



Economic and Social Council

Distr.: General
5 December 2013

Original: English

Committee on Economic, Social and Cultural Rights

Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic Social and Cultural Rights

Initial reports submitted by States parties due in 1990

Uganda*

[6 December 2012]

* The present document is being issued without formal editing.

GE.13-49434



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List of abbreviations

ACT	Artemisinin Combination Therapies
ADB	African Development Bank
AFP	Acute Flaccid Paralysis
AHSPR	Annual Health Sector Performance Report
AIDS	Acquired Immuno-Deficiency Syndrome
ANC	Ante Natal Care
APH	Ante Partum Haemorrhage
ART	Anti-retroviral Therapy
ARVs	Antiretroviral Drugs
AT	Area Team
AZT	Azidothymidine
BCC	Behavioral Change and Communication
BCG	Bacille Calmette Guerin
BTVET	Business Technical Vocational Education and Training
BFHI	Baby Friendly Health Initiative
BOP	Best Operational Practices
CAO	Chief Administrative Officer
CB-DOTS	Community Based TB Directly Observed Treatment
CBOs	Community Based Organizations
CDC	Centre for Disease Control
CDD	Control of Diarrheal Diseases
CDP	Child Days Plus
CMD	Community Medicine Distributor
CPHL	Central Public Health laboratories
CSO	Civil Society Organization
CYP	Couple Years of Protection
DANIDA	Danish International Development Assistance
DCCAs	District Cold Chain Assistants
DDT	Dichlorodiphenyltrichloroethane
DHO	District Health Officer
DHT	District Health Team
DLT	District League Table
DOTS	Directly Observed Treatment, short course (for TB)
DPs	Development Partners
DPT	Diphtheria, Pertussis (whooping cough) and Tetanus vaccine
DTLS	District TB/Leprosy Supervisor
EID	Early Infant Diagnosis EMHS Essential Medicines and Health Supplies

EmOC	Emergency Obstetric Care
ENT	Ear, Nose and Throat
ESIP	Education Strategic Investment Plan
EQA	External Quality Assessment
FAL	Functional Adult Literacy Programme
FMS	First Monitoring Survey
FP	Family Planning
FUE	Federation of Uganda Employers
FY	Financial Year
GAVI	Global Alliance for vaccines and Immunization
GDP	Gross Domestic Product
GLRA	German Leprosy Relief Association
GOU	Government of Uganda
HAART	Highly Active Anti-Retroviral Therapy
HANDSEDS	Handicraft Sector Export Development Strategy
HBMF	Home Based Management of Fever
HC	Health Centre
HCI	Health Care Improvement
HCT	(HIV/AIDS) Counselling and Testing
HDP	Health Development Partners
HIB	Haemophilus Influenzae type B
HIV	Human Immuno-Deficiency Virus
HMIS	Health Management Information System
HPA	Hospital /HC IV Performance Assessment
HPAC	Health Policy Advisory Committee
HRH	Human Resource for Health
HSD	Health Service District
HSD	Health Sub-Districts
HSSIP	Health Sector Strategic Investment Plan
HSSP	Health Sector Strategic Plan
HUMC	Health Unit Management Committees
ICN	International Council of Nursing
ICT	Information Communication Technology
ICU	Intensive Care Unit
IDSR	Integrated Disease Surveillance and Response
IEC	Information Education and Communication
IGG	Inspector General of Government.
IMAM	Integrated Management of Acute Malnutrition
IMCI	Integrated Management of Childhood Illness

IST	In-service training
ITNs	Insecticide Treated Nets
IVM	Integrated Vector Management
IYCF	Infant and Young Child Feeding
JAF	Joint Assessment Framework
JBSF	Joint Budget Support Framework
JICA	Japan International Cooperation Agency
JMS	Joint Medical Stores
JRM	Joint Review Missions
LF	Lymphatic Filariasis
LLINs	Long Lasting Insecticide Treated Nets
LTIA	Long Term Institutional Arrangements
MAAIF	Ministry of Agriculture, Animal Industries and Fisheries
MDG	Millennium Development Goals
MGLSD	Ministry of Gender Labour and Social Development
MoES	Ministry of Education and Sports
MTCBS	The Medium Term Competitive Business Strategy
M&E	Monitoring and Evaluation
MCH	Maternal and Child Health
MDGs	Millennium Development Goals
MDR	Multi-drug Resistant
MH	Mental Health
MMA	Mass Medicine Administration
MMR	Maternal Mortality Rate
MOFPED	Ministry of Finance, Planning and Economic Development
MoGLSD	Ministry of Gender, Labour and Social Development
MOLG	Ministry of Local Government
MOH	Ministry of Health
MOPS	Ministry of Planning and Survey
MOPS	Ministry of Public Service
MOU	Memorandum of Understanding
MTEF	Medium Term Expenditure Framework
NAADS	National Agricultural Advisory Services
NCD	Non Communicable Diseases
NCRL	National Chemotherapeutic Research Laboratories
NCRL	National Chemotherapeutics Research Laboratory
NDA	National Drug Authority
NAADS	National Agricultural Advisory Services
NAES	National Agricultural Education and Training Strategy

NARS	National Agricultural Research System
NDP	National Development Plan
NGOs	Non Governmental Organizations
NHA	National Health Assembly
NHP	National Health Policy
NMCP	National Malaria Control Strategic Plan
NMS	National Medical Stores
NTDs	Neglected Tropical Diseases
NTLP	National Tuberculosis and Leprosy Control Program
NOTU	National Organization of Trade Unions
NRA	National Resistance Army
NRM	National Resistance Movement
OBB	Output Based Budget
OH &S	Occupational Health and Safety
OPD	Outpatients Department
OPM	Office of the Prime Minister
OPV	Oral Polio Vaccine
ORS	Oral Rehydration Salt
ORT	Oral Rehydration Therapy
PAF	Poverty Action Fund
PAM	Plan for Modernization of Agriculture
PEAP	Poverty Eradication Action Plan
PHA	People with HIV/AIDS
PHAST	Participatory Hygiene and Sanitation Transformation
PHC	Primary Health Care
PLWHA	People with HIV/AIDS
PMA	Plan for Modernization of Agriculture
PMI	President's Malaria Initiative
PMTCT	Prevention of Mother to Child Transmission
PNFP	Private Not for Profit
PRDP	Peace Recovery and Development Plan
PSR	Poverty Status Report
PWD	Persons with Disabilities
QAD	Quality Assurance Department
RDT	Rapid Diagnostic Test
RH	Reproductive Health
RPF	Re-use Prevention Features
RRH	Regional Referral Hospital
RUTF	Ready to Use Foods

ROM	Result Oriented Management
SEP	Strategic Exports Programme
SER	Socio- Economic Rehabilitation
SHSSPP	Support to the Health Sector Strategic Plan Project
SIDA	Swedish International Development Agency
SME	Small and Medium scale Enterprise
SMER	Supervision, Monitoring, Evaluation and Research
SDIP	Social Sector Development Investment Plan
SP	Sulfadoxine/Pyrimethamine
STI	Sexually Transmitted Infection
SUO	Standard unit of Output
SWAP	Sector-Wide Approach
TB	Tuberculosis
TMC	Top Management Committee
TT	Tetanus Toxoid
TVET	Technical, Vocational Education and Training
TWG	Technical Working Group
UBOS	Uganda Bureau of Statistics
UBTS	Uganda Blood Transfusion Services
UEPB	Uganda Export Promotion Board
UCMB	Uganda Catholic Medical Bureaux
UDHS	Uganda Demographic and Health Survey
UNDP	United Nation Development Programme
UGFATM	Uganda Global Fund for AIDS, TB and Malaria
UNHS	Uganda National Household Survey
UNEPI	Uganda Expanded Programme on Immunization
UNFPA	United Nations Fund for Population Activities
UNHRO	Uganda National Health Research Organizations
UNMHCP	Uganda National Minimum Health Care Package
UNICEF	United Nations Children's Fund
UPMB	Uganda Protestant Medical Bureaux
USAID	United States Agency for International Development
UVRI	Uganda Virus Research Institute
UVQF	Uganda's Vocational Qualification Framework
VCT	Voluntary Counseling and Testing
VHT	Village Health Teams
VPH	Veterinary Public Health
WHO	World Health Organization
YSP	Yellow Star Program

I. Introduction

1. The Government of the Republic of Uganda has the honour to submit to the Committee on Economic, Social and Cultural Rights, in conformity with article 16 of the International Covenant on Economic, Social and Cultural Rights, its initial report under the Covenant. This report has been compiled in accordance with the guidelines available on preparation of a report under ICESCR.

A. Land and people (including economic, social and cultural characteristics)

2. Uganda lies astride the Equator between Latitudes 4°N. and 1°S., and Longitudes 29°E. and 35°E. She shares a border with Kenya(East); South Sudan(North); Democratic Republic of the Congo (DRC) (West); Rwanda(South-West); and Tanzania (South). The country covers a total area of 245,000 square kilometres; out of which one-sixth is covered by fresh water. She is home to the source of the River Nile. Fifty eight percent of Lake Victoria, the second largest fresh water Lake in the World, is in Uganda. Uganda is located on the East African Plateau at an average height of 1,100 meters (3,609 feet) above sea level. Uganda is endowed with abundant gifts of nature. The Official languages are English and Kiswahili (a dialect widely spoken in Eastern and Central Africa). Uganda has a multi-ethnic and multi-lingual population estimated at 33 million (2011). Its estimated gross national income per capita is US \$ 300 (PPP); and Gross Domestic Product (GDP) growth rate of 7%.

3. Agriculture contributes approximately 28.9% of the GDP, Industry 19.1% and services 42.7%. Uganda labour force stands at 13.4 million (UNHS 2009/10). Industrial production growth rate is at 5.8%. Uganda's donor dependence dropped from 30.4% of the budget to 25.9% in the financial year 2009/10 on account of Government policy to consolidate fiscal operations and enhancing our revenue while reducing donor influence.

4. Poverty levels fell from 31.1% in 2005/2006 to the current level of 24.5 % in 2009/2010. However the poverty levels for Northern Uganda are the highest and higher than the National average at 46,2%. The poverty levels have reduced mainly due to resettlement of people formerly displaced by the war in northern Uganda and increased economic activities in other parts of the countries due to a favorable macroeconomic environment.

5. Other socio economic indicators include; Total Fertility Rate was 6.7 births per woman according to the Uganda Demographic and Health Survey (UDHS) of the year 2006, literacy rate according to the Uganda National Household Survey of 2009/10 was 73% for persons aged 10 years and above an improvement from 69% in 2005/06. Male literacy is 79% as compared to 66% for females, 65.6 percent of the working population is in the agricultural sector, Latrine coverage improved from 63 percent in 2008 to 68 percent in 2009, Agriculture contributed approximately 21 percent to GDP in 2009 at current prices and 90 percent of the total export earnings.

B. General political structure

6. The 1995 Constitution of the Republic of Uganda provides for a multiparty democracy in which an elected President is vested with executive power. To balance power

and allow for checks the Executive arm of Government is complemented by the constitutionally established Legislature and the Judiciary as the other arms of Government.

(a) The Executive is made up of a Cabinet of Ministers appointed by the President and approved by Parliament. The Constitution provides the order of hierarchy of persons in Uganda to be as follows; The President, Vice President, Speaker of Parliament and Chief Justice.

(b) The Legislature is made up of Members of Parliament directly elected by the people and or elected as representatives of special interest groups including Women, Persons with Disabilities, Workers, Youth and the Military. The term of Parliament lapses after every 5 years.

(c) On its part the Judiciary is constituted by Judges of the Supreme Court, Court of Appeal, and High Court. Other Judicial officers within the Court structure include the Registrars of High Court and Magistrates Courts.

(d) The hierarchy of the courts is as outlined above. The High Court in particular has ten circuits established in the districts of Arua, Fortportal, Gulu, Jinja, Lira, Masaka, Masindi, Mbarara, Mbale, Soroti, all of which are manned by Judges of the Court. It also has seven specialised divisions to wit; Anti Civil, Corruption, Criminal, Family, Land, Commercial, and War Crimes. These divisions are administratively created in part to address the backlog of cases within the High Court. In each of the Courts in the judicial structure, women have representation at all levels including in Magistrates Courts. The court system in Uganda is dual, carrying both formal and informal qualities. The informal court system was established by the 1987 Resistance Committee Courts (Judicial Powers) Statute now Local Council Courts Act 2006

(e) In addition clause 1(d) of Article 129 of the Constitution empowers Parliament to establish Qadhi' Courts for marriage, divorce, inheritance of property and guardianship, as may be prescribed by Parliament." But at present these do not exist.

(f) Magistrate Grade II Courts function as Family and Children's Courts as provided for under Sections 14 and 16 of the Children Act, Cap 59 of the Laws of Uganda. There are also special courts like the General Court Martial.

C. General legal framework

International instruments to which Uganda is a party

7. Uganda is a party to numerous human rights conventions and legal instruments. These include the following:

- (a) The African Charter on Human and People's Rights (Ratified, 10 May 1986).
- (b) Universal Declaration of Human Rights.
- (c) International Covenant on Economic, Social and Cultural Rights (Ratified, 21 Jan. 1987).
- (d) International Covenant on Civil and Political Rights (Ratified, 21 June 1995).
- (e) Convention on the Elimination of All Forms of Discrimination against Women (Ratified, 22 July 1985).
- (f) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ratified, 14 Nov. 1995).
- (g) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ratified, 3 Nov. 1986).

- (h) Optional Protocol on the ICCPR (Ratified 14 Nov. 1995).
- (i) The International Convention on the Elimination of All Forms of Racial Discrimination (Ratified 21 Nov. 1980).
- (j) Convention on the Rights of the Child (Ratified, 17 Aug. 1990).
- (k) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Ratified, 6 May 2002).
- (l) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. (Ratified, 30 Nov. 2001)
- (m) The African Charter on the Rights and Welfare of the Child (Ratified, 17 Aug. 1994).
- (o) Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Ratified, 22 July 2010).
- (p) Convention on Rights of Persons with Disabilities (Ratified 25th September 2008)
- (q) ILO Conventions No. 138, Minimum Age Convention, No. 17 on Workmen's Compensation (Agriculture) Convention, Nos. 11, 12, 17, 19, 26, 29, 45, 50, 64, 65, 81,86, 87, 94, 95, 98, 100 on Equal Remuneration, No. 105, 111, 122, 123, 124, 143, 144 154, 158, 159, 162, 182, on promotion of collective bargaining, migrant workers among others.

8. Uganda undertakes to honour treaty obligations and to this end endeavours to interpret the various articles contained in the Covenant in good faith with a view to realising each Covenant's objectives. This commitment is reiterated under principle xxviii of Uganda's foreign policy objectives enshrined in the Constitution. Among other things, the foreign policy of Uganda shall be based on the principles of respect for international law and treaty obligations and opposition to all forms of domination, racism and other forms of oppression and exploitation.

9. Furthermore, the Uganda Constitution also imposes a general duty on the state to bring domestic laws into conformity with obligations under international law. However rules and obligations imposed by international law will not be binding on Uganda unless they are ratified and translated into national law, but courts can rely on ratified provisions to make judgements through judicial activism. Hence, under article 123 (2) Parliament shall make laws to govern ratification of treaties, conventions agreement or other arrangements committing Uganda in the International sphere.

D. Information and publicity

10. As noted above, the Government of Uganda is committed to promotion and protection of human rights including economic, social and cultural rights. To this end it has in the Constitution provided for economic, social cultural rights extensively in its National Objectives and Principles of State Policy for guidance in the interpretation of the Constitution.

11. The Government' commitment to promote the Covenant rights is demonstrated in the establishment of various institutions ranging from the Judiciary, Parliament, line ministries, Amnesty Commission, Equal Opportunities Commission and the Uganda National Human Rights Commission whose mandate includes the sensitization of the population on human rights. The Commission has undertaken awareness programmes to the Police, Army, Government departments and civil society.

12. Although, the provisions of the Covenant have not all been domesticated into national law, substantial provisions have been domesticated and effected as will be seen in the discussion that follows below.

E. Legal status and specific implementation of the Covenant

Legal status of the ICESCR

13. The International Covenant on Economic, Social and Cultural Rights applies to Uganda, it having been ratified on the 21st day of January 1987 and entered into force on the 21st April 1987. Uganda is yet to sign and ratify the Optional Protocol on Economic Social and Cultural Rights.

14. Uganda is a dualist State and as such all international instruments that she adopts and or ratifies do not apply directly. Upon ratification, the Treaty or other instrument has to be domesticated under the Treaties Ratification Act. The Covenant on ESCR is therefore not directly enforceable in Uganda. It may also be noted that the Constitution of Uganda provides and recognizes in its Chapter IV some economic, social, cultural rights which may be enforceable.

15. The majority of the economic, social and cultural rights as outlined in the Covenant are merely highlighted in the Constitution as National Objectives and Principles of State Policy without enforceability mechanisms as compared to those that appear in Chapter IV thereof.

16. Although the State recognizes the Covenant under International Law it has not been domesticated into Ugandan law to give effect to its provisions in its entirety. This notwithstanding, Ugandan Courts have adjudicated some rights such as the right to a clean and healthy environment however there has been little or no reference to the Covenant when interpreting or enforcing relevant domestic legislation.

17. Uganda has not made any Declarations or Reservations under the Covenant on Economic Social and Cultural Rights.

F. Role of international cooperation

18. The Government of Uganda in its efforts to meet her obligations under the Covenant has established partnerships and initiatives with its development partners and in so doing received support towards Government programmes relating to the Covenant rights discussed in the body of this report. Support has been from International Agencies and International Financial Institutions, Foreign Governments from North America including the USA and Canada, the EU Member states, Asian and Far East states as well as other African states.

II. Reporting on the substantive provisions (information relating to each of the articles in Parts I, II and III of the Covenant)

Article 1 — Right to self-determination

19. The Constitution of the Republic of Uganda provides that all power belongs to the people who shall exercise their sovereignty in accordance with the Constitution. The authority in the State emanates from the people of Uganda; and the people shall be governed through their will and consent. The people shall express their will and consent on who shall govern them and how they should be governed, through regular, free and fair

elections of their representatives or through referenda. Additionally Chapter IV, a Bill of Rights in the Constitution guarantees fundamental rights and freedoms. The people of Uganda above 18 years do elect their leaders through regular elections every 5 years.

20. The right to self-determination in Uganda has been implemented through a number of measures including legislative and administrative. The Constitution of the Republic of Uganda, 1995, provides for National Objectives and Directive Principles of State Policy. The Objectives and Principles are provided to guide all organs and agencies of the state, all citizens, organizations and other bodies and persons in applying or interpreting the constitution or any other law and in taking and implementing any policy decisions for the establishment and promotion of a just, free and democratic society, protection from deprivation of property:¹ The Constitution guarantees the right to education² for every person in Uganda. It also protects the right of minorities to participate in decision making processes and provides for the inclusiveness of their views and interests in the making of national plans and programs.³ The right of every person to belong, enjoy, practice, profess maintain any culture, cultural institution, language, tradition, creed or religion in community with others is guaranteed.⁴ Every Ugandan's right to a clean and healthy environment⁵ is guaranteed by the Constitution and so are economic rights.⁶ Where any of the above and other rights have been infringed or threatened, provision is made in the Constitution allowing for any person claiming so to apply to a competent court for redress which may include compensation.⁷

1. Recognition and protecting indigenous communities, ownership of the lands and territories

21. The Constitution of the Republic of Uganda also recognizes and protects the rights of indigenous communities to own land and in situations where the land has to be compulsorily acquired, and then a fair and adequate compensation has to be made to the indigenous communities affected by such acquisition.

22. The Government of Uganda has developed framework in the Constitution of the country, the national culture policy to guide and coordinate culture. The policy has been developed from a history of administrative measures established after independence such as a Ministry of Culture and Community development, Legislative measures including; The Historic Monuments Act, Cap. 46; Uganda National Cultural Centre, 1965 Amendments Act, Copy Rights Act, 1964 (now repealed) and the Stage plays and Public Entertainment Act, Cap. 49.⁸

23. Under the Wild Life Act,⁹ the Uganda Wild Life Authority a body established to oversee wildlife protection in the country, is mandated to allocate 20% of park entry fees paid by tourists to local government of the area for community initiatives through Community Protected Areas. About US\$5 and US\$4 have been collected on gorilla tracking permits and additional community developments since 2004.¹⁰

¹ Article 2

² Article 30

³ Article 30

⁴ Article 37

⁵ Article 39

⁶ Article 40

⁷ Article 50

⁸ Uganda National Culture Policy, 2006, pp 5-6.

⁹ Section 69(4).

¹⁰ Forest Peoples programme, Securing Indigenous People's Rights in Conservation: A review of South-West Uganda, Sept 2008, p.9

24. The National Forestry and Tree Planning Act, (2003)¹¹ and the Uganda Wild Life Act (2000) accordingly allow for local communities to access forests for traditional uses provided the uses are compatible with sustainable development; recognize historical rights of persons who resided in conservation areas.¹² The national culture policy recognizes that the population of Uganda is made up of 65 indigenous communities.¹³ Amongst these indigenous communities, the National Culture Policy also recognizes that there are indigenous minorities and hence the need to ensure their protection.¹⁴

2. Challenges

25. The Government appreciates that some of the Benet communities do not have enough land to carry out their traditional practices and also cultivate food and therefore continues to explore measures to address these issues including encouraging members of these communities to move to other areas where land can be secured. With respect to the Karamoja area, Government continues to experience challenges because of the pastoral nature of life that the Karamojong live and therefore most programmes are not easy to implement.

Article 2 — Progressive realisation of rights

26. Uganda as a country has taken steps towards realization of Economic social and cultural rights either individually or in cooperation with other states and agencies. The state is committed to realization of economic social and cultural rights and has taken steps towards realization of the same since ratification of the Covenant in 1987 mainly through economic and technical assistance. This has been done to the maximum of available resources. The enjoyment of social economic rights is based on the Constitutional provisions of equality and non-discrimination for all Ugandans.

27. The Government of Uganda recognizes the right of every person to be employed and receive adequate compensation for the work done as well as the right to join trade unions for the purposes of protecting economic and social interests on the other hand and collectively bargain and seek representation. However for non-nationals to enjoy these benefits, they must legally be in the country and must have applied for and received a visa and work permit issued by the Ministry of Internal Affairs except if the person is from a visa exempt country.

Article 3 — Non-discrimination and equality

28. The Constitution of the Republic of Uganda¹⁵ provides a framework that promotes gender mainstreaming in the government, for example in Principle VI NODSP provides for gender balance and fair representation of marginalized groups on all Constitutional and other bodies under following articles; Article 21 outlaws discrimination on the grounds of sex, article 32 provides for the responsibility of the state to take affirmative action in favour of groups marginalized on the basis of gender; Article 33 spells out the rights of women including being accorded full dignity with men, the right to equal treatment and right to affirmative action and stresses that the state shall provide facilities and opportunities for the welfare of women.

¹¹ See section 33

¹² See part IV of the Act

¹³ See The Constitution of the Republic of Uganda, 1995, Schedule 3

¹⁴ Uganda national Culture Policy, p.24.

¹⁵ The Republic of Uganda 1995 Constitution is the supreme law of the land

29. Article 32 (2) of the Constitution provides for the establishment of an Equal Opportunities Commission. The mandate of the Commission is to eliminate discrimination and inequalities against any individual or group of persons on the grounds of gender, age, race, colour, ethnic origin, disability or other reason occasioned by history, tradition or custom. Accordingly, in 2007, the Equal Opportunities Act was enacted and in 2010 the Commission created under the Act was set up with four out of five members sworn in by the Principal Judge of the High Court of Uganda as he then was, Justice James Munange Ogoola. The Commission is presently composed of four members three of whom are women including the chairperson.¹⁶ The process for identification and appointment of the fifth commissioner is on.

30. The Government has adopted the Beijing Platform for Action (BPFA) and the Uganda National Action plan on Women (NAPW) which have guided sectoral and district planning by flagging out the key concerns for women's advancement in priority areas.

31. The Government ratified the Maputo Protocol in 2010 with reservations. Article 14 (2) (c) of the Maputo Protocol¹⁷ outlines the objective of the document. It provides plainly that "States Parties shall take all appropriate measures to protect the reproductive rights of women by authorizing medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the fetus." Although abortion is still illegal in Uganda, tremendous improvements in the reproductive health of women have been achieved. Cultural practices that undermine women's reproductive health such as female genital mutilation have been outlawed and a lot of resources have been committed to this cause.¹⁸

32. The Government of Uganda has put in place a national machinery for the advancement of Women and gender mainstreaming such as the Ministry of Gender, Labour and Social Development. The Ministry oversees the implementation of Gender equality and women Advancement programmes nationally. It is charged with working with several organs, players from within and internationally to ensure that all gender issues are mainstreamed into different development projects and programmes. The national machinery works in collaboration with different stakeholders including the Uganda Human Rights Commission, CSOs like Uganda Association of Women lawyers and other likeminded organisations. Other relevant institutions include the National Women's Council-a statutory organ for the mobilization of women from grassroots to national level, Directorate of Gender and mass mobilization and the Uganda Women Parliamentary Association.

33. The Republic of Uganda adopted a National Gender Policy¹⁹, whose aim is to mainstream gender concerns in national development processes through guiding resource allocation in all sectors. In addition, Uganda adopted the first National Action plan for monitoring the implementation of CEDAW for the period 2007-2010. The plan identified 5 critical areas for action to result in women empowerment and advancement. These include legal and policy framework, social and economic empowerment of women, reproductive health, girl child education, peace-building, conflict resolution and freedom from violence.

¹⁶ The Commissioners include Mrs. Rita Matovu also the chairperson, Mrs. Malole Zaminah, Mrs. Erinah Baingana and Mr. Wafula Sirabo.

¹⁷ The Maputo Protocol was originally adopted by the "Assembly of the African Union" in Maputo, Mozambique on July 11, 2003. The official document is titled "Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa."

¹⁸ (Ministry of Gender, Labor and Social Development Report, 2009)

¹⁹ The National Gender policy 2007 of the Republic of Uganda

Challenges

34. The National Gender Policy which is the overall policy for promoting gender equality still faces a number of challenges which can be categorized in four major areas:

(a) Technical constraints in the form of inadequate skill / capacity in all sectors, limited availability of simplified tools for mainstreaming, and lack of ownership - the feeling that the responsibility to address gender concerns lies with MGLSD or GFPs;

(b) Financial constraints resulting from the fact that gender equality budget allocations have been very low at all levels;

(c) Socio-cultural constraints demonstrated by resistance towards gender equality among decision makers, planners and implementers at all levels; and

(d) Institutional constraints evidenced lack of an incentive system / boundary system with rewards for implementing the NGP and the imposition of sanctions for failing to incorporate gender equity in program planning.

(e) In spite of the progressive provisions in the Constitution on non-discrimination, in practice women continue to experience discrimination on the basis of sex and gender particularly in areas such as access to productive resources such as land and business capital.

Article 6 — Right to work

1. Measures taken to reduce unemployment

35. The Government of Uganda has worked tremendously to reduce unemployment through legislation and strategic interventions as described below;

(i) Employment and labour laws

- Government in 2006 revised, amended and enacted new laws. On the 8th June
- 2006, parliament of Uganda hence passed four labour laws to guide the functioning of the labour market and the employee-employer relations as well as safe guard the rights of workers including health while at the work place.

(a) The Employment Act, 2006: consolidates all the laws governing individual employment relationships and the governance of the labour market. It protects against forced labour, discrimination and sexual harassment. The regulations made there under of 2011 guide the work of the key institutions with the mandate to protect rights of worker.

(b) The Labour Unions Act 2006 regulates the establishment, registration and management of labour unions in the country thereby giving the employees the right to organize themselves into any labour unions that can bargain collectively for employee's rights, withdraw labour and take industrial action when the rights are abused. The regulations of 2011 guide the work of labour unions and their functioning.

(c) Labour Disputes (Arbitration and Settlement) Act 2006: first revised the law relating to industrial relations and hence replaced the Trade Disputes (Arbitration & Settlement) Act. The law establishes the industrial court dealing with disputes between employers and employees and between labour unions relating to employment or non-employment, terms of employment and conditions of labour of any worker(s). The Industrial Court Regulations 2012 will provide the basis for the proceedings before the industrial court.

(d) Occupational Safety & Health Act 2006 replaced the Factory Act and consolidates and updates the law relating to occupational safety and health.

(ii) The Poverty Eradication Action Plan 2004 - 2008

- During this policy plan numerous strategies were used to create employment opportunities. The focus of the plan was to increase production, competitiveness and incomes in mostly the agricultural sector to which majority of the Ugandans took part. To enhance employment generation, the PEAP had three main strategies i.e. Plan for Modernization of Agriculture (PMA) strategy, Infrastructural development and social service delivery.

(iii) The Credit Schemes of the 1990s:

(iv) Government developed measures to tackle unemployment by way of providing credit facilities to Ugandans. Prominent schemes included; the 'Entandikwa Credit Scheme' of 1995, the 'Youth Enterprise Scheme' of 1998 and the 'Poverty Alleviation Project' of 1993-1998.²⁰ All the above schemes provided small loans to the poor and vulnerable people with the intentions of empowering them to improve their financial position thus earn incomes out of the income generating activities individuals engaged in. There was thus a new wave of employment through these measures.

36. The PMA alone had three components that is; National Agricultural Advisory Services (NAADS) which has since inception employed many people in both the public and private sector notably as programme coordinators, service providers, monitors and managers of farmer groups. The recruitment ensures the involvement of both men and women. The second component was the National Agricultural Research System (NARS) whose main focus has been on linking of researchers at research stations, farmers and extension workers as well as rolling out of environment programmes to provide opportunity for private sector, NGOs and CBOs to offer services at national, district and community level. The third component was the Strategic Exports Programme (SEP) of 2002 which sought to remove bottlenecks in private sector participation thereby increasing production and export of selected commodities. By investing about 50 billion Uganda shillings, employment was created as cash crops like coffee, tea, cotton, livestock, Irish potatoes growing and horticulture, fishing, ICT, cocoa and the warehouse receipt systems were boosted. Many Ugandans participated to cause a change in livelihoods.²¹

2. Human Capital Development Strategy

37. The Government's strategy has been to increase access to primary education and improve the health of the population through increased access to primary health care. Since the introduction of UPE in 1997, the number of pupils accessing primary education has quadrupled from about 2.6m in 1997 and has been improving from 96.1% (96% male, 96.5% female) in 2010 to 96.7% (male 96.3%; female 97.2%) in 2011²². By this strategy the chances of being under or unemployed is decreased with more education. Additionally, the Business, Technical and Vocational Training (BTJET) Policy under implementation has enabled those pupils who are unable to continue with secondary education to access skills training. The liberalization of the sector offering higher education has enabled many tertiary institutions to open up to provide higher level training. By so doing, there has been an improvement in the skills and human capital to participate in development

²⁰ Ministry of Finance, Planning and Economic Development – MFPED (2006). Strategies for Generating Employment in Uganda. Discussion Paper 12, Kampala

²¹ Ibid

²² ESSAPR 2011

programmes.²³

3. The National Employment Policy of 2010²⁴

38. This policy seeks to create a favourable environment to promote fully, productive and decent employment for all men and women in Uganda in conditions of freedom, equality, security and human dignity. The main objective of the policy is to maintain macroeconomic stability, create an enabling environment for private sector investment and development, involve the poor in the growth process, protect and assist those who are unable to cope with the demands of market forces and likely to be marginalized, create sufficient numbers of jobs, improve labour productivity, safe guard the rights and interests of workers and involve key stakeholders like Federation of Uganda Employers (FUE) and National Organisation of Trade Unions (NOTU) in national decision making. The policy is considered most relevant a strategy for addressing the challenges facing the labour market and most of the key causes of unemployment in Uganda by creating an enabling environment for job creation.²⁵

4. Handicraft Sector Export Development Strategy (HANDSEDS)

39. The Uganda Export Promotion Board (UEPB), driven by gender concerns, under its export promotion and development mandate, recognized the potential of the Handicraft sector in generating employment and income for the rural population especially women, youth and people with disabilities (PWDs) in addition to earning foreign exchange for Uganda. Through a consultative, participatory and collaborative approach, sector stakeholders under the overall guidance of UEPB developed HANDSEDS to provide a systematic and action oriented framework.²⁶ Additionally the HANDSEDS was conceived in the framework of the PEAP and the Medium Term Competitiveness Strategy (MTCS) as a pro-poor trade related policy strategy. Specifically HANDSEDS is premised on the basis that the sector has a high potential to engender a multi-pronged, gender focused, high rural production and high rural gender entrepreneurship enhancement. It offers increasing opportunities for income generation and consequently poverty reduction, through market-oriented production of good quality, adequate and value added handicrafts for the local, tourist and export markets.²⁷

5. Targeted employment programmes

40. UNHS in 2009/10 estimated that Uganda's total labour force was at 13.4 million persons in 2010 and projected to reach 19 million by 2015. Labour force participation was at 46.7% showing that males were less than females accessing employment opportunities who are 53.3%²⁸. Unemployment and underemployment rates accounted for only 14% of the labour force which credits the Government under the NRM for having made a significant improvement in ensuring employment in Uganda.²⁹ Furthermore, out of 12 million Ugandans in the working age group, only 6.4 million were actively working in 2002 with nearly 7% actively working in rural areas. The overall unemployment rate³⁰ stood at

²³ MFPED, 2006

²⁴ Ministry of Gender Labour and Social Development, 2002: The National Employment Policy 2010

²⁵ Ibid, 2006

²⁶ Uganda Export Promotion Board, 2005

²⁷ Ibid

²⁸ UBOS 2010

²⁹ National Development Plan, 2010 Uganda's Initial State Report to the UN Committee on ESCRs, July 2012

³⁰ Employment rate refers to persons who worked under 1 hour in the past seven days. Under employment refers to persons that worked under 35 hours in the past seven days.

5% in 2002 with the urban employment rate remaining at 10%.³¹ The proportion of permanently employed to the total labour force was at 4.8% in 2002/03 and reduced to 4.6% in 2005/06.

41. MGLSD (2006) further reported that the age distribution of the labour force is 75% of people below 40 years therefore Uganda labour force is characterized of young, but importantly untrained and rural labour force. 50% of the economically active youth by 2002 were employed and going by the remaining percentage, at least 6% were looking for employment while the rest remained employed as unpaid family workers. Of those youth, most of the females (14-30 years) constituting 70% are engaged in unpaid family work.³²

42. While the labour force in Uganda was estimated at 9.7 million in 2002/03³³ it was important to note that the percentage of females in the labour force was more than that of males by 7%.³⁴ The UNHS 2002/03 also showed that females aged below 20 years of age had a higher labour participation rate than males in the same age group which implied that females enter the labour market at an earlier age than their male counterparts.

43. It is noted that, disaggregated data relating to employment of older persons, persons with disabilities and ethnic minorities in rural and deprived urban areas is scarce. Credit schemes have been put to promote trade and access to funds including lending to women groups. Government has set up rehabilitation centers for persons with disability for accelerated skills development in addition to community based rehabilitation programmes to enhance income generation for the PWDS. The Disability Act of 2003 has provision that exempt a 2 percent of taxes on companies who employ more than 10 persons with disability, FUE and NUDPU are enforcing this provision.

6. Measures to facilitate re-employment of workers

44. Following the public sector reforms undertaken over the 1990s - privatization of public utilities, contracting out of services and other civil service reforms - there was drastic laying off of workers which contributed greatly to the unemployment situation in the country – the elderly and people with low or no skills failed to find employment elsewhere.³⁵

45. There is massive for re-employment of the workers who were retrenched, by government bodies and committees and retrenchment packages provided for others.

7. Information on work in the informal sector

46. The informal sector in Uganda is defined to comprise of small-scale businesses not registered in government, characterized by self-employed activities, with or without hired labour (less than 5 persons). This sector operates with low level of organization, low capital, and low technology and often on temporary premises and overall, the enterprises therein are not supported by formal financing institutions.³⁶ Therefore, the informal sector certainly is an integral part of the economy, a substantive sector of the labour market, which plays a big role in the production of goods and services, contributing to income generation and employment. The informal sector is basically associated with household enterprises.

47. In 1998, the informal sector defined as a traditional economy which is dynamic and

³¹ Uganda Bureau of Statistics, 2002

³² Population and Housing Census, 2002

³³ UNHS, 2002/03

³⁴ Ministry of Gender Labour & Social Project – MGLSD, 2006. Labour Market, Information Status Report of Uganda – LMIS report, Kampala

³⁵ MFPED, 2002

³⁶ Ibid, 2006

evolving³⁷ was estimated to be growing at an annual rate of 25%.³⁸ It employed about 20% of the working-age population, and approximately 60% of those engaged in it, depended on their business for at least half of their income. There were about 800,000 informal sector enterprises in Uganda providing opportunities to an estimated 1.5 million people which amounted to about 90% of the total of non-farm workers. 67% of working population outside agriculture were in informal sector with females at 71% and 64% males³⁹.

48. According the LMIS report 2006, 41% of the household enterprises are in manufacturing industry, followed by 25% in the trade and repair services industry hence constituting almost two-thirds of the household based enterprises. The other agriculture sector, which mostly includes rearing of animals and birds, constitutes 12% of the household enterprises. The forestry sector and the hotels sector (includes lodges, bars, and restaurants, eating and drinking places), constituted about 5% each to the number of household enterprises.

8. Access to basic services and social protection under informal economy:

49. Social security sector is regulated through the Ministry of Gender, Labour and Social Development, The Pensions Act, Cap 286 and the National Social Security Fund Act, Cap.222 are the main instruments of the Ugandan legislation and policies for social security and social protection, the first being related to retired civil servants and the second to a contributory scheme for workers in the formal sector. At present, however, the country's social security legislation provides far more for workers in the formal sector than those employed in the informal sector and the unemployed.

50. The National Strategic Programme Plan of interventions for Orphans and Other Vulnerable Children: 2011 and the National Child Labour Policy are specific policy and strategic interventions for protection of children.

51. Other social security-related policies being developed include the Social Health Insurance and Community Health Insurance schemes by the Ministry of Health, and social assistance grants for empowerment (cash transfers for the poor) by the Ministry of Gender, Labour and Social Development, for which a pilot scheme has been designed and is in initial stages of implementation with support from development partners such as UKAid, Irish Aid and UNICEF.

52. According to the National Development Plan 2010: "During the plan period, government will focus on implementation of cash transfer programmes to the elderly, persons with disability and the poorest quartile of the population. In addition, cash for work programmes will also be designed and implemented especially for the vulnerable youth."

9. Legal safeguards in place to protect workers from unfair dismissal

53. The Constitution of Uganda under Article 40(3) clause (c) provides for the right of every worker to withdrawal his/her labour according to law. Under this clause, not subject to unfair dismissal the worker can withdrawal his/her service willingly. Furthermore in dealing with protection of public officers the Constitution under Article 173(b) provides that a public officer shall not be dismissed or removed from office or reduced in rank or otherwise punished without just cause. The Constitution under Article 165(8), 167(9), and 169(9) gives the President alone the powers to remove a member of a Commission on

³⁷ Mugerwa (2006). Labour Rights in Uganda. A paper presented at National Consultation Conference: Legal Empowerment of the Poor at Speke Resort Munyonyo 24 – 25 November 2006

³⁸ Katatumba, B. M. 1998. Keynote address, Information accessibility to the micro and small enterprise work-shop. In Information accessibility to micro and small enterprises: a report. Kampala: MSEPU/IDRC

³⁹ UBOS 2010

grounds of; (a) inability to perform the functions of his/her office arising from infirmity or body or mind; (b) misbehavior or misconduct; or (c) incompetence.⁴⁰

54. The Employment Act, No.6 of 2006 fully explains the conditions under which an employer mainly in the private sector can dismiss or terminate a worker. Section 66(1) further provides for notification and hearing before termination or dismissal from employment to hear one's case. Section 67(4) requires that a contract for a probationary period may be terminated by either party by giving not less than fourteen days notice of termination, or by payment by the employer to the employee of seven days in lieu of notice.⁴¹ Section 68(1) requires the employer to prove the reason or reasons for the dismissal and failure, the dismissal is deemed to have been unfair. Subsection (2) emphasizes that the reason(s) for dismissal have to be matters the employer genuinely believed to exist which caused him/her to dismiss the employee.⁴² In case an employee is unfairly dismissed, such case is handled by the courts of law as well as the labour officers and commissioner labour.

10. Technical and vocational training programmes

55. The Government recognizes that the productivity of micro and SMEs in Uganda is greatly hampered by lack of basic technical and vocational skills. This resulted into the Government's adoption of the Technical and Vocational Education and Training (TVET) strategy. The TVET projected to encompass technical, vocational and business education and training programs was later widened to include the range of its field of application, and was changed to BTVET programme now implemented by the Ministry of Education of Sports (MoES).⁴³

56. In addition a number of Para-professional training institutions in the fields of agriculture, forestry, nursing, dentistry, Para-health and tourism are now under the auspices of the MoES.⁴⁴

57. By 2003 there were four public vocational schools with a total intake of 250 1st year students.⁴⁵ The GoU Status report on Implementation of Community Polytechnics (2001) showed that there were 29 Governmental Technical and Farms Schools with a total intake of 3340 in 2000. Target groups are Primary 7 leavers with Primary Leaving Examination. The training programme consists of a three-year course leading to the Uganda Junior Technical Certificate.⁴⁶ (see section on right to education.)

58. Furthermore, the Government under the Uganda College of Commerce by 2000 had established 5 colleges of commerce, which admit senior four and six leavers typically offering courses in secretarial services, accountancy, business, auditing and related courses. Access for disadvantaged youth and adults participating under the BTVET programme has been the main registered impact as it has improved their access to employment opportunities since the system offers vocational qualifications based on short-term training courses, rather than full-time courses lasting up to three years.⁴⁷ Additionally, the testing of new informal TVET approaches that is 'Learn Net Uganda' has experienced a high share of

⁴⁰ Republic of Uganda, Constitution 1995 (as amended 2005).

⁴¹ Ibid

⁴² Ibid

⁴³ Anders Wirak, Betsy Heen, Eli Moen, and Santa Vusia, (2003). Business, Technical and Vocational Education and Training (BTVET) for Employment and Private Sector Development in Uganda. Oslo

⁴⁴ Keating, J. (2000) "TVET in Uganda"

⁴⁵ MoES, Status Report on Implementation of the Community Polytechnics Programme, August 2001

⁴⁶ Keating, J. "Technical and Vocational Education in Uganda" 2000, indicates a total enrolment of approximately 7,000

⁴⁷ Karin Wedig (2010). Linking Labour Organisation and Vocational Training in Uganda: Lessons for Rural Poverty Reduction

female participants, some income improvement of trainees, and significant increase in social capital (self confidence, self- articulation, team spirit, capability for working, planning and problem solving in groups, interest for further training) and trainees have expressed their interest to receive training based on group dynamics and group work (collective action).⁴⁸

11. Challenges

59. The department of employment in MGLSD still experiences challenges in documenting labour and employment concerns which is limiting the ability for Government to comprehensively monitor progress made in employment generation and accessibility in the country.

60. Some programmes directly focused on employment generation have not been successful as anticipated due to political support, lack of an appropriate legal and institutional mechanism for successful programme implementation and the disaggregated nature of the programmes.

61. There is a seemingly structural segregation of women into low paying sectors whereby 50% of employed women are in the three lowest paying sectors namely agriculture, household and mining/quarrying as compared to 33% of men. Additionally, in the private sector women are paid lower wages than men for the same work yet in 3 out of the 9 identified occupations, women earn less than 75% of the average male wage.⁴⁹

62. Even in the presence of laws requiring the districts to appoint labour officers to provide technical advice to employers, by 2010 out of 90 districts, only 30 had recruited them to enforce the legislation. The challenges arise from inadequate funding which limits the recruitment of the officers and even where such officers are present, insufficient funding accounts for the failure to inspect the workplaces yet the level of awareness about the provisions of the existing labour laws is low among the workers and employers.

63. There is no updated data and information on the labour market and employment opportunities that job seekers can refer to in search for employment in Uganda. Even those who are employed cannot easily switch from a low to a better paying job because they lack information on the available employment opportunities. The Department of Labour, Employment and Industrial Relations in the MGLSD is working on building a labour market information system.

Article 7 — Right to just and favourable conditions of work

64. The Constitution of Uganda 1995 as amended in 2005 is the overall legal basis of government to implement development programmes aimed at uplifting the conditions of all people in Uganda.

65. Uganda recognizes the right to work under the Employment Act, 2006. The Government has put in place several Labour Laws to regulate the work environment and facilitate delivery of labour services like including requiring districts to appoint Labour officers to provide technical advice to employers and workers.

Right to fair conditions of employment

66. By 2006 new labour laws were passed by parliament which include contract of

⁴⁸ Jörg Wiegatz, 2006. Capabilities for catching-up. Economic development and competitiveness in Uganda: Implications for Human Resource Development with particular focus on Technical and Vocational Education and Training in Uganda

⁴⁹ MFPED, 2009

employment, health, safety and compensation rights and termination of contract of employment, protection from forced labour and discrimination.⁵⁰

67. Government has taken some legal and administrative measures aimed at promoting safety and health conditions in the work place. These include; the Occupational Safety and Health Act (No.9/2006) where section 2 precisely applies health and safety requirements to every workplace or environment. The Workers Compensation Act also applies to all workers save for the army. All employers are required to provide compensation for injuries sustained, deaths suffered in the course of employment.

68. Current minimum wage for unskilled labour in Uganda was set at 6000 in 1984 by Statutory Instrument No.38/1984.⁵¹ In 1995 Government of Uganda constituted the minimum wages Advisory Committee under Notice 176/1995 in accordance with section 3(1) of the minimum wages which recommended that the economy could support minimum wage of U.shs. 75000 per month for the unskilled labour but which remained unimplemented. Uganda shillings 6000 is still the legal minimum wage however the Government recognizes that this wage is outdated and does not reflect the current economic realities. The government is in the process of re constituting the minimum wage advisory board in the department of labour in the Ministry of Gender, Labour and Social Development to set the minimum wage.

69. Recent studies show that more than 30% of the employees earn less than 20,000 in nominal terms. Only 15% of the private sector employees earn less than ug.shs100, 000 compared to the 77% in the public sector. Overall, persons employed in the public sector earn five times more than those in the private sector.

70. Government appreciates the fact that there could be a structural segregation of women into low paying sectors; 50% of employed women are in the 3 lowest paying sectors that is; agriculture, housing, mining and quarrying compared to 33 per cent of men.⁵² In the private sector women are given lower wages than men for the same work; in 3 out of 9 identified occupations women earn less than 75% of the average male wage.⁵³ Ultimately many workers continue to receive pay which does not cater for their basic needs such as food, shelter, education for their children, medical treatment and others.

71. The Employment 2006 prohibits sexual harassment and obliges employers to put in place measures to address sexual harassment in the workplace. There is still lack of data on the extent of sexual harassment in the work place and as such there is no information on sanctions imposed on perpetrators and remedies.

Article 8 — Right to form and join trade unions

72. The Constitution provides for the right of every person to join workers' associations or trade unions and the state respects this right in practice. Every citizen has freedom of association which shall include freedom to form and join associations or unions, including trade unions⁵⁴. This right extends to civil servants and according to the Labour union Act, 2006 and Public Service Negotiating Machinery Act 2008 some civil servants were allowed to unionize including medical workers, teachers, and employees of bank of Uganda who were previously not allowed to form or belong to unions⁵⁵. The Government is working out mechanisms to enhance rights of workers to join trade unions in recently privatized

⁵⁰ Jean-Jean Barya, Workers Freedom of Association and the new labour Laws in Uganda (2006)

⁵¹ See Platform for Labour Action 53 (NDP 2010/11-2014/15)

⁵² (NDP 2010/11-2014/15)

⁵³ (Ministry of Finance Planning & Economic Development(2009)

⁵⁴ Article 29 (e) & 40 (3) (a)

⁵⁵ Uganda , the state of social dialogue, Uganda TU-PRSP 1

industries and factories. The Constitution further provides for workers representation in parliament through labour unions such as NOTU and COFTU.⁵⁶

73. The Provisions of Article 40 of the Constitution are to the effect that, every worker has a right:

(a) To collective bargaining and representation; and (c) to withdraw his or her labour according to law. Therefore the right to strike is clearly embraced under the Constitution in defense of workers' rights. In practice alternative means of resolving labour disputes are sought before recourse to withdrawing ones labour.

(b) The industrial court though established by law is not yet operational, but the process of constituting it is on. It will be fully funded by the national budget and is headed by a judge. It has powers to re-instate employees who are improperly dismissed and to impose fines against employers.

(c) The National Organization of Trade Unions (NOTU), the biggest form of labour federation comprises of 19 unions with membership of about 80,000 or about 5% of the workforce. NOTU and Central Organization of Free Trade Unions are independent of government and political parties.⁵⁷ Together with their Kenyan and Tanzanian trade union counterparts, Uganda trade unionists formed the East Africa Trade Union Consultative Council way back in 1988 and NOTU is affiliated to the International Confederation of Trade Unions.

Article 9 — Right to social security

74. Social security is regulated under current National Social Security Fund Act, Cap 222. The law provides for a provident fund system that covers persons aged 16 to 54 employed in firms with five or more workers. Ugandan's Constitutional position is guided by her position of being a signatory to the International Covenant on Economic Social and Cultural Rights and ILO Conventions that provide for the right to social security.

75. The Pensions Act, Cap 286 was enacted to among other things provide for the grant and regulation of pensions, graduates and other allowances in respect of the public service officers employed by the Government of Uganda. The Pensions Act and National Social Security Fund Act are the main instruments of the Ugandan legislation and policies for social security and social protection, the first being related to retired civil servants and the second to a contributory scheme for workers in the formal sector. At present, however, the country's social security legislation provides far more for workers in the formal sector than those employed in the informal sector and the unemployed

76. Other social security-related policies being developed include the Social Health Insurance and Community Health Insurance schemes by the Ministry of Health, and cash transfers for the poor by the Ministry of Gender, Labour and Social Development, for which a pilot scheme has been, designed (SAGE) which is in the initial stage of implementation. It targets older persons above 60 years and also vulnerable households and labour constrained household in 14 pilot districts. As well, the country has projects including distribution of vouchers for inputs and microfinance.

77. Under the National objectives and Directives Principles of state policy provision is made that the State shall make reasonable provision for the welfare and maintenance of the aged, the state shall endeavor to fulfill the fundamental rights of all Ugandans to ensure that; all development efforts are directed at ensuring the maximum social and cultural well-being of the people and all Ugandans enjoy rights and opportunities and access to

⁵⁶ Article 78 (c)

⁵⁷ Uganda-Report of Human rights practices (2001), US Department of state section 6

education, health services, clean and safe water, decent shelter, adequate clothing, food security and pension retirement benefits⁵⁸.

78. The above national objectives and directives for state policy create the basis for guaranteeing to people in Uganda minimum social economic rights. The Constitution further provides that a public officer shall on retirement receive such pension as is commensurate to her or his rank, salary, and length of service. This pension is exempt from tax and shall be subject to periodic review to take account of changes in the value of money. Payment of pension shall be prompt and regular and easily accessible to pensioners⁵⁹.

79. The National Social Security Fund Act covers social security based on compulsory membership for all employees in any firm, establishment or workplace that has three or more employees. Any employer with three or more employees must register as a contributing employer. The NSSF provides key benefits including: age benefits upon one attaining 55 or 50 years and retirement from regular employment, withdrawal benefit-upon attaining 50 years and not being employed for a period of at least one year, invalidity benefit- as a result of physical or mental disability of a permanent nature rendering the worker incapable of earning a reasonable livelihood, Emigration grant for employees migrating permanently from Uganda, Survivors benefit, for dependant relatives and family members of a deceased employee that was a member of the fund. NSSF makes a lump sum payment at old age or in any of the above situations and workers contribute 5% and employers 10% of monthly emoluments.

80. There are several private pension provident funds and other types of savings maintained under either in addition to NSSF or separate. For example a good number of private social protection schemes are operated by some insurance companies and large companies. These are reported to include private pension schemes, health insurance and education service. Health Insurance Companies manage insurance for injury at work as per the Workers compensation Act, Cap 225 that obliges employers to insure against it.

81. In addition to the Public Service Pension Scheme, the formal private social protection arrangements are for individuals whose incomes and standard of living allow them to afford additional contributions for supplementary benefits over and above what is being provided under the basic mandatory arrangement. In a number of organizations they are provided to senior staff only. Some of the private non statutory social security arrangements managed by large companies include private pension schemes, health insurance and education insurance. Examples of the private pension schemes operational in country are; Makerere University Academic Staff Association, British American Tobacco Staff Pension Scheme, Stanbic Bank Staff Pension Fund and Bank of Uganda Staff Pension Scheme.

82. There are a number of proposals aimed at reforming the current social security sector which among others include proposals from civil society and those by the Pensions sector stakeholders' transition group that falls under Ministry of Gender Labour and Social Development. These proposals include the need to undertake a review of the existing legislation to provide constitutional protection of social security and pension rights to all Ugandans irrespective of where they are employed and consolidating all pieces of legislation on retirement schemes/social security institutions and pensions into a single social protection law; Establishment of a competent and independent regulator for the entire social protection sector to register, license, set standards and enforce the law; Making social protection mandatory for all persons in a formal employer-employee relationship and self employed-all working people.

⁵⁸ National objective and Directive for state policy VII, XIV

⁵⁹ 60 Article 254 (1,2,3)

83. A further recommendation was that NSSF should not be privatized but reformed to make it market responsive, become a pension provider (rather than the current provident fund) and comply with all requirements as presented in a new all-embracing legal framework.

84. In terms of response to the above recommendations; Government used the period between 2007 and 2009 to clear all the pension arrears, starting with the 2007/8 Budget and continued with the 2008/9 Budget and a Pension Regulatory Framework came to be approved by cabinet in February 2008. The Pensions Regulatory Authority Bill 2008 was drafted. It was expected that a regulatory Authority would be in place at the end of 2008. Similarly in 2007 the Ministry of Public Service drafted a Policy Paper to convert the present non-contributory pensions system to a contributory scheme.⁶⁰ These are still in draft form.

Article 10 — Protection of the family

85. Under Article 31 (1) of the Constitution of the Republic of Uganda 1995, a man and woman are entitled to marry only if they are eighteen years and above and are entitled at that age to found a family; and to equal rights at hand in marriage, during marriage and at its dissolution.⁶¹

86. Article 21 provides for equality and freedom from discrimination that all persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respects and shall enjoy equal protection of the law.

89. Article 40 (1) provides that parliament shall enact laws to provide for the right of persons to work under satisfactory, safe and healthy conditions; and that the employer of every woman worker shall accord her protection during pregnancy and after birth, in accordance with the law.⁶²

87. The government has gone ahead to implement the above constitutional provision into law. The Employment Act⁶³ contains a number of provisions that protect rights of women in employment; the Act provides for Maternity leave 60 working days both private and public sector which applies to both child birth and miscarriage and a provision for paternity leave of 4 working days. Provision is also made for a right to return to the same job after maternity leave.

88. Article 34 of the Constitution of the Republic of Uganda 1995, provides for the rights of children, that are entitled to be protected from social or economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or be harmful to their health or physical, mental, spiritual, moral or social development. There are a number of laws and National policies that have been put in place by the state to implement this provision. The law sets the minimum age for employment at 14 years. Children between the ages of 12 and 14 may engage in light work that does not hinder their education and is supervised by an adult over 18 years.

89. The Constitution of Uganda recognizes the rights of older persons and provides the basis for the enactment of laws and development of policies that address their concerns. The National Objectives and Directive Principles of State Policy of The Constitution stipulates that “The State will make reasonable provision for the welfare and maintenance

⁶⁰ Dr John-Jean Barya, Interrogating the right to Social security and social protection in Uganda, 2009, HURIPPEC Working Paper No 23 January, 2009

⁶¹ Article 31(1), Constitution of the Republic of Uganda 1995

⁶² bid Constitution

⁶³ Act 6 of 2006

of the aged”. Article 32 of the Constitution states that: “Notwithstanding anything in this Constitution, the State will take affirmative action in favour of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them”. The Local Governments Act (Cap 243). Section 10(1) (f) provides for two older persons, a male and female, elected by their associations to represent them in the local governments’ councils.

90. Equal Opportunities Commission Act 2007 Part III, Section 14 of the Equal Opportunities Commission Act 2007 provides for monitoring and evaluation of policies, laws, plans, programs, activities, practices, traditions, cultures, usages and customs to ensure that they “are compliant with equal opportunities and affirmative action in favour of groups marginalized on the basis of sex, race, colour, ethnic origin, tribe, creed, religion, social or economic standing, political standing, disability, gender, age, or any other reason created by history, tradition or custom.”

91. National Planning Framework National Policy for Older Persons, this policy is consistent with the Uganda vision 2025, which is a long term National Development Framework in Uganda. Its pertinent aspirations are that older persons will have easy access to basic services, infrastructure and other social amenities.

92. The Social Development Sector Strategic Investment Plan (SDIP) addresses major challenges of inequality, inequity, exclusion, unemployment and low productivity among the poor and the vulnerable. It articulates interventions for promoting their participation and ability to access basic services. In order to achieve this, the SDIP ensures that vulnerable groups are protected from risks and repercussions of livelihood shocks by overcoming constraints that impede the development of their productive capacities for instance through social protection programmes and special grants.

1. Asylum seekers

93. In May 2006 the Government of the Republic of Uganda passed the Refugee Act 2006. The legislation clearly enumerates the rights of refugees, as well as their obligations in Uganda. It defines who is a refugee and it is gender sensitive. The law outlines the process to be used in determining refugee status. It also sets forth how a refugee situation can cease, once durable solutions have been found. The freedoms enshrined in the law include the right to work, freedom of movement and the right to live in settlements rather than in refugee camps. Refugees are given opportunity to fend for themselves by growing crops, attain food security and avail themselves of other human basic needs.

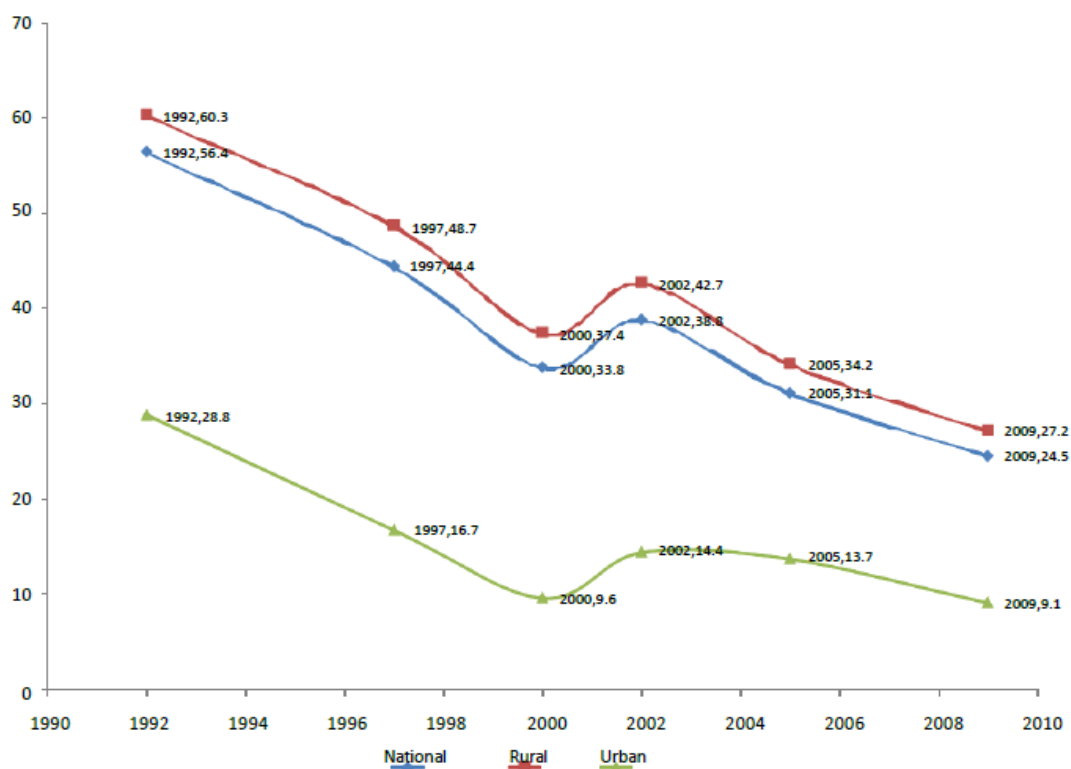
2. Domestic violence

94. In 2010 the Parliament of Uganda passed the Domestic violence Act which criminalizes acts of violence in a domestic relationship and the regulations to guide the implementation of the Act have been made. The Trafficking in Persons Act 2009 was enacted to combat trafficking in persons and creates the offences of aggravated trafficking in persons as well as trafficking in persons. Domestic violence stands at 70% from study by ULRC in 2008. Government is in the process of developing a GBV policy to guide actors in handling GBV.

Article 11 — Right to an adequate standard of living

95. Uganda considers poor people as people living on below one dollar a day as its poverty line. Since 1990 Uganda has made commendable progress in terms of reducing the proportion of the population living below the national poverty line. The poverty headcount declined from 56 percent in 1992/1993 to 31 percent in 2005/2006. In 1992 poverty rates in Uganda stood at 56% but declined to 44% in 1997, in 1999/2000 it was at 34%, rising to 38% in 2002/2003 before falling to 31% in 2005/2006 and 24.5% in 2009/10.

Figure 1
The Figure indicating the percentage of the population living below the poverty)



96. Uganda has achieved progress in standards of living. As shown in the figure 1. The percent of Ugandans that live below the poverty line reduced from 56.4 in 1992 to 24.5 percent in 2009. This represents a reduction of 57 percent in 17 years. During this period, however, the decline was not steady increasing slightly between 2000 and 2002. The urban areas – 68 percent - experienced more reduction in poverty compared to rural areas – 55 percent.

97. Uganda has adopted strategies, plans and instituted policies to combat poverty i.e. Poverty Eradication Plan (PEAP), Plan for Modernization of Agriculture (PAM), Poverty Action Fund (PAF), National Agricultural Advisory Services (NAADS), Social protection programme (Social Grants for Empowerment) among others. PEAP was the main strategy to combat Poverty in the country and now the government has adopted National development plan to guide the country to reduce Poverty at 25% by 2014/2015 which exceeds the global target by 3 percent.⁶⁴ In addition to NDP, Uganda is committed to achieve the 2015 global MDG target of cutting poverty by half.

98. The Government has addressed the challenges of attaining the required standard of living through poverty reduction strategies which are detailed and comprehensive. Uganda adopted the PEAP (1997). In 1998/99 the GoU established the Poverty Action Fund (PAF).⁶⁵ The fund had the following objectives to achieve strategy of fighting poverty:

- (i) Reorient the budget towards the newly established PEAP priorities.

⁶⁴ Uganda MDGs Progress Report 2010

⁶⁵ Ministry of Finance, Planning and Economic Development. The Poverty Action Fund (PAF) Reform, April 2008, Kampala. P.1

(ii) Increase the funding to local governments for service delivery.

(iii) Ring fence debt relief and donor funds towards spending on poverty reducing areas of the budget.

99. Though Uganda Government has adopted various strategies to reduce poverty, there some challenges being experienced. These Include: the share of the poorest 20 percent of the population in total household consumption has fallen, an indication of rising inequalities that government needs to urgently address. These are manifested in rich and the poor, rural and urban, regions. For instance there is significant variation in the levels of poverty in different geographical zones and regions of the country. Levels of the poverty headcount are much higher in rural areas at 34 percent compared to urban areas at 14 percent. The Central Region of Uganda has experienced levels of poverty headcount fall from 46 percent to 16 percent from 1992/1993 to 2005/ 2006, compared to the Northern Region where the poverty headcount has fallen from 74 percent to 61 percent. Poverty levels are also higher in the Eastern Region, especially in the Karamoja sub-region, where poverty reduction levels are consistently lower than the national average.

100. Income inequality as measured by the Gini coefficient increased from 0.365 in 1992/1993 to 0.428 in 2002/2003 before dropping to 0.408 in 2005/2006 and increasing to 0.426 in 2009/10. The level of inequality is highest in urbanized central region and least in the northern region, an indication of capital and assets loss during the two-decade civil war that ended 5 years in 2005. The incidence of poverty among internally displaced persons (IDPs) was estimated highest at 78 percent but it is expected that all displaced persons will have returned to their homes by 2012.⁶⁹

101. The NDP strategy for monitoring and evaluation stresses the plan for data collection, analysis, reporting flows and formats, communication and review. The GOU has put into place Monitoring and evaluation (M&E) policy framework whose priority is on efficiency and effectiveness in service delivery to achieve results as well as transparency and accountability in the use of available resources in improving the standard of living.

1. Targeted policies

102. In Uganda the majority of the population lives in rural areas, and they depend on agricultural products/activities for their livelihood. Therefore, growth in agriculture is a precursor condition for pro-poor growth. GoU policies aim at the development of its populace. The Government has implemented reforms in the agriculture sector with the view of reducing poverty through increased incomes. One of them is the Plan for Modernisation of Agriculture (PMA); its purpose is to promote and raise incomes of the poor where the agriculture sector is to move from subsistence farming to a modern commercial agricultural sector.

103. The Government also mooted the policy of combating poverty through decentralization. Here the main objective is administrative. In planning, the local communities are directly involved through their councils. The strategy is that improved delivery of social services through decentralization would quicken the pace of poverty reduction.⁶⁶

104. The government has also instituted anti-corruption measure policy which empowers the Inspector General of Government to see that there is good governance and services. Also the anti-corruption court has been instituted.

105. Economic management policy; this policy aims at controlling inflation and support favorable economic situation. The target is to increase incomes of the poor household and

⁶⁶ Ministry of Finance, Planning and Economic Development. Inequality beyond Income in Uganda: Does it call for more Public response? Discussion Paper 14, Kampala. P.5

to intensify agricultural production. Security, conflict resolution and disaster management policy; security is a pre-condition for improved human welfare. This goes hand in hand with the policy on good governance.

2. Right to food

106. The Government of Uganda has established a comprehensive legal, policy and institutional frameworks for the realization of the right to adequate food in the country.

107. The Uganda Constitution Article 237 (1) provides that land belongs to the citizens of Uganda and shall vest in them in accordance with the land tenure system provided for in the Constitution. This had direct impact on the right to food. Article 237(3) provides that land may be owned in accordance with the following land tenure systems: Customary, Freehold, Mailo and Leasehold. These systems of land holding enable people to hold and acquire land on which they can produce food both for their own consumption and for sale.

108. The Government of Uganda has strived to create an overall enabling environment for the realization and enjoyment of the right to food. Macro-economic stability has been maintained through low inflation rates, stable exchange rates, low interest rates and this has largely been successful over the last two decades since 1989. However in December 2011 the inflation rate has very high but is reduced, standing at 21.7 in March 2012 and GOU is putting in place measures to reduce the inflation.

109. The Government has over the last two decades to date, formulated key specific policies and programs to respect, protect and fulfill the progressive enjoyment of the right to adequate food of the people. These include PEAP, the NDP, Agriculture sector development strategy and investment plan, the Food and Nutrition Policy (FNP), UPE program, USE program, the National Health Policy (particularly the National Minimum Health Care Package) that provide a strong foundation in the fight against poverty as well as food and nutrition insecurity. Land reform under the 1995 Constitution and 1998 Land Act, which vests all land in the people, have provided more security of tenants on the land.

3. Food availability

110. Uganda is endowed with a rich and varied resource base and favorable climate. Despite low agricultural productivity, the country has always managed to produce enough food for all its population. Food production has steadily increased in the last two decades, but at a significantly slower rate than population growth. Total food availability is sufficient to meet the estimated average consumption requirements of 2280 calories per capita per day, with some minor variations. There is still lingering access to food challenges facing some vulnerable sections of the population, particularly in periods of severe drought and other climate change-related natural disasters. While most IDPs have now returned to their places of origin, protection risks, including the food insecurity and poverty in return areas hamper efforts to facilitate return. Protecting and assisting persons with specific needs who do not have resources to return to their villages of origin is another pressing need.

111. Uganda Government has the Inter-Governmental Working Group (IGWG) which developed the Right to Food Guidelines and as such, pledged and has since worked, to use the Guidelines in its efforts to realize the right to food in the context of national food security. Concerted activities have been implemented to make the Guidelines known and applicable in Uganda.

112. Furthermore, Government has worked with FAO to promote the utilization of Guidelines at all governmental levels in conjunction with the International Human Rights Internship Programme (IHRIP) that led to the development of a case study on "How Budget Analysis Can Strengthen Right to Food Advocacy" and the draft manual was discussed at a stakeholders' workshop on 29th May 2008 in Kampala. The Ugandan case study focused on how the budget or financial resources allocation at national, district and lower governmental levels impacts on the delivery of National Agricultural Advisory Services

(NAADS) for small-holder farmers to produce sufficient food and thereby enjoy their right to food.

113. The Government of Uganda has also undertaken other initiatives to promote the Guidelines with support from FAO by developing a right to food supportive legislation. The Food and Nutrition Bill, currently is before Parliament. The process of development of this bill has been participatory, consultative and transparent. Government is also promoting a multi-sectoral approach to improve the nutritional status and dissemination and promotion of nutritious foods has been improved.

4. Right to water

114. The GOU adopted NDP and one of its strategic objectives is to ensure that by the year 2015, 77% of households in rural areas and 100% urban dwellers in Uganda should be accessing safe water. The Ministry of water and Environment is the lead agency to promote a coordinated, integrated and sustainable water resources and provision of water for all social and economic activities. The sector focuses on water resources management including water for production, rural water supply, urban water supply and sanitation.

115. The Ministry of water and environment⁶⁷ regulates water usage in the country and is responsible for monitoring, assessment and information services; planning and regulation as well as provision of technical advice. MOWE is also assisted by its regional and district water offices to ensure the systems are in place to monitor the quality of water. For instance a 2006 water quality survey covered iron content of rural domestic water sources. The maximum acceptable value of iron in untreated drinking water in Uganda was found to be at 2mg/litre. Non-compliance was found mainly at deep boreholes locations. The 2007 /8 water quality surveillance of rural and urban supplies further raised a number of issues; for instance of the 563 samples drawn from rural water supplies throughout the country 41 percent were free of faecal bacteria. The 2009/2010 rapid water quality assessments for 511 rural domestic water supplies showed that 76% complied with national standards for rural drinking water for microbiology.

5. Water coverage

116. In addition, 2009/10 estimates of urban water coverage stood at 67% as compared to 66% in 2008. Access to water in large towns estimates stand at 74%. On the other hand in some large town estimates of coverage fell below this average. Coverage in small towns stands at 33% out of 110 town's 53 towns falling below this average.

117. Regarding access to basic infrastructures and services like water improvements have been made for instance only 62.6% of the population in 2005/06 as compared to an increase to 74% in 2009/10 having access to improved water sources.⁶⁸ On the contrary, 26.2% and 37.4% lacked access to safe water sources in 2009/10 and 2005/06 respectively. This thus shows an improvement of 11.4% in general access and a drop of 11.2% drop in inaccessibility

6. Water affordability

118. The GOU ensures that Water is affordable by most people. Small amounts of fees are charged on urban dwellers for management of water facilities and no charges are levied

⁶⁷ The department is a fully constituted entity at Ministry level and ensures water quality through monitoring.

⁶⁸ Uganda National Household, Survey 2009/2010. Improved water sources include piped water, public taps, boreholes, protected well/springs, rain water and gravity fed schemes. Note that the definition used for improved water sources differs from the one used internationally which excludes rain water

for the rural dwellers.⁶⁹ On average the cost per unit of producing water in 80 small towns has gone up from UGX 766 per cubic meters in FY 2008/09 to UGX 1,068 per cubic meters in FY 2009/10. The increase is attributed to high energy costs as well as the fact that two new towns have particularly high costs of production, that is: Kigorobya at UGX 6,519 per m³ and Nakauka at UGX 3,130 per cubic meters. The annual volume of water supplied in small towns increased by 6.7% to 3,025,805 cubic meters in FY 09/10 due to increased capacity as a result of construction of new piped water supply schemes as well as efficiency gains and improvements in the effectiveness of operations. Non-revenue water has gone down to 20% with collection efficiency at 85%. The ministry of water aims at a zero profit. It is just there to provide facilities to the people because even money charged to the urban dwellers is not intended to make profit but is meant for running facilities⁷⁰.

119. Rural water supply is currently at 65%. In the year 2009/10, 70% of water points under communal management had functional committees showing an increase from 68% in the previous year. This increase is attributed to community based maintenance system. The functionality of rural water supplies, defined as percentage of improved water facilities found functional at time of spot check was 80%, slightly less than the 83% as reported in 2009. The technology with the least functionality was shallow wells at 69%. There are bye laws put in place to ensure that the facilities are functional and well maintained. Mobilization programmes including radios and local council's messages are conducted to promote awareness in the public as well as encourage ownership.

7. Right to adequate housing

120. The GOU have undertaken several household surveys. The most recent was carried out in 2009/2010 which was comprehensive enough to include even the housing situation. The national housing indicators for 2010 show that 3,573,653 people are homeless, comprising 11.2% of the approximated 31,981,536 population in 2010.⁷¹ 2,731,625 of these people are in rural areas.

121. Access to electricity as a source of energy continues to register improvements for instance; urban electrification level was about 19% in 1998, dropped down to 16% in 2000, slightly increased to 20% in 2002.⁷² By 2009, urban electrification had risen to 40%⁷³ of the rural electrification are still low at 0.8%, with no major increases by 2002 but a 12% had been registered by 2009.

122. The Uganda National Household Survey 2009/10 indicates that more than 50% of households in Kampala have one-room for sleeping; the north and eastern regions had the highest number of people (4) per sleeping room. The Directorate of Housing reports that the number of persons per housing unit is 5.2 at national level with majority in urban areas (5.6) compared to rural areas (5.4) thus indicating an increase.⁷⁴

8. Access to adequate and affordable housing with legal security of tenure

123. In 1986 shortly before the ratification of the ICESCR, the government formulated the National Human Settlement Policy (NHSP) whose focus was on providing sufficient residential land and plots in urban areas and improving access to housing infrastructure and services at affordable standards including upgrading of slums. As a way of implementing the policy, government embarked on 2 housing projects namely: Namuwongo Upgrading

⁶⁹ Ministry of Water and Environment, 2011

⁷⁰ Water and environment sector, Performance Report October 2010, p.99

⁷¹ Directorate of Housing, Human Settlements Department, 2010

⁷² Okumu, 2003; Kyokutamba, 2003; and Eugurait, 2001

⁷³ Eng. M. Murengezi, Electrification for the urban poor in Uganda, experience and coverage plans, 2009

⁷⁴ Directorate of Housing, Human Settlements Department, 2010

and Low Cost Housing Pilot Project (Kampala) and Masese Self-Help Women's Project (Jinja).⁷⁵

124. In 1992, the Government reviewed the previous policy allowing for the coming into force of the National Shelter Strategy (NSS) with an overall goal of improving housing conditions and 'ensuring adequate shelter for all Ugandans by the year 2000'.⁷⁶ Government initiated the NSS with two major objectives that is;

(a) to formulate viable shelter strategies which are conducive to full mobilization of local resources and which are implementable so as to improve the living conditions of the poor; and

(b) to strengthen the policy making and housing programming capacities of the key actors in housing delivery at all levels of administration.

125. The 1992 National Shelter Strategy under its 'enabling approach', has continued to inform and guide the housing sector.⁷⁷ It's through such an approach that government has been able to put in place legal and regulatory frameworks addressing land tenure (and security of tenure), facilitate private home ownership and interests in housing units, improved access to housing and services on a self-financing recovery basis.⁷⁸

126. Following the coming into force the 1995 Constitution as well as the post-1995 law reforms, these have tried to address the problem of legal security of tenure for everyone regarding access to and control over land. The constitution recognizes the right to private property.⁷⁹ In terms of land and shelter, it recognizes equal right to access land and housing.

127. The Land Act, Cap 227 of 1998 reaffirms the same. In this regard, discriminatory tendencies arising out of customs or traditions which deny people from having access to ownership, occupation or use of land or impose conditions that violate Articles 33, 34 and 35 are prohibited.⁸⁰ The condominium law also created the legal security of tenure with respect of access to the individual ownership of units (flats/apartments) in common property. This has allowed for sitting tenants in the various flats to even acquire home ownership without title to physical land.⁸¹

128. During Obote I (1962 – 1971) regime, under the Common Man's Charter was the state committed role in providing social services including housing and shelter in Uganda. Here legislation witnessed the establishment of several housing estates and units by the government statutory body National Housing and Construction Corporation (NH&CC). Among the estates which have continued to provide housing facilities to many Ugandans.⁸²

129. The NH&CC has carried on the programme in which it has continued to construct and provide housing under its Similarly, government has kept a lead role in housing for low income and the poor for instance, it continues managing the Masese Women's project (phase II) as well as has established the Oli Housing Project (Arua) and Malukhu Slum Upgrading Project (Mbale).⁸³

⁷⁵ Department of Human Settlements; National Slum Upgrading Strategy and Action Plan for Uganda, 2008

⁷⁶ GOU, National Shelter Strategy, 1992

⁷⁷ Interview with Assistant Commissioner, Human Settlements/planning Operations, Ministry of Housing and Urban Development on October 10th, 2006

⁷⁸ Onoria, 2007

⁷⁹ Republic of Uganda, Constitution, 1995; Art.26

⁸⁰ Land Act 1998, Sec. 28.

⁸¹ Onoria, 2007

⁸² Dr. William Kalema, Uganda: Housing Policy Interventions, 2010

⁸³ Ministerial Policy Statement for the Ministry of Works, Housing and Communications presented to Parliament for Debate on Budget Estimates, Fiscal year 2002/3, June 30th, 2002 p.48-49

9. Measures taken to make housing accessible and habitable for persons with special housing needs:

130. Whereas adequate housing entails the availability of housing and shelter especially to those in need to include disadvantaged groups like women, children, people with disabilities, and persons living with HIV/AIDs among others, generally there has not been such measures put in place for such groups to have access to housing. Accessibility remains to one's capacity and income level to attain a given standard of housing he/she deserves. In the rural poor context, however, the courts of law have addressed accessibility to shelter with respect to a judicial decision ordering exclusion from ancestral lands.⁸⁴

131. Regarding habitability as a core minimum state obligation which entails, adequate space and protection from the effects of weather, threats to health, hazards and disease restrictions and regulations on occupancy of wetlands have been made by instituting the National Environmental Management Authority (NEMA) to monitor and regulate the use of water-logged areas and forest reserves.

132. In 2009, the Ministry of Land, Housing and Urban Development (MLHUD) concluded that the underlying causes for forced eviction included: landowners failing to give tenants notice before selling land; landlords' and tenants' inadequate knowledge of the law by both landlords and tenants; and landlords' ability to gain lever support of local law enforcement and land administrators. This developed into the justification for amendment of the Land Act of 1998.⁸⁵

133. The legal provisions under which evictions may take place and the rights of tenants to security of tenure and protection from eviction are enshrined in the Constitution article 26 (2) which prohibits the compulsory deprivation of a person to property or any interest in or right over property of any description including housing and land.

134. Security of occupancy is further entrenched in the Registration of Titles Act which in its Section 64 (2) stipulates that land included in any certificate is subject to the interest of any tenant even if it is not specially notified as an encumbrance on the certificate. This means that any buyer of titled land buys subject to any encumbrance on it including rights of bona fide and lawful occupants. Thus, under current law, even a purchaser of land may carry out eviction only for non-payment of rent and only upon court order.

10. Budgetary allocations and planned interventions

135. A vote outturn in financial year 2008/09 to the housing sector was Ushs. 1,729bn/= but increased in 2009/10 to Ushs. 2,091bn/=. The Ministry budget projections for 2010/11 are Ushs. 2,767bn/=: 2011/12 is Ushs. 4,079bn/= while 2012/13 is Ushs. 5,764bn/=.⁸⁶ These funds will be utilized to implement various interventions as indicated in Annex 1.

136. Despite of Government's commitment to ensure the realisation of right to Housing, there are still challenges the country is facing. With the National Population and Housing Census (2002) placing over 77% of the population of Uganda to be living in sub-standard housing conditions, it reflects the on-going burden that the Government of Uganda has overcome to secure and guarantee adequate housing and decent shelter. For instance, in urban areas people stay in slums lacking proper sanitation and drainage systems while in

⁸⁴ Abuki case, *op. cit.*, judgment of Tabaro, JA (taking judicial notice of the dependence of rural population on land for subsistence and livelihood and that exclusion (or banishment) under the Witchcraft Act deprived accessibility to ancestral lands (for food and shelter).

⁸⁵ *Ibid*

⁸⁶ Ministry of Lands, Housing & Urban Development, Ministerial Policy Statement Vote 012 & 156, Financial year 2010/11, presented to Parliament of the Republic of Uganda for the debate of the Estimates of Revenue and Expenditures by Daniel Omara Atubo (MP), 25th June 2010

rural areas, leaky mud-and-wattle constructions exist.⁸⁷

137. In the informal settlements, habitability, accessibility, cultural adequacy and access to infrastructure are not realized. The 2002 census statistics indicated that only 17% of single- households occupied housing structures (with 10% in rural areas and 59% and 59% in urban areas) were made of permanent roof, floor and walls while 49% (with 55% in rural areas and 16% in urban areas) were of mud an pole-walls. Amenities put in place in urban areas like Kampala in the 1950s and 1960s catering for smaller populations now serve 4 to 5 times the initial populations.⁸⁸ This is further reported in the Uganda National Household Survey 2005/06 where more than 68% of households in Kampala have one-room for sleeping. The north and eastern regions having the highest number of people (4) per sleeping room which is not recommended for health reasons⁸⁹ Estimates show that currently Uganda has a housing backlog of about 612,000 units. Further, UBOS in its 2006 report, showed the urban areas having a total housing stock of 700,000 units with a backlog of 153,000 units as compared to rural areas with a stock of 4,580,000 units with a backlog of 458,000 units.

Article 12 — Right to health

138. The population of Uganda is estimated at 33 million, the morbidity pattern features malaria as a priority disease followed by acute respiratory infections, skin conditions and intestinal worms. Of course the HIV/AIDS pandemic remains the most monumental health challenge in Uganda. Efforts to fight malaria have been intensified especially for pregnant mothers and children below the age of five. The recent measure includes distribution of mosquito nets to malaria prone areas.

1. Health Policy framework

139. The National Health Policies I of (1999) and II of 2010 together with the Health Sector Strategic Plans I and II, and the Health Sector Strategic and Investment (2010/11 - 2014/15) provided the framework for health development. Uganda also has Food and Nutrition Policy and PEAP to help enforce and realize the right to health. The Health Sector Strategic Plan I (2000/1- 2004/5) was developed as a collaborative undertaking of the Ministry of Health, related ministries, the development partners and other stakeholders.

140. The Health Sector Strategic Plan II building on the approaches and lessons learnt from the HSSP I focused on health promotion and prevention, including the provision of basic curative services. The HSSP II emphasizes the role of communities/households and individuals' ownership for health and health services and it also highlights the value of equity and community empowerment; includes as a strategy to work with civil society organizations to build individuals/communities awareness of their rights and obligations; and recognizes the need to target vulnerable groups.

2. Uganda National Health System (NHS)

141. The National Health System comprises of all the institutions, structures and actors whose actions have the primary purpose of achieving and sustaining good health. The boundaries of Uganda's National Health System encompass the public sector including the health services of the army, police and prisons; the private health delivery system comprising of the private not- for-profit organizations (PNFP), private health practitioners (PHP), the traditional and complementary medicine practitioners (TCMP); and the

⁸⁷ Uganda Bureau of Statistics, 2003

⁸⁸ Onoria, 2007.

⁸⁹ National Development Plan - NDP, 2010, pp.132)

communities.

142. The regulatory institutions and councils ensure quality care and safety of the patients and the population at large as explained below.

(i) The National Drug Authority (NDA) was established by an Act of Parliament in 1994, currently the National Drug Policy and Authority (NDP/A) Act, Cap. 206 (Laws of Uganda 2000 Revised edition).

(ii) The Uganda Medical and Dental Practitioners Council (UMDPC) is a statutory body, established under the Medical and Dental Practitioners' Act, Cap. 272.

(iii) The Allied Health Professionals Council (AHPC) is a statutory body put in place by the Allied Professionals Act, Cap. 268.

(iv) The Uganda Nurses and Midwives Council (NMC) is a statutory Professional Body responsible for the regulation of the Nursing and Midwifery Professions in Uganda. From 1964, the Uganda Nurses and Midwives Council was governed by the Uganda Nurses, Midwives and Nursing Assistants Act. This Act was later revised and replaced by the Nurses and Midwives Act, Cap 274 which continues to regulate the Council.

(v) Medical and Dental Practitioners Council and the Pharmacy Council

(vi) The Pharmacy Council

(vii) The Medicines and Health services monitoring unit monitors utilization of medical services.

143. The strategy in the provision of health services is the Uganda Minimum Health Care Package and due to the limited resource envelope available for the Health sector, the NHP II recommends that this package be delivered to all people of Uganda. This package consists of the most cost effective priority care interventions and services addressing the high disease burden that is acceptable and affordable within the total resource envelope of the sector. This is divided into clusters as outlined below; i) Health Promotion, Disease Prevention and Community Health initiatives ii) Maternal and Child Health iii) Prevention and control of Communicable diseases iv) Prevention and Control of Non-Communicable Diseases (NCDs).

3. Health promotion and education

144. Health Promotion and Education supports all other elements to achieve their objectives. Its major aim is to create health awareness, promote public participation and involvement in health care delivery, and increase demand and utilization of the services provided by the sector. This should result in adoption of appropriate healthy lifestyles and health-seeking behavior.

145. The sector strategy for reaching the communities and households is the establishment of Village Health Teams (VHT) in all villages in Uganda in line with the 1978 Alma Ata Declaration. VHTs are local people who volunteer to serve their communities by carrying out a range of disease prevention and health promotion activities. As of June 2010 the number of districts that had fully implemented (100%) the VHT Strategy stood at 51/93 (55%) districts. Additional thirty nine districts were at different levels of implementation of the VHT Strategy and 3 districts (Kabaale, Mubende and Sheema) had not started the implementation at all. During the financial year 2010/2011, VHT Strategy was established in 18 additional districts of: Lyantode, Bullisa, Budaka, Namutumba, Moroto, Kotido, Kaabong, Amudat, Nakapiripit, Napak, Wakiso, Butambala, Gomba, Mpigi, Kalungu, Masaka, Bukomansimbi and Lwengo. The country now has a total of 69/112 (62%) districts that have fully implemented the VHT Strategy.

146. The improvement of environmental health had the main aim of contributing to the reduction of morbidity, mortality and disability among the people of Uganda through

improvements in housing, use of safe water, food hygiene promotion, waste management and control of vectors/vermin.

4. Sexual reproductive health and rights (SRH)

147. During HSSP I, emphasis was placed on operationalizing the health sub districts to be able to handle obstetric emergencies. The management of family planning commodities improved and increasing the uptake of family planning services. Most planned activities were implemented as planned and output demonstrated by increase in Couple Years of Protection (CYP) from 582,802 in 2009/10 to 787,390 in 2010/11, Contraceptive Prevalence Rate (CPR) and deliveries in health facilities together with improvement of the Public Private Partnerships. Whereas there is a remarkable increase in the number of deliveries in health facilities, there is a reduction in the proportion of pregnant women attending 4 ANC sessions and the proportion of pregnant women who have completed IPT2 was static at 47%. There was need for continued sensitization on goal oriented ANC and promotion of ANC attendance. Stock out levels of essential RH medicines and health supplies as evidenced by 47% stock out levels of Essential Medicines and Health Supplies could be contributing to the low IPT2 coverage.

5. Management of common childhood illness

148. Integrated Management of Childhood Illness (IMCI) is a key strategy for delivery of integrated child health services through improvement of health worker skills in regard to integrated assessment and management of malaria, acute respiratory infections, diarrhoea, and malnutrition, which contribute to over 70% of overall child mortality. The strategy also focuses on improving health system issues that affect care for children in health facilities as well as working to improve key family care practices that have the highest potential for child survival, growth and development. During HSSP II, emphasis was placed on the decentralized level for integrated scale up of services.

6. Expanded Programme for Immunization (EPI)

149. The Expanded Programme for Immunization programme was strengthened through acquisition of cold chain equipment including 2 trucks. District Vaccine stores were set up in the districts, refresher training of OPL health workers and technical support supervision conducted at all levels. Intensified capacity remarkable improvement in coverage for Pentavalent 3rd dose coverage from 76% in 2009/10 to 90% in 2010 above the 80% HSSIP target. Under one year old immunization coverage for measles improved slightly from 72% to 85%, achieving the 85% HSSIP target for the year 2010. A total of 1,628 measles cases were investigated and 326 were confirmed in FY 2010/11. During 2011 UNICEF gave some additional funding to 26 districts to reduce large numbers of un-immunized children. The additional funding were given for 2 quarters ranging from 15-20 million per quarter. Some districts like Mukono, Maracha, Mayuge, Kamuli, Buvuma had shown remarkable improvements.

150. A total of 125 suspected cases of neonatal tetanus were reported (HMIS 2010/11) and of these 101 were confirmed. There is need for increased community mobilization to utilize the available services and strengthening capacity of districts to conduct supervision and disease surveillance.

7. Nutrition

151. Malnutrition was identified as a key determinant of infant mortality, with 54% of all childhood deaths globally being related to malnutrition. In Uganda 40% of children are chronically undernourished with many more deficient in several micronutrients. The Ministry of Health was pursuing a multi-sectoral approach to improve the nutritional status.

8. Prevention and control of STI/HIV/AIDS

152. Since the onset of the HIV epidemic a cumulative total of over two million Ugandans have been infected with HIV and there are currently about 120,000-150,000 adults with AIDS disease. It is also estimated that there have been about 900,000 HIV/AIDS related deaths since the beginning of the epidemic. The weighted national average prevalence based on antenatal figures has stabilized at around 6%. A new HIV/AIDS strategic plan was launched and the AIDS indicator survey was near completion. This will provide information on the current HIV/AIDS situation in the community.

153. Over the years, significant gains were made in the control of HIV/AIDS and in the mid 2000s there a reversal of trends from 6% antenatal HIV prevalence from 2005 to 9.7% in 2006. However, of recent, antenatal clinic prevalence from sentinel sites had indicated a decreasing trend from 9.7% in 2006 to 7% in 2009.

9. Malaria

154. Malaria is one of the leading causes of morbidity and mortality in Uganda. During HSSP I, prevention, promotive and case management interventions were employed in combination within the updated national malaria control strategy. There has been a significant improvement in the supply of anti-malarial drugs and overall strengthening of the health system. Intermittent preventive treatment in pregnancy (IPT) and Insecticide Treated Nets (ITNs) were scaled up through a number of partnerships. The coordination of stakeholders was strengthened through the functioning of the Inter-Agency Coordination Committee for Malaria (ICCM). Close drug sensitivity surveillance led to a proposed change in malaria drug treatment policy in 2004 of an Artemisinin-based combination (ACT) as first line treatment regimen. The main challenge in HSSP II was scaling up the core programme interventions and implementation of the proposed anti-malarial treatment regimen using ACTs. There was a decline in the proportion of women who completed two doses of IPT from 47% in 2009/10 to 43% in 2010/11

10. Disease targeted for elimination and/or eradication:

155. The Government of Uganda is a signatory to international resolutions committed to the elimination and eradication of particular diseases. The diseases targeted for elimination include Leprosy, Guinea Worm, Onchocerciasis, micronutrient disorders (addressed under Nutrition), and Poliomyelitis and Neonatal tetanus (addressed under EPI). In collaboration with various global and regional partnerships, Uganda registered creditable progress towards the elimination targets during HSSP I. HSSP II will continue to target these diseases and support acceleration of their elimination.

156. Sleeping sickness, Lymphatic filariasis, schistosomiasis and trachoma are diseases of public health potential covering certain geographical areas in Uganda. During HSSP I, the programmes to address the above diseases remained vertical and as a result, registered poor ownership at the district level. During HSSP II this approach was reviewed with the objective of integrating implementation activities where these are shown to be rational, practicable and more cost- effective. Appropriate guidelines shall be formulated for integrated vector management, as well as integration of other control measures such as IEC, community managed drug distribution and mass treatment.

11. Leprosy

157. Uganda achieved the WHO global target for elimination of leprosy as a public health problem in 1994. The challenge in HSSP II is to maintain the required level of interest, skills, commitment and investment in resources to sustain the elimination status.

12. Guinea worm

158. During HSSP I, guinea worm was virtually eliminated with only one village in Kotido reporting 13 cases in 2003. The program however still faces the challenges of cross border cases imported from Sudan. The persistent insecurity that prevails in most of the previously endemic districts results into movement of people across the border increasing the risk of importation of disease. The main target was to achieve 100% case containment.

13. Trachoma

159. During HSSP I, Uganda became a signatory of the World Health Organization Alliance for the Global Elimination of Trachoma (GET). The mapping of trachoma within districts was done in 2003 which indicated that the 15 most endemic districts are located mainly in Eastern and North Eastern regions of Uganda. The specific targets included: All endemic districts integrate prevention and control measures within the district work plans; Reach 100% of the communities with mass distribution of tetracycline and Azithromycin; and to increase by 30% access to, and provision of surgical services to patients with trichiasis.

14. Mechanisms for scaling up interventions for the control of communicable diseases

160. These included Providing of targeted capacity and technical support to districts to take ownership and management of communicable diseases; Ensuring availability of drugs for disease management and increase on the efficiency of community distribution through community drug distributors; Integrating control measures for communicable diseases including integrated vector management; Involvement of the private sector in case detection and strengthen in-country partnerships for disease control e.g. TB; Institute regular Drug Resistance Surveys and integrated disease surveillance

15. Prevention and control of non-communicable diseases

161. Non-communicable diseases (NCD) include the chronic illnesses that are prolonged, do not resolve spontaneously, and are rarely cured completely. They include hypertension, diabetes mellitus, bronchial asthma, stroke, cardiovascular diseases, sickle cell disease, cancer and arthritis. Although both the NHP and HSSP I recognized the emerging importance of non communicable diseases, the latter contained no specific section that provided guidance on how to address non-communicable diseases. HSSP II was to address the lack of information on the magnitude of the problem and therefore will initially focus on quantification of the disease burden and sensitization of the population.

162. Available data for the HMIS shows that the number of new patients attending OPD with hypertension and diabetes is increasing annually.

163. The continued lack of community based data has delayed the formulation of evidence based national NCD policies and strategies as well as the development of a comprehensive and integrated action plan against NCDs in our population. There were limited public awareness activities for prevention and control of NCDs.

16. Injuries, disabilities and rehabilitative health

164. This element of Non-Communicable diseases encompasses conditions that result in deprivation or loss of the needed competency. This may be due to damage or harm done to or suffered by a person before or after birth. The conditions include deafness, blindness, physical disability, and learning disability.

165. 168. In Uganda, 10% of the population have hearing impairment, while 250,000 are blind, the causes of which are largely preventable. The population of 60years and above has increased from 4% to 6% between 1991 and 2002. Despite increasing demand, geriatrics services are non-existent. Currently, only 2% to 25% of People with Disability

(PWDs) have access to rehabilitation services. Uganda has adopted community-based rehabilitation (CBR) as the main strategy to reach PWDs with services. Death from road traffic crashes has more than doubled over the past 10 years from 992 in 1993 to 1,996 in 2003. In 1998 Uganda lost 151.7 billion shillings through road traffic crashes accumulated from costs of fatalities, injuries, and vehicle damage. The cost for 2003 is estimated at over 300 billion shillings. Globally, the cost of accidents lies between 1-2% of the world's Gross National Product.

17. Oral health

166. Oral health encompasses the positive aspects of good oral health, all oral conditions including dental caries, periodontal disease, derangement of oral-facial tissues and other oral pathology including oral cancer. The Specific Targets were: national policy and guidelines on oral health in place and being implemented; 80% of HC IV with well-equipped and functional dental units; Awareness of the population on the risk factors and prevention of oral diseases/conditions increased to 80%; 80% of the population has access to primary oral health care. The oral health policy implementation guidelines were not developed due to inadequate resources. The number of new OPD attendance due to oral diseases and conditions was 535,650 in 2010/11, 551,810 reported in 2009/10 and 518,861 in 2008/09. The quality of services offered to this high number of patients is affected by the lack of functional dental units and inadequate oral health professionals at lower levels. There is need to prioritize procurement of dental equipment and deployment of oral health workers in the districts.

Table 1

Performance against 8 NDP indicators for the HSSIP 2010/11- 2014/15 Period

<i>Indicator</i>	<i>Baseline FY 2009/10</i>	<i>NDP Target</i>	<i>Annualized HSSIP Target 2010/2011</i>	<i>achievement FY 2010/11</i>	<i>Performance trend from HSSIP baseline</i>
% pregnant women attending 4 ANC sessions	47	60%	50%	32%	Reversal
% Deliveries in health facilities	33	35%	40%	39%	Improving but below target
% children under one year immunized with 3rd dose Pentavalent vaccine (m/f)	76	90%	80%	90%	Positive
% u5 children with weight / age below lower line (wasting) (m/f)	16%	15%	15%	NA	No current information
Contraceptive Prevalence Rate (CPR)	33%	34%	34%	NA	To be updated by UDHS-5
% of health facilities without stock outs of any of the six tracer medicines in the previous six months	21	28%	50%	43%	Positive

<i>Indicator</i>	<i>Baseline FY 2009/10</i>	<i>NDP Target</i>	<i>Annualized HSSIP Target 20010/2011</i>	<i>achievement FY 2010/11</i>	<i>Performance trend from HSSIP baseline</i>
% of approved posts filled by health workers	56	56%	60%	56%	Static
% of annual reduction in absenteeism rate	46	28%	20%	NA	Awaiting panel survey findings

AHSPR 2010/2011

18. Pentavalent vaccine coverage

167. Average of all infants with the third dose of the Pentavalent Vaccine (previously the vaccine against diphtheria, pertussis and tetanus referred to as DPT 3) is used as a proxy for overall immunisation performance. The national performance for FY 2006/07 against the pentavalent vaccine 3rd dose coverage in infants is 90%. This is a small improvement compared with the performance of the FY 2005/06 of 89%, and indicates that the sector has achieved the HSSP II target for FY 2006/07 of 87%.

19. HIV/AIDS control

168. There was no new data on the HIV prevalence indicator for the FY 2006/07. Data used for this indicator for FY 2004/05 was from the HIV/AIDS Sero-Behavioural Survey; expected figures from the ANC sentinel surveillance system were not available for FY 2005/06 and FY 2006/07. As in the FY 2005/06, an assessment of the progress against these targets has been made across the country, and a performance against these targets of: HCT – 42%; PMTCT – 45% and ART 57% has been achieved.

20. Health promotion, disease prevention and community health initiatives:

169. The mid-term report of the HSSP II indicated that unless commensurate resources were provided, it was unlikely that the set targets would be attained by the end of strategic period. For instance by 2006/07 the number of fully functional VHTs had not substantially increased from the 2004/05 baseline.

21. Environmental health

170. The mandate of the health sector in maintaining and improving environmental health during the HSSP II period was on capacity building and the promotion of the Kampala Declaration of Sanitation (KDS). The KDS incorporates the scale up of basic household hygiene practices such as availability and use of latrines; safe water and food consumption.

22. Household latrine coverage

171. During FY 2009/2010 the national sanitation coverage improved from 67.5% to 69.73%. Over 1,600,000 new people are estimated to now have access to adequate sanitation. However, one of the challenges faced by communities is the lack of sustainability of the toilet facilities constructed. Many of the toilets in water logged districts last 2 to 3 years which makes it expensive to the households to replace them, yet most of them cannot afford to use more permanent materials for construction. The issue is exacerbated in flood prone areas, where toilets were destroyed by the recent floods.

23. Maternal and child health

172. Through multi-pronged approaches, there have been some improvements in maternal and child health outcomes in Uganda. However at the beginning of the HSSP II in 2005/6, the maternal mortality ratio at 435 deaths per 100,000 live births was still unacceptably high⁹⁰. Also infant and child health had stagnated 76 per 1000 and 137 per 1000 respectively. In order to effectively respond to the challenges of reducing maternal and child morbidity and mortality, a number of interventions have been implemented in the areas of sexual and reproductive health and rights, newborn health and survival, common childhood illnesses, immunization and nutrition.

173. Like in the other years of the HSSP II period, in order to tackle the unacceptably high Maternal Mortality Ratio, core interventions identified in the Roadmap to reduce maternal and neonatal mortality and morbidity were rolled out to more districts. At the end of 2009/10 63% of districts were implementing strategies outlined in the Roadmap which is an improvement of the previous FY 2008/09 where only 45% were doing so.

24. Integrated child survival

174. A number of interventions to improve child survival were prioritized including revitalization of EPI, Newborn Survival, Child Days Plus (CDP), Integrated Management of Newborn and Child Illness (IMNCI), Home Based Management of Fever, which has evolved into the Integrated Community Case Management (ICCM) and Nutrition especially Infant and Young Child Feeding and HIV/AIDS.

25. Management of common childhood illnesses

175. The IMCI strategy was one of the priority programs under the UNMHCP for improving child survival, development and growth.

26. Expanded Programme for Immunization

176. In 2009/10, 77 (96%) districts investigated at least 1 AFP case for laboratory confirmation. At the national level, a non AFP rate of 2.9 per 100,000 children below 15 years of age was attained with district variation between 0.0 and 14.0 AFP rate. 65% (52) attained a non polio AFP rate of at least 2 per 100,000 children below 15 years of age as a recommendation of minimum standard of WHO.

27. Tuberculosis

177. Tuberculosis remains a major public health problem in Uganda. According to the 2009 WHO Global TB Report, Uganda is ranked 16th among the 22 high burden countries. In addition, the country has an emerging multi drug resistant TB (MDRTB) problem; and a high HIV prevalence (6.4% among the general population and over 50% among TB patients) fuelling TB epidemic. Moreover, TB is the leading cause of death among people living with HIV/AIDS.

28. Health care financing

National health insurance policy (NHIS)

178. Health care financing is one of the areas currently undergoing reform. As already highlighted, the health sector faces acute shortages in funding. The proportion of the national budget that is allocated to the health sector is about 9% far below the Abuja declaration of at least 15%. With high out of pocket payments that are catastrophic to the

⁹⁰ 20 Uganda Demographic and Health Survey, 2005/06

poor and vulnerable households the Ministry is the process of establishing a NHIS.

Articles 13 and 14 — Right to education

179. Upon adopting the Covenant, Uganda has taken several steps to operationalize the spirit of its provisions at various levels. The overall legal and regulatory framework is derived from the Constitution of the Republic of Uganda (1995) as amended in 2005. This is re-enforced by, among others, the Government White Paper on Education (1992), The Education Act (2008), the Business Technical, Vocational Educational and Training (BTVET) Act (2008), the Universities and Tertiary Institutions Act (2001), The Uganda National Examinations (UNEB) Act, Cap. 137, The National Curriculum Development Centre Act, Cap 135 and Education Act, Cap. 127.

1. Primary education sub-sector

180. At the Primary Education sector level, the government White Paper on Education (1992), Sports Policy, and the revised Education Sector Strategic Plan (2007-2015) continued to be the mainstay of the sector policy framework for service delivery. The broad policy priorities' remains access, equity, quality, relevance and efficiency.

181. Since the inception of Universal Primary Education in 1997 to date, there have been several strides in the operationalizing the spirit of the Covenant. Specifically, in line with provision on Clause 2 (a) that requires primary education to be compulsory and available free to all; Uganda has to a large extent fulfilled the spirit of the clause indicated therein by prescribing and adopting appropriate legal and policy frame- work. NER improved from 96.1% (96% male, 96.5% female) in 2010 to 96.7% (male 96.3%; female 97.2%) in 2011.

Table 2
Primary Education Sector performance/trends 1986-2010

Indicators	Year					
	1986	1998	2010	2011		
Total enrolment	2,203,820	5,806,380	8,324,615	8,02,000		
No. of primary schools	7,351	9916	17,562			
Percentage share of Males & Females	Male	45.11%	Male	47.27%	Male	50.06%
	Female	54.89%	Female	52.73%	Female	49.94%
Number of Teachers (public & private)	66,101	99,237	168,492			

Source: UBOS

182. Apart from UPE, there is also Adult Education being offered and examined for those who may not have had opportunity to complete primary schools, the Adult Functional Literacy (FAL) Policy under the Social Development Sector. This is contained in the Government Education policy from primary through to post-primary education. Indeed there is Makerere University Institute of Adult and Continuing Education (MIACE) that does not only offer Adult education related courses, but also trains appropriate teachers to handle and impart skills with respect to adult education at various levels in line with Clause 2 (d) of the Covenant right.

Table 3
Limitations in the realization of the Free Compulsory Primary Education

<i>Year</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
2006	85,447	215,244	300,691
2007	92,879	212,648	305,526
2008	101,919	226,917	328,836
2009	107,947	220,194	328,140
Total	388,192	875,003	1,263,193

Limitations in the realization of the Free Compulsory Primary Education

183. Cross-cutting challenges in the sub-sector

- (a) Inadequate instructional materials for teaching students with special needs.
- (b) Lack of resources for capacity building and awareness raising on Special Needs Education to the public, teachers and parents.
- (c) Inadequate services, materials and equipment for the provision of Special Needs Education.
- (d) Inadequate services, materials and equipment for the provision of Guidance & Counselling Services.
- (e) Inadequate instructional materials for teaching students in Guidance & Counselling to the public, teachers and parents.
- (f) Lack of resources for capacity building and awareness raising on Guidance & Counselling to the public, teachers and parents.
- (g) Poor motivation of teachers and instructors, particularly in hard to reach areas.

184. However, having realised the above challenges the Ministry of Education and Sports has derived numerous ways of dealing with the mentioned challenges. These include among others;

- (a) Raising salaries for the teachers
- (b) Review teachers' scheme of services
- (c) To address poor motivation of teachers and instructors across all levels of education, particularly in hard to reach areas, the sector plans to review the Teachers' Scheme of Service to ensure it is undertaking its motivational role, through a sample based assessment across all educational tiers, , among other measures.

2. Secondary school sub-sector enrolment 1986 – 2010

185. At the Secondary School level the Government has undertaken legal and policies reforms, and followed by appropriate ways of achieving the objectives of these reforms.

Table 4
Secondary Education Sub-sector performance/trends 1986-2010

<i>Indicators</i>	<i>Year</i>		
	1986	1998	2010
Total enrolment	123,479	265,676	1,202,400
Number of secondary schools	508	837	3,164

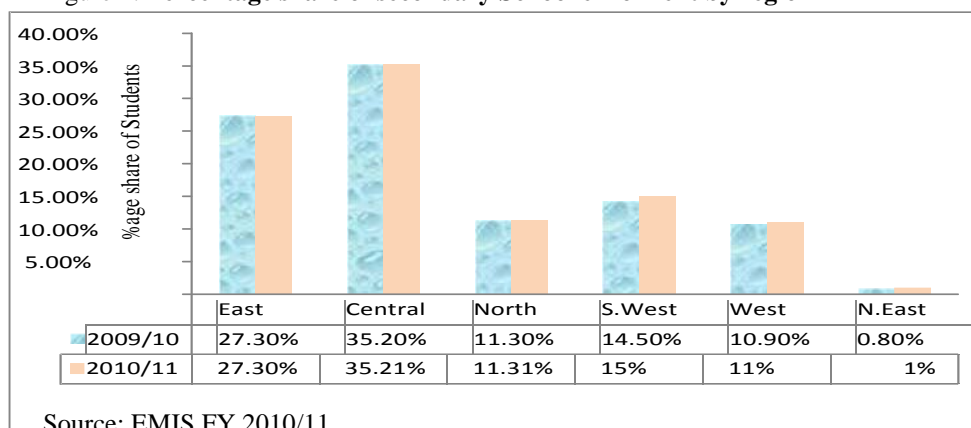
Indicators	Year					
	1986		1998		2010	
Percentage share of Males & Females	Male	81,722	Male	157,962	Male	657,685
	Female	41,757	Female	107,714	Female	544,721
Number of Teachers (public & private)	10,193		16,206		66,444	

186. The Government of Uganda, in 2007 progressively launched Universal Secondary Education. In doing so, the State of Uganda has not only made technical and vocational secondary education available and accessible, but also free for lower secondary classes. The post primary education has also been extended to cover Business, Vocational Education and Training (BTNET) sub-sector. This sub-sector has also streamlined and expanded to include Directorate of Industrial training to the Ministry of Education.

3. Regional distribution of secondary school enrolment

190. The Distribution of secondary school enrolment varies from one region to another. This is due to various factors such as population composition and availability of social amenities. Figure 2 shows percentage share of secondary school enrolment by region.

Figure 2: Percentage share of secondary School enrolment by region



Source: EMIS FY 2010/11

187. In FY 2010/11, the Central region contributed the biggest percentage share (35.21%) of enrolment followed by the Eastern region (27.3%). Like at primary level, the North Eastern Region contributed the least share of enrolment.

188. The Government passed another enabling Bill, the Business, Technical Vocational and Training Bill in July 2008 into an Act of Parliament. The BVET Act provides for the establishment of the Uganda Vocational Qualifications Framework (UVQF), the Directorate of Industrial Training (DIT) and the Industrial Training Council (ITC), and the Examinations Boards; The Uganda Nurses and Midwifery Examination Board (UNMEB), the Uganda Allied Health Examinations Board (UAHEB) and the Uganda Business Examinations Board (UBTEB).

189. The Government has now formed the Uganda Association of Private Vocational Institutions (UGAPRIVI). In addition it has reached out to many private providers of education services in Private-Public Partnership (PPP). The PPP has been extended to the Business Technical Vocational and Training to foster the subsidization of the cost of education provision. As part of ensuring successful implementation of USE, the government has gone into partnership with private institutions and paid them to provide education to students under USE in such schools.

4. Existing strategies and plans to realize the Covenant right

190. The following are the key policy actions to address the key sector performance issues; to address inadequate infrastructure in education institutions, in particular sanitation in primary schools and accommodation in vocational and tertiary institutions, the Sector plans to construct a secondary school in every sub-county without any form of USE school, expand the over enrolled secondary schools. Educational institutions are poorly equipped and have inadequate instructional materials. The sector plans to address this issue by providing an initial stock of text books, science equipment and chemicals to all USE schools (Government and Private) and ensuring that 8% of the primary non-wage budget is spent on instructional materials.

191. Quality and Standards Unit shall implement the Secondary Teachers Management Plan, ECD teacher training framework, and Primary Teachers Education Curriculum and Probation Curriculum for the newly qualified primary teachers. Construction and rehabilitation of institutions shall also occur. Physical Education and Sports will disseminate National Physical Education and Sports Plan and a monitoring and evaluation instrument will be developed for PES activities. Policy, Planning and Support Services plans to secure counterpart funding for construction of a new office building.

192. Under secondary, the USE capitation grant is Ushs.41,000 per student per annum for those in public secondary schools while for students in the Public Private Partnership schools government pays Ushs.47,000 per student per annum. For the Education Service Commission, the cost of recruiting 1 person is Ushs.267, 000.

193. In addition to these BTVET institutions, fifteen (15) other P7 graduate enrolling institutions that have been supported with funds to construct infrastructure ranging from classroom blocks & Carpentry and Joinery workshops, purchase of machines for Block-laying and concrete practice, administration blocks to installation of electricity at the institutions. Meanwhile another eight (8) BTVET in the district of Mpigi, Nakapiripirit, Mayuge, Abim, Kaabong, Moroto, Kasese and Masindi were grant aided in different areas for the realization of equitable access to quality education under TVET institutions.

5. Constraints and challenges

194. The BTVET sub-sector has a number of challenges including:

- (a) Inadequate funding – constrained budgetary resources
- (b) Shortage of required human resource particularly in science and technology academic programmes.
- (c) Inadequate physical infrastructure.
- (d) Inadequate laboratories and equipment.
- (e) Difficulties in attraction and retention of staff.
- (f) Gender imbalance.
- (g) Unfavourable social perception of BTVET.

195. To deal with some of the above challenges, the Ministry of Education and Sports, the Government policy institution plans includes the following:

- (a) Provision of instructional materials
- (b) Development of a strategic 5 year plan on Guidance and Counselling
- (c) Conduct sensitization programmes
- (d) Conduct National placement exercise
- (e) Capacity building programmes

- (f) Support supervision

6. University education

196. In line with provision on Clause 2 (c) which states that higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education; We can report here that Uganda as a signatory to the Covenant is already implementing this spirit of this Clause through primarily carrying out legal and policies reforms, and now followed by appropriate ways of achieving the objectives of these reforms. The combined enrolment at Makerere, Mbarara, Busitema, Gulu, Kyambogo and Makerere University. Business School was 53,716 by December 2009/10.

197. The Government enacted the Universities and Tertiary Institutions Act (2001), where in higher institutions of learning are regulated in their management and supervision. The National Council for Higher Education (NCHE) was established to supervise and to oversee the operation of public and private universities to ensure quality. In effect, the government has a policy of making higher education accessible based on individual student's capacity and academic merit in line with the requirement clause 2 (c) of the Covenant.

198. Under Higher Education, some of the main challenges faced include:

- (a) The sub-sector faces budgetary constraints to enhance salaries of University lecturers.
- (b) Inadequate funding in other areas of service provision in Public Universities.
- (c) Shortage of required human resource particularly in science and technology academic programmes.
- (d) Inadequate physical infrastructure –Inadequate, dilapidated physical infrastructure at public universities.
- (e) Persistent high costs for the provision of higher education.
- (f) Inadequate laboratories and equipment – Inadequate equipment and materials to support learning.
- (g) Difficulties in attraction and retention of staff – Inadequate qualified staff and difficulties in their attraction and retention.
- (h) Inadequate internship in Public Universities.
- (i) Inadequate instructional materials for teaching students with special needs.
- (j) Lack of resources for capacity building and awareness raising on Special Needs Education to the public, teachers and parents.
- (k) Inadequate services, materials and equipment for the provision of Special Needs Education.
- (l) Inadequate services, materials and equipment for the provision of Guidance & Counseling Services.
- (m) Inadequate instructional materials for teaching students in Guidance & Counseling to the public, teachers and parents.
- (n) Lack of resources for capacity building and awareness raising on Guidance & Counseling to the public, teachers and parents.

7. Counter measures to the challenges of higher education sub-sector

199. The Higher Education sub-sector has adopted the following measure in addressing

the challenges above:

- (a) Support the establishment of Constituent colleges.
- (b) Operationalize Masters and PhD training for lecturers at Public Universities and fund researchers at Public Universities.
- (c) Support private Universities.
- (d) Institute policy assurance committees in all Public Universities.

Article 15 — Right to take part in cultural life

200. Under the State's cultural objectives, the Constitution stipulates that the State shall promote and preserve the cultural values and practices that enhance the dignity of Ugandans; and encourage the development, preservation and enrichment of Ugandan languages. Further, in Article 37, the Constitution specifically provides for the right to culture: "Every person has a Right as applicable to belong to, enjoy, practice, profess, maintain and promote any culture, cultural institution, language, tradition, creed or religion in community with others".

201. The Historical Monuments Act (1967) provides for the preservation and protection of historical monuments and objects of archaeological, paleontological, ethnographic and traditional interests.

202. The Local Government Act, Cap 243 (part II, schedule II) lists cultural affairs as one of the decentralized services, activities and functions of the District. The Act mandates the Ministry of Local Government to assess the performance of culture in the local communities and to ensure that culture functions benefit from grants sent to the District.

203. The State has endorsed International, regional and national legal framework and instruments that guarantee the right to culture and the use of one's language both in public and in private.

1. Existing policy issues

204. In 2006, Uganda's first National Culture Policy was launched; it is founded on six core principles, with the first three emphasising unity in diversity, respecting others' cultures, and ensuring social inclusion for all, in the enjoyment and promotion of the cultural heritage of

205. Uganda. One of the major objectives of the Culture policy is to conserve, protect and promote Uganda's tangible and intangible heritage.

2. Existing programmes, strategies, and plans

206. The MGLSD has overall responsibility of cultural affairs in Uganda, with the mandate to empower communities to harness their potential through cultural growth, skills development and labour productivity for sustainable and gender responsive development. Specifically, the Department of Culture and Family Affairs has made an effort to improve access to cultural life by decentralizing cultural affairs as part of the responsibility of Community Development Officers (CDOs) at district level.⁹¹

207. Under the Ministry of Tourism, the Department of Museums and Monuments has the responsibility to: i) identify, document and establish an inventory of the sites and monuments in the country; ii) Maintain sites and monuments which have been gazetted,

⁹¹ MGLSD Annual Report, 2009

preserved and protected as national objects under the Historical monuments Act, Cap 128; iii) Conduct outreach programmes to schools and communities about the importance of cultural heritage preservation and management; iv) Carry out paleontological, archaeological, historical, ethnographical, ethno-musicology and anthropological research; and v) Establish, manage and maintain local, regional and national museums.

3. Institutional infrastructure to promote popular participation in, and access to, cultural life, especially at the community level, including in rural and deprived urban areas

208. The Uganda National Culture Centre (UNCC), a statutory body established by an Act of Parliament (UNCC Act, Cap 50), is mandated to provide and establish theatres and cultural centers all over the country; encourage and develop cultural and artistic activities; and provide a home to societies, groups and organizations that deal in Art and Culture.

209. In rural communities, children are allowed to participate in the cultural festivities such as initiation ceremonies, birth and death rituals, sometimes as observers, at other times as participants for example when they are coming of age, or as heirs to their fathers.

210. Under Article 246 of the Constitution the Government made provision and reinstated traditional kingdoms (previously banned since 1966) as institutions of traditional and cultural leaders, giving the people a right to pledge allegiance to a cultural leader in accordance with their culture, and to own communal assets through the institution. This article is expounded on in the Institution of Traditional Leaders Act 2011. In some regions in the country, traditional leaders have taken the initiatives and have shown capability in enhancing and encouraging participation in cultural life by children, sometimes with the support of civil society.

4. Measures taken to protect cultural diversity, promote awareness of the cultural heritage

211. In accordance with Article 6 of the 2005 Amended Constitution which provides for the use of any other language other than English as a medium of instruction in schools, the government through the Ministry of Education has rolled out a thematic curriculum (2006) that allows for primary children to be taught in their mother-tongue languages, therefore promoting and developing indigenous languages.

212. The Local Government Act Cap 243(as amended, 2008) in Part 1 of Schedule II it describes the responsibility of Parliament for the protection of national monuments, antiquities, archives, and public records. The government has also established statutory institutions mandated to promote the awareness of specific aspects of cultural heritage namely the National Library of Uganda and the National Culture Center.

213. In 2005, Uganda ratified the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, which provides for raising awareness at the local, national and international level of the importance of the intangible cultural heritage, and ensuring mutual appreciation thereof, among other provisions. However the State has still not ratified the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

5. Information on school and professional education in the field of culture and the arts

214. Civil society and the private sector have been supported by government to provide professional training in the field of culture and the arts through private tertiary institutes, theatres, radio and television stations and Community Based Organizations. Public higher institutions of learning in Uganda have fully fledged departments and faculties for advanced academic training in the performing arts (music, dance, folklore and theatre), visual and creative arts, linguistics and social sciences.

6. Measures to ensure affordable access to the benefits of scientific progress and its applications for everyone, including disadvantaged and marginalized individuals and groups

215. In Uganda, the Disability Act 2006 section 21 (1) urges government authorities to promote the right of Persons with Disabilities (PWDs) to access information through; a) The development and use of sign language, tactile, sign language interpreters in all public institutions and at public functions; b) Brailing of public information such as government documents, government newspapers and other publications.

7. Measures to protect the right of authors to be recognized as the creators and for the protection of the integrity of their scientific, literary and artistic productions

216. The Copyright and Neighboring Rights Act was enacted in 2006 to provide for the protection of literary, scientific and artistic works and their neighboring rights; and to provide for other related matters.

217. In Part II, the Copyright Act provides for the right of protection for any author's work where work is original and is reduced to material form in whatever method irrespective of quality of the work or the purpose for which it is created. Further, the basic material interests of authors resulting from their productions, which enable them to enjoy an adequate standard of living, are protected.

8. Measures to ensure the protection of the moral and material interests of indigenous peoples relating to their cultural heritage and traditional knowledge

218. The Constitution of Uganda provides in Article 21 (1) that 'all persons are equal before and under the law in all spheres of political, social and cultural life and in every other respect and shall enjoy equal protection of the law'. Article 36 spells out the rights of minorities to protection: minorities have the right to participate in decision making processes; their views and interests shall be taken into account in the making of national plans and programmes.

9. Challenges

219. While the above-mentioned provisions reveal the State's good intentions towards providing for the right to access and to participate in a cultural life for Ugandans, its obligations to respect, protect and fulfill cultural rights have only very partially been delivered.

220. Culture as a sector is nationally marginalized; with no line ministry of its own, the Culture and family Affairs -department within the MOGLSD is entitled to minimum human and financial resource. Further, Department of Museums and Monuments which is responsible for cultural sites is not structurally linked, making coordination and delivery of cultural programmes difficult.