor-Leste);
- c) 115.16 Make further efforts to ensure compliance with the Prevention of Trafficking in Persons Act (Togo);
- d) 115.17 Consider ratifying the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Philippines);
- e) 115.81 Take further steps to combat trafficking of persons (Armenia);

The Report highlights challenges Ugandan youth of ages 18 - 30 years are continuing to face in health, politics, social and cultural environment and general contribution to the development of

the country. We highlight key actions and recommendations for the government of Uganda to work on towards the realization of the rights of youth in the country.

The Cluster express its concerns over the prevailing abuse of rights of youth in Uganda that include the right to assembly, right to health, right to privacy and the rights of minority youth that include refugees, migrant workers and youth with disabilities. In the report, we also express our concerns on the slow progress of laws and reforms governing friendly access of health rights for diverse and intersectional Ugandan youth, meaningful youth participation in governance and the slow ratification and implementation of international laws, instruments and Sustainable Development Goals that directly prioritize the rights of youth in Uganda. In the first section, the report discusses the legal framework that provides for youth rights; section 2 examines the emerging human rights developments on youth rights and concurrently makes recommendations after an issue.

SECTION I:

LEGAL AND POLICY FRAMEWORK GOVERNING YOUTH RIGHTS:

1.1 Progressive efforts at ratification of youth rights related international human rights law instruments under the UN.

The 1948 Universal Declaration on Human Rights is by far the most widely accepted definition of human rights, encompassing civil and political as well as economic, social and cultural rights², all sharing the principles of universality and indivisibility. Its principles have subsequently been further developed in a range of international human rights instruments, some of which have been accepted by most states, others not³. These instruments define specific standards for women, children, disabled persons, migrant workers and other vulnerable groups, as well as collective rights for minorities and indigenous groups. Uganda has also ratified the African Youth Charter which provides direction to national policies, programmes and actions in favor of youth development⁴.

1.2 Efforts at domestication of international law affecting youth rights and institutional reforms

In a progressive step, nationally Article 78(1) (c) of the Constitution of the Republic of Uganda⁵ provides that Parliament shall consist of such numbers of representatives of the army, youth, workers, persons with disabilities and other groups as Parliament may determine. The Fifth Schedule to the Constitution provides for a regional assembly which under section 2(1) (c) shall be composed of representatives of the youth and persons with disabilities. In this aspect, the government of Uganda has continued to provide through legislation, youth political participation platforms to counter their marginalization.

1.3 Establishment of a Department within the Ministry of Gender, Labor and Social Development which handles youth affairs and implements programmes including the Youth⁶.

SECTION II: EMERGING HUMAN RIGHTS DEVELOPMENTS RELATING TO YOUTH RIGHTS (2016-2021)

2.1 Kidnaps, Abductions and enforced disappearances of youth in Uganda

The 2021 elections were characterized by Kidnaps, abductions and enforced disappearances by the Ugandan authorities of youth political activists believed to be of the opposition especially of the newly emerged political party National Unity Party among other political parties. On March 4, 2021, Internal Affairs Minister Jeje Odongo presented a list of names to parliament of 177 youth in military detention who had been arrested between November 18, 2020, and February 8, 2021, allegedly for “participating in riots,” “possession of military stores,” and “meetings planning post-election violence.”

2.2 On March 8, in a public letter to the media, President Yoweri Museveni said that 50 people were being held by the Special Forces Command, a unit of the Uganda Military, for “treasonable acts of elements of the opposition.” The recent spate of enforced disappearances of mainly youth compounded the intense climate of fear in Uganda following the recent violent national elections⁷.

2.3 Arbitrary detention, enforced disappearances, and inhuman or degrading treatment and torture are strictly prohibited at all times under international, regional, and Ugandan law under Articles 24 and 44 of the Constitution of Uganda. Progressively, Uganda ratified the UNCAT in 1987 and domesticated it in 2012 by enacting the Prevention and Prohibition of Torture Act No.3 of 2012 and its Regulations passed in 2017. The prohibition not only obligates governments to comply with the law, but entails a duty to investigate when suspected violations occur and prosecute those responsible⁸. Enforced disappearances and torture of youth may also constitute and be prosecuted as a crime against humanity if they form part of a state-sponsored policy or practice, or are part of a broader attack against civilians by state authorities⁹.

2.4 Recommendations

- a. The Government of Uganda should implement the use of the Prevention and Prohibition of Torture Act of 2012 and the attendant regulations in prosecuting both state and non-state perpetrators of torture.
- b. Government of Uganda should immediately present to Court for a fair hearing or release all youth political activists unlawfully detained incommunicado for having dissenting political opinions from those of the government..
- c. Government of Uganda to undertake and make public expedient investigations into the excessive use of force by the police and military agencies before, during and after the 2021 General elections leading to the death of 54 people mainly Youth.

2.5 Exorbitant, deterrence fees for political participation by youth

According to the Public Policy Institute (PPI) in their most recent study on youth political participation in Uganda¹⁰, found that many Ugandan youth, women and young people are excluded from entering and participating in politics because they cannot afford the amounts of monies involved. This excludes them from their right to participate in the leadership and governance of their country. Overall, the average amount of money spent by a candidate during the 2016 primary and general elections was estimated by the study to be 465 million Ugandan shillings (UGX) or 136,084 US dollars (USD) for parliamentary candidates, and UGX 237.5 million (USD 69,505) for Local Council V (LCV) chairpersons. At parliamentary level, the study found that candidates from the mainstream constituencies spent UGX 458.2 million while female counterparts running for affirmative action district women's seats spent UGX 496.4 million over both primary and general elections.

2.6 The average amount of money spent by participants during the party primary elections ahead of the 2016 general elections was UGX 222 million (USD 64,969) and UGX 118 million (USD 34,533) for parliamentary candidates and LCV chairpersons, respectively. These estimates are irrespective of level of success, political party or gender. The average amount of money spent during the parliamentary and LCV elections ahead of the 2016 general elections was UGX 242.9 million (USD 71,085) and UGX 118.6 million (USD 34,708) for parliamentary candidates and LCV chairpersons, respectively.

2.7 The average cost of maintaining an office on a monthly basis is UGX 32 million (USD 9,363) for parliamentary office holders, with the Central region the most expensive at UGX 48 million (USD 14,045), followed by Western at UGX 30 million, Northern at UGX 28 million and Eastern at UGX 25 million (USD 7,320).

2.8 The cost of politics is negatively influencing Uganda's nascent democracy. This politics of patronage is driving a "clientele" electoral system, where ruling party candidates exploit state resources to allocate money or gifts to the electorate throughout the electoral cycle. This consequently undermines the right of voters to make free choices during elections, thereby corrupting their ability or willingness to seek political accountability for the delivery of public services. Furthermore, the increasing cost of politics undermines the functionality of political parties and organisations, and instead elevates individuals with resources and connections to centers of power totally eliminating the common Ugandan youth who cannot afford such costs. Ultimately, several categories of Ugandans including youth and women are excluded from electoral and political participation because they cannot afford the costs required.

2.9 Recommendations

- a. Improve the transparency of the electoral process, provide equal conditions for all candidates, prevent obstruction of the media and the Internet, and
- b. Ensure the independence of the National Elections Management Body-The Uganda Electoral Commission to guarantee free and fair electoral processes;
- c. Government of Uganda to undertake impartial and independent transparent investigations into the alleged elections fraud and all human rights violations, that occurred during the electoral violence in the 2020–2021 general elections, and guarantee

that those responsible will be brought to justice

2.10 Human Trafficking of youth

We commend the Ugandan Government for developing legislative and policy frameworks and bodies to combat human trafficking, for example the Human Trafficking Institute of 2015 that has dedicated itself to combating modern slavery by empowering law enforcement to stop traffickers. The Institute has met with Ugandan leaders and planned the creation of specially-trained anti-trafficking units dedicated exclusively to combating human traffickers and the criminal infrastructure that enables them. The Institute is currently working with the Ugandan government to conduct trafficking investigations and prosecutions of traffickers.¹¹

2.11 Despite these efforts, legal and policy gaps persist, and implementation remains inconsistent. The largest group and biggest contributor of labour migration is the Ugandan youth. This has contributed to Uganda's Tier 2 Watch List rating on the recently released 2020 USA Trafficking in Persons Report (a rating reserved for countries that do not meet the minimum standards of the United States Trafficking Victims Protection Act (TVPA) but are making efforts to do so)¹².

2.12 Recommendations

- a. Create and implement a more repository Labour Rights Index that is more active contribution to Sustainable Development Goal 8 on decent jobs especially for youth.
- b. Government of Uganda should strengthen coordination among ministries and agencies at all levels of Government for the effective combating human trafficking disguised as labour externalization including by ensuring appropriate human and financial resources as well as capacity for key institutions engaged in handling migration issues, such as the Ministry of Foreign Affairs, the Ministry of Gender, Labour and Social Development, the Directorate of Citizenship and Immigration Control, the National Citizenship and Immigration Board and the Uganda Human Rights Commission.
- c. Government of Uganda to consider ratifying or acceding to the ILO Migration for Employment Convention (Revised), 1949 (No.97) and the Domestic Workers Convention, 2011 (No.189).
- d. Government of Uganda to develop education and training programmes to all officials and other persons working in migration-related areas including labour export companies on the laws of human trafficking. The government should also ensure that migrant workers have access to information about their rights and that it work with civil society organizations and the media to disseminate such information on combating human trafficking.
- e. Government of Uganda Step up its efforts to enforce the Prevention of Trafficking in Persons Act;
- f. Government of Uganda to undertake to allocate sufficient resources for the implementation of strategies to detect and eliminate trafficking in persons;

- g. Government of Uganda to consider undertaking an evaluation of the phenomenon of trafficking in persons and compile systematic disaggregated data to better combat trafficking in persons, especially women and children, and bring perpetrators to justice;
- h. Provide protection and assistance to all victims of human trafficking, in particular by providing shelters, medical care, psychosocial and other support to assist in their reintegration into society;
- i. Strengthen training for law enforcement officials, judges, prosecutors, labour inspectors, teachers, health care workers and the staff of Uganda's embassies and consulates, and disseminate more widely information on trafficking in persons and on assistance to victims.
- j. Mainstream international labour laws into domestic laws that progressively address labour market measures during pandemics and human crisis and further sign bilateral labour agreements with peer countries to protect the rights of Ugandan migrant workers who are majorly youth.

2.13 Unemployment and Underemployment:

More than 75% of Uganda's population is below the age of 30, with the country having one of the highest youth unemployment rates at 13.3%—the number of youth actively looking for a job as a percentage of the labor force—in Sub-Saharan Africa¹³. Uganda hosts the most refugees in Africa, and has one of the most progressive refugee policies in the world. However, the voices of youth show that policy and practice often vary. Youth still in school, and those looking for jobs contend that the demand for good jobs exceeds supply. Lack of soft skills and networking opportunities is also a key constraint. There is limited access to internship opportunities, which makes it harder for youth in the job market to acquire the relevant experience required by employers. Those who are already in salaried employment also decried the lack of mentorship. Youth who are about to join the job market are concerned about lack of networks, information, and money required to enable them to acquire their first job¹⁴. Apprenticeships are of low quality, costly, unregulated, and utilizing outdated technology.

2.14 Recommendations

- a. Government of Uganda should consider providing capital and tax incentives that include tax waivers on small businesses and business start-ups that are mainly undertaken by the youth.
- b. Government consider undertaking reforms in the education curriculum to emphasize a more hands-on skills education that makes and readies youth for a modern work environment that prioritizes entrepreneurship.
- c. Government of Uganda should implement the Youth Livelihood Programme (YLP) and the Youth Livelihood Fund (YLF) government programmes established under the National Youth Policy (NYP) to support young people to find employment by extending grants to start small businesses and thus create employment for other young jobseekers.

2.15 Rising rates of Teenage Pregnancies during Covid-19

Uganda before the Covid-19 pandemic broke out was struggling with one of the highest teenage pregnancy rates in sub-Saharan Africa at 25%. In Uganda, Covid-19 has resulted in an increased rate of teenage pregnancy. In order to gain basic necessities like sanitary towels, girls have engaged in transactional sex with men who take advantage of their need for money. In the districts of Kitgum, Ngora, Kyegegwa, Kases and Lyantonde, there have been more than 2,372 teenage pregnancies during the first phase of the lockdown.¹⁵ In addition, sexual gender based violence and increased cases of young women and girls being locked down during the pandemic with their abusers was and is still on the rise. Adding to the burden, many girls are left without a partner and find themselves having to be the breadwinners of their families.

2.16 Teenage pregnancies, among other risk factors, are adding to the number of girls who are not in school and adding to the increased number of school drop outs. Even before Covid-19, there were 98 million adolescent girls worldwide who were not in school and research suggests the pandemic could add an additional 20 million. Furthermore, Incidence of early-childhood marriage is also on the rise as poverty caused by the pandemic has forced families to marry off their daughters to help alleviate financial burdens. In Uganda, at least 128 school-age girls have been married off in the Kyegegwa, Rakai, Kamira Sub-county, Luweero District alone.¹⁶

2.17 It should be noted that Covid-19 has also resulted in a secondary health with girls have tried to remove their unborn babies themselves to terminate unwanted pregnancies. They are also at increased risk of violence, abuse, exploitation and neglect. The pandemic has also resulted in limited access to health services for girls and prescription medication has been very limited. And, the effects on girls' mental health are equally as troubling. Without their support systems, many girls have no outlet for the stress they are feeling during this devastating time.

2.18 Recommendations

- a. The Ugandan government should implement existing policies on sexuality education to improve uptake and access to sexual and reproductive health information and services like the National Sexuality Education Framework
- b. Government of Uganda should revise and repeal laws criminalizing and prohibiting access to safe abortion services and information by young people.
- c. Government of Uganda should increase number of youth friendly health centers, in communities and in schools to encourage young women and girls report and open up about cases of sexual violence for redress.
- d. Government of Uganda consider passing and adopting the National School Health Policy and Adolescent Health Policy that provide a more comprehensive guide on access to sexual and reproductive health and rights services and information for both in and out

of school youth.

2.19 Sexual harassment at work places

Young women and girls mostly in the different work environments share similar experiences of Sexual Harassment (SH). Across the board, there is a deliberate normalization of SH as part of the workplace culture and there is always pressure and coercion to conform to people in higher ranks in the work space and male colleagues. Women who resist are talked down to by other women who essentially tell them to grow up and accept the circumstances. Others are told that they would not advance in their careers if they did not accept sexual propositions thrown their way. Although the forms of sexual harassment vary very slightly across the sectors, all sectors examined showed that SH is a harmful workplace behavior.

2.20 Manifestations of SH reported includes; persistent solicitation for sex through phone messages, physical propositioning, physical touch and verbal harassment. This suggests that social class and status does not particularly mitigate the likelihood of being sexually harassed. Women who engaged with clients the most report SH from that group, new recruits at any workplace, and women who are not well off financially are reported to be more vulnerable to SH especially in the informal sector¹⁷.

2.21 An analysis of the legal and policy framework on SH show glaring gaps in dealing with sexual harassment. For example, the Employment (Sexual Harassment) Regulations, 2012 which is the instrument charged with enumerating on SH and recommending penalties limits the application of sexual harassment policies to workplaces that have at least 25 employees, which leaves a large swathe of Ugandan workplaces unprotected. Good practices include things such as not only availing sexual harassment policies but being deliberate about training new employees and giving refresher trainings on SH, a commitment from top management on zero tolerance on SH appear to influence workplace culture on the same.

2.22 Recommendations

- a. Government of Uganda should revise and review the Employment (Sexual Harassment) Regulations of 2012 to cover work spaces of less than 25 employees
- b. Government of Uganda should domesticate international labour rights legislation into domestic law to further guarantee the protection of rights of employees.

¹ Accessible at <http://www.hrcug.org/publications/file/Youth%20HRDs%20report2.pdf>

² Accessible at <http://gsdrc.org/docs/open/rights.pdf>

³ Accessible at <https://www.iglyo.com/wp-content/uploads/2015/09/IGLYO-Position-Paper-Human-Rights-2012.pdf>

⁴ Accessible at <https://au.int/en/treaties/african-youth-charter>

⁵ Accessible at https://statehouse.go.ug/sites/default/files/attachments/Constitution_1995.pdf

⁶ Accessible at <https://mglsd.go.ug/>

⁷ The Guardian, 'Uganda arrests American for Subversive Activities', 2021 Accessible at <https://guardian.ng/news/uganda-arrests-american-for-subversive-activities/>

⁸ The Observer, 'End Abductions-Human Rights Watch Tells Museveni,' 2021 Accessible at <https://observer.ug/news/headlines/68880-end-abductions-human-rights-watch-tells-museveni>

⁹ Human Rights Watch, 'End Enforced Disappearances of Opponents,' 2021 Accessible at <https://www.hrw.org/news/2021/03/11/uganda-end-enforced-disappearances-opponents>

¹⁰ Accessible at <https://nimd.org/wp-content/uploads/2020/10/Cost-of-Politics-Uganda.pdf>

¹¹ Accessible at <https://borgenproject.org/human-trafficking-in-uganda/>

¹² Accessible at <https://reliefweb.int/sites/reliefweb.int/files/resources/2007Policy-Brief>

¹³ Accessible at <https://blogs.worldbank.org/nasiliza/we-want-to-be-heard-the-voices-of-ugandas-young-people-on-youth-unemployment>

¹⁴ Accessible at <https://bankersjournalug.com/we-want-to-be-heard-the-voices-of-ugandas-young-people-on-youth-unemployment/>

¹⁵ Accessible at <https://globalgirlsglow.org/the-consequences-of-covid-19-for-girls-in-uganda/>

¹⁶ Accessible at <https://globalgirlsglow.org/the-consequences-of-covid-19-for-girls-in-uganda/>

¹⁷ Accessible at https://www.akinamamawaafrika.org/?smd_process_download=1