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United Nations Country Team in Uganda
Written contribution for the Universal Periodic Review (UPR) documentation
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A. Introduction

1. This report, prepared by the United Nations Country Team (UNCT) in Uganda, focuses on recommendations made to Uganda in the second cycle of the UPR held on 3 November 2016. It provides an independent joint UN assessment of Uganda's progress in implementing these recommendations, highlighting achievements and pending challenges. It also considers recent developments in the human rights situation in Uganda and provides concrete recommendations to the Government of Uganda for the improvement of the human rights situation in the country.
2. In the second UPR cycle, Uganda received 226 recommendations, out of which 148 were accepted, and 78 noted.

B. Implementation of recommendations

• *Legislative and policy developments*

3. Uganda has ratified most of the core international human rights instruments except for the Convention for the Protection of All Persons from Enforced Disappearances and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, 2nd Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the 3rd Optional Protocol to the Convention on the Rights of the Child; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the International Labour Organization Domestic Workers Convention, 2011 (No. 189); the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169); and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
4. The Constitution of the Republic of Uganda 1995 and other laws provide the overarching framework for human rights promotion and protection. Uganda has domesticated international human rights instruments into a number of laws and policies, including the Prevention and Prohibition of Torture Act 2012, the Children (Amendment) Act 2016, the Prevention and Prohibition of Torture Regulations 2017, the Mental Health Act 2019, the Data Protection and Privacy Act 2019, the Human Rights Enforcement Act 2019, the Constitutional Amendment Act 2019 and the Administration of Judiciary Act 2020. On the other hand, a number of bills and regulations that, if enacted, would have the potential to further uphold human rights remain pending, including the Sexual Offences Bill, the Human Rights Defenders Bill, the Witness Protection Bill, the HIV/AIDS Prevention and Control Bill, the Succession Amendment Bill and the Evidence Bill.
5. Within the reporting period, Uganda retained its key human rights institutions and ministries, including the Uganda Human Rights Commission (UHRC), the Equal Opportunities Commission (EOC), the Ministry of Gender, Labour and Social Development (MGLSD), the Ministry of Justice and Constitutional Affairs, the Justice Law and Order Sector (JLOS) and the Leadership Tribunal under the Inspectorate of Government. The UHRC and the EOC continue to face significant financial resources and other constraints, including protracted delay in the appointment of commissioners. The UHRC was without a Chairperson from November 2019 until July 2021.
6. The Human Rights Committee in Parliament (HRC) was established in 2012 to track and report on human rights concerns and monitor government compliance with international and national human rights standards. The HRC has been active in scrutinising allegations of torture, visiting places of detention and calling for accountability for violations.

7. The UNCT commends the Government's commitment to incorporating a Human Rights-Based Approach (HRBA) in implementing the 2030 Agenda for Sustainable Development. In 2020, the Government adopted the human right-based National Development Plan III, which integrates human rights and the Sustainable Development Goals (SDGs).
8. The Ministry of Foreign Affairs (MoFA) and the Inter-Ministerial Committee on Human Rights prepared overdue draft State reports to treaty bodies on the Convention Against Torture, the International Covenant on Civil and Political Rights and the Convention on Elimination of all Forms of Discrimination against Women. However, these reports were not formally submitted by Cabinet for approval.

Recommendations

- a) Ensure that the Government accedes to and/or ratifies pending international human rights treaties, particularly the Convention for the Protection of Persons from Enforced Disappearances;
- b) Ensure that the UHRC, EOC and relevant line ministries are adequately funded, supported and capacitated to ensure that human rights are effectively mainstreamed in governance;
- c) Ensure that the Government is supported to collect and analyse data to inform its implementation of the NDP III and the 2030 Agenda;
- d) Ensure that human rights obligations, action plans and recommendations from human rights mechanisms are incorporated and aligned with national development frameworks and policies;
- e) Advance in the submission of State reports to UN treaty bodies;
- f) Ensure that the Government updates its reporting to international human rights mechanisms and issue a standing invitation to the special procedures mandate holders of the UN.

• *National Action Plans on Human Rights*

9. The UNCT commends the Government on its development of a National Action Plan on Business and Human Rights (NAPBHR), which integrates the UN Guiding Principles on Human Rights. The NAPBHR has been approved by the Cabinet and is due to be launched in August 2021. The UNCT also commends the Government for holding the first national meeting of people with albinism which led to the development of a draft National Action Plan on Albinism in 2020, and for consultative meetings with indigenous peoples' which resulted in the formation of an inclusive drafting committee, the National Indigenous Peoples Reference Committee, comprised of representatives of government, UHRC, EOC and indigenous peoples, who prepared in 2020, and continue to develop, a draft National Affirmative Action Programme on Indigenous Peoples in Uganda. The National Action Plan on Human Rights (NAPHR) remains pending final approval by Cabinet since 2016.

Recommendations

Expedite the finalisation and implementation of the NAPBHR, the NAPHR, the National Action Plan on People with Albinism and the National Action Programme on Indigenous Peoples.

• *Equality and non-discrimination*

10. Since 2016, the EOC has promoted the equal opportunities of vulnerable groups, including through mainstreaming gender and equity in ministries, departments and agencies; carrying out advocacy on human rights of vulnerable groups, including persons with albinism (PWA); supporting work on disability inclusion and conducting research to identify the status of equal opportunities to inform national interventions.
11. During the reporting period, the EOC and the UHRC have conducted investigations into allegations of workplace discrimination, labour rights and child labour in a range of industries. At

present, due to a lack of commissioners and financial resources, the EOC and the UHRC are unable to constitute their tribunals and fulfil their accountability mandates.

12. While efforts have been made to review legislation from a non-discrimination lens, there are still discriminatory laws and provisions in place which prevent Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) people from enjoying equal human rights. While homosexuality is not criminalized in Uganda, the act of same-sex relations is. Section 145 of the Ugandan Penal Code penalizes "carnal knowledge of any person against the order of nature" and is punishable with life imprisonment. LGBTIQ people are subjected to human rights violations and abuses and continue to face stigma, discrimination and fear of arrest.
13. Despite Government's efforts to eradicate them, harmful traditional practices and stereotypes perpetuate discrimination against women, children, ethnic minority groups, people living with HIV and persons with disabilities (PWDs).

Recommendations

- a) Conduct a systematic audit and review of legislation to ensure non-discrimination and expedite laws to guarantee effective enjoyment of equal rights;
- b) Through the Ministries of Finance and of Justice, ensure that all determinations by the UHRC, the EOC and wider justice apparatus are implemented, respected, and compensation is timely paid to victims;
- c) Amend the Penal Code Act to derogate section 145 on "unnatural offenses", which when enforced, leads to discrimination against LGBTQI people.

• *Persons with disabilities (PWDs)*

14. The UNCT commends the Government for adopting the Mental Health Act 2019 which aims to improve the care of treatment and care of persons with mental illness, and the Persons with Disabilities Act in 2020 which seeks to provide for the regulation of accessibility of public buildings and the provision of transport and other services to PWDs.
15. The EOC, UHRC and the National Council for Persons with Disabilities (NCPD) have continued to raise awareness of the rights of PWDs. While there is an enabling policy framework on disability inclusion in Uganda in line with the Convention on the Rights of Persons with Disabilities (CRPD), in practice implementation is limited to ministries, departments and agencies applying human rights-based approaches to programming and inclusivity. The NCPD lacks sufficient human and financial resources to carry out its mandate to monitor, coordinate and advocate for disability inclusion.
16. Disability affects 11% of children aged 2 to 17 years. Inadequate data on the situation of children with disabilities and special needs limits effective planning and response initiatives.
17. Various interventions have been undertaken to protect PWA. In July 2021, the President assented to the Human Sacrifice Act 2021, which seeks to prevent and punish those involved in human sacrifice. The Government has also taken a number of measures to promote the health rights of people with albinism, including the provision of free eye care and support to raise awareness of the rights of PWA.

Recommendations

- a) Ensure adequate mainstreaming of disabilities in the planning and budgeting processes;
- b) Ensure that the NCPD is adequately resourced to fulfil its mandate effectively, including by collecting data to support national planning for PWDs, particularly children and to present the second report on the implementation of the CRPD in Uganda in 2022;
- c) Collect, analyse and disseminate disaggregated disability-specific data for policy formulation and programming.

- ***Women and girls***

18. Discrimination against women in marriage, divorce, inheritance and employment persists. Inheritance laws do not adequately protect the rights of women and children – particularly girls to inherit the property of a deceased relative on an equal basis with men. Women face discrimination in marriage, and divorce with legal protections dependent on the law governing a particular form of marriage. The Succession Amendment Bill, 2018 and the Marriage and Divorce Bill seek to address these and other discrepancies.
19. The implementation of the Domestic Violence Act has been gradual; the Government has established special courts to address the backlog of gender-based violence (GBV) cases. However, capacity gaps in human and financial resources continue to affect the implementation of the Act.
20. During the COVID-19 lockdown, there were consistent reports of an increase in GBV. According to the Uganda Police Force, in 2020 17,664 cases of domestic violence were reported compared to 13,693 in 2019, a 29% increase between 2019 and 2020. The most prevalent forms of GBV are domestic violence, physical violence, child marriage, rape, defilement, and other types of sexual violence. During the past years, several good practices in GBV programming have been developed and implemented, including awareness-raising. Capacities have improved through multi-sectoral responses. However, key challenges persist in mainstreaming GBV across sectors coupled with impunity, and inefficiencies in the response systems due to limited resources and under-reporting.
21. The 2007 National Gender Policy was revised in 2017, and an action plan developed. However it is still awaiting approval by Cabinet.
22. The recently gazetted Employment Amendment Bill, 2019, provides for the regulation of employment of domestic workers, protection from violence and improved working conditions.
23. In May 2021, Parliament passed the Sexual Offences Bill, which at the time of writing is pending assent by the President. The Bill criminalizes sex workers, clients, and brothel keepers. It also prescribes the death sentence for “aggravated rape.” Ugandans who engage in consensual same-gender sexual conduct or anal sex outside Uganda could be prosecuted, irrespective of whether such conduct is legal where it takes place. The Bill also punishes family members who fail to report offences under the Bill with up to three years in prison. It criminalizes “false sexual allegations,” which could have a chilling effect on the reporting of sexual offences. The Bill also includes mandatory and forced HIV testing of defendants and treats HIV status as an aggravating factor. This provision, and another on “unnatural offences” defined as sexual relations with persons of the same sex, perpetuate stigma and are discriminatory.
24. In 2010, the Government enacted a law to prohibit Female Genital Mutilation but the law has not been implemented.

Recommendations

- a) Prioritize financial resources for GBV programming to address gaps in human as well as technical capacities and for long-term commitment to GBV shelters;
- b) Expedite the adoption of the National Gender Policy;
- c) Expedite the enactment of the Marriage and Divorce Bill, the law on Female Genital Mutilation, Succession Amendment Bill 2018 and the Employment Amendment Bill 2019;
- d) Review the provisions in the Sexual Offences Bill that are discriminatory and contrary to human rights standards before it is enacted;

- e) Introduce measures to prevent sexual exploitation and abuse in the workplace in Uganda and protect victims of SEA.

- ***Persons living with HIV/AIDS***

- 25. The UNCT commends the Government of Uganda for its achievements in the fight against HIV/AIDS. The Government has put in place a conducive policy, legislative and programmatic environment, including the National Policy on HIV/AIDS and the HIV/AIDS National Strategic Plan 2015/2016-2019/2020. Of 1,300,000 adults living with HIV, about 770,000 (59.23%) are women. 102,296 children in Uganda live with HIV/AIDS, among the highest rates in the world. There is concern that some provisions of the HIV/AIDS Prevention and Control Act that criminalize HIV transmission have the potential to drive people most at risk or living with HIV underground, and increasing stigma and discrimination.

Recommendations

- a) Strive to balance public health and criminal law as outlined in the UN HIV/AIDS and Human Rights Guidelines and the UNAIDS Best Practices to promote for HIV prevention as well as eliminate stigma and discrimination;
- b) Periodically review the impact of the implementation of the HIV/AIDS Prevention and Control Act especially on women and most at risk populations;
- c) Strengthen efforts to counter negative attitudes and practices that prevent access to and use of HIV/SRHR services and increase stigma and discrimination.

- ***Freedoms of expression, opinion and assembly***

- 26. Uganda has a vibrant civic space. Civil society actors – including human rights defenders, women advocates, children, youth, ethnic minorities, indigenous peoples and journalists – have played a significant role in promoting good governance, human and child rights and gender equality in Uganda.
- 27. Uganda experienced a milestone in the fulfilment of freedom of assembly in March 2020, when the Constitutional Court nullified Section 8 of the Public Order Management Act, 2013. Section 8 had granted the police broad powers to prevent the holding of public meetings and imposed criminal liability on organizers and participants. The Constitutional Court found that Section 8 violated the right to peaceful assembly under the Constitution.
- 28. However, in the context of the COVID-19 pandemic, the Government issued Presidential Directives on COVID-19, followed by the Ministry of Health's (MoH) Standard Operational Procedures (SOPs). This new regulatory framework introduced restrictions on public meetings and assemblies, which were discretionally enforced by security and law enforcement agencies in the electoral period.
- 29. There were widespread restrictions on political participation, media freedom and freedom of peaceful assembly throughout the electoral campaign. There were also incidents of arbitrary arrest and detention of political opposition candidates and supporters, journalists and members of civil society organizations. While there were clear public health reasons for limiting mass gatherings and suspending physical campaigning in some locations due to COVID-19, these restrictions were applied in a discriminatory manner to target people perceived as opponents of the Government and curb dissent.
- 30. On 18 and 19 November 2020, protests and riots were held in at least seven districts after two opposition Presidential candidates Robert Kyagulanyi and Patrick Amuriat, and members of their parties were arrested during electoral campaign activities in contravention of COVID-19 regulations. In response, security forces used force, including live ammunition, sometimes indiscriminately, resulting in at least 54 people killed and an undetermined number of injured

people.

Recommendations

- a) Amend the legal and policy framework regulating public assemblies to harmonize the powers of security forces to police assemblies in line with international human rights standards;
- b) Ensure that detainees are brought before a court within 48 hours of arrest, as required by the Ugandan Constitution;
- c) Ensure that civilians charged with criminal offences are brought before civilian rather than military courts;
- d) Ensure an enabling online environment in which Ugandans are able to access information, work and access services freely.

• *Security Forces and the Use of Force*

31. The UNCT commends the Government for adopting the PPTA Regulations 2017, which provide for establishing individual criminal liability for acts of torture under the PPTA. Since 2016, law enforcement agencies have received training and education on the PPTA, human rights, international norms and standards on the use of force and on non-coercive interviewing. Despite these measures, high numbers of complaints of torture and ill-treatment persist.
32. Following the elections, there was a significant increase in allegations of enforced disappearances and torture that reportedly took place during the electoral period. Hundreds of opposition organizers, campaign staff, members and supporters were arrested, detained and some of them were subjected to incommunicado detention, including in military detention facilities. Many of them remained in detention until mid-2021.

Recommendations

- a) Ensure that the UN principles on the use of force and UN guidance on less-lethal weapons are part of the regular training of the police and other security forces;
- b) Ensure oversight mechanisms to enhance accountability for security forces. Any case of alleged torture or unnecessary or disproportionate use of force should be investigated, prosecuted and perpetrators brought to justice;
- c) Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- d) Ratify the Convention for the Protection from Enforced Disappearances.

• *Accountability and the Rule of law*

33. Uganda has made several legislative strides to strengthen the rule of law and access to justice, including introducing new laws and policies incorporating international human rights norms and standards. Notable among them are the Human Rights Enforcement Act 2019 and the Law Revision (Penalties in Criminal Matters) Miscellaneous Amendment Act, 2019 that removes the mandatory death penalty from domestic law. In 2019, Witness Protection Guidelines and Victims' Rights and Empowerment Guidelines were introduced with the aim of protecting the rights of victims and witnesses in criminal justice proceedings. Nonetheless, Uganda still faces challenges in the administration of justice. Prison occupancy currently stands at over 312%, with pre-trial detainees steadily constituting over 52% of the overall prison population over the last 10 years. To address this, JLOS embarked on a rigorous case backlog strategy which resulted in a reduction of remand prisoners from 54% in 2016 to 46.6% in December 2019. However, due to COVID-19, there has been a reversal of this gain. At the height of the 2020 lockdown, between 4000 and 6000 people were reported to have been arrested for contravening COVID-19 restrictions. Measures put in place to curb the spread of COVID-19 have also exacerbated other pre-existing challenges in accessing legal representation and legal aid and the use of detention rather than non-custodial options for minor offences.

34. The UNCT commends the Government for adopting the National Transitional Justice Policy (NTJP) in 2019. The UNCT also commends the Government's commitment to ending the mandatory death penalty in Uganda in 2019 through the Law Revision (Penalties in Criminal Matters) Miscellaneous Amendment Bill 2019, which removes the mandatory death penalty prescribed in Uganda's laws.

Recommendations

- a) Take urgent steps to pass key laws and policies central to the administration and access to justice such as the Transitional Justice Bill, the Legal Aid Policy, the Witness Protection Bill and the Amnesty (Amendment) Bill;
- b) Ensure the protection of children when they are involved in court proceedings;
- c) Support JLOS to continue its efforts to reduce the case backlog, overcome gender bias and address delays in the justice delivery system;
- d) Support JLOS to promote the use of non-custodial outcomes for minor offences;
- e) Support JLOS to address the lack of child-friendly facilities in prisons which exposes many children to poor living conditions in prison with their mothers with inadequate access to nutrition, leisure and education;
- f) Expedite the implementation of the NTJP;
- g) Ratify the Second Optional Protocol to the ICCPR, aimed at the abolition of the death penalty.

• *Poverty and social security*

35. While Government should be commended for the prompt response to the COVID-19 emergency, the lockdown measures have also exposed and deepened inequalities with regard to economic, social and cultural rights. While SDGs are impacted across the board, potential impacts are likely to be particularly severe for eliminating poverty (SDG 1), zero hunger (SDG 2), good health and well-being (SDG 3), gender equality (SDG 5) and economic SDGs such as decent work and economic growth (SDG 8).
36. Prior to the COVID-19 outbreak, poverty was projected to have declined from 41.3 to 40.2% between 2016 and 2019. COVID-19 has reversed these gains, with poverty in 2020 estimated at 41.4% and projected to increase to 41.7% in 2021 (World Bank, 2021). Household incomes significantly fell during the first lockdown, which is concerning given the high levels of vulnerability to poverty, and limited social safety nets. The Ministry of Finance estimated that between 780,000 and 2.6 million Ugandans could fall into poverty. The informal sector accounts for 89.4% of workers out of which 14.6% are poor, while 40.8% are vulnerable (Uganda Bureau of Statistics 2018). As a result, the majority of people lack access to social protection, with just 3% of the population benefiting from social protection coverage, significantly below the 9% of average in East African countries (World Bank 2019). Women are the majority of informal workers. They are also worst affected by chronic poverty; 27% of the chronically poor households in rural areas and 40% in urban settings are headed by women, while 56% of children in Uganda suffer from multi-dimensional poverty.
37. The economic impact of COVID-19 have hit the poorest the hardest, including in Karamoja region because of extreme vulnerability to the effects of COVID-19. Uganda's strategy to stimulate the economy has fallen short of the expectation that the worst hit would be the priority in COVID-19 economic responses. In the lockdown ending recently, only urban centers were targeted for financial assistance. The conflict in Karamoja for example is increasingly attributed to the persistence of COVID.
38. Other shocks, including environmental hazards, continue to threaten Uganda's gains in addressing multi-dimensional poverty at the sub-national levels by adversely impacting food systems, human health, and critical sources of livelihood. According to IOM, 148,182 people were affected by floods, landslides, hailstorms and fire outbreaks in Uganda from January to June 2021. Uganda continues to pursue an ambitious development programme dependant on natural resources

extraction but has fallen short in meeting expectation in regards to protecting the environment. For example, in Karamoja, a number of sites from which construction minerals are exploited have not been restored years after exploitation was concluded.

39. There are still over 2 million children in Uganda chronically malnourished (stunted). Stunting has only reduced from 33% (2011) to 29% (Uganda Demographic and Health Survey 2016), with no significant reduction in the absolute numbers. At this rate, Uganda will likely miss the SDG target for stunting reduction. Only 15% of children between 6-23 months have an adequate diet (UDHS 2016). The Government's Uganda Nutrition Action Plan (UNAP II) 2021 – 2025 aims to address nutrition challenges.
40. While the Government is to be commended for initiating social protection measures such as special grants for older persons, in practice, up to one-third of Ugandans are unable to access social protection due to the requirement to possess a national identity card (NIC). This mass exclusion jeopardises the Government's commitment to leave no one behind since it prevents marginalized people from accessing basic social services, including special grants and health services.

Recommendations

- a) Ensure that key human rights principles of inclusion, participation, equality, non-discrimination and accountability guide the socio-economic recovery and resilience-building strategies and processes;
- b) Continue to expand the provision of social assistance and direct income support to vulnerable individuals and households and collect, analyse and disseminate disaggregated data for policy formulation and programming;
- c) Increase investment in social protection and environmental sustainability and increase budgetary allocations towards national social protection and integrated environmental sustainability and climate resilience programmes;
- d) Remove the requirement to possess a NIC to access social protection interventions, to ensure that those most at risk of being left behind are not further excluded from social protection.

• *Right to Health*

41. The UNCT commends the Government for the advances made in increasing people's access to and use of health services. By 2018, 75% of the population lived within a five-kilometre radius of a health facility. Significant progress has also been made in the provision of specialized medical care in cardiology and gynaecology, which has increased access to health services. In-patient malaria deaths have reduced from 20 per 100,000 in 2016/2017 to 9.38 per 100,000 in 2017/2018, largely due to the effective distribution of insecticide-treated nets.
42. Between 2014 and 2019, Uganda employed an additional 43,000 health workers in 128 districts. With the onset of the pandemic, the Government revitalized the use of community health workers. Despite these efforts, a recent study of Uganda's health care system preparedness to handle COVID-19 indicated that the country's doctor-patient and nurse-patient ratio is approximately 1:25 000 and 1:11 000 respectively, far below the WHO recommended doctor-patient ratio of 1:1000 (Journal of Global Health).
43. Budgetary allocations to health increased by 9.1% to Uganda shillings 2.589 trillion for the 2019/20 financial year, up from Shs2.373 trillion in 2018/19, mostly to cater for improved salaries for medical workers (MoH 2020). At the same time, it still accounted for just 7.2% of the total national budget. Parliament approved a supplementary COVID-19 budget request amounting to Shs284 billion to strengthen its response. The total health budget increased by Shs2.781 trillion (7.7% of total budget) in 2020/21 to Shs3.331 trillion (9.8% of total budget) in 2021/22. Despite the increase, it is still below the Abuja Declaration commitment to allocate 15% of the national budget to the health sector.

44. The maternal mortality rate currently stands at 336 deaths per 100,000 live births (UDHS 2016), far from the SDG target of 70 per 100,000 live births. MoH's efforts to address maternal mortality, including through a multi-sectoral strategy to reduce preventable maternal mortality, have been delayed by COVID-19.

Recommendations

- a) Take all urgent efforts needed to ensure available, accessible and affordable medical attention to all patients, including mental health, especially in rural areas and among minority communities;
- b) Take urgent steps to strengthen the numbers, capacity and skills of health workers and improve services offered by health care facilities;
- c) Increase investment in the health system and infrastructure and ensure improvement in equitable distribution and availability of reproductive and child health commodities, supplies and equipment;
- d) Finalise and implement the multi-sectoral strategy to reduce preventable maternal mortality;
- e) Prioritise the health sector as a key driver of development by ensuring that 15% of the national budget is allocated to the health sector as per the Abuja Declaration.

• Children

45. The Government has made significant strides to ensure appropriate legislative, administrative, and educational measures to protect children from all forms of violence. These measures are yet to be matched with appropriate investments to ensure availability and accessibility of services as provided in the National Child Policy 2020. There is a need to strengthen coordination, increase data on violence against children, and adequately provide for health and education services. The Government should make resources available for response services in real-time and support adolescent participation in protection from violence.
46. The 2016 amendment to the Children's Act provides full recognition of the rights of all children, including registration at birth. While the Registration of Persons Act 2015 makes registration of all children born on the territory free and compulsory, the Act grants power to the authorities to prescribe fees to issue birth certificates, making access to birth registration a challenge.
47. Child protection challenges persist including violence against children, access to secondary education, birth registration, health services, and specialized support for children with disabilities. Refugee children suffer from trauma arising from forced displacement, separation from families, as well as physical and sexual violence. The child protection sector is severely underfunded, resulting in a weak institutional framework and over-stretched social workforce.
48. Uganda's Human Capital Index is low. A child born in Uganda today is likely to be 38% as productive when they grow up, as they could be if they enjoyed complete education and full health (World Bank 2020). The right to education is affected by harmful socio-cultural factors such as early marriage and teenage pregnancy, all of which contribute to girls dropping out of school. The pandemic has placed a huge burden on girls due to increased care work and risk of sexual abuse. A report by Human Rights Focus Uganda (HURIFO) reported 4,062 cases of teenage pregnancy within five months of the pandemic. Increased teenage pregnancy will result in high drop-out rates in the short-term and high levels of illiteracy and cross-generational poverty in the long run.
49. While Uganda has adopted a policy of universal primary education since 1997, primary education is not compulsory. While school enrolment has improved, there was a decline in the transition rate from primary to lower secondary education from 72% in 2013 to 61% in 2017. Even for those students who managed to transition to secondary school, less than one-fifth (19%) complete upper secondary.

Recommendations

- a) Increase budget allocation and national investment for early childhood development, especially the first 1000 days of life;
- b) Allocate enough resources to support free and compulsory primary education;
- c) Take all appropriate measures, including allocation of an increased share of the government budget to the education sector, to mitigate the impact of COVID-19 and accelerate progress towards SDG4;
- d) Enforce the amended Children's Act, including by providing adequate funding to support registration of all children and strengthening registration structures at the local government level;
- a) Waive the costs associated with the issuance of birth certificates;
- b) Allocate adequate financial and technical resources to enhance the national child protection system and to ensure the provision of quality child protection services to all children;
- c) Operationalise and finance the National Children's Authority to carry out its child rights monitoring mandate;
- d) Ratify the Hague Convention on the Protection of Children and Cooperation in Respect of International Adoption.

• ***Refugees & asylum seekers***

50. The Government of Uganda has continued to maintain a progressive refugee regime. Refugees have freedom of movement, the right to work, to own property, and access national services, including primary and secondary education and health care. In 2017, Uganda adopted the Comprehensive Refugee Response Framework and the Global Compact on Refugees which focuses on advancing longer-term development outcomes for refugee and host communities, including third country options and regional peace initiatives.
51. The Government of Uganda has made notable progress towards improving livelihoods and health care systems for refugees and IDPs. The Health Sector Integrated Refugee Response Plan 2019 seeks to integrate the health response for refugees and host communities to ensure equitable access, improve health status, and harmonious co-existence. In addition, the Government has included refugees in national development planning and statistics. The approach recognises the need to promote socio-economic development for refugees and host communities, providing an opportunity for social and economic integration. The Government continues to call upon the support of the international community to address some gaps in the health sector with the aim of building a resilient health system for refugees in light of the COVID-19 pandemic.
52. Since 2018, the Government of Uganda has engaged in efforts to address statelessness. The Government has finalised and approved the National Action Plan to Eradicate Statelessness. Nonetheless, challenges remain. The nationality law does not provide for a number of key safeguards to prevent statelessness, including granting nationality to children born on the territory who would otherwise be stateless. Furthermore, there are some minority ethnic communities and some unrecognized groups that have lived in Uganda since before 1926 but cannot access Ugandan nationality and do not possess another nationality.
53. The Government has maintained a favourable asylum policy. The vast majority of asylum-seekers are granted prima facie refugee status, whilst 4% go through individual refugee status determination. It is, however, noted that a small percentage of asylum-seekers with certain profiles, including those who present sexual orientation and gender-related identity claims, have limited access to the national asylum procedures.

Recommendations

- a) Ratify the 1961 Convention on the Reduction of Statelessness without further delay and insert a safeguard in its laws to ensure that a child born on its territory - who would otherwise be stateless - is granted Ugandan citizenship in line with the 1961 Convention;

- b) Complete legal reforms to ensure that the members of unrecognized minority communities in Uganda whose or ancestors are present in Uganda since 1926 are conferred with Ugandan citizenship in the absence of other recognized citizenship and be issued with nationality documentation;
- c) Ensure that national asylum procedures are consistently accessible to all asylum-seekers without discrimination on any grounds, including sexual orientation.