**Uganda**

*The purpose of the Housing Rights and Human Rights Brief is to provide a succinct overview of housing rights and human settlements-related human rights within a specific country. It is designed for project designers to familiarize themselves with the human rights situation in the country that they are working in. The Housing Rights and Human Rights Brief is not intended to be a comprehensive analysis of all human rights, yet to provide an overview of housing rights and other human settlements-related human rights within the national and the UN Delivering as One contexts. Further, this Brief is not intended to cover the entire legislative and regulatory framework of the country concerned.*

*The Brief outlines specific articles of the Constitution, national and local legislation, and other human settlements-related policies and acts. It further explains specific international legal commitments, with particular emphasis on the key conventions that the country has signed and/or ratified. UN reviews and recommendations, particularly the Universal Periodic Review process, are also outlined. The final section provides information on previous UN-Habitat projects in the country and links for further information and elaboration.*

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**Revision History**

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| *3* | *09/02/2016* | *SG* |

**Summary**

Uganda is governed by its 1995 Constitution which provides for fundamental human rights, among them access to decent shelter. Objective XVI of the Constitution provides that the State shall endeavour to fulfil the fundamental rights of all Ugandans to social justice and economic development.

Uganda has a National Land Policy which was developed to reduce ambiguity by integrating scattered policy statements on aspects such as housing. One of the strategies outlined under the policy is that the government shall take measures to set aside serviced land for housing development for the poor at affordable rates. The policy stipulates that the government shall formulate a National Housing Policy and National Urban Policy for comprehensive planning and orderly development. Uganda is still working on a national housing policy since 2005.

The Ministry of Land, Housing and Urban Development is the main institution for the realization of the right to adequate housing. The Building Control Act and the Physical Planning Act are acts relevant to housing.

The State has ratified all of the major human rights conventions, including the International Covenant on Economic, Social and Cultural Rights, which includes the right to adequate housing as a component of the right to an adequate standard of living. A court decision decided upon by the Constitutional Court of Uganda in 1997 illustrates the connection between the right to life and the right to housing and shelter.

UN review mechanisms have recommended Uganda to take steps to combat and prevent discrimination to ensure the enjoyment of the right to housing for everyone. UN review mechanisms have also expressed concern over forced evictions and poor housing conditions for people living in the north of Uganda. UN-Habitat has worked on a number of projects in Uganda.

**Legal Framework**

***Constitution[[1]](#footnote-1)***

Uganda is governed by its 1995 Constitution which provides for the right to access decent shelter.

‘Objective XIV:

The state shall endeavour to fulfil the fundamental rights of all Ugandans to social justice and economic development and shall, in particular, ensure that

(a) all developmental efforts are directed at ensuring the maximum social and cultural well-being of the people; and (b) all Ugandans enjoy rights and opportunities and access to decent shelter.’

**Government**

***Political System***

Uganda is presidential republic with a multi-party system. The President is both the Head of Government and Head of State. The government of Uganda exercises executive power, while legislative power is exercised by the National Assembly.

***Ministry of Lands, Housing and Urban Development[[2]](#footnote-2)***

The Ministry of Lands, Housing and Urban Development is responsible for providing national standards, policy direction and coordination in matters related to the three sectors under its mandate. The Ministry is also responsible for reviewing existing laws and putting in place laws and policies for the sustainable management of land and the promotion of sustainable housing and orderly urban development in Uganda.

National Land Policy (2013)[[3]](#footnote-3)

145. Government shall formulate a National Housing Policy and National Urban Policy for comprehensive planning and orderly development.

The Building Control Act, 2013[[4]](#footnote-4)

Preamble: An Act to consolidate, harmonise and amend the law related to the erection of buildings; to provide for building standards; to establish a National Building Review Board and Building Committees; to promote and ensure planned, decent and safe building structures that are developed in harmony with the environment; and for other related matters.

Physical Planning Act of 2010[[5]](#footnote-5)

Part III (Implementation):The sector approach to development and measures for implementation and co-ordination in these sectors, namely industrial development, housing, transportation, health services, education, water supply, sewerage, electricity supply and environment.

**Judiciary**

Salvatori Abuki and Another v Attorney General[[6]](#footnote-6)

The *Salvatori Abuki and Another v Attorney General* case, decided upon by the Constitutional Court of Uganda in 1997, illustrates the connection between the right to life and the right to housing and shelter, and that fundamental human rights should be interpreted in a manner to make them meaningful and effective. To that end, the right to life is not meaningful and effective if its quality is undermined. In order to be meaningful and effective, it has to be construed in such a manner that its scope is wider to incorporate within its meaning the right to housing or shelter. In the case, the deprival of access to ancestral land was construed as a violation of the right to adequate shelter.

**International Conventions[[7]](#footnote-7)**

The State has ratified all of the major human rights conventions, including the Covenant on Economic, Social and Cultural Rights, which includes the right to adequate housing as a component of the right to adequate housing.

|  |  |  |  |
| --- | --- | --- | --- |
| [Treaty Description](javascript:__doPostBack('ctl00$PlaceHolderMain$dgReports$ctl00$ctl02$ctl00$ctl03','')) | [Treaty Name](javascript:__doPostBack('ctl00$PlaceHolderMain$dgReports$ctl00$ctl02$ctl00$ctl04','')) | [Signature Date](javascript:__doPostBack('ctl00$PlaceHolderMain$dgReports$ctl00$ctl02$ctl00$ctl05','')) | [Ratification Date, Accession(a), Succession(d) Date](javascript:__doPostBack('ctl00$PlaceHolderMain$dgReports$ctl00$ctl02$ctl00$ctl06','')) |
| Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment | CAT |  | 03 Nov 1986 |
| International Covenant on Civil and Political Rights | CCPR |  | 21 Jun 1995 (a) |
| Convention on the Elimination of All Forms of Discrimination against Women | CEDAW | 30 Jul 1980 | 22 Jul 1985 |
| International Convention on the Elimination of All Forms of Racial Discrimination | CERD |  | 19 Nov 1980 (a) |
| International Covenant on Economic, Social and Cultural Rights | CESCR |  | 21 Jul 2008 (a) |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families | CMW |  | 14 Nov 1976 (a) |
| Convention on the Rights of the Child | CRC | 17 Aug 1990 | 17 Aug 1990 |
| Convention on the Rights of Persons with Disabilities | CRPD | 30 Mar 2007 | 25 Sep 2008 |
| Convention Relating to the Status of Refugees | Refugee Convention |  | 27 Sep 1976 (a) |
| Protocol Relating to the Status of Refugees | Protocol Relating to the Status of refugees |  | 27 Sep 1976 (a) |

**UN Agencies**

UN review mechanisms have recommended Uganda to take steps to combat and prevent discrimination to ensure the enjoyment of the right to housing for everyone. UN review mechanisms have also expressed concern over forced evictions and poor housing conditions for people living in the north of Uganda.

***Universal Periodic Review (2011)[[8]](#footnote-8)***

*The Universal Periodic Review (UPR) is a unique process which involves a periodic review of the human rights records of all 193 UN Member States. The UPR is a significant innovation of the Human Rights Council which is based on equal treatment for all countries. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. The UPR also includes a sharing of best human rights practices around the globe. Currently, no other mechanism of this kind exists.*

Uganda was reviewed in October 2011. There are no recommendations regarding the right to adequate housing.

***Report of the United Nations High Commissioner for Human Rights (2011)[[9]](#footnote-9)***

*The Report provides a comprehensive review of the Human Rights situation in a given country and is presented to the Human Rights Council.*

The report noted that the Uganda UNCT had indicated that participation in housing-related decision-making and security of tenure remained inadequate. Land matters were contentious due to multiple claims over land. Land tenure in the protected areas of Uganda had resulted in consistent conflicts with excessive use of force and forceful evictions taking place.

***Committee on Economic, Social and Cultural Rights (2015)[[10]](#footnote-10)***

*The Committee specifically reviews states that have ratified the ICESCR on their compliance with the rights enshrined in it, including the right to adequate housing.*

The Committee was concerned about the insufficient funds allocated to key sectors, among them the housing sector. The Committee recommended that Uganda take steps to combat and prevent discrimination to ensure the enjoyment of the right to access to housing. The Committee also noted that northern Uganda is more affected by poor housing conditions, something which the government should consider alleviating. The Committee was also concerned by the cases of forced evictions in Uganda.

***United Nations Country Team (UNCT) (2011)[[11]](#footnote-11)***

*The UNCT ensures inter-agency coordination and decision-making at the country level. The main purpose of the Country Team is for individual agencies to plan and work together, as part of the Resident Coordinator system, to ensure the delivery of tangible results in support of the development agenda of the Government.*

Uganda’s UNCT found out that the access to adequate housing continues to be a challenge for many Ugandans, with discrepancies between urban and rural populations. Additionally, participation in decision-making involving housing and related rights continues to be inadequate. It was also found that forced evictions are carried out by the government and private individuals. Such practices, coupled with lack of safeguards and compensation, undermine the right to adequate housing and security of tenure.

***United Nations Development Assistance Framework (UNDAF) (2010-2014)[[12]](#footnote-12)***

*The UNDAF is a partnership that has been developed between the UN and Uganda which articulates the development vision, goals and aspirations of the people of Uganda. The UNDAF forms the overall framework for the UNCT’s work in Uganda between 2010 and 2014.*

According to Uganda’s UNDAF, the country’s population growth outstrips growth in vital services as housing, and thwarts the process of achieving human rights. While recognising the efforts which Uganda has made to provide social services and improving the overall living conditions of its people, more quality social services interventions are needed for the realisation of human rights, including shelter.

**UN-Habitat[[13]](#footnote-13)**

UN-Habitat has worked on a number of projects in Uganda.

* Total value of UN-Habitat investments (2008-2015): US$ 31, 322, 045
* Total number of UN-Habitat projects (2008-2015): 8 projects
* Main donors: Netherlands, USAID, UNDP Uganda, UNEP/GEF Secretariat-Kenya, UNFPA, African Development Bank, European Commission and, the Africa, Caribbean and Pacific Secretariat.
* Implementing partners: FAO, ILO, UNFPA, UNDP, UNEP/GEF, UNEP/DTIE, ITDP,TRL, UITP, GTZ, World Bank, AFD.

UN-Habitat is supporting the government of Uganda through several projects, including the following:

**Water Sanitation Programme-Lake Victoria Region WS Initiative (2005-2012)**

The UN-HABITAT Water and Sanitation Trust Fund aims to create an enabling environment for pro-poor investment in water and sanitation in urban areas of all sizes in the developing world, thus providing a vehicle to significantly improve the volume and effectiveness of both the Official Development Assistance and national financial flows into the water and sanitation sector.

**Coordination and Support to IDP Camp Management in Northern Uganda (2006-2008)**

The project was geared towards coordinating and supporting IDP camp management in Acholiland, Teso and Lang’o sub-regions.

**UN Joint Programme on Gender Equality in Uganda (2010-2012)**

This was a project to facilitate sustainable return and resettlement through reliable provision of basic services such as safety and security and civilian access to justice in areas of return and resettlement.

**Promoting Sustainable Transport Solutions for East African Cities (2011-2015)**

This project was rolled out to create the technical and institutional basis for implementing metropolitan sustainable transport networks and systems and establish a demonstration corridor for sustainable mobility.

**Empowerment of Vulnerable Urban Youth for Socio-Economic Inclusion (2011-2012)**

The goal of the project was to enhance the capacity of the Government of Uganda and the Municipality Council of Arua to empower vulnerable urban youth for socio-economic inclusion and development. The project was also aimed at establishing a One Stop Youth Centre (OSYC) in Arua Municipality, to enhance the capacity of youth and youth organizations to acquire and promote entrepreneurship skills for income generation.

**Promoting Energy Efficiency in Buildings in East Africa (PrEEBEA)( 2011-2015)**

The aim of this project was to mainstream energy efficiency measures into housing policies, building codes, municipal by-laws and building practices in East Africa (Kenya, Tanzania, Uganda, Rwanda and Burundi) in order to achieve considerable avoidance of HG emissions as a result of improved buildings and building practices; leading to more efficient use of electricity and thus to expand the electricity supply to satisfy the increasing demand by both residential and economic productive activities of the partner countries.

**Water and Sanitation Trust Fund**

This project was for the Implementation of Training and Capacity Building Activities under the Lake Victoria Water Supply and Sanitation Programme Phase II.

**Participatory Slum Upgrading Programme (2008-2015)**

This programme is being implemented in Uganda in partnership with the Ministry of Land, Housing and Urban Development (MoLHUD) with a view of mobilising various stakeholders into review, adopt and develop enabling policy and institutional capacity to facilitate adoption of slum upgrading and prevention strategies to contribute to improving of living conditions of slum dwellers in Ugandan towns and cities.

**Further Information**

* Constitution of Uganda: <http://www.statehouse.go.ug/sites/default/files/attachments/Constitution_1995.pdf>
* Building Control Act 2013: <http://unapd.org/wp-content/uploads/2014/07/Building-Control-Act-No10-of-20132.pdf>
* Salvatori Case: <http://www.ulii.org/ug/judgment/constitutional-court/1997/5>
* National Land Policy: <http://www.ektaparishad.com/Portals/0/Documents/the_uganda_national_land_policy-_february_2013.pdf>
* Physical Planning Act: <http://www.ulii.org/files/Physical%20Planning%20Act,%20%202010.pdf>
* OHCHR Convention Ratification Status: <http://indicators.ohchr.org/>
* Universal Periodic Review: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/175/48/PDF/G1117548.pdf?OpenElement>
* Report of the United Nations High Commissioner for Human Rights: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/153/09/PDF/G1115309.pdf?OpenElement>
* CESCR: <http://www.iser-uganda.org/images/stories/Downloads/INT_CESCR_COC_UGA_20934_E.pdf>
* UNCT: http://lib.ohchr.org/HRBodies/UPR/Documents/session12/UG/UNCT-eng.pdf
* UNDAF: <http://countryoffice.unfpa.org/uganda/drive/UNDAF.pdf>
* UN-Habitat Uganda Summary: <http://unhabitat.org/uganda/>
* UN-OHCHR: <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>
* UN-Habitat: <http://unhabitat.org/>
* Universal Periodic Review: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>
* Special Rapporteur on Adequate Housing: <http://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx>

1. <http://www.statehouse.go.ug/sites/default/files/attachments/Constitution_1995.pdf> [↑](#footnote-ref-1)
2. Ministry website: <http://www.mlhud.go.ug/> [↑](#footnote-ref-2)
3. <http://www.ektaparishad.com/Portals/0/Documents/the_uganda_national_land_policy-_february_2013.pdf> [↑](#footnote-ref-3)
4. <http://unapd.org/wp-content/uploads/2014/07/Building-Control-Act-No10-of-20132.pdf> [↑](#footnote-ref-4)
5. <http://www.ulii.org/files/Physical%20Planning%20Act,%20%202010.pdf> [↑](#footnote-ref-5)
6. Constitutional Case No.1 of 1997 (Unreported), Judgment of Justice Egonda-Ntende. <http://www.ulii.org/ug/judgment/constitutional-court/1997/5> [↑](#footnote-ref-6)
7. http://indicators.ohchr.org/ [↑](#footnote-ref-7)
8. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/175/48/PDF/G1117548.pdf?OpenElement> [↑](#footnote-ref-8)
9. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/153/09/PDF/G1115309.pdf?OpenElement> [↑](#footnote-ref-9)
10. <http://www.iser-uganda.org/images/stories/Downloads/INT_CESCR_COC_UGA_20934_E.pdf> [↑](#footnote-ref-10)
11. <http://lib.ohchr.org/HRBodies/UPR/Documents/session12/UG/UNCT-eng.pdf> [↑](#footnote-ref-11)
12. <http://countryoffice.unfpa.org/uganda/drive/UNDAF.pdf> [↑](#footnote-ref-12)
13. <http://mirror.unhabitat.org/content.asp?cid=10999&catid=592&typeid=79> [↑](#footnote-ref-13)