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Fifty-fifth session

Summary record (partial)* of the 38th meeting

Held at the Palais Wilson, Geneva, on Thursday, 11 June 2015, at 3 p.m.

Chairperson: Mr. Sadi

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3.30 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Initial report of Uganda (continued) (E/C.12/UGA/1; E/C.12/UGA/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Uganda took places at the Committee table.*

2. **Mr. Madada** (Uganda) said that he was not aware of any cases of forced evictions on the ground of sexual orientation, but he would communicate any further information that the Committee had in that regard to his capital. In order to deal with illicit financial flows, the Financial Intelligence Authority had been established pursuant to the Anti-Money Laundering Act of 2013. The right of everyone to form trade unions and to join the trade union of his or her choice was established under the Constitution and the Labour Unions Act of 2006, and quite a number of trade unions and two large trade union centres were operating in Uganda. A comprehensive legal framework was in place to deal with land grabbing and to award compensation to communities affected by land acquisitions.

3. The Government was implementing a range of strategies, policies and programmes to address the issue of youth unemployment, such as the Youth Livelihood Programme, and other initiatives to give young people the skills needed to enter the labour market.

4. The current National Development Plan had a focus on the right to health, including by improving access to water and sanitation, particularly in rural areas. The Plan also called for increasing the number of housing units in the country, from 6.2 million in 2013 to 7.8 million by 2020. However, that initiative was being undertaken by the private sector and did not involve the construction of public housing for the disadvantaged.

5. A comprehensive national social protection system was being developed; a draft proposal had been prepared and was being considered by high-level representatives of several ministries. The proposed system would ensure increased social security coverage for workers in both the formal and informal economy. The Domestic Violence Act included a specific provision on women with disabilities, and the Government was working in cooperation with non-governmental stakeholders to identify gaps in the protection provided, particularly to girls with disabilities. In response to the findings of a study conducted by the United Nations Children's Fund (UNICEF), specific measures would be taken to address the needs of children with disabilities in Uganda.

6. **Mr. De Schutter** said that, based on comments made by the delegation at the previous meeting, he took it that the State party did not consider agriculture to be a mainstay of the economy that required major investment. He found it difficult to agree with that assessment, as increasing the income of the large number of poor people living in rural areas, who made up the bulk of the population, would likely improve other sectors of the economy as well. One of the main lessons learned from the world food price crisis in 2007 and 2008 was that Governments had not been investing enough in small farmers. He therefore suggested that the State party should revisit its priorities for the sake of realizing the right to food and tackling rural poverty.

7. He welcomed the adoption of the Anti-Money Laundering Act but was concerned that it might not cover cases in which foreign investors failed to declare the profits that they made in Uganda. Companies that paid no or low taxes meant a serious loss of revenue for the State party's public budget. He invited the delegation to comment on the Government's position on foreign investors that engaged in such practices. He also welcomed the Government's intention to establish a comprehensive social protection system, as

recommended at the International Labour Conference in 2012. He asked whether that system would take a rights-based approach.

8. **Mr. Madada** (Uganda) said that the Government was making efforts to modernize agricultural production in the country by increasing access to electricity and building infrastructure that would make it possible to add value to agricultural products. The State would be unable to combat poverty if it continued to sell raw agricultural products at low prices to other countries for processing. He welcomed the Committee's comments about illicit financial flows, as they would help the Government to identify gaps in the current legislation. His Government would take into consideration the recommendations made at the International Labour Conference on adopting a rights-based approach to social protection.

9. **Ms. Shin** said that she welcomed the inclusion of provisions on women with disabilities in the Domestic Violence Act, which had laid the groundwork for further efforts in that area. She urged the State party to work in coordination with international agencies to conduct the research needed to identify cases of violence against women with disabilities that would otherwise remain hidden. Violence against women posed an obstacle to the country's development, and many different forms of assistance were required to protect women with disabilities against violence, such as shelters and law enforcement agents and prosecutors specifically trained to deal with victims with disabilities.

10. **Mr. Abdel-Moneim**, noting the Government's efforts to promote higher education by supporting private universities, said that such universities sometimes made large profits by taking advantage of government support and tax exemptions and that private education could also exacerbate inequalities. He therefore welcomed the establishment of the National Council for Higher Education and its work to supervise both public and private universities.

11. **Ms. Bras Gomes** asked whether the Government planned to establish a social protection floor and, if so, whether it would be applied to the current social assistance grants for empowerment cash transfer programme.

12. **Mr. Madada** (Uganda) said that plans for comprehensive social protection related to issues beyond simple cash transfers. The Government was considering a national insurance scheme. The current position was that different agencies dealt with social protection and the Government's aim was to coordinate the flows of benefits. For example, the Prime Minister's Office dealt with food relief, while the Ministry of Education was considering a plan to provide lunch for children at school. An overarching authority was required. The Government would provide the Committee with further information.

13. **Mr. Schrijver** said that nothing had been said about the rights of persons with mental health problems. The bill drafted in 2009, which was due to replace an outdated law of 1964, was, according to his understanding, still pending. He asked whether there was any chance of expediting it.

14. **Mr. Madada** (Uganda) said that the bill had passed through the Cabinet, so it was at its final stage. The difficulty was that Parliament was under pressure to complete electoral reforms by the end of July 2015 for elections scheduled in 2016. Once that was completed, he assured the Committee that the bill would be a priority. The bill was sponsored by the Ministry of Health, but the Ministry of Gender, Labour and Social Affairs had also been involved and a new board was to be established dealing with all aspects of disability.

15. **Mr. Schrijver** said that, under the current law, persons with disabilities had no rights; for example, they were denied the legal capacity to bring a claim. The passage of the bill should therefore be expedited.

16. **The Chairperson**, speaking as a member of the Committee, said that he would like to know how widespread polygamy was in Uganda. Under international human rights

norms, polygamy could not be justified even on religious grounds. He also asked whether sexual harassment was an offence under the Penal Code.

17. **Mr. Uprimny Yepes** said that, although the Covenant did not prohibit private educational establishments, the State must guarantee equal access to education for all. The fees in private institutions might be low, but they could amount to a large percentage of a household's income, especially in a country where women had an average of six children. If the family income stretched to three children in private education, that would account for half its income and preference would be more likely to be given to boys. Given that the economy was improving, he could see no reason why the Government did not increase spending on education, with a view to improving the quality of education for low-income families. Apart from any other consideration, such spending would be a good investment for economic growth.

18. **Mr. Madada** (Uganda) said that polygamy was widespread in Uganda, although he could not give statistics. It was part of the country's culture. Attitudes were, however, changing, owing to the fact that education levels were higher. Some matters could not be legislated on. With regard to sexual harassment, he drew attention to his Government's replies to the list of issues under article 10 of the Covenant, which contained details of legislation adopted to deal with domestic violence and female genital mutilation.

19. With regard to the question of private education, he said that, following the ousting of Idi Amin, under whose rule education had deteriorated seriously, private education had taken hold more widely. In his view, the prevalence of private education meant that overall access to education had increased. The poorer parts of the country benefited from a district quota system, which enabled students to enter a wide range of universities. Until recently, Uganda had had only one university, with 2,000 students, but currently, there were many universities and many students.

The meeting was suspended at 4.25 p.m. and resumed at 4.45 p.m.

20. **Mr. Twaha** (Uganda) said that the NGO amendment bill was not yet law; it was currently before Parliament and members of the public were free to express their views. As for the mechanism for protecting women with disabilities, an amendment to the Penal Code criminalized sexual violence against persons with disabilities and the perpetrators were prosecuted. With regard to the incidence of poverty, he said it had amounted to 19.7 per cent in the years 2012–2013.

21. **Mr. Madada** (Uganda) said that there had been 376 cases of corruption, of which 360 had been completed, while 280 were pending. A number of senior officials, including local government officials, were currently on trial.

22. **Mr. Twaha** (Uganda) said that the Government's policy on HIV/AIDS revolved around safe circumcision, safe condom use and abstinence. Owing to the use of antiretroviral drugs, the HIV infection rate remained stable. He added that 821,721 people (76 per cent of the population living with HIV) were currently on antiretrovirals. With regard to primary school attendance, he said that the enrolment rate was 88.5 per cent and the completion rate 71 per cent. The food and nutrition bill was still going through the legislative process and, since it had financial implications, it needed authorization from the Ministry of Finance. As for the evictions in Mubende, it was a private matter. The original inhabitants had gone to court and won their case, but it was up to them and their lawyers to enforce the judgement. The Government could not interfere.

23. **Ms. Bras Gomez** said that the Committee had already been informed of the numbers of corruption cases; its main concern was to know the results of the prosecutions.

24. **The Chairperson**, speaking as a member of the Committee, asked whether such prosecutions led to specific results and what punishments had been imposed.

25. **Mr. De Schutter** said that he would like the delegation to comment on the benefits of international assistance and cooperation. Specifically, he wished to know what relations the State party had with international donors and how it channelled development assistance to achieve the realization of economic, social and cultural rights for the population.

26. **The Chairperson**, speaking as a member of the Committee, asked to what extent foreign companies in Uganda abided by the basic provisions of the Covenant with regard to wages, health care and the environment.

27. **Mr. Madada** (Uganda) said that the Employment Act of 2006 applied to all companies, including international ones. Any initiative had to gain approval from the National Environmental Management Authority. Moreover, labour inspectors had been appointed to oversee conditions in the workplace. The main difficulty was the sectors in which a minimum wage had not been established, but the Government sought to rectify that omission.

28. A number of international development partners, including Ireland (Irish Aid), the United Kingdom (UK aid) and UNICEF, supported projects for the realization of economic and social rights such as the social assistance grants for empowerment. Others had assisted the Government in addressing challenges to the fulfilment of civil and political rights such as corruption, which entailed financial assistance for judicial reform. As for specific corruption cases, he said that a high-ranking official in the Office of the President, Teddy Cheeye, to cite one example, had been prosecuted and was still in prison for embezzlement of public funds.

29. **The Chairperson**, speaking as a member of the Committee, said that he wished to know whether there was a public medical insurance scheme in Uganda and, if so, what treatment it covered. Were there any campaigns to raise awareness of conditions such as obesity and diabetes in Uganda?

30. **Mr. De Schutter** said that it was not unusual for development projects funded by international development partners to be implemented in a top-down manner without taking into account the needs of the beneficiaries or encouraging them to participate actively in designing the project in question. He wondered about the extent to which the State party had been involved in carrying out development projects such as the social assistance grants for empowerment.

31. **Mr. Madada** (Uganda) said that development projects funded by international development partners could only be carried out if they were in line with the objectives set out in the country's national development plan. The Government had participated in discussions with its international development partners on the content of the social assistance grants for empowerment programme. During the discussions, there had been some disagreement over whom the programme should target. One international development partner had wished for the programme to target children, whereas the Government had maintained that there were already several programmes that covered children and that the grants should instead be provided to elderly people with limited resources who had to care for their orphaned grandchildren. After much debate, the Government had convinced the international development partner in question that the grants should be given to older persons who cared for their grandchildren. The results of the programme had shown that the grants had led to an increase in the school attendance rate and an improvement in the general state of health of the children concerned. There was currently no public medical insurance scheme in Uganda, although the Government was hoping to introduce such a scheme as part of its strategy to expand the existing social security system. All the existing medical insurance schemes in Uganda were private.

32. **Mr. Schrijver** said that it was regrettable that not all the members of the delegation had been able to attend the discussions, as it was beyond the capacity of such a small

delegation to answer questions on such a broad range of subjects. He was pleased to note that the State party had made significant progress towards achieving some critical development goals, such as reducing poverty, guaranteeing access to primary education and combating corruption. He also welcomed the State party's efforts to preserve the independence of the judiciary and to provide judges with training on economic, social and cultural rights. However, it was also clear that significant challenges remained, such as the State party's limited institutional capacity, the slowness of the judiciary and the inefficiency of the law-making process. The State party should also step up its efforts to collect statistical data, disaggregated by sex, age and geographical location. The Committee had also noted that the State party often faced a dilemma in reconciling traditional views and practices with international human rights norms. In particular, the State party should take action to strengthen the protection afforded to women and marginalized groups in Ugandan society and take their views and needs into account when making decisions that affected them. He underscored the vital role played by civil society in ensuring the accountability of the State and the transparency of its actions.

33. **Mr. Lukwiya** (Uganda) said that it was indeed regrettable that the specialists from Kampala had not been able to attend the meetings. Once the specialists had been consulted, the delegation could provide the Committee with information on any outstanding issues. Uganda was a developing country and continued to grapple with a multitude of challenges, including a deficient legal and institutional framework and a serious lack of human and financial resources. In view of the current situation in the country, the Government had to use what little resources it had to achieve critical development goals such as poverty reduction. The Government remained committed to protecting and upholding the human rights of all persons residing in Uganda and, as a token of its commitment, had made a voluntary pledge to develop a national human rights plan during its previous universal periodic review before the Human Rights Council.

34. In spite of its limited resources, Uganda had begun to improve its human rights record. A parliamentary committee on human rights had been set up to provide guidance on and exercise oversight over human rights-related matters. A similar committee had been set up within the Cabinet of Ministers. Moreover, a technical committee on human rights composed of State and non-State officials had been set up to coordinate and oversee the country's efforts to fulfil its international human rights obligations. Focal points responsible for reporting on the level of compliance with human rights obligations had also been appointed within every government department. The Ugandan Law Reform Commission was reviewing the entire body of Ugandan legislation to ensure its compatibility with the international human rights obligations assumed by Uganda. The Government was also stepping up its efforts to ratify outstanding international human rights instruments and to transpose them into Ugandan legislation. The national development plan for the period 2015–2020 incorporated a rights-based approach to development. The national human rights plan was the key policy document that would serve as a useful tool for monitoring and evaluating the Government's compliance with its human rights obligations and for mainstreaming a human rights perspective into all aspects of governance. The Government looked forward to receiving the Committee's concluding observations and to detailing the progress that it had made in implementing the Covenant in its next periodic report.

The discussion covered in the summary record ended at 5.30 p.m.