



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Concluding observations on the initial report of Uganda*

1. The Committee on Economic, Social and Cultural Rights considered the initial report of Uganda on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/UGA/1) at its 36th to 38th meetings (E/C.12/2015/SR.36–38), held on 10 and 11 June 2015, and adopted the following concluding observations at its 50th meeting, held on 19 June 2015.

A. Introduction

2. The Committee welcomes the initial report submitted by the State party despite the considerable delay, the supplementary information provided in the replies to the list of issues (E/C.12/UGA/Q/1/Add.1) and the State party's common core document (HRI/CORE/UGA/2015). The Committee also appreciates the oral replies to questions posed during the dialogue with the State party's delegation despite its limited composition, which affected its capacity to respond to all the questions.

B. Positive aspects

3. The Committee welcomes the ratification by the State party of the following international human rights instruments:

(a) Convention on the Rights of Persons with Disabilities and its Optional Protocol, in September 2008;

(b) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in May 2002;

(c) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and pornography, in 2001;

(d) International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100), in 2005; Discrimination (Employment and Occupation) Convention, 1958 (No. 111), in 2005; Minimum Age Convention, 1973 (No. 138), in 2003; and Worst Forms of Child Labour Convention, 1999 (No. 182), in 2001.

* Adopted by the Committee at its fifty-fifth session (1–19 June 2015).



4. The Committee also welcomes the adoption of the following legislative and policy measures:

- (a) Anti-Money-Laundering Act, 2013;
- (b) Domestic Violence Act, 2010;
- (c) Prohibition of Female Genital Mutilation Act, 2010;
- (d) Prevention of Trafficking in Persons Act, 2009;
- (e) Equal Opportunities Commission Act, 2007;
- (f) Employment Act, 2006;
- (g) Employment (Employment of Children) Regulations, 2012;
- (h) National Land Policy, 2013;
- (i) National Action Plan on Elimination of the Worst Forms of Child Labour (2012/2013–2016/2017);
- (j) National Development Plans (2010/2011–2014/2015);
- (k) National Employment Policy, 2011;
- (l) National Gender Policy, 2007.

C. Principal subjects of concern and recommendations

Domestic application of the Covenant

5. In view of the fact that the Covenant has no direct applicability in the domestic legal order, the Committee is concerned that not all Covenant rights are protected in the State party's Constitution or laws and hence are not justiciable in courts (art. 1).

The Committee recommends that the State party take legislative and other appropriate measures to fully incorporate the Covenant into national laws so as to ensure the applicability of all Covenant rights in domestic courts. It should ensure that legal and judicial training take full account of the justiciability of these rights, and that it promote the use of the Covenant as a source of domestic law. The Committee draws the State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant.

The judiciary

6. The Committee is concerned about institutional weaknesses in the judiciary, notably the insufficient number of judges despite the increasing workload that leads to protraction of court cases and in turn denial of justice, including in cases on economic, social and cultural rights.

The Committee encourages the State party to reinforce the judiciary, including by allocating the necessary resources and increasing the number of judges so that justice can be accessed and achieved without delay.

Data collection

7. The Committee regrets the absence of adequate and up-to-date statistics that would allow for an accurate assessment of the fulfilment of economic, social and cultural rights in the State party (art. 2 (1)).

The Committee recommends that the State party encourage data collection and the production and use of statistics for human rights indicators, including for economic, social and cultural rights. In this respect, the Committee refers the State party to the conceptual and methodological framework for human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (HRI/MC/2008/3). The Committee requests that the State party include in its next periodic report statistical data on the enjoyment of each Covenant right, disaggregated by age, sex, ethnic origin, urban/rural population and other relevant status, on an annual comparative basis.

Maximum available resources

8. The Committee is concerned about the insufficient resources allocated to key sectors, notably social protection, health, housing, agriculture and education, which are of significant importance for the enjoyment of economic, social and cultural rights (art. 2).

The Committee recommends that the State party reprioritize its allocation of resources and steadily increase the share of the public budget available to these sectors with a view to ensuring the progressive realization of the rights contained in the Covenant.

National human rights institution

9. The Committee is concerned about the insufficient budgetary resources allocated to the Uganda Human Rights Commission, as this negatively affects the Commission's ability to carry out its mandated activities. It is also concerned about the State party's failure to implement decisions taken by the Commission and to follow up on reports issued by it (art. 2).

The Committee encourages the State party to increase the resources allocated for the effective functioning of the Uganda Human Rights Commission, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Committee also recommends that the State party implement decisions taken by the Commission and that it follow up on its reports.

Corruption

10. While noting with appreciation the enactment of the Anti-Money-Laundering Act in 2013, as well as the adoption of anti-corruption measures, the Committee remains concerned that the Act may not be sufficient to prevent illicit financial flows by private companies. The Committee is also concerned about the persistence of corruption in the State party, particularly in the health sector. The Committee is further concerned about the lack of information on the impact of measures taken to combat corruption, including the Anti-Corruption Court (art. 2 (1)).

The Committee encourages the State party to step up its efforts to address illicit financial flows, including by addressing transfer pricing by foreign investors. The Committee recommends that the State party intensify its efforts to combat corruption, including by increasing transparency in the public sector and ensuring the effective functioning of all anti-corruption measures, and to provide information in its next periodic report on the impact of measures taken, including to protect anti-corruption activists.

Civil society

11. While welcoming the active participation of the many non-governmental organizations (NGOs) during the current reporting cycle, the Committee remains concerned that the 2014 draft bill on NGO registration (amendment) expands the Government's powers to register, monitor and dissolve NGOs, including those working on social, economic and cultural rights.

The Committee recommends that the State party strengthen its cooperation with civil society. It also recommends that the State party amend the draft bill on NGO registration and ensure that its provisions respect the independence of NGOs and their activities in defending human rights, including economic, social and cultural rights.

Land rights

12. The Committee is concerned that many persons remain without a formal ownership title over their house and land, and about the persistence of land disputes exacerbated by overlapping claims and rights over land. The Committee is also concerned at the delays in amending the 1998 Land Act, with a view to protecting in particular the rights of access to and ownership of land by women, pastoralists and customary landowners, including communities. The Committee is further concerned about the inadequate implementation of the Land Policy (art. 1).

The Committee recommends that the State party harmonize its legal framework governing land rights and that all land-related laws, notably the Land Act and the Forest Act, also be amended in the light of the 2013 Land Policy, which provides additional protection to customary landowners and to indigenous peoples' right to land. The State party should further take measures to implement the Policy effectively, including through allocation of the necessary resources. The Committee refers in this regard to the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of national food security, adopted in 2012 by the Committee on World Food Security of the Food and Agriculture Organization of the United Nations (FAO).

Indigenous peoples

13. The Committee is concerned that many indigenous peoples, including the Benet, Batwa and Pastoralist communities, are denied access to their ancestral lands and are prevented from preserving their traditional way of living. The Committee is also concerned about the inadequate definition of indigenous peoples in the State party's Constitution coupled with a complete absence of information on the actual enjoyment of Covenant rights by indigenous peoples (art. 1).

The Committee recommends that the State party recognize indigenous peoples' rights to their ancestral lands and natural resources. The Committee urges the State party to engage in consultations with indigenous peoples to enable them to give their free, prior and informed consent regarding development activities that have an impact on access to their lands. It also recommends that the State party consider accession to the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). Furthermore, the Committee recommends that the State party include recognition of indigenous peoples in the Constitution in line with the United Nations Declaration on the Rights of Indigenous Peoples, and strengthen efforts to consult indigenous peoples and ensure the effective enjoyment of their economic, social and cultural rights.

Extraction activities

14. The Committee is concerned about increasing incidents of land grabbing in the State party owing to extraction activities. The Committee is concerned that oil and gas extraction as well as mining activities are carried out without prior and meaningful consultation with communities whose lands lie beneath these projects. It is also concerned about the disproportionate effect land grabbing has on women and customary landowners (art. 1).

The Committee recommends that the State party strengthen the legal framework governing extraction and mining activities. It urges the State party always to enter into prior and meaningful consultations with the communities concerned before granting concessions for the economic exploitation of the lands, and fulfil the obligation to obtain their free, prior and informed consent, including and in particular that of women and customary landowners. The Committee also recommends that the State party guarantee that in no case will such exploitation violate the rights recognized in the Covenant and that just and fair compensation be granted to the communities concerned. It should further ensure that these activities as well as the resources generated bring about tangible benefits to the enjoyment of economic, social and cultural rights by the population.

Non-discrimination

15. The Committee is concerned about the lack of comprehensive anti-discrimination legislation that encompasses all prohibited grounds of discrimination, and about the prevalence of societal stigma and discrimination on the grounds of sexual orientation, gender identity, sex, ethnicity and disability. It also regrets the lack of information on the mandate and the actual functioning of the Equal Opportunities Commission (art. 2 (2)).

Recalling its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, the Committee recommends that the State party:

(a) Adopt a comprehensive anti-discrimination law that includes all the grounds for discrimination set out in article 2 of the Covenant;

(b) Take steps to combat and prevent discrimination and societal stigma, in particular against persons with disabilities, persons with albinism and lesbian, gay, bisexual, transgender and intersex individuals, and ensure their enjoyment of the rights enshrined in the Covenant, in particular access to housing, employment, social security, health care and education;

(c) Allocate the resources necessary for the Equal Opportunities Commission to discharge its role effectively and independently.

Discrimination on the grounds of sexual orientation and gender identity

16. The Committee is highly concerned about the draft law on the “prohibition of promotion of unnatural sexual practices” that discriminates against persons on grounds of their sexual orientation and gender identity, as well as about the criminalization of consensual same-sex sexual conduct in the State party’s Penal Code. The Committee is also concerned about information that there has been an increase in arbitrary detention and police abuse of lesbian, gay, bisexual, transgender and intersex persons since the passage of the Anti-Homosexuality Act in 2014 (art. 2 (2)).

The Committee urges the State party to withdraw the draft law on the “prohibition of promotion of unnatural sexual practices” and to urgently take steps to amend the Penal Code to decriminalize consensual same-sex sexual conduct. The Committee also urges the State party to investigate, deter and prevent acts of

discrimination against lesbian, gay, bisexual, transgender and intersex people, bring perpetrators to justice and provide compensation to victims.

Economic, social and cultural rights in northern and north-eastern Uganda

17. The Committee notes with concern that the northern and north-eastern regions of Uganda have been more affected by the history of conflict and insecurity in the State party than the rest of the country. While appreciating measures taken to address regional inequalities, the Committee remains concerned about the persistence of regional disparities in the enjoyment of Covenant rights, including an adequate standard of living, housing, sanitation, maternal health care and education, mainly affecting communities living in the northern and north-eastern regions of Uganda, particularly in the Karamoja subregion in the north-east (art. 2 (2)).

The Committee recommends that the State party effectively implement initiatives aimed at improving the enjoyment of Covenant rights by the populations in the northern and north-eastern regions, including and in particular the Karamoja subregion, adopt other well-resourced measures as necessary and provide information in its next periodic report on the impact of these measures.

Equality between men and women

18. The Committee is concerned about the existence of sex-based discriminatory provisions in the State party's legislation, including the Succession Act, the Divorce Act and the Marriage Code. It is also concerned about the long delay in adoption of the Marriage and Divorce Bill. Furthermore, the Committee is concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in all spheres of life, which prevents women from owning lands, contributes to the limited political participation of women and deepens occupational sex segregation and the concentration of women in low-paid sectors (art. 3).

Recalling its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights, the Committee recommends that the State party:

(a) Step up its efforts to achieve legislative reform, and to this end abolish, as a matter of priority, all the remaining discriminatory provisions against women in its national laws;

(b) Intensify its efforts to adopt the Marriage and Divorce Bill without further delay, and raise awareness among the judiciary, prosecutors, the police and the general public about the provisions of these laws once they are adopted to ensure their full implementation;

(c) Take effective measures, including through implementation of the National Gender Policy, to eliminate traditional practices and stereotypes that discriminate against women and raise awareness of this subject, targeting women and men at all levels of society, including traditional and religious leaders, in collaboration with civil society.

Right to work

19. The Committee is concerned that measures to address the high rate of unemployment in the State party among the youth and persons with disabilities have not been effective (art. 6).

The Committee recommends that the State party implement the National Employment Policy effectively. It also calls on the State party to:

(a) Study the root causes for the acute unemployment rate among the youth, and based on this analysis embark on well-resourced programmes and initiatives aimed at progressively reducing youth unemployment;

(b) Strengthen the system of job quotas for persons with disabilities, reintroduce tax benefits as incentives for hiring them, establish an efficient enforcement procedure and remedies and take into consideration the Committee's general comment No. 5 (1994) on persons with disabilities.

Informal economy

20. The Committee notes with concern that workers are concentrated in the informal economy of the State party and that they are not adequately covered by labour and social protection regulations (art. 7).

The Committee recommends that the State party take all the measures necessary to reduce progressively the extent of the informal economy and increase employment opportunities in the formal labour market. In the interim period, the State party should also take steps to ensure that all workers, including in the informal economy, fully enjoy their economic, social and cultural rights. In this connection the Committee draws the State party's attention to ILO recommendation No. 204 (2015) concerning the Transition from the Informal to the Formal Economy.

Minimum wage

21. The Committee is concerned that the minimum wage in the State party has not been revised since 1984 (art. 7).

The Committee urges the State party to revise the minimum wage without further delay in close collaboration with social partners and ensure that it allows a decent living for workers and their families.

Working conditions and labour inspectorate

22. The Committee is concerned that laws protecting the health and safety of workers remain largely unimplemented. It is also concerned about the limited human and financial resources provided to the labour inspectorate as well as to the Industrial Court (art. 7).

The Committee recommends that the State party ensure effective implementation mechanisms for the labour laws, increase the number of trained labour inspectors throughout the State party and provide the Industrial Court with the necessary resources for it to discharge its role effectively.

Trade union rights

23. While noting that the Constitution and the Labour Union Act (2006) provide for the right to join and form trade unions, the Committee remains concerned about the limited representation of workers in trade unions and about the limited awareness of workers concerning the role of trade unions (art. 8).

The Committee recommends that the State party take measures to raise the awareness of workers on the importance of trade unions and achieve a more effective implementation of labour laws with a view to increasing workers' representation through trade unions.

Social security system

24. While noting that the State party is developing social protection plans, the Committee is concerned that the current social security system does not include health insurance and unemployment benefits, and that workers in the informal economy who make up a large portion of all workers in the State party are excluded from social protection. It is also concerned that only 2 per cent of older persons are covered by social protection. Moreover, the Committee is concerned about arrears in public sector benefits, and that the cash transfer scheme is donor dependent (art. 9).

Recalling its general comment No. 19 (2007) on the right to social security, the Committee recommends that social security reforms ensure social security schemes are developed and implemented on a non-discriminatory basis targeted to the most vulnerable groups and individuals, and include health insurance and unemployment benefits. The Committee also recommends providing access to pensions that are sufficient to enable an adequate standard of living. Furthermore, the State party should take measures to render the cash transfer scheme sustainable and ensure that it is implemented with a human rights-based approach. The Committee also recommends that the State party consider establishing social protection floors, in line with ILO recommendation No. 202 (2012) concerning National Floors of Social Protection for the realization of the right to social security and the Committee's statement on social protection floors adopted on 6 March 2015.

Violence against women

25. The Committee is concerned about the prevalence of violence against women, in particular domestic and sexual violence. It is also concerned about the inadequate implementation of the Domestic Violence Act, delays in adopting the Sexual Offences Bill, the underreporting to the police by victims of violence and the resorting to traditional ways of mediation that often override women's rights. The Committee is further concerned about the limited number of protection and recovery services and facilities provided to victims (art. 10).

The Committee urges the State party to take measures to strengthen the enforcement of the Domestic Violence Act, including by sensitizing the judiciary, prosecutors and the police on the provisions of the Act. It should adopt and effectively implement the Sexual Offences Bill. The Committee also recommends that national awareness-raising campaigns be conducted to combat all forms of violence against women and girls and to encourage victims of violence to report such cases to the police. The Committee further recommends that the State party strengthen measures aimed at protecting and rehabilitating victims of violence.

Harmful practices against women and girls

26. The Committee is concerned that polygamy is still legal in the State party and widely practised. It is also concerned about the persistence of early marriage and forced marriage especially in rural areas. It is further concerned that despite the legal prohibition, female genital mutilation is still practised in the Karamoja and eastern subregions (arts. 3 and 10).

The Committee recommends that the State party, as a matter of priority, take comprehensive measures aimed at eliminating all harmful practices against women and girls. To this end the State party should:

(a) Adopt effective measures aimed at abolishing the practice of polygamy, including by conducting a nationwide awareness-raising campaign targeting all components of society, in collaboration with civil society, with the aim of fostering a

culture of equality between women and men that creates the conditions necessary for the adoption of a legal provision criminalizing polygamy;

(b) Raise awareness of the age at which it is legal to enter into marriage, ensure strict adherence to the constitutional provision on the minimum age for marriage and that all laws, including customary laws, are in compliance, and adopt and implement the action plan on early marriage, as indicated during the dialogue;

(c) Ensure effective implementation of the prohibition of female genital mutilation, prevent and investigate such incidents, bring perpetrators to justice and rehabilitate victims;

(d) Conduct widespread educational campaigns on the adverse effects of early and forced marriage as well as female genital mutilation.

Protection of children

27. The Committee is concerned about the large number of children aged 6–13 years engaged in labour activity in the State party. The Committee also expresses its concern at the increasing number of street children and about the widespread violence against children, including corporal punishment at schools, at home and in care institutions. The Committee is further concerned that about 5 million children under the age of 5 are not registered (art. 10).

The State party recommends that the State party effectively implement the National Plan of Action on Elimination of the Worst Forms of Child Labour and monitor instances of child labour in order to ensure its gradual eradication, in accordance with the Worst Forms of Child Labour Convention, 1999 (No. 182). The State party should also consider adopting a comprehensive plan on protection of children, provide measures to assist street children and children in care institutions, and prohibit corporal punishment. The Committee requests that the State party increase its efforts in ensuring universal birth registration, inter alia by revising the Birth and Death Registration Act as necessary. It should also raise awareness among parents about the importance of birth registration, including as a means to prevent early marriage and child labour, particularly in rural areas.

Poverty

28. While appreciating that poverty has declined in recent years, the Committee notes with concern the high incidence of poverty in rural areas, northern Uganda and the Karamoja subregion, and among persons with disabilities, indigenous peoples and older persons. The Committee is also concerned about the inadequate implementation of poverty-reduction policies (art. 11).

Recalling its statement on poverty and the International Covenant on Economic, Social and Cultural Rights (2001), the Committee recommends that the State party step up its efforts to combat poverty and improve the standard of living of all Ugandans. It should pursue and strengthen measures to alleviate poverty in regions that are more vulnerable to poverty, paying particular attention to persons with disabilities, indigenous peoples and older persons. Moreover, the State party is encouraged to ensure that all policies aimed at poverty reduction, including the National Development Plan, are adequately resourced and effectively implemented with a human rights-based approach and in collaboration with social partners.

Right to housing

29. The Committee is concerned about the poor housing conditions, especially in northern Uganda, the shortage of housing units and the emergence of informal settlements that are characterized by poor infrastructure and insufficient access to basic services. The Committee is also concerned that access to social housing is limited and private sector based (art. 11).

The Committee recommends that the State party redouble its efforts to address the housing conditions in northern Uganda and effectively address the shortage of housing units with a view to securing the right to adequate housing to those living in informal settlements. To this end the State party should, among other things, effectively implement the National Development Plan. It is also encouraged to consider providing social housing to the most disadvantaged and marginalized individuals and groups. The Committee draws the State party's attention to its general comment No. 4 (1991) on the right to adequate housing in this regard.

Forced evictions

30. The Committee is concerned about repeated cases of forced evictions of communities as well as lack of compensation to those communities or provision of alternative housing. The Committee is particularly concerned about the case of Mubende District, whose inhabitants were evicted from their homes in 2001 because of the Kaweri Coffee Plantation, and about the fact that so far the legal redress that the district's inhabitants were able to obtain did not include restitution of land rights. Moreover, the Committee expresses concern about information on many incidents of eviction of tenants following the passage of the Anti-Homosexuality Act in 2014. The Committee is also concerned about the absence of information on the extent of homelessness in the State party (art. 11).

Taking into account its general comment No. 7 (1997) on the right to adequate housing: forced evictions, the Committee urges the State party to:

- (a) Refrain from forcibly evicting individuals and expropriating land, including in the context of development projects. It recalls that in cases where eviction or relocation is considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law;**
- (b) Immediately take measures to ensure that the rights of the Mubende community, as well as of all other forcibly evicted communities, are restored;**
- (c) Investigate all reported cases of illegal evictions of lesbian, gay, bisexual, transgender and intersex persons and ensure they are compensated;**
- (d) Consider developing a legal framework on forced evictions that includes provisions on effective and meaningful consultation, adequate legal remedies and compensation;**
- (e) Include disaggregated data in its next periodic report on the extent of homelessness in the State party and measures taken to address it.**

Right to adequate food

31. The Committee is concerned about the delays in adopting the Food and Nutrition Bill 2009, which would allow for the development of a national strategy on the right to food. The Committee is also concerned that:

- (a) Malnutrition is widespread, leading to stunting among almost one third of children, and that food insecurity is persistent in northern Uganda and among households headed by women;
- (b) Food production is adversely affected by the limited investment in agriculture;
- (c) Support and protection to small-scale farmers is inadequate (art. 11).

The Committee recommends that the State party expedite the adoption of the Food and Nutrition Bill and the approval of the National Food and Nutrition Strategy, which would provide the platform and agenda for realizing the right to adequate food of all Ugandans. It should more effectively address malnutrition and food insecurity and target the most marginalized and disadvantaged individuals and groups. Moreover, it should increase investment in agriculture as a means of improving food production, especially by small-scale farmers for their communities, and ensure that foreign investors do not adversely affect the rights of these farmers, including their right to food. The Committee draws the State party's attention to its general comment No. 12 (1999) on the right to adequate food and to the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the FAO Council in 2004.

Right to health

32. The Committee is concerned about the decrease in the health budget and at disparities in access to health care by poor individuals and families. It is also concerned that most hospitals are inaccessible to persons with disabilities and lack the necessary medical supplies as well as appropriate accommodation. The Committee is further concerned that lesbian, gay, bisexual, transgender and intersex persons are frequently denied access to health care and, in particular, that same-sex partners face serious difficulties in accessing HIV/AIDS-related prevention, treatment, care and support services (art. 12).

The Committee recommends that the State party include the right to health in its Bill of Rights and in relevant laws, as necessary. It urges the State party to raise progressively the budget allocations to the health sector with a view to reaching the benchmark agreed in the Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases. The Committee also recommends that the State party strengthen its efforts to provide everyone access to quality health care and take steps to address challenges faced by persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons in access to health care, including HIV/AIDS-related care.

Maternal and child mortality rates

33. The Committee is concerned that maternal, infant and under-5 mortality rates remain very high in the State party, and that many of these deaths are preventable, notably among women dying from delivery complications. It is also concerned that implementation of related laws and policies is inadequate (art. 12).

The Committee recommends that the State party intensify its efforts to reduce maternal and child mortality rates and, to that end, ensure effective implementation of related laws and policies, reinforce access, especially in rural areas, to sufficiently equipped facilities that provide antenatal, perinatal and postnatal care, and remove any disparity in such access, including on grounds of education or poverty. The Committee also recommends that the State party take into consideration the technical guidance on the application of a human rights-based approach to the implementation

of policies and programmes to reduce preventable maternal morbidity and mortality (A/HRC/21/22 and Corr.1 and 2).

Mental health

34. The Committee is concerned about the Mental Health Bill, which is outdated and includes derogatory language and discriminatory provisions. The Committee is also concerned about the lack of specialized mental-health personnel, especially in rural areas (art. 12).

The Committee recommends that the State party expedite the adoption of the Mental Health Bill and ensure that it includes the rights of mental-health patients. It should also take steps to strengthen the presence of qualified mental-health personnel in rural areas.

Sexual and reproductive health

35. The Committee is concerned that the conditions under which an abortion may be permitted in the State party are too restrictive. It is also concerned about the prevalence of unsafe abortions, which are a major cause of maternal mortality in the State party. The Committee is further concerned about the high rate of teenage pregnancy in the State party and at the inadequate sexual and reproductive health-care services and education for adolescents as well as the limited supply and use of contraceptives (art. 12).

The Committee recommends that the State party revise its abortion legislation, including by considering decriminalizing abortion and providing for exceptions to the general prohibition on abortion in certain cases. It should also raise awareness on the legal exceptions among women and medical health-care personnel and ensure women's access to abortion and post-abortion care services without discrimination in order to combat the prevalence of unsafe and illegal abortions. The Committee also recommends that the State party redouble its efforts to bring down the high rate of teenage pregnancies and ensure the accessibility, availability and affordability of sexual and reproductive health services, particularly in rural areas. It further recommends that the State party expand and reinforce comprehensive and age-appropriate sexual and reproductive health education for both sexes in the curricula of primary and secondary schools, and introduce education and awareness-raising programmes for the public at large.

Right to education

36. The Committee appreciates the strides made by the State party to improve children's enrolment in primary school and achieve gender parity at this level. It remains concerned, however, at the lack of statistics concerning completion rates at all school levels. It also expresses concern at the:

(a) High school dropout rates and low transition rate of pupils from primary to secondary level, especially among girls, mainly attributed to early marriage, teenage pregnancy and excessive housework;

(b) Deteriorating quality of education in public schools, hidden costs, lack of motivation and absenteeism of teachers that may be related to low salaries and outdated teaching materials;

(c) Widening of the gap in access to quality education resulting from the increase in the provision of private education, disproportionately affecting girls and children of low-income families;

(d) Limited inclusion of children with disabilities in mainstream schools, the absence of targeted training for teachers and the high expenses associated with enrolling these children in schools for children with special needs, which leads to them dropping out (arts. 13 and 14).

Recalling its general comment No. 13 (1999) on the right to education, the Committee recommends that the State party assume primary responsibility for the provision of quality education to all children. To this end it should:

(a) **Develop and effectively implement plans aimed at discouraging children, girls in particular, from dropping out of school and provide the support services necessary to enable pregnant adolescents to continue their education;**

(b) **Allocate sufficient resources to the education sector with a view to improving the infrastructure of schools, including with regard to sanitation, the working conditions of teachers and teaching materials;**

(c) **Strengthen regulations and expand monitoring and oversight mechanisms for private education institutions;**

(d) **Urgently take measures to ensure inclusive education of children with disabilities, including through compulsory training of teachers (beyond special-education teachers), and barrier-free physical access to schools and their facilities.**

Cultural rights

37. The Committee is concerned about the absence of a separate budget for culture in the State party and the insufficient allocation of resources to local bodies to promote cultural activities. It is also concerned about the limited scope for the exercise of cultural rights by indigenous peoples and ethnic minorities. It is particularly concerned about the information that the Batwa culture is at risk of extinction (art. 15).

The Committee refers the State party to its general comment No. 21 (2009) on the right of everyone to take part in cultural life. The Committee encourages the State party to consider allocating adequate resources to culture, including to local bodies in order to promote cultural activities and ensure protection of traditional knowledge and skills, in particular for women. It also recommends that the State party pay particular attention to the promotion and preservation of cultural rights of indigenous peoples and ethnic minorities, including the Batwa culture.

D. Other recommendations

38. **The Committee recommends that the State party consider ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

39. **The Committee also recommends that the State party consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.**

40. **The Committee notes the information provided by the delegation about the many challenges faced by the State party in implementing its treaty obligations. In order to improve the implementation of economic, social and cultural rights, the Committee recommends that the State party, apart from stepping up its own efforts to generate additional resources at the domestic level, increase its efforts to seek international cooperation and assistance. In this connection the Committee draws the State party's attention to its general comment No. 3 (1991) on the nature of States parties' obligations.**

41. The Committee invites the State party to continue and strengthen its collaboration on issues relating to economic, social and cultural rights with the Office of the United Nations High Commissioner for Human Rights, the specialized agencies and relevant United Nations programmes.

42. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society, particularly among parliamentarians, public officials and judicial authorities, and to inform the Committee in its next periodic report on the steps taken to implement them. It also encourages the State party to engage NGOs and other members of civil society in the process of implementation of the present concluding observations, prior to the submission of its next periodic report.

43. The Committee requests the State party to submit its second periodic report by 30 June 2020, and invites the State party to update its common core document, as required, in accordance with the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN/2/Rev.6, chap. I).
