



UNIVERSAL PERIODIC REVIEW UGANDA

JOINT SUBMISSION

presented by:

Franciscans International (FI)
(NGO in General Consultative Status with UN ECOSOC)

The Bright Doves of St. Francis

The National Association of Professional Environmentalist

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I. Introduction

1. The organizations listed below present this joint submission concerning the human rights situation in Uganda for consideration by the UPR Working Group at its 26th session (31 October – 11 November 2016).
2. Franciscans International (FI) is a faith-based International Non-Governmental Organisation (INGO) with General Consultative Status with the United Nations Economic and Social Council (ECOSOC). It was founded in 1982 to bring the concerns of the most vulnerable to the United Nations. FI relies on the expertise and first-hand information of Franciscans and other partners working at the local level around the world to advocate at the United Nations for structural changes addressing the root causes of injustice.
3. The Bright Doves of St. Francis is a faith-based Ugandan Youth organization established in 2006 and based in Kamwokya – Kampala. It is a registered Community Based Organization (CBO) under Kampala Capital City Authority (KCCA) and works through the Youfra network to reinforce cultural values which emphasize freedom, democracy and non-violence by propagating peace and helping the young discover and utilize their potential.
4. The National Association of Professional Environmentalists (NAPE) is an NGO that lobbies and advocates for the sustainable management of natural resources. It has worked in the areas of natural resource management and human rights for the last 15 years. It has conducted various studies on extractive industries and human rights and received an award in 2013 from the Uganda Human Rights Commission as a lead advocate in environmental and human rights protection.
5. This report is based on the evaluation of the commitments made by the Government of Uganda to implement recommendations accepted during its previous UPR. The data and information obtained for this submission came from various sources, including first-hand information from the above-mentioned field organizations serving individuals and particular groups affected by human rights abuses in Uganda.
6. The analysis will address the following issues of concern: child marriage, birth registration, and women's land rights.

II. Child Marriage

7. Recent statistics indicate that early marriage is still widely practiced in Uganda. According to the Uganda Demographic Health Survey of 2011, over 15% of women in the 20-49 age group were married by the age of 15, whilst almost half were married at 18 years.¹
8. These figures are largely a reflection of engrained cultural beliefs in Uganda, especially amongst tribal groups, wherein females are only considered ready for marriage following Female Genital Mutilation (FGM), which tends to occur when girls are between the ages of 12 and 16. Circumcised girls typically attract larger dowry offers². This procedure has a dire impact on the physical and psychological wellbeing of girls, and drives them into even more dangerous waters when they are married off at a young age. Indeed, there are numerous examples whereby early marriage adversely impacts health, including rendering girls more vulnerable to sexually transmitted diseases (including HIV/AIDs). On the other hand, the prevailing belief that an HIV-infected person will be cured if he engages in intercourse with an albino woman has been matched by a rise in cases of rape in the Busoga and Bugisu regions, where the relative proportion of children with albinism is high. There have even been instances in which culprits of rape and assault have married their victims in order to avoid prosecution.³
9. Other detrimental effects of early marriage in Uganda include high levels of teenage pregnancy, which in turn contributes to rapid population growth and higher levels of school dropout. Moreover, infants born to adolescent mothers have a higher risk of being born premature, dying soon after birth or having a low birth weight, which consequently impacts on the child's health, physical and cognitive development. Marriage from a young age also renders the girl-bride more susceptible to domestic violence and abuse. There is also an aspect of shame, dishonour and avarice leading to early forced marriage, as there is a tendency for parents to marry off girls if they become pregnant, or as a means to accrue wealth through the bride price.
10. The Ugandan Government has taken some positive steps to preventing early and forced marriages, including engaging with civil society organisations to carry out awareness campaigns in areas in which this occurs most frequently. In 2014, the Ministry of Gender, Labour and Social Development with the support of UNICEF launched SAUTI 116, a child helpline available to the public as a means to report instances of abuse or violence against children. According to statistics in 2014, the helpline received 166 child marriage cases, of which 92 were followed and successfully closed, whilst from January 2015 to June 2015 131 cases were received with 33 responded to and concluded. In addition, through the free, SMS-based

¹ Uganda Bureau of Statistics (UBOS) and ICF International Inc. 2012, *Uganda Demographic and Health Survey 2011*. Kampala, Uganda, p. 50.

² For example, in the Sabin tribe, such a girl is worth roughly 30 cows.

³ Speech by the executive director ANPPCAN Uganda chapter on the day of awareness for albino children on behalf of civil society, 21st March 2015.

initiative “U-report”, 13,000 people have reported cases of child marriage within their communities.⁴

11. The Constitution of Uganda (1995) stipulates that the minimum age for marriage is eighteen years for both sexes and guarantees equal rights during and following the dissolution of a marriage.⁵ However, the Marriage and Divorce Bill (2009), which provides for marriages previously exempted from legislation⁶ and reiterates that the minimum age for marriage is eighteen for both sexes, remains pending before the Ugandan Parliament. It also recognizes the right of consent, which both parties must assent to in order for the intended marriage to be valid.⁷
12. Furthermore, the Ugandan Government has adopted a National Strategy to end Child Marriage and Teenage Pregnancy to be carried out over five years between 2015 and 2019/2020, with the objective to end the practice of child marriage and its adverse consequences, namely teenage pregnancy. Key elements of focus include: the improvement of policy and legislation to protect and promote children’s rights; access to quality sexual and reproductive health services, education, child protection services and other opportunities; changing cultural attitudes within communities which perceives child marriage as the norm; and empowering youth to recognize violations of their rights through the dissemination of appropriate information.⁸

Recommendations

13. Our organizations recommend the Government of Uganda to:
 - a) **Intensify its efforts towards preventing and eliminating child marriage through the effective implementation of child protection laws and of the National Strategy to end Child Marriage and Teenage Pregnancy 2014/2015-2019/2020.**

III. Birth Registration

14. In the first cycle of the UPR, the Ugandan Government did not receive any recommendations in relation to birth registration. However, birth registration has been an issue of long-term concern within the country. In 2011, when Uganda underwent its first review under the UPR, only three in ten children were registered in Uganda.⁹ This number has improved over the last few years following the implementation of the Mobile Vital Records System (MVRS), which has been accredited with the national increase of birth registration of under 5-year old to

⁴ UNICEF Uganda, *Government launches National Strategy to end Child Marriage and Teenage Pregnancy*, Press release, 16 June 2015, available at http://www.unicef.org/uganda/media_16600.html

⁵ Constitution of Uganda, (1995), article 31: Rights of the family.

⁶ The current bill does not apply to Muslim marriages.

⁷ The Marriage and Divorce Bill, (2009), articles 15, 16, 37, 38, 57, 58.

⁸ Ministry of Gender, Labour and Social Development, UNICEF, *The National Strategy to end Child Marriage and Teenage Pregnancy 2014/2015-2019/2020: A Society Free from Child Marriage and Teenage Pregnancy*, June 2015.

⁹ Uganda Bureau of Statistics, *Uganda Demographic and Health Survey*, 2011, p. 19.

approximately 47.18% as of October 2013.¹⁰ However, in the same year UNICEF reported that approximately five million children under the age of five still remain unregistered, ranking Uganda in the top ten countries with the largest unregistered population.¹¹ Recognizing birth registration as a precondition for the full enjoyment of the fundamental rights of children, we stress the importance of addressing this issue in the forthcoming review.

15. The adoption of the Births and Deaths Registration Act in 1973 made birth registration compulsory in Uganda.¹² However, the act does not acknowledge the circumstances of children born outside of the state of Uganda, but who would otherwise be recognised as Ugandan citizens.¹³ The act's conditions of accountability and responsibility also inhibits registration. One such condition stipulates that the father of a child is allowed to renounce any responsibility (including birth registration) over a child that is born to him outside of a marital relationship¹⁴. The Uganda Registration Services Bureau (URSB) is responsible for civil registration¹⁵, including birth registration, and has offices in Kampala, and in the regions of West Nile, Northern Uganda and Western Uganda. The URSB is allowed to charge fees for its services.¹⁶ The 2005 amendment to the Births and Deaths Registration Act¹⁷ provides that for the registration of a birth of a child, one must pay 1000 Ugandan Shillings (USH), with higher fees for delayed registration and a further 1000 USH for a short birth certificate and 5000 USH for a long certificate.
16. In 2011, the Mobile Vital Records System (MVRS) was set up in Uganda, through which birth notifications can be sent by SMS to a central server at URSB. This allows respective registrars at sub-county or in town council offices to verify birth record information and, assuming this information is complete and consistent, to sign and send short birth certificates to the registered persons.¹⁸ However, the MVRS system has not facilitated the process for obtaining a long certificate, which is necessary in order to obtain a passport and to bring forth legal cases. This means

¹⁰UNICEF, Child Protection Section Programme Division, *A Passport to Protection; A guide to Birth Registration programming*. New York,, December 2013, p. 93.

¹¹ UNICEF, *Every Child Birth's Right: Inequities and trends in birth registration*, 2013, p.16.

¹² Births and Deaths Registration Act, (1973), part III, article 7: "Within three months of the date of birth of a live child, the father or mother of the child shall register particulars concerning the birth as may prescribed with the registrar of the births and deaths registration district in which the child was born." The current law is Birth and Death Registration Act Cap 309 Laws of Uganda.

¹³ Uganda Law Reform Commission, *Issues Paper Project: Reform of the births and death registration Act Cap 309*, 2014, p. 6.

¹⁴ Birth and Death Registration Act, Part III, article 9.

¹⁵ Chapter 210 The Uganda Registration Services Bureau Act, Part II, Article 3: "There is established a body to be known as the Uganda Registration Services Bureau."

¹⁶ Chapter 210 The Uganda Registration Services Bureau Act, part II, article 4(2): "Without prejudice to the general application of subsection (1), the bureau shall, for the purpose of achieving its objects, have the following functions (...) to charge fees for any services performed by the bureau."

¹⁷ Births and Deaths Registration (Amendment) Regulation 2005, article 2: "FEES: (1) For issuance of certificate of registration on a birth of a child (a) in case of a long certificate [national application 5000 USH; foreign application 40 USD], (b) in case of a short certificate [national application 1000 USH; foreign application 20 USD]. (2) For registration of a birth of a child (a) after six months but within one year [national application 1000 USH; foreign application 20 USD], (b) for every additional year or part thereof [national application 1000 USH; foreign application 20 USD]."

¹⁸Uganda Mobile VRS. (ND). *About mobile vital records system*. Retrieved from <http://www.mobilevrs.co.ug/home.php>

that many people are still required to make the long and expensive journey to Kampala or its regional offices in order to receive the long certificate. Other challenges include unreliable internet connectivity, logistical issues, and lack of a clear national policy on birth registration.¹⁹ Moreover, limited public awareness due to low literacy levels and the perception of certain communities that registration will attract unnecessary taxes are important barriers to registration.²⁰

Recommendations

17. Our organizations recommend the Government of Uganda to:
 - a) **Revise the national legislation and the administrative procedures to ensure free and universal birth registration, providing for instances of children born out of wedlock or born outside the country who should be recognised as Ugandan citizens. Registration processes should be amended to facilitate greater access for those living in remote and rural areas;**
 - b) **Intensify efforts to increase awareness on the importance of birth registration and the process of acquiring a birth certificate in order to protect children from the consequences derived from non-registering, including early marriages and child labour.**

IV. Women's Land Rights

18. Our organisations are concerned about the adverse impact of oil exploration in the Albertine region on the rights of local communities, in particular women. Whilst women in the region have access to family land for farming, most do not enjoy ownership rights. In many communities, traditional leaders are responsible for resolving issues pertaining to land allocation and ownership. Many women depend upon traditional inheritance practices to ensure they have access to farmland. According to a recent study conducted by NAPE in Buliisa and Hoima districts, most land owners did not possess land certificates or titles, but of those who do, the documents were in the names of the men. Women stressed this as a major challenge because it does not grant them grounds for claiming ownership of, access to or rights of control over land.²¹ Therefore, these women are unable to prevent the sale of farm and forestland to oil companies and are often excluded from negotiations, nor do they reap the financial rewards from such transactions.
19. It is of grave concern that families residing in oil exploration areas are becoming landless as men sell off family land for short-term monetary gains. Research noted some scenarios wherein the head of the family sold land to oil companies and private individuals without the consent of their wives. This is highly pronounced in the oil refinery-affected area of Kyapaloni.²² The selling of land has also reportedly

¹⁹ URSB and UNICEF, *Civil registration study tour in Uganda*, 2013, p. 11; available at: <https://unicefstories.files.wordpress.com/2013/10/pan-african-study-tour-revised.pdf>

²⁰ Uganda Law Reform Commission, *Issues Paper: Reform of the Births and Deaths Registration Act Cap 309*, 2014, p. 26.

²¹ National Association of Professional Environmentalists, *Women-led Action oriented Research on Negative Impacts of Oil on Women's Rights, Land and Food Sovereignty in Uganda's Oil Region 2015/2016*.

²² *Ibid.*

led to an increase in domestic violence against women in relation to land compensation money, as the majority of men feel that women are not supposed to ask for or share in the benefits from land sales.²³ Families in the region have been rendered destitute by the selling of land to oil companies by spouses, and there have been instances where some men have run away after receiving the money, leaving their wives and children without food, land and other necessities. In some cases this has forced women to engage in prostitution with men working with oil exploration companies to meet the needs of their families.

20. Furthermore, in some cases it has been reported that the compensation agreements for the land transference were in English. Owners who lacked proficiency in this language were not provided with resources to interpret the content, and therefore were unable to distinguish the specifics of the document presented to them.²⁴ Instances were also reported whereby some women were under the impression they had signed land use agreements, yet they were actually signing for compensation of destroyed crops, whilst others signed without any knowledge of what they were consenting to.²⁵
21. Women are often tasked with providing the majority of food crops for their families, but face food shortages following destruction of land used to construct oil refineries. For example, the land earmarked for the construction of an oil refinery in Kabaale-Buseruka sub-country, originally farming land for around 7200 local inhabitants, has not only resulted in the displacement of local communities but has also seen inadequate compensation for those still awaiting relocation.²⁶ Instead, communities have been prevented from growing crops such as cassava, essential not only to their livelihoods but their very survival. As a result, around 92 families are currently forced to subsist on cereal food crops, which is insufficient for the food demands of the entire population of the area and signifies a violation of their right to food.²⁷
22. The government fails to guarantee economic security and sufficient compensation for families and women who are forced off their lands. According to Article 27 of the Uganda Land Act, any decisions made pertaining to customary land rights or regulation in accordance with customs, traditions or practices that deny women access to ownership, occupation, the legal use of any land, or in any way violate the rights of women outlined in the 1995 Constitution, are null and void.²⁸ Moreover, the 2013 National Land Policy recognises the rights of women and children to the inheritance and ownership of land and sets the obligation upon the government to ensure that both men and women enjoy the right to land before, during, and at the

²³ *Ibid.*

²⁴ Uganda Human Rights Commission, *Oil in Uganda. Emerging Human Rights Issues. Special Focus on Selected Districts in the Albertine Graben*, 2013, p. 22.

²⁵ *Ibid.*

²⁶ National Association of Professional Environmentalists, *Women-led Action oriented Research on Negative Impacts of Oil on Women's Rights, Land and Food Sovereignty in Uganda's Oil Region 2015/2016*.

²⁷ *Ibid.*

²⁸ Uganda Land Act, (1998) (amended in 2010), article 27: "Rights of women, children and persons with a disability regarding customary land. Any decision taken in respect of land held under customary tenure, whether in respect of land held individually or communally, shall be in accordance with the customs, traditions and practices of the community concerned, except that a decision which denies women or children or persons with a disability access to ownership, occupation or use of any land or imposes conditions which violate articles 33, 34 and 35 of the Constitution on any ownership, occupation or use of any land shall be null and void."

point of dissolution of marriage without discrimination.²⁹ It should be noted that this is however restrictive as it is limited to legally married women and therefore excludes widows, divorcees and women in cohabiting relationships.

23. However, research indicates a lack of enforcement of the laws and policies which support equal access to, control and ownership of land by women as well as men, and the position of women in decision-making at household level.³⁰ Furthermore, the absence of an inclusive compensation policy on land has resulted in reports from areas such as Kabaale-Buseruka claiming that only men receive land compensation in instances where, in accordance with the law, it should be made to a couple.³¹ This has resulted in the cases of desertion and destitution recounted earlier in this report.
24. Moreover, women are largely excluded from the labour force in the oil industry and thus profit very little from local-resource wealth and development. On the level of governance, women are represented in decision-making bodies, yet are prevented from influencing matters related to oil exploration for want of relevant knowledge, whilst also lacking experience and training in governance. The limited input of women on important decisions pertaining to natural resources thus hinders their ability to benefit from their due economic, social and cultural rights.

Recommendations

25. Our organizations recommend the Government of Uganda to:
 - a) **Ensure, in line with the principles of Free, Prior and Informed Consent, that communities residing in the Albertine region, including women, are fully consulted before granting permission for oil exploration to be carried out on their customary lands;**
 - b) **Guarantee that the affected communities are effectively resettled and adequately compensated prior to land transactions being made, ensuring that both men and women benefit equally from compensation.**

²⁹ The National Land Policy, (2013), para. 65: “(a) Government shall by legislation, protect the right to inheritance and ownership of land for women and children; (b) Government shall ensure that both men and women enjoy equal rights to land before marriage, in marriage, after marriage, and at the succession without discrimination.”

³⁰ National Association of Professional Environmentalists, *Women-led Action oriented Research on Negative Impacts of Oil on Women’s Rights, Land and Food Sovereignty in Uganda’s Oil Region 2015/2016*.

³¹ *Ibid.*