



**FOUNDATION FOR HUMAN RIGHTS INITIATIVE (FHRI)**

**SUBMISSION FOR THE PREPARATION BY THE COMMITTEE ON ECONOMIC,  
SOCIAL AND CULTURAL RIGHTS OF A LIST OF ISSUES FOR THE  
EXAMINATION OF THE INITIAL REPORT OF UGANDA**

**UNITED NATIONS COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL  
RIGHTS**

**54<sup>th</sup> Session (Pre-Sessional Working Group)**

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The [Foundation for Human Rights Initiative](#) (FHRI) is an independent, non-governmental, non-partisan and not-for-profit human rights advocacy organisation based in Kampala, Uganda. The organisation's goal is to enhance respect, protection and promotion of internationally recognised human rights standards and norms through education, research, legal aid, legislative advocacy, and strategic partnerships.

During its 55th session, from 1<sup>st</sup> to 19<sup>th</sup> June 2015, the Committee on Economic, Social and Cultural Rights (the Committee) will examine the initial report of Uganda under the International Covenant on Economic, Social and Cultural Rights (ICESCR). Ahead of this examination, in the context of its 54<sup>th</sup> pre-sessional Working Group, the Committee will prepare and adopt a List of Issues.

FHRI welcomes the opportunity to contribute to the Committee's preparation of the List of Issues. In this submission, the FHRI brings to the attention of the Committee concerns related to the implementation of articles 3, 7, 12 and 13 of the ICESCR and formulates suggestions to the Committee for the List of Issues for the examination of Uganda.

## **1. ARTICLE 3 – NON-DISCRIMINATION AND EQUALITY**

The Government of Uganda has enacted various pieces of legislation geared towards protecting women's rights. Customary practices such as patriarchy, male inheritance and male control of decision-making, often excludes women from ownership of property especially land. The Marriage and Divorce Bill, which was shelved, yet again, in 2013 as consultations go on, outlaws a number of traditional practices. For instance, Clause 13 of the Bill prohibits widow inheritance, a practice that is still practiced in some communities in Uganda. The bill further makes asset sharing mandatory in a divorce or separation.<sup>1</sup>

The FHRI makes the following suggestions for the List of Issues for the examination of Uganda:

- **What measures has the Government taken to ensure the speedy re-tableting and passing of the Marriage and Divorce Bill?**

## **2. ARTICLE 7- RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK**

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<sup>1</sup> Clause 155 of the bill provides for equitable distribution of property jointly acquired during

Flowing from the right to work is the right of everyone to enjoy just and favourable conditions of work. One key employment standard to achieving this is to establish a minimum wage, which has not been revised since 1994.<sup>2</sup> The FHRI makes the following suggestions for the List of Issues for the examination of Uganda:

- **What measures, if any, has Government put in place to revise the minimum wage so it reflects the current cost of living?**

### 3. ARTICLE 12 - RIGHT TO HEALTH

In the financial year (2014/15), the health sector received 1.276.8b Ugandan Shillings (386,909, 091€) up from 940b Ugandan Shillings (284,848,485€), in 2013/14.<sup>3</sup> This means the sector has received about 8.5% of the national budget, which is still below the 15% Abuja Declaration target.<sup>4</sup> The Abuja Declaration enjoins all signatory countries to commit 15% of their total budget to health. As such, the inadequate budgetary allocation has its own impact on the promotion of health in general. As such the existing health infrastructure, including facilities and equipment remain inadequate to meet the demands of the people.

In 2010, the Government passed the *Female Genital Mutilation Act, 2010* and the *Domestic Violence Act, 2010*. However, since the passing of these Acts, the situation of girls and women has only marginally improved. For instance since the passing of the *Female Genital Mutilation Act, 2010*, there have only been two successful prosecutions with minimal sentences. According to the Uganda Police Annual Crime Report 2013, domestic violence cases increased by **18.4%** from **2,793** cases reported in 2012 to **3,426** cases reported in 2013.

The FHRI makes the following suggestions for the List of Issues for the examination of Uganda:

- **What steps are being taken by Government to align the Health budgetary allocations with the Abuja Declaration?**

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<sup>2</sup> Initial State report, para. 105.

<sup>3</sup> Budget Speech Financial Year 2014-2015, accessed at <http://bit.ly/1nqGZ9b>.

<sup>4</sup> During the first cycle of the Universal Periodic Review, Uganda accepted recommendation 112.41 asking the Government to achieve the AU Abuja Declaration target of 15 per cent for Health Budget. See A/HRC/19/16/Add.1, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, para.27.

- **What are the measures taken by the Government to establish a health insurance scheme to address the high out of pocket spending and to improve equity for all citizens of Uganda?**
- **What programmes has Government undertaken to ensure more sensitisation on the provisions of the *Female Genital Mutilation Act, 2010* and the *Domestic Violence Act, 2010*?**
- **What are the measures taken to ensure an effective implementation of the *Female Genital Mutilation Act, 2010* and the *Domestic Violence Act, 2010* and what are the remedies available to the victims?**

#### **4. ARTICLE 13 - RIGHT TO EDUCATION.**

The Government introduced free primary school education in 1997. This has seen a great increase in access to education. For instance, there has been a gross enrolment in primary schools from about 3.1 million pupils in 1996 to about 8.7 million in 2010.<sup>5</sup> However, the quality of education has come into question. In 2012, the overall literacy competencies were at 27.6% as only 3 out of 10 children assessed in primary 1 up to primary 7 were able to read a primary 2 level story.<sup>6</sup> This demonstrates that children are in school but they are not learning to the expected levels.

The FHRI makes the following suggestions for the List of Issues for the examination of Uganda:

- **What steps does Government envisage to address this challenge?**
- **What are the measures taken to ensure universal access to comprehensive quality basic education?**

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<sup>5</sup> 5<sup>th</sup> Periodic Report by the Government of the Republic of Uganda to the African commission on Human and Peoples' Rights, pp. 4-5.

<sup>6</sup> Uwezo, '*Are our children learning?*' Learning and Numeracy Across East Africa 2013 pp. 14.