

"The National Action Plan on Business and Human Rights"

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THE REPUBLIC OF UGANDA

MINISTRY OF GENDER,
LABOUR AND SOCIAL
DEVELOPMENT

THE NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS

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Foreword



Government of Uganda is committed to promotion and protection of human rights in all business operations in the Country. To this end, as a State Party to the Sustainable Development Goals, the Country is “committed to making fundamental changes in the way that our societies produce and consume goods and services”.¹ Further, we are equally committed to “foster a dynamic and well-functioning business sector, while protecting labour rights and environmental and health standards in accordance with relevant international standards, agreements and other ongoing initiatives.

The development of the National Action Plan on Business and Human Rights (NAPBHR) is anchored on the United Nations Guiding Principles on Business and Human Rights dubbed- the “Protect, Respect and Remedy” Framework, which underpins one of the commitments in the Universal Periodic Review².

The NAPBHR is a key tool in providing guidance to the State and non-State actors on the requirement that all business operations are to be conducted in line with human rights standards. It’s believed that its implementation will contribute to positive human rights outcomes, including the creation of decent jobs, provision of health, education and other services, protection of the environment, and contributing to the advancement of equality by providing opportunities for marginalized groups.

The Government of Uganda is committed to implementation of the NAPBHR as a measure to strengthen the State duty to protect human rights, enhance the corporate responsibility to respect human rights, and ensure access to remedy for victims of human rights violations and abuses resulting from non-compliance by business entities in the Country.

The Action Plan lays out clear strategies and roles of all stakeholders in its implementation. I therefore call upon the different stakeholders to support the implementation of the interventions in this Plan. I urge stakeholders to ensure that their plans, programs and activities incorporate prevention of violation and abuses of human rights in business operations, mitigation of the negative impacts of businesses on the communities and enhancing access to remedies for the victims of human rights violations and abuses arising from business operations.

For God and my Country

Amongi Betty Ongom (MP)

Minister for Gender, Labour and Social Development

¹ Agenda 2030 Sustainable Development Goals Paragraph 28.

² UN Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework, available here: https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

Acknowledgement



The Ministry of Gender Labour and Social Development (MGLSD) would like to acknowledge the contribution of all the people who participated in the process of the development of the National Action Plan on Business and Human Rights (NAPBHR).

The Ministry thanks all the staff of the department of Equity and Rights who fostered the development of the Country's first Action Plan on Business and Human Rights. Sincere thanks to Mr. Mujuni Bernard-Commissioner Equity and Rights for the leadership provided in the process; and to Ms Asibazuyo Harriet -Senior Social Development Officer/Rights, who effectively coordinated all the activities towards the development of

NAPBHR including resource mobilization for the execution of the activities planned for the development of the Plan.

Special gratitude to the team of resource persons who offered technical expertise in the development and editing of the Plan. The following organizations were represented:

Ministry of Gender, Labour and Social Development, Ministry of Foreign Affairs, Ministry of Justice and Constitutional Affairs, The Office of the President /Cabinet Secretariat, Ministry of Finance, Planning and Economic Development, Ministry of Trade, Industries and Cooperatives, Uganda People's Defence Forces, Uganda Human Rights Commission, The Equal Opportunities Commission, Initiative for Social and Economic Rights (ISER), Uganda Consortium on Corporate Accountability (UCCA), The Uganda Association of Women Lawyers (FIDA-Uganda), Resource Rights Africa, UN Global Compact National Chapter for Uganda and the Office of the United Nations High Commissioner for Human Rights.

The Ministry further appreciates the immense financial contribution of the United Nations Office of High Commissioner for Human Rights, Initiative for Social and Economic Rights (ISER), Uganda Consortium on Corporate Accountability (UCCA), The Uganda Association of Women Lawyers (FIDA-Uganda) and Resource Rights Africa in the process of the development of the Plan.

Finally, we appreciate the management of the Ministry particularly the role played by Mr. Ebitu James- Director Social Protection in ensuring that the NAP is discussed and approved.

A handwritten signature in black ink, appearing to read 'A.D. Kibenge'.

A.D. Kibenge
Permanent Secretary

Executive summary

In June 2011, the UN Human Rights Council unanimously endorsed the Guiding Principles on Business and Human Rights: implementing the United Nations 'Protect, Respect and Remedy' Framework. The Government of Uganda attaches great importance to the private sector development as an engine for socio-economic transformation of the Country. This commitment is reflected in the theme of the National Development Plan III (NDP III) which is “**Sustainable Industrialization for inclusive growth**, employment and wealth creation”. The private sector /businesses have contributed to development of the economy through bringing revenue for the government, provision of services like education and health to complement government efforts, improved welfare of the communities by creating increased choices of products and creation of employment opportunities and providing markets for the locally produced goods and services.

The benefits notwithstanding, businesses on the other hand have had some negative, undesirable impacts on our communities, hence limiting enjoyment of human rights by a section of the population. Such instances include exploitation of labour through underpayment or no payments, misguided displacement of the people without upfront compensations, increased use of child labour, environmental pollution and conflicts over land acquisition which has left some Ugandans homeless, to state but a few. These negative effects constitute abuse of human rights, the worst impact of which is felt by the vulnerable groups of people like the women, children, persons with disabilities and the less educated rural dwellers.

The National Action Plan on Business and Human Rights seeks to promote a harmonious relationship in which both businesses and communities can thrive by providing a comprehensive framework for coordination of multi-sectoral efforts to ensure respect for human rights in business operations. The goal of the Plan is elimination of human rights violations and abuses in business activities by any person or entity. The specific objectives are:

- 1) To strengthen institutional capacity, operations and coordination efforts of state and non-state actors for the protection and promotion of human rights in businesses;
- 2) To promote human rights compliance and accountability by business actors;
- 3) To promote social inclusion and rights of the vulnerable and marginalized individuals and groups in business operations;
- 4) To promote meaningful and effective participation and respect for consent by relevant stakeholders in business operations; and
- 5) To enhance access to remedy to victims of business-related human rights abuses and violations in business operations.

The five year Action Plan prioritizes eight areas of focus which include; Land and Natural Resources; Environment; Labour rights; Revenue transparency, tax exemptions and corruption; Social service delivery by private actors; Consumer protection; Access to remedy; and Women, vulnerable and marginalized groups. The strategies advanced include; Strengthen coordination between the different government agencies working on business and human rights; Resource mobilization to promote efficiency in monitoring and addressing business and human rights related abuses and violations; Capacity building for state and non-state actors on business and

human rights; Empower communities especially vulnerable persons to claim their rights; Promoting compliance with human rights observance and Promoting FPIC for communities in all business operations; and Improve access to legal services to communities affected by business-related human rights violations and abuses.

It is important to note that the implementation of this NAPBHR is a shared responsibility of Government, the private sector and other non- state players because of overlapping roles. The Ministry of Gender, Labour and Social Development will take lead in the implementation of this Plan and coordination of other actors in the social development and human rights sub-sector. Other key public sector actors include Office of the Prime Minister, Ministry of Foreign Affairs, Ministry of Justice and Constitutional Affairs, Office of the Prime Minister, Ministry of Education and Sports, Ministry of Finance, Planning and Economic Development and Uganda Human Rights Commission. Coordination of the NAPBHR shall be in accordance with the coordination structures under the National Social Protection Policy.

Acronyms

AIDS	Acquired Immune Deficiency Syndrome
AU	African Union
BoD	Board of Directors
CAO	Chief Administrative Officer
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
CWSN	Children with Special Needs
DP	Development Partners
EIA	Environmental Impact Assessment
FDI	Foreign Direct Investment
FTI	Fast Track Initiative
GAD	Gender and Development
GDP	Gross Domestic Product
GoU	Government of Uganda
GWPE	Government White paper on Education
HIV	Human Immune Virus
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant of Economic Social and Cultural Rights
ICT	Information and Communication Technology
ILO	International Labour Organization
IMC	Inter-Ministerial Committee
ISER	Initiative for Social and Economic Rights
MALGs	Ministries, Agencies and Local Governments
MDGs	Millennium Development Goals
MGLSD	Ministry of Gender, Labour and Social Development
MFPEd	Ministry of Finance, Planning and Economic
MNC	Multi National Corporation
MoES	Ministry of Education and Sports
MoESTS	Ministry of Education, Science, Technology and Sports
MoJCF	Ministry of Justice and Constitutional Affairs
MoLG	Ministry of Local Government
MoPS	Ministry of Public Service
NAPBHR	National Action Plan on Business and Human Rights
NDP	National Development Plan
NEMA	National Environmental Management Authority
NGO	Non-Governmental Organization
NGP	National Gender Policy
NLUP	National Land Use Policy
NRT	National Resource Team
OHCHR	Office of the United Nations High Commissioner for Human Rights

OPM	Office of the Prime Minister
OSH	Occupational Safety and Health
PFMA	Public Finance Management Act
PPA	Participatory Poverty Assessment
RDC	Resident District Commissioner
SDG	Sustainable Development Goals
SME	Small and Medium Enterprises
TNC	Transnational Corporations
UCCA	Uganda Consortium on Corporate Accountability
UDHR	Universal Declaration of Human Rights
UGP	Uganda Gender Policy
UHRC	Uganda Human Rights Commission
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGP	United Nations Guiding Principles
UNICEF	United Nations Children's Fund

Definition of Concepts

Affirmative Action: This is a deliberate effort through both policies and actions instituted to remedy the imbalances or inequalities of a particular category of people due to their race, colour, gender or demographic category or minority groups, by undertaking social, political, and economic or other intervention effort to promote their rights.

Business: Business means any economic activity including but not limited to commercial or productive activity by any person or entity.

Child labour: Work that deprives children of their childhood, their potential and/or their dignity, is harmful to physical and mental development and/or interferes with schooling.

Corporate Social Responsibility: These are voluntary practices by business entities aimed at giving back to communities through addressing key community needs in health, education, infrastructure among others.

Duty bearers: Those who have obligation to fulfil the rights of rights holders.

Empowerment: The term empowerment refers to measures designed to increase the degree of autonomy and ability of people and communities to participate in development process, to represent their views and interests, and to have their voices heard in shaping decisions that affect them.

Local Private Enterprise: Business entity owned either by a non-governmental organization, an individual or several shareholders and is involved in exchange of goods or services for a profit

Participation: Is an empowerment process in which local communities can take responsibility in identifying and addressing their own problems through collaboration with different stakeholders in the community, including local government. Community participation enables people to realize their rights to participate in problem-solving and decision-making processes regarding issues that affect their day-to-day life in the communities that they live in. Participation should be part of the main theme for this plan, and particularly inclusive participation.

Public-Private Partnership (PPP): Partnership between an agency of government and the private sector in the delivery of goods and services.

Rights holders: Those who have rights to be fulfilled

Social Impact Assessments: A process that helps assess and determine the implications of investment undertakings on the affected community and people. Social Impact Assessments help to minimize the risks involved in displacement, rehabilitation, compensation and resettlement.

State Owned Enterprises: A State-owned Enterprise (SOE) is a body formed by the government through legal means so that it can take part in activities of a commercial nature. Essentially, SOEs are created to undertake commercial activities on behalf of the government.

Transnational Corporations: (TNC): Transnational corporations (TNCs) are Enterprises which own or control production or service, facilities outside the country in which they are based. Their products and services are manufactured simultaneously in different countries and sold through integrated distribution systems which transcend national frontiers.

Vulnerability: refers to limited capacity to manage risks or cope with shocks that may lead to undignified life.

Vulnerable groups: are categories of the population who are predisposed to deprivation, extreme poverty, and social exclusion by virtue of age, gender, disability, ethnicity, and geographical location or other social attributes. Vulnerable groups include the elderly, the mentally and physically disabled, at-risk children and youth, ex-combatants, internally displaced people and refugees, HIV/AIDS- affected individuals and households, religious and ethnic minorities and, in some communities or societies, women.

CHAPTER ONE: INTRODUCTION

1.1 Background

The National Resistance Movement Government recognizes the importance of businesses and the private sector development as an engine for economic growth and development (UCCA 2016). The government undertook several fundamental changes to improve the business environment thus redeeming it from the historical challenges and the undertakings included: promulgating the 1995 Constitution which provides for cross-cutting rights— important in protecting human rights in the context of business activities, improving stability through creating peace and security, attracting investors both domestic and foreign, returning businesses to the departed Asian business owners, and liberalizing the businesses sector among others. The benefits of the private sector led economy in Uganda include; creation of jobs, paying taxes thus revenue generation, complementing services provided by government among others. In addition, private sector led industrial development has played a significant role in bringing about the much-needed structural changes that can set the economies on a path of sustained economic growth. The private sector generates 77 percent of formal jobs, contributes 80 percent of GDP, funds 60 percent of all investments and provides more than 80 percent of government domestic revenues (NDP III, 2020/21-2024/2025). Through the private sector, household incomes and quality of life has been enhanced.

Notwithstanding these benefits to the country, some businesses have unintended negative effects on the communities and the government is committed to mitigating the negative impacts of business activities on the citizens. Indeed, the third National Development Plan (NDPIII); under its Governance and Security Programme, highlights the need to adopt a National Action Plan on Business and Human Rights.

In June 2011, the UN Human Rights Council unanimously endorsed the Guiding Principles on Business and Human Rights: implementing the United Nations ‘Protect, Respect and Remedy’ Framework. The aim of the Guiding Principles is to enhance standards and practices with regard to business and human rights to achieve tangible results for individuals and communities. The guiding principles recommend a National Action Plan. The Government of Uganda in 2016 accepted the recommendation under the Universal Periodic Review³ to adopt a National Action Plan on Business and Human Rights (NAPBHR), building on the United Nations Guiding Principles on Business and Human Rights - the “Protect, Respect and Remedy” Framework.⁴

According to Uganda Bureau of Statistics Census on Business Establishments (COBE, 2010) the total business population in the country was estimated at about 500,000 indicating a growth of 185% since 2001/2002. The census further indicated that 61% of the businesses were in trade sector and was followed by 14% of the businesses in hotels and food sector services, 1.1 million people were employed in businesses and 56% were male. However, it is expected that there will

³ See United Nations Human Rights Council ‘Report of the Working Group on the Universal Periodic Review; Uganda’ (27 December 2016), UN Doc A/HRC/34/10.

⁴ UN Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework, available here: https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

be triple growth in the next census due end of year 2020. Foreign Direct Investments in Uganda increased by 20% to \$1.3 billion due to developments of major fields of oil as well as construction, manufacturing, agriculture, mining , retail and telecommunication, (UNCTAD, World Investment Report,2020).

1.2 Problem statement

Despite the numerous achievements registered, violations and abuses of human rights in business operations have been highlighted (UHRC; Country Guide on Business and Human Rights, 2016). These are caused by weak institutional capacity, operations and coordination efforts of state and non-state actors for the protection and promotion of human rights in businesses. These are made worse by weak regulatory framework to enforce human rights compliance in business operations, inadequate supervision of business operations for compliance with human rights standards, some businesses do not have internal mechanisms to check against human rights abuses in their operations, uncoordinated efforts to ensure respect for human rights by business operations and knowledge gap on human rights based approach to programming by state and non-state actors, business operators and the community.

Violations and abuses of human rights in business operations have resulted into conflicts between communities and the businesses, illegal displacements, loss of livelihoods and property, loss of lives due to injuries, chronic illness and disabilities, post traumatic disorders, depression, anxiety, increased sexual and gender based violence, increased social tensions and conflicts, increased levels of crime, unemployment of locals and increased marginalization and discrimination of the vulnerable people.

1.3 Rationale

The National Action Plan on business and human rights seeks to promote a harmonious relationship in which both businesses and communities can thrive by providing a comprehensive framework that coordinates multi-sectoral efforts to ensure respect for human rights by business operations. The NAP clarifies business responsibilities towards respect for human rights in their operations and enhances equitable and effective access to remedy to victims of human rights violations and abuses arising from business-related activities.

1.4.0 Goal, Objectives and Principles

1.4.1 Goal

Elimination of human rights violations and abuses while undertaking business activities by any person or entity.

1.4.2 Specific objectives

- 6) To strengthen institutional capacity, operations and coordination efforts of state and non-state actors for the protection and promotion of human rights in businesses.

- 7) To promote human rights compliance and accountability by business actors
- 8) To promote social inclusion and rights of the vulnerable and marginalised individuals and groups in business operations
- 9) To promote meaningful and effective participation and respect for consent by relevant stakeholders in business operations
- 10) To enhance access to remedy to victims of business-related human rights abuses and violations in business operations.

1.4.3 Guiding principles

Protect: The State duty to protect human rights

Respect: The corporate responsibility to respect human rights

Remedy: Access to remedy by those whose rights are violated.

1.5 Methodology

During the development of the NAPBHR a number of approaches were used including conducting a regulatory impact assessment, literature review, stakeholder consultations, key informant interviews, trainings, colloquiums among others as illustrated below;

1.5.1 The Regulatory Impact Assessment (RIA)

A Regulatory Impact Assessment (RIA) was conducted to assess the best option to address the issue of violations and abuses of human rights by business activities. The RIA allows for critical analysis of the issue at hand, main causes and the root causes of the problems and the effects thus converting to the objectives, rationale and preferred outcomes of the intervention. During the assessment the following options were identified: do nothing- maintain the status quo; awareness creation and sensitization; strengthen coordination and institutional capacities; reviewing the existing frameworks; innovative solutions, introducing new frameworks and enhancing implementation and enforcement of the existing frameworks. With the engagement of the stakeholders, the options were analysed against cost-benefit, their impact on the stakeholders and the ease of implementation/enforcement as well as monitoring and evaluation. Development of the NAPBHR was recommended as the best option to eliminate violations and abuses of human rights in the context of business activities.

1.5.2 Training of the committees

In 2018, Ministry of Foreign Affairs in conjunction with the United Nations Office of the High Commissioner for Human Rights organized a training on business and human rights for the Inter-Ministerial Committee (IMC) on Human Rights. The training was aimed at popularizing the concept of business and human rights as well as enabling discussions to enable the development of NAPBHR. During this meeting the IMC agreed that there was need to start the development of the NAPBHR and Ministry Gender, Labour and Social Development was identified as the lead agency for the process.

1.5.3 Technical Working Committee

To build on the IMC training recommendation, a technical working committee of resource persons was constituted to guide the development of the NAPBHR. The membership was drawn from government ministries, departments and agencies, civil society organizations and development partners. The Ministry of Gender, Labour and Social Development was the lead Agency in the drafting of the NAP.

Overall, the membership of the committee is comprised of the following:

- 1) Ministry of Foreign Affairs
- 2) Ministry of Justice and Constitutional Affairs
- 3) Ministry of Gender, Labour and Social Development
- 4) The Office of the President /Cabinet Secretariat
- 5) Ministry of Finance, Planning and Economic Development
- 6) Ministry of Trade, Industries and Cooperatives
- 7) Uganda People's Defence Forces.
- 8) Uganda Human Rights Commission
- 9) The Equal Opportunities Commission
- 10) Initiative for Social and Economic Rights
- 11) Uganda Consortium for Corporate Accountability
- 12) The Uganda Association of Women Lawyers (FIDA-Uganda)
- 13) Resource Rights Africa
- 14) UN Global Compact National Chapter for Uganda.
- 15) Office of the UN High Commissioner for Human Rights

1.5.4 Stakeholder Consultations

The Ministry conducted nation-wide consultations that were informed by the UHRC Country Guide on business and human rights.

In the period of March to October 2019, eleven (11) consultations were carried out across the different regions of the country. These were: Mbarara for Western region, Masaka for Central region, Moroto for Karamoja region, Gulu for Northern region, Arua for West Nile region, Jinja for Busoga region, Soroti for Teso region, Hoima for the Albertine region, Kampala for Central Business District. The mapping of the regions was informed by the different business and human rights concerns in the various regions, including oil and gas exploration, trade, mining and related exploration, construction/infrastructure projects, as well as agriculture and fishing.

Additional consultations were undertaken to seek the views of the business community in the Central Business Districts (CBD), which also served as a national forum through which the various business umbrella organizations contributed their views in respect of Business and Human Rights. The participants were the business actors and trade unions in Kampala. Specific meetings were also held with the women in the mining sector in Kaabong and Moroto.

Over 600 participants from 99 districts were engaged in the consultations. The participants in the consultations were technical officers at local governments, business-owners, political leaders. The consultations also included religious institutions, cultural institutions; community based organizations, civil society organizations, communities including victims impacted by business/corporate activities, vulnerable groups, and development partners.

During the consultations, a number of human rights concerns and challenges regarding business operations were raised. Some of these included; Child labour, casualization of labour, poor remuneration, environmental pollution, land evictions, corruption, inadequate human rights knowledge, sexual harassment, gender pay gap, lack of a minimum wage among others. Most of these issues are broadly discussed in the situation analysis.

Finally, relevant government institutions were consulted. These included; the Ministry of Trade, Industry and Co-operatives, Ministry of Energy and Mineral Development, Ministry of Finance, Planning and Economic Development, the Uganda Human Rights Commission, Equal Opportunities Commission, the Uganda Investment Authority, the Industrial Court, Parliament and the Private Sector foundation of Uganda.

1.5.6 Literature Review

Review of the related literature was undertaken to gather documented information in the area of business and human rights. These included reading the international instruments, regional instruments as well as domestic laws, policies and mechanisms.

CHAPTER TWO: LEGAL, POLICY AND ADMINISTRATIVE FRAMEWORK

Uganda is committed to creating an enabling environment for enjoyment of human rights as well as flourishing of businesses in the country. This is demonstrated by the development, adoption, ratification, and implementation of the national, regional and international policies, legal and administrative frameworks.

2.1 International framework

At international level, Uganda has ratified the following instruments, among others:

- i. The **International Covenant on Economic, Social and Cultural Rights (ICESCR)**, ratified by Uganda in 1987, sets out obligations on such issues as the right to work and the enjoyment of just and favourable conditions of work (including fair wages and equal pay for equal work, safe and healthy working conditions; as well as rest, leisure and reasonable limitation of working hours and periodic holidays) the right to property, the right of everyone to form trade unions, the right to social security, the right to education, the right to an adequate standard of living, the right to the enjoyment of the highest attainable standard of physical and mental health, and the right to enjoy the benefits of scientific progress and its applications. State Parties are expected to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures. Guidance provided by the Committee on Economic, Social and Cultural Rights, which monitors implementation of the Covenant in State at national level through regular reporting and dialogue, has clarified that there are minimum core obligations that need to be met with regard to the rights set out under the instrument. The Covenant calls on States to ensure equal opportunities for all men and women in the enjoyment of all economic, social and cultural rights. States should address the specific impacts of business activities on women and girls, and incorporate a gender perspective into all measures to regulate business activities that may adversely affect economic, social and cultural rights.⁵ This includes, amongst others, ensuring that pregnancy should not constitute an obstacle to employment and should not constitute justification for loss of employment.⁶
- ii. The **International Covenant on Civil and Political Rights (ICCPR)**, ratified by Uganda in 1995, in Article 2 sets out that the rights under the Covenant are to be guaranteed without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The ICCPR sets out human rights obligations related to the right to life; freedom from torture and other forms of ill-treatment; the right to be free from forced or compulsory labour; freedom of expression, association and assembly; the right to equality before the law as well as rights related to access to justice and due process rights.

⁵ General Comment No. 24 on State Obligations under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities.

⁶ General comment No. 18 on the Right to work, paragraph 13.

- iii. The **Convention on the Elimination of all forms of Discrimination against Women (CEDAW)**, ratified in 1985, emphasizes that discrimination against women violates the principles of equality of rights and respect for human dignity. Discrimination is understood as any distinction, exclusion or restriction made on the basis of sex in the political, economic, social, cultural, civil or any other field. CEDAW gives positive affirmation to the principle of equality by requiring States parties to take all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men (Article 3). Articles 10, 11 and 13 of CEDAW, respectively, affirm women's rights to non-discrimination in education, employment and economic and social activities. These demands are given special emphasis with regard to the situation of rural women, whose particular struggles and vital economic contributions warrant more attention in policy planning (Article 14). Article 15 asserts the full equality of women in civil and business matters.
- iv. The **Convention on the Rights of the Child (CRC)**, ratified in 1990, specifies obligations related to the rights and best interest of the child. Article 32 recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, and calls on States to take legislative, administrative, social and educational measures to this end. In particular, States shall (a) provide for a minimum age for admission to employment; (b) provide for appropriate regulation of the hours and conditions of employment; (c) provide for appropriate penalties or other sanctions to ensure the effective enforcement of these provisions. Furthermore, the CRC sets out that appropriate measures should be taken to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible (Article 18).
- v. The **Convention on the Rights of Persons with Disabilities (CRPD)**, ratified in 2008, seeks to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. The CRPD emphasizes the importance of mainstreaming disability issues as an integral part of strategies of sustainable development. The CRPD defines persons with disabilities as including those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. The CRPD calls on States to prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds. In order to promote equality and eliminate discrimination, States shall take all appropriate steps to ensure that reasonable accommodation is provided. The CRPD sets out that this shall include measures to promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market. States shall also take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. States must ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities. Article 27 outlines specific obligations related to the right of persons with disabilities in the area of work and employment.

- vi. The **International Convention on the Elimination of All Forms of Racial Discrimination (CERD)**, ratified in 1980, condemns all forms of racial discrimination, and sets out obligations for States to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races. The Convention sets out specifically the rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration; States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.
- vii. The **International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW)**, ratified in 1995, recognises the situation of vulnerability in which migrant workers and members of their families frequently find themselves owing, among other things, to their absence from their State of origin and to the difficulties they may encounter arising from their presence in the State of employment. The CMW sets out human rights obligations that apply during the entire migration process of migrant workers and members of their families, which comprises preparation for migration, departure, transit and the entire period of stay and remunerated activity in the State of employment as well as return to the State of origin or the State of habitual residence.
- viii. Furthermore, Uganda is also a State party to the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)**, ratified in 1986.

As a State Party to these international human rights instruments, Uganda is expected to implement these human rights in practice, and to do so without discrimination.⁷ For example, Articles 2 and 3 of the ICESCR set out State obligations to guarantee the enjoyment of economic, social and cultural rights to all without discrimination. The obligation to eliminate discrimination also includes a duty to ensure that individuals and entities in the private sphere do not discriminate on prohibited grounds.

In addition to the above-mentioned legally binding instruments, the **UN Guiding Principles (UNGP) on Business and Human Rights – Protect Respect and Remedy**,⁸ provides important policy guidance. The UNGP, which were endorsed by the UN Human Rights Council in 2011, and seek to enhance standards and practices with regard to business and human rights so as to achieve tangible results for individuals and communities.

The UN Guiding Principles are grounded in recognition of (a) States' existing obligations to respect, protect and fulfil human rights and fundamental freedoms; (b) the role of business enterprises as specialized organs of society performing specialized functions, required to comply with all applicable laws and to respect human rights; and (c) the need for rights and obligations to be matched to appropriate and effective remedies when breached. The framework clarified the State duty to protect against business-related human rights abuse, the responsibility of

⁷ See the Committee's general comment No. 20, paras. 7 and 8.

⁸ Available here: https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

companies to respect human rights, and the need to strengthen access to appropriate and effective remedies for victims of business-related human rights abuse.

Since August 2020 Uganda has joined the Extractive Industries Transparency Initiative – EITI – candidate country and has made a certain number of commitments to increase accountability and transparency in the extractives sector.

2.2. Regional framework

At the regional level, Uganda is a State Party to a number of human rights instruments that are of key importance and relevance to the area of business and human rights, including the following:

- i. The **African Charter on Human and Peoples' Rights (ACHPR)**, also known as Banjul Charter), ratified by Uganda in 1986, sets out that every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. Further, the ACHPR sets out that all forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited. Article 21 stipulates that all peoples shall freely dispose of their wealth and natural resources, and that this right shall be exercised in the exclusive interest of the people. Furthermore, in no case shall a people be deprived of this right. The Article further sets out that in case of spoliation the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation. Article 24 provides that all peoples shall have the right to a general satisfactory environment favourable to their development.
- ii. The **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (Maputo Protocol)**, ratified in 2010, provides a comprehensive set of human rights for African women and gender equality. Amongst others, the Maputo Protocol calls on States to adopt and implement appropriate measures to prohibit any exploitation or degradation of women, and to adopt and implement appropriate measures to ensure the protection of every woman's right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence. Under Article 13, the Protocol calls on States to adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic opportunities.
- iii. The **African Charter on the Rights and Welfare of the Child (ACRWC)**, ratified in 1994, notes with concern that the situation of most African children, remains critical due to the unique factors of their socio-economic, cultural, traditional and developmental circumstances, natural disasters, armed conflicts, exploitation and hunger, and on account of the child's physical and mental immaturity he/she needs special safeguards and care. The ACRWC stipulates that the education of the child shall be directed to the promotion and development of the child's personality, talents and mental and physical abilities to their fullest potential, including for the development of respect for the environment and natural resources. The Charter also sets out obligations regarding children with disabilities, including by calling for effective access to training and preparation for employment in a manner conducive to the child achieving the fullest possible social integration and individual development. Article 15 of the Charter provides that children should be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with their physical, mental, spiritual, moral, or social development.

- iv. The **African Youth Charter of 2006** sets out a framework to enable policy makers to mainstream Youth issues in all development policies and programs. The Charter under Article 15 on sustainable livelihoods and youth employment stipulates that every young person shall have the right to gainful employment, and that every young person shall have the right to be protected from economic exploitation and from performing work that is likely to be hazardous to or interfere with the young person's education, or to be harmful to the young person's health or holistic development. Under Article 19 on Sustainable Development and Protection of the Environment, the Charter calls on States Parties to ensure the use of sustainable methods to improve the lives of young people such that measures instituted do not jeopardise opportunities for future generations.
- v. Overseeing implementation of the Banjul Charter, the African Commission on Human and Peoples' Rights in 2009 established a Working Group on Extractive Industries, Environment and Human Rights Violations in 2009 with a mandate that includes examining the impact of extractive industries in Africa.
- vi. The **EAC Common Market Protocol 2010**; which aims at promoting free movement of people and goods across the EAC countries as part of the integration process.

2.3 National Framework

2.3.1 Legal framework

- i. The 1995 Constitution of the Republic of Uganda (as amended) is the overarching legal framework for the promotion, protection and fulfilment of human rights including those rights relating to business activities. Objective XIV of the constitution addresses social and economic matters. It directs the government to pursue social and economic objectives which fulfil the fundamental rights of all Ugandans to social justice and economic development in particular, to ensure that all development efforts are directed towards ensuring the maximum social and cultural wellbeing of the people. Chapter IV and Article 21 of the 1995 Constitution of the Republic of Uganda, states that, "All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law".
Economic rights are stipulated under Article 40 of the Constitution. It stipulates that parliament shall enact laws to provide for the right of persons to work under satisfactory and healthy conditions, to ensure equal payment for equal work without discrimination and ensure that every worker is accorded rest and reasonable working hours with periods of holidays with pay. It also protects the right of workers to form or join trade unions for collective bargaining and representation and to withdraw his labour. In addition to the 1995 Constitution, there are a number of domestic laws in place governing operations of business enterprises. Among others, these include:
- ii. The Companies' Act 2012 defines a Private and Public Company under Section 5 and 6 respectively as a group of people carrying out a business with a view of making profit and contributing to the betterment of society.
- iii. The Occupational Safety Act, 2006 mandates an employer to ensure a safe working environment including its vicinity.

- iv. The Equal Opportunities Commission Act, 2007 (EOC Act); which established, the Equal Opportunities Commission (EOC) to give effect to the State's constitutional mandate to eliminate discrimination and inequalities against any individual or group of persons on the ground of sex, age, race, colour, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability.
- v. The Workers Compensation Act 2000, seeks to provide for a platform for compensation to workers for injuries suffered and scheduled diseases incurred in the course of their employment.
- vi. The Labour Disputes (Arbitration and Settlement) Act, No. 7 of 2006. The Act establishes the Industrial Court, which is presided over by a High Court Judge. The Court handles labour disputes that have not been resolved by a district labour officer or the Commissioner of Labour.
- vii. The Human Rights Enforcement Act 2019, framed in accordance with article 50 of the Constitution, where in a person and/or organization who claims that a fundamental or other right or freedom guaranteed under the Constitution has been infringed or threatened can seek legal redress.
- viii. The Children Act Cap 59 as amended; seeks to enhance the protection of children's rights and provide for remedies.
- ix. The Employment Act, 2006; specifically, Section 6 (1) which states that it shall be the duty of all parties including the Minister, Labour Officers and the Industrial Court to seek and to promote equality of opportunity with a view to eliminating any discrimination in employment.
- x. The Persons with Disabilities Act, 2020. Specifically, Section 12 (1) of the Act states that; a person shall not discriminate against a qualified person on ground of that person's disability in regard to any job application procedures, hiring, promotion, employee compensation, job training, and other terms, conditions, and privileges of employment.
- xi. The Minimum Wages Advisory Boards and Wages Councils Act Cap.164 of 1964. This Act provides for the establishment of Minimum Wages Advisory Boards and Wage Councils, and for the regulation of the remuneration and conditions of employment of Employees.

2.3.2 National Policy Framework

The Government of Uganda has put in place broad administrative and institutionalized mechanisms, through which issues of business and human rights are handled. The mechanisms include the following:

- i. Ministry of Gender Labour and Social Development (MGLSD): The MGLSD is the government ministry responsible for promoting cultural growth, skills development and labour productivity, gender equality, labour administration, social protection and transformation of communities in Uganda. The Ministry is also mandated to conduct community mobilization and protection of rights of the vulnerable and marginalised groups of people including children, women, and persons with disabilities, older persons and ethnic minorities.

- ii. Ministry of Trade, Industries and Cooperatives (MTIC): Ministry of Trade, Industry and Cooperatives is a Government Ministry responsible for promoting trade and industry and cooperatives for the development of the country. This Ministry is to ensure expansion and diversification of trade, cooperatives, environmentally sustainable industrialization, appropriate technology, conservation and preservation of other tradable national products. The roles above are targeted at generating wealth to benefit the country socially and economically
- iii. Ministry of Internal Affairs, particularly Uganda Police Force (UPF): UPF has primary responsibility for law enforcement. The mandate of Uganda Police Force is provided under Article 212 of the Constitution of the Republic of Uganda, and Police Act Cap 303, is protection of life and property, prevention and detection of crime, keeping law and order, and maintenance of overall Security and Public Safety in Uganda. The Uganda Police Force is central in maintaining Human Rights and Business, because of its mandate in preventing and detection of abuses.
- iv. The Judiciary: The Judiciary is established under chapter eight of the Constitution. Judicial power shall be exercised in accordance with Article 126 (1) of the Constitution of the Republic of Uganda. It is responsible for adjudication of disputes.
- v. The Ministry of Justice and Constitutional Affairs: The Ministry is charged with the cardinal role of ensuring that Uganda as a country upholds the rule of law, good governance and due process for all citizens and residents. This Ministry provides legal advice and legal services to Government, its allied institutions and to the general public.
- vi. The Uganda Human Rights Commission; Is mandated to promote and protect human rights and promote access to justice through the commission tribunal
- vii. The Equal Opportunities Commission (EOC): The EOC is a Constitutional body established under Article 32 of the Constitution with the mandate to address issues of affirmative action arising from marginalization and discrimination based on any ground such as gender, age, disability status and political grounds among others.

In addition to the Government Ministries, Departments and Agencies, a number of key non-State actors play an important role in protection and enforcement of human rights in business operations. These include; the Private Sector Foundation, Uganda Manufacturers' Association, Federation of Uganda Employers, the UN Global Compact National Chapter for Uganda, the Kampala City Traders Association, Civil Society Organisations and trade unions.

CHAPTER THREE: SITUATIONAL ANALYSIS

This chapter highlights key contemporary issues relating to violations and abuses of human rights in the context of business operations in Uganda. The issues are categorised according to the emerging themes from the field consultations.

3.1 Land and Natural Resources

Uganda's natural resource base is one of the richest and most diverse in Africa, resulting in the country's economy relying heavily on these resources for provision of goods and services. The NRM manifesto considers land, which includes other natural resources like minerals, water and forests, as a key factor of production, particularly for Ugandans most of whom are still in agrarian economy. As part of efforts to ensure effective management of Uganda's environment and natural resources, several policies and institutions have been put in place including; The Constitution, National Land Policy 2013, the National Land use policy 2007 and The Land Act (amended) 2010.

Despite the numerous achievements in land and natural resources management and administration, there still exists some challenges relating to protection of land rights in business operations. There is high incidences of small-scale and mass forced evictions orchestrated by businesses in both rural and urban areas. Illegal eviction is the consequence of lack of security of tenure and it amounts to a human rights violation if conducted forcefully in disregard to set human rights standards.

High demand for land for large scale investments has resulted into increasing land evictions. For instance in March 2018, two private companies in Kiryandongo and Kitwanga sub counties rendered more than 5,000 families homeless after forceful eviction. Relatedly evictions by Hoima Sugar Works which resulted to displacement of many families in Kijayo Village, Kikube district relating and the increasing urban land illegal evictions which have resulted into destruction of several buildings, leaving families homeless and dependent on government support.

It was also established that those acquiring land for investments rarely undertake Social Impact Assessment (SIA) to determine the implications of land acquisition on the affected community and people. Undertaking a SIA minimizes the risks involved and prevents undue displacement, and ensures adequate rehabilitation, compensation and resettlement. It also guides the land acquiring agency to plan in a formal manner, thus saving costs, therefore reducing the risks involved in business activities.

During consultations, it was established that there is inadequate community engagement in land acquisition processes. This has resulted into increased cases of land conflicts including destruction of the established investments and violations of human rights.

3.2 Environment

The government recognises the right to a clean and healthy environment and this aspiration is contained in laws and mechanisms such as Article 39 of the 1995 Constitution, the National Environment Act, (amended) 2019 and other institutions like National Environmental Management Authority, National Forestry Authority and Uganda Wildlife Authority to conserve

and protect the environment for sustainable development.

The country has registered a flourishing number of projects in the recent past and NEMA highlights five leading categories of projects as follows: Fuel Stations (22.8%), Information Communication Technology (22.0%), Infrastructure (21.1%), Industry (14.7%), and Mining (6.2%). Thus, these five categories of projects constitute 86.8% of the total projects approved by NEMA in the FY 2018/2019 (NEMA, Annual Report 2019). The report further states that the increasing trend of developments in the sectors highlighted creates demand for construction materials as well as fuel, which are associated with high negative impact on environment and communities.

Some of the notable negative environmental impacts associated with the said categories of projects include: increase in atmospheric pollution caused by emission of different kinds of noxious (harmful) gases, fumes, and particulate matter into the atmosphere; while mining projects create residual impacts which include; scarred landscape, degradation of the affected landscape including soil erosion and in some cases disruption of the local hydrology (which may affect the water catchment system), and un-restored mines and murram/gravel borrow-pits among others.

Over the years, Uganda's tree cover has immensely declined i.e. from 24% in 1990 to 12.4% in 2015 (NFA, Feb 2018). Communities reported high cases of forests degradation to pave way for businesses especially large scale undertakings. For instance Ugandan government entered into an agreement with BIDCO, the largest manufacturer of vegetable oil in Uganda, and Malaysian palm oil giants Wilmar to set up a plantation and refinery in the Kalangala islands in Lake Victoria. However, business enterprises rarely meaningfully respond to these negative impacts. During the field stakeholder consultations for the development of the NAPBHR, the communities raised concerns that certain businesses, particularly those in extractives (mining, quarrying), transportation, manufacturing sectors are contributing to such social and negative environmental impacts including destruction of cultural and historical sites. Gender issues manifest in such businesses, such as; men continue to receive the most benefits of the mining industry, women often bear the disproportionate share of social, economic, and environmental risks that sometimes arise from this sector. Women employed in mines work under unsafe conditions often characterized by meager pay, sexual harassment, poor sanitation, domestic violence and exposure to hazardous substances such as mercury among others. It has also been argued that health impacts are felt disproportionately by women as they tend to be primarily responsible for caring for the health of family members.

3.3 Labour Rights

The government recognizes the rights and contributions of workers to national development as such several legal and policy frameworks are in place to guarantee the right to work. Article 40 of the 1995 Constitution provides for the protection of workers' rights, which includes the recognition of just and favourable conditions of work. The key legislation on working conditions in Uganda include the Employment Act (2006), Workers Compensation Act (2000) and the Occupational Safety and Health Act (2006), which regulate employment conditions including occupational safety and health standards, wages, working hours, leave and termination of employment.

The Government has created conducive working environment that allows for businesses to thrive. As such, businesses have become a major source of employment for Ugandans especially the

youth and women.

According to UBOS (2018), overall unemployment was at 9.7% while youth unemployment stood at 40.7%. The unemployment situation has left many Ugandans especially the youth with no choice, but to accept any form of work offered to them. This has led to the growing trend of employment opportunities in business activities. However, there have also been reports of cases of human rights abuses associated with businesses operations.

Notwithstanding the progressive legal regime, there are a number of abuses experienced by especially vulnerable groups like women, people with disabilities and youth. The field findings revealed glaring gaps in labour administration in the country particularly in the business sector. Noting that whereas each district is mandated to have a labour officer, due to budgetary limitations and varying priorities at the district level, many districts do not have substantive labour officers in place. Those in place raised a concern of difficulty in executing their jobs due to under-funding to the labour functions, lack of transport to carry out routine and effective supervision and corruption, which hinders compliance to their rulings. Some of the labour officers also highlighted challenges of information asymmetry between the centre (MGLSD) and the local governments.

The consultations also revealed that women comprise of the majority of labour force in the Plantation Agriculture and informal Sectors—which still face challenges around regulatory and protective measures. Casualization of labour is also ripe within these sectors. It was further revealed that cases of occupational and safety health hazards of women in manufacturing and production industries have increased. It was also shared that workers are employed without formal contracts hence no job security as well as limited access to remedy for human rights abuses by business operations including delays or lack of compensations in case of workplace accidents. In some companies, management was not in support of their workers joining trade unions since they consider it that it affects the productivity of workers. It was also reported that employees are often exploited by companies to work for long hours and are often poorly remunerated. This was reported to be common in the plantation and construction companies. It was further established that many employers in the business sector do not comply with the laws guaranteeing labour rights.

Uganda Human Rights Commission highlighted an emerging human rights concern of trafficking of persons abroad for work. It was noted that most of the victims were women and youth. The commission also highlights that there is no clear reporting and response mechanism for those caught up in violations abroad. It was further noted that despite registration and licensing of companies to regulate this business, many fraudulent companies were not fully complying with the established guidelines thus exposing Ugandans to violations of their rights. During stakeholder consultations the issues raised include; negative impacts of externalization of labour where youth especially girls were taken to work abroad without contracts. Subsequently such victims experience abuse of rights, physical and psychological violence and lack of protection while abroad.

3.4 Revenue Transparency, Tax exemptions and corruption

Uganda has been consistently attracting the highest foreign direct investment (FDI) in East Africa by attracting between \$250 – 300 million in FDI annually between 2010 and 2016 – largely due to its stable and consistent macro-economic policies including liberalization of business environment and tax incentives to investors in selected sectors like manufacturing, oil and gas and Energy (URA, 2019; a Guide on Tax Incentives/Exemptions Available to the Uganda Investors).

Stakeholders, particularly national business owners' and private providers, noted that tax exemptions were not provided transparently and they were provided to large or foreign companies, making the State to lose needed revenue and causing unfair competition between those who receive and those who do not. The participants also noted that if tax exemptions/ tax incentives are to be granted, the business owners should demonstrate that the exemptions/ tax incentives are justified and their implementation will ensure deliberate, concrete and targeted steps to guarantee protection and fulfilment of human rights, particularly through employment creation and delivery of social services thus improving lives of the Ugandans. In addition, the exemptions should be monitored, their social benefits and the human rights compliance periodically assessed. The assessments should be informed by broad public participation, especially of individuals that are directly affected.

Revenue transparency particularly revenue in the extractives sector has become an increasing concern to the public. There has been a wider call for resources justice through arrangements such as Publish What You Pay (PWYP), the Natural Resources Charter, Extractives Industries transparency Initiative among others. The NAP consultations enlisted several challenges that affect revenue transparency. There is an inflow of investors operating in the districts but without licenses from the district authorities. This was typically raised in Karamoja region where many business owners in the mining sector emerge with mining licenses purportedly from Kampala and do not contribute any taxes to the local government authorities. This has led to reduction in local revenue collection as well as affected social service delivery to the communities.

Corruption is one of the major challenges leading to violation of human rights in business operations in Uganda. Many business operators reported corruption in procurement, acquisition of licenses and tax collection.

Imprudent utilization of tax and other resources through corruption undermines positive outcomes of businesses in Uganda. This weakens the economic and social efforts of the government to provide services and even further discourages transparency in matters of business operations.

3.5 Social Service delivery by private actors

In Africa, there is a growing rate of service provision by the private actors and this is attributed to the recognition that some bilateral donors and international institutions increasingly put pressure on African Countries to privatize or facilitate access to private actors in service delivery particularly health and education sectors, without consideration for State Parties' obligations under the African Charter (ACHPR / Res. 420 (LXIV) 2019).

NRM Manifesto 2021-2026 is committed to delivering social services like education and health, noting that an “an educated and healthy population is key in improving people’s standards of living.” NDP III states that the government will work with the private sector on Human Capital Development to ensure that the resource-led sustainable industrialization process is both sustainable and beneficial to its citizens. In Uganda, the private sector is gradually playing a prominent role in service delivery, in areas which were the traditional domain of the State, through purely private engagements as well as Public Private Partnerships (PPPs). The rapid increase of the private sector development has not been matched by adequate regulation on protection and fulfilment of human rights within the context of businesses.

Although the government has passed the PPP Act (2010), PPP Guidelines and has a National Strategy for Private Sector Development 2017/18-2021/22 in place; there is no legal requirement to enforce respect for and compliance with human rights standards.

The rising cost of social services provided by private actors has resulted in unaffordability of these services. From the stakeholder consultations, it emerged that the private social service providers were violating rights of the public through charging exorbitant fees for their services, demanding for cash pay prior to service delivery particularly in health sector, displaying discrimination in employment opportunities, under payment of their staff among others.

The Africa Commission on Human and Peoples Rights (Resolution 420) recognising these challenges; has implored State Parties to enact legislative and policy frameworks regulating private actors in social service delivery and ensure that their involvement is in conformity with regional and international human rights standards.

3.6 Consumer Protection

Consumer protection includes measures established to; promote the free flow of truthful information in the marketplace, prevent businesses that engage in fraud or specified unfair practices from gaining an advantage over other market players, provide additional protection for the weak and those unable to take care of themselves, and ultimately ensure fair trade competition (National Competition and Consumer protection policy, 2017).⁹

Uganda has maintained a liberal economic policy since the late 1980s. This policy approach has seen Uganda divest most public enterprise and allow private sector players in a number of important sectors of the economy such as telecommunications, energy/electricity, transport and banking. There is evidence that this economic policy approach has driven economic development in the country, with greater multiplier and inter-sectoral effects. However, the full potential of the economic policy reforms has been hampered by some uncompetitive practices by some of the private sector players. For instance, Uganda National Bureau of Standards in its 2018/19 highlighted that goods valued at approximately 66.5 Billion shillings were seized due to non-compliance with standards (UNBS Annual Report, 2018/19).¹⁰

Consumer protection laws play an important role in enforcing respect for rights of consumers and by often prioritizing quality, they maintain an internal market for goods and services. Presently,

⁹ National Competition and Consumer Protection Policy, 2014

¹⁰ UNBS Annual report 2018/19, pg 32

there are a number of legislations that have provision for consumer protection, these include; the weights and Measures Act cap 103; the Public Health Act Cap 281; the Food and Drugs Act cap 278; the National Drug Authority Policy Authority Act cap 206 and the National Bureau of Standards Act cap 327 among others.

The current policy, legal and regulatory framework related to promotion of fair competition and consumer protection is fragmented. A number of sub-sectors have policies and laws that govern the promotion of competition and consumer protection. These include; Financial institutions i.e. deposit taking, money lenders and insurance companies; telecommunications; electricity generation and distribution; petroleum extraction, development and distribution; Information and Communications Technology; industrial licensing; livestock and entomology especially for business in hides and skins, dairy and cotton; transport licensing and civil aviation; investment licensing and registering of companies and professional conduct for surveyors, journalist, veterinary doctors, medics, engineers and lawyers; among others.

However, the regulations in the above sub sectors are not comprehensive and in some cases contradict each other. The laws do not regulate comprehensively competition issues relating to mergers and acquisitions and anti-competitive practices such as predatory pricing practices, price maintenance, collusive tendering, bid rigging practices; cartels, collective and price fixing, price tying, price gauging and many others.

In addition, the current legal and regulatory framework does not provide a mechanism for implementing Uganda's obligations at both regional and international levels on competition policy and consumer protection. For example the East African Community (EAC) Competition Act, 2006, and the COMESA Competition Regulations, 2004, oblige Uganda to put in place a regime to promote fair competition and consumer welfare.

It is important to note that a Consumer protection and Competition Act was submitted to parliament in 2015, however, it has not yet been passed.

In a number of major sub-sectors of the economy, it is evident that there is need for improved consumer protection. The areas include;¹¹

- The Information and technology sub-sector; aggrieved consumers have to follow a court procedure which is a lengthy process in addressing consumer complaints. Moreover, the laws do not provide for a clear consumer rights and awareness mechanism.
- The electricity sub-sector, laws do not explicitly require sectoral operators to establish consumer complaint handling mechanisms. The Subsector laws do not have clear provisions on consumer rights and obligations.
- The Tourism Act 2008 does not explicitly provide for the rights and obligations of consumers. It does not even have direct provisions on mechanisms for handling consumer complaints.
- The Uganda National Bureau of Standards Act Cap 327 does not have clear avenues for redress of consumer complaints. For instance, there is no provision in the Act that states that the UNBS may receive complaints from the consuming public in case a consumer is cheated or has bought sub-standard products.

With the gaps highlighted above, there is clear need for measures to protect consumers from human rights abuse in the course of business activities.

¹¹ National Competition and Consumer Protection Policy, 2014

3.7 Access to Remedy

Article 50 of the 1995 Constitution of the Republic of Uganda guarantees judicial remedy for human rights violations and in particular stipulates that, any person who claims that his or her fundamental or other right or freedom guaranteed under the Constitution have been infringed or threatened, is entitled to apply to a competent court for redress which may include compensation. The judicial avenues for offering remedy to complaints of business-related human rights violations include the Civil Division of the High Court, the Environmental Tribunal, and the Industrial Court for employment and labour relations, among others. In the event of dissatisfaction, there are provisions for appeal to the Court of Appeal and further to the Supreme Court.

In addition to the judicial mechanisms, victims can also seek quasi-judicial mechanisms for remedy. There are other tribunals such as Uganda Human Rights Commission (UHRC) Tribunal and the Equal Opportunities Commission (EOC) Tribunal.

The aforementioned legal protection notwithstanding, stakeholder consultations revealed that the complex nature of court procedures, along with social, economic and political factors, present barriers in accessing remedy. Some of the challenges in accessing effective remedies include: access to court, inadequate number of judicial officers, high cost of litigation, long distance to court, delayed payment of awards, limited enforcement of judicial decisions and inadequate internal grievance redress mechanisms. For instance, a case filed in 2013 regarding persons who were internally displaced due to the establishment of a sugar factory was not concluded by June 2019. The delay in dispensing justice puts the affected persons at a risk of loss of livelihoods, food insecurity, and lack of access to basic services like health care, safe and clean water and education for the children among others.

It is therefore important to improve the process of acquiring land and other assets for business operations, improve the method of relocating communities and provide access to remedy for the victims of violations and abuses of human rights.

3.8 Women, Vulnerable and Marginalized Groups

Human rights instruments set out obligations and commitments to ensure equality and non-discrimination. These are highlighted in various human rights instruments at international, regional and national levels including the following: SDG 5 gender equality and women empowerment, 8 on decent employment and 10 on reducing inequalities within and among countries, the International Covenant on Economic, Social and Cultural Rights, Convention on Elimination of All forms of Discrimination Against Women, African Charter on Human and Peoples Rights and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), the Constitution of Uganda under Chapter Four on the Protection and Promotion of Fundamental and Other Human Rights and Freedoms, the National Equal Opportunities Policy (2006), the National Gender Policy (2007), the Persons with Disability Act (2020) and the National Policy on Disability (2006).

Despite the positive strides taken to provide legal protection for vulnerable groups, gaps persist

and certain groups remain susceptible to suffer negative consequences of business operations. In particular, those that are already marginalized or excluded in society - as is often the case for women, minority groups, migrants, and persons with disabilities and persons living with HIV/AIDS.

Women: Women continue to face significant violation of human rights especially in employment in business operations. The National Social Protection Policy (2015) indicates that there are enormous risks, which include low pay, job insecurity, limited labour mobility, discrimination, sexual harassment, lack of maternity protection and poor working conditions. There is also a significant pay gap between men and women in Uganda. About 85 percent of the paid workers are employed in the informal sector without formal contracts and have no social security. Approximately 33.8 percent of the workers in the private sector earn less than Shs 50,000 per month. Agricultural wage workers, the majority of whom are women, receive the lowest wages. The findings from the consultations showed sexual harassment of female workers and coercion into sexual activity with employers to access employment or salary payments. These cases were largely under-reported due to fear of negative repercussions on the victims. If these challenges are not addressed, women will continue to bear the burden of violations and abuses of human rights in business operations and remain at the periphery of social protection and development.

Over the past few years, there has been strong initiatives to protect women's property rights in Uganda. However, due to social constructions of gender and traditional underpinnings, challenges remain in implementation and enforcement of these measures. Ownership of land by women has been affected by increased demand for land for foreign direct and local investments. Considering the extractive industry, women often bear the disproportionate share of social, economic and environmental risks while men primarily capture the benefits of the industry. Women employed in mines work under unsafe conditions often characterized by meager pay, sexual harassment, poor sanitation, domestic violence and exposure to hazardous substances such as mercury among others. Environmental degradation, often caused by business operations, is felt most keenly by women, who bear the greatest burden to mitigate food insecurity, water pollution and shortage and decreased health of families. Women in certain industries such as large-scale agriculture and extractives often lack access to appropriate protective equipment, which exposes them to dangers, and hazards which can affect their health and safety, including their sexual and reproductive health.

Children: Child labour remains a serious issue in Uganda. At least two million children aged 5-17 are engaged in child labour with 1.7 million below 14 years of age, and 507,000 involved in hazardous work (ILO/IPEC & UBOS, 2013). This includes children working in the agriculture sectors, domestic services, extractive industry (including children involved in artisanal and small-scale mining) and those that are victims of commercial sexual exploitation. The proportion of children in hazardous work was more than double in urban areas (61 percent) as compared to the rural (23 percent) (ILO/IPEC & UBOS, 2013). These issues were also raised during stakeholder consultations. Children were reported to be recruited to work on sugar, rice and tea plantations, as well as in the fishing sector. The vices were also reported to be common in mining (mineral and stone quarrying) and the construction sector where children are involved in manual labour. Poverty was cited as a main factor driving children to engage in labour. Stakeholders noted that there were reported cases of sexual assault and increase in child labour in the context of the construction of roads, for example during the construction of the Kabwoya Fort Portal

Youth: Concerns were raised during the consultation regarding reports of discrimination experienced by youth in terms of accessing employment opportunities. In many cases, they are offered only the least paying casual jobs and without formal contracts specifying the terms of employment. Youth, in the Eastern and Western regions, stated that there were instances of underpay and outright non-payment, in particular by construction companies. The consultation in Northern Uganda also revealed that there were abuse of the rights of the youth working on the large commercial farms established in the region. They claimed that most of these youth were ferried from far districts of West Nile who then end up stranded thus seeking help from the nearby districts whose resources are too meagre to offer repatriation to these victims.

Persons with Disabilities: It emerged that persons with disabilities were subjected to unfair treatment and often excluded from socio-economic development processes and employment opportunities due to stigma and discrimination. It was reported that physical barriers make it difficult for persons with disabilities to access government facilities, including labour offices, and certain potential work places. Persons with Disability are often excluded from accessing information and have limited access to education, which further limits their livelihood opportunities, which increases their vulnerability to exploitation. Disability affect men and women differently and impact women more due to social and cultural norms. According to the 2006 National Policy on Disability in Uganda, discriminatory cultural practices on property inheritance and property ownership affect the livelihoods of women with disabilities more adversely than men with disabilities.

Persons living with HIV/AIDS: The consultations established that there was discrimination on the basis of HIV status in business operations. Reports were shared about mandatory testing of prospective and current employees, resulting in dismissal of those found to be HIV-positive.

Older persons: The consultations revealed that older persons face the following challenges; limited access to employment opportunities, retention of jobs , as abuse and violence in workplaces, low pay, among others . These issues have led to increased vulnerability and poverty among older persons.

In view of the specific challenges faced by vulnerable and marginalized groups in connection with business activities, the National Action Plan calls for particular attention to ensure that such adverse impact is prevented and addressed, including by ensuring access to effective remedies.

¹² See also World Bank Group (2019), FROM CRISIS TO OPPORTUNITY Addressing Risks of Gender-Based Violence Across the Uganda Portfolio, <http://documents.worldbank.org/curated/en/205561563917898576/pdf/From-Crisis-to-Opportunity-Addressing-Risks-of-Gender-Based-Violence-Across-the-Uganda-Portfolio.pdf> (last accessed October 10, 2019) ; Joy for Children, The impact of the World bank Funded Kamwenge-Kabarole road construction project on children (last accessed October 10, 2019).

CHAPTER FOUR: STRATEGIES AND INTERVENTIONS

This NAPBHR has identified a number of strategies and interventions to guarantee the implementation of the UNGPs in relation to the issues identified in the situation analysis. This chapter highlights the strategies and the proposed interventions for addressing them under the respective objectives.

Objective 1: To strengthen institutional capacity, operations and coordination efforts of state and non-state actors for the protection and promotion of human rights in businesses.

4.1 Strategies

4.1.1 Strengthen coordination between the different government agencies working on business and human rights

- i. Strengthening existing government structures to enhance business and human rights.
- ii. Sensitize and disseminate information to duty bearers.
- iii. Establish a multi-sectoral committee on business and human rights.
- iv. Strengthen existing district coordination committees and human rights desks and units at district and lower local government level.

4.1.2 Resource mobilization to promote efficiency in monitoring and addressing business and human rights related abuses and violations

- i. Develop a resource (technical, logistical and financial) mobilisation strategy on business and human rights.
- ii. Create budget lines on business and human rights at local government level.

4.1.3 Capacity building for state and non-state actors on business and human rights

- i. Strengthen the technical capacity of judicial and non-judicial agencies on business and human-rights related issues
- ii. Review and strengthen the capacity and function of technical officers such as; the probation and social welfare officers, labour officers and community development officers
- iii. Strengthen the Technical planning committee in the district and municipality to do equity planning and budgeting.
- iv. Strengthen the function of occupational health inspectors to monitor OSH Standards.
- v. Translate the NAP on Business and Human rights in local languages and disseminate in

accessible formats.

- vi. Strengthen the technical capacity of non-state actors including academia, CSOs, cultural institutions, faith-based organizations, media and other relevant actors on business and human rights.

Objective 2: To promote human rights compliance and accountability by business actors

4.2 Strategies

4.2.1 Empower communities especially vulnerable persons to claim their rights

- i. Develop inclusive information, communication and education materials.
- ii. Conduct community dialogue meetings with rights holders prioritizing women, youth, older persons, persons with disabilities, ethnic minorities and people in hard to reach areas.
- iii. Popularize existing labour laws and labour standards relating to Occupational Safety and Health to make them known widely.
- iv. Ensure helplines are available for reporting unsafe working conditions and other labour complaints.

4.2.2 Promoting compliance to human rights observance

- i. Establishing and/or strengthening laws, policies and grievance redress mechanisms to ensure accountability by businesses.
- ii. Supporting the UHRC, EOC, and other relevant government institutions in their engagements with businesses.
- iii. Monitoring implementation of human rights policies by the business actors.
- iv. Develop a scorecard to assess human rights compliance of businesses.
- v. Awareness raising among foreign investors of the local regulatory framework on business and human rights.
- vi. Monitoring human rights compliance of businesses related to externalization of labour by Uganda consular services abroad.
- vii. Enact and enforce gender-sensitive legislation to protect human rights defenders.
- viii. Strengthen mechanisms to address and combat corruption and create awareness about available mechanisms for reporting corrupt practices.
- ix. Promote gender-sensitive and inclusive land use planning by investors.

4.2.3 Capacity building for business operators on human rights observance

- i. Strengthen the technical capacity of businesses on human rights.
- ii. Build capacity of businesses and their umbrella-bodies to conduct and undertake human rights-compliance self-assessments.
- iii. Strengthen the capacity of the human resource function in business operations in observing workers' rights.

- iv. Strengthen the capacity of Occupational Safety and Health managers and committees in businesses on human rights compliance.
- v. Develop IEC materials and disseminate information on human rights for business operators.
- vi. Creation of fora and platforms for human rights discussions among business operators and other actors.

Objective 3: To promote meaningful and effective participation and respect for consent by relevant stakeholders in business operations.

4.3 Strategies

4.3.1 Promoting FPIC for communities in all business operations

- i. Review and enact laws guaranteeing FPIC, particularly ensuring meaningful consultations with vulnerable groups, such as women, persons with disabilities, indigenous persons, ethnic minorities and persons living with HIV and AIDS.
- ii. Develop and enforce guidelines and policies regarding land acquisition, compensation and resettlement of communities affected by business operations, prioritizing the needs of the most vulnerable, such as women, persons with disabilities and persons living with HIV/AIDS.
- iii. Strengthen effective and meaningful community participation in decision relating to business operations.
- iv. Advocate for carrying out human rights impact assessments before and throughout business processes.

4.3.2 Improve deliberate access to information regarding planned business operations

- i. Develop a scorecard to assess human rights compliance of businesses.
- ii. Establish an obligation on Government and businesses to share information regarding planned business operations widely and in an accessible language and form.
- iii. Develop and roll out multi-media digital access to information/channels on business and human rights including an e-portal.

Objective 4: To promote social inclusion and rights of the vulnerable and marginalized individuals and groups in business operations.

4.4 Strategies

4.4.1 Empower communities to demand for protection and fulfilment of their rights and access to justice

- i. Educate communities, prioritizing vulnerable groups such as women, persons with disabilities, ethnic minorities and older persons, on business and human rights including access to justice.
- ii. Implement the Children's Rights and Business Principles (CRBP).
- iii. Advocate for gender equality through ensuring equal opportunity to both men and women in business operations and promotion of the gender equality seal programme.
- iv. Advocate for elimination of sexual harassment in business operations.
- v. Strengthen social protection interventions for the vulnerable groups affected by business operations.

4.4.2 Engagement of business operators on human rights

Require human rights due diligence by businesses through comprehensive human rights impact assessments involving meaningful consultation with potentially affected groups, including consideration of gendered impacts of operations and covering value and supply chains.

- i. Promote responsible sourcing practices and certification.
- ii. Mobilize and build capacity of selected business operators as human rights in business change agents.
- iii. Ensure the establishment and strengthening of gender and equity-responsive internal grievance redress mechanisms in business operations.
- iv. Ensure business actors adopt and implement human rights policies.
- v. Encourage business operators to register as members of the UN Global Compact.

4.4.3 Capacity building to State and Non-State actors on human rights based approach to programming at all levels

- i. Enhance the capacity of MDAs and LGs in promoting human rights and protecting communities against human rights abuses and violations with regard to business operations.
- ii. Enacting and/or strengthening laws and policies on human rights based approach to business operations.
- iii. Build capacity of business leaders and owners on the human rights based approach in business operations.
- iv. Build capacity of human rights defenders to monitor, document and report on human rights abuses and violations in business operations.

Objective 5: To enhance access to remedy to victims of business-related human rights abuses and violations in business operations.

4.5 Strategies

4.5.1 Strengthen access to remedy mechanisms against business-related human rights abuses and violations

- i. Awareness raising on workers' rights and available remedy mechanisms for business-related human rights abuses and violations.
- ii. Provision of government-supported legal aid services to workers, especially vulnerable groups including women, persons with disabilities, persons living with HIV and AIDS and minorities.
- iii. Strengthening the capacity of judicial and quasi-judicial institutions to provide remedy to business-related human rights abuses and violations.
- iv. Strengthening laws and policies providing for effective, inclusive and gender-responsive remedies on business-related matters.
- v. Increasing human and financial resources to support the monitoring and inspection of business operations.
- vi. Strengthening avenues available for remedy to business-related human rights violations and abuses.
- vii. Enhancing inter-sector and inter-agency coordination in handling complaints of victims of business-related human rights abuses and violations.
- viii. Strengthening linkages and referrals for human rights violations and abuses in business operations.

4.5.2 Improve access to legal services to communities affected by business-related human rights violations and abuses

- i. Build capacity of lawyers, human rights defenders, judicial officers, communities and other stakeholders on access to remedy for human rights abuses and violations related to business operations.
- ii. Provide free legal aid services to communities affected by business-related human rights abuses and violations.
- iii. Strengthen linkages and referrals for human rights violations and abuses.
- iv. Promote alternative dispute resolution mechanisms.
- v. Promote the use of regional and international remedy mechanisms for violations and abuses related to business.

CHAPTER FIVE: INSTITUTIONAL FRAMEWORK

This Action Plan shall be implemented by Government Ministries, Departments, Agencies, local governments, civil society organizations, faith based organizations, private sector, cultural institutions, marginalized and vulnerable groups, businesses owners, communities households and development partners. Their roles and responsibilities are set out below;-

5.1 Ministry Of Gender, Labour and Social Development

- i. Provide leadership in implementation of the action plan.
- ii. Create awareness and appreciation for the National Action Plan.
- iii. Ensure the development and use of guidelines on human rights in business operations.
- iv. Build and strengthen the capacity of duty bearers in human rights based programming.
- v. Monitor and evaluate social impact assessments in infrastructural developments.
- vi. Create and establish effective mechanisms and networks to enhance coordination of implementation of the NAP.
- vii. Undertake assessments and audits for compliance to human rights by business operations including state and non-state entities.
- viii. Mobilize resources for implementation of the action plan.
- ix. Monitor and evaluate the contribution of the national action plan to development and reduction of human rights abuses and violations by business operations.
- x. Monitor and evaluate the implementation of this action plan.

5.2 Uganda Human Rights Commission

- i. Promoting and disseminating the national action plan.
- ii. Monitor human rights compliance by government and companies in business operations.
- iii. Advise government and businesses on matters of human rights observance.
- iv. Conduct human rights education and awareness to business operators and communities.
- v. Receive, investigate and adjudicate cases of human rights violations in business operations.
- vi. Enforce compensations for the awards of human rights violations.
- vii. Conduct research and documentation on business and human rights.
- viii. Review and inform laws and policies on matters of business and human rights.
- ix. Enforce human rights compliance in line with international human rights standards.

5.3 Equal Opportunities Commission

- i. Ensure implementation of the action plan and the enforcement of equal opportunities.
- ii. Investigate complaints related to victimization, marginalization, injustice, and discrimination in conduct of businesses.

- iii. Create awareness and advocate for equal opportunities for all at all levels.
- iv. Influence and inform policies, plans, legislations and budgets of institutions in relation to the NAPBHR.
- v. Under take research on issues of equal opportunities.
- vi. Enforce compliance with provisions of equal opportunities requirements.

5.4 Business entities

- i. Promote human rights education for their employees.
- ii. Ensure free prior and informed consent in acquisition of land and other properties for business operations.
- iii. Compliance to laws both national and international standards.
- iv. Ensure inclusion of the vulnerable groups in the business operations.
- v. Ensure environmental protection in their operations.
- vi. Apply corporate social responsibility.
- vii. Pay taxes to the government.
- viii. Ensure consumer protection.

5.5 Ministry of Finance, Planning and Economic Development

- i. Ensure allocation of funds to sectors for implementation of the action plan in line with the public finance management Act.
- ii. Promote the integration of the action plan in all sector budgets and plans.
- iii. Enact appropriate tax regimes.

5.6 Ministry of Justice and Constitutional Affairs

- i. Coordinate the formulation and review of legislation pertaining to business and human rights.
- ii. Promote access to justice for victims of human rights violations in business operations.
- iii. Innovate solutions to quicken conclusion of court cases.

5.7 Uganda Investment Authority

- i. Incorporate human rights requirements in their investment promotion strategies.
- ii. Ensure attraction and regulation of direct foreign investments which are responsive to human rights.
- iii. Disseminate human guidelines on business and human rights to investors.

5.8 Ministry of Trade, Industrial and Cooperatives

- i. Attract investors with credible human rights records.
- ii. Ensure adherence to human rights standards by investors.
- iii. Incorporate human rights requirements in their investment promotion strategies.

5.9 Local Governments

- i. Ensure local economic development by participating in licensing businesses especially the multi-national foreign investors operating within their territories.
- ii. Supervise business operations to ensure protection of human rights and social inclusion of the communities.
- iii. Enforce protection of rights of the communities within which businesses operate.
- iv. Enact bye-laws regarding business operations.
- v. Advocate for compensation of victims of violations and abuses of human rights.
- vi. Carry out community sensitization on business and human rights.
- vii. Disseminate guidelines and other related information, communication and education materials on business and human rights.
- viii. Coordinate, monitor and supervise implementation of the policy and the equal opportunities Act at their respective levels.
- ix. Integrate human rights concerns within their plans and budgets.
- x. Mobilize resources to implement the action plan.

5.10 UWA, UNRA, NEMA, AND NFA

- i. Ensure equal and equitable sharing of benefits among communities in conservation areas.
- ii. Ensure equity in settlement and resettlement of the displaced communities particularly the vulnerable groups.
- iii. Ensure that businesses under take ESIA prior to commencement of businesses operations and conduct annual audits.

5.11 Uganda Bureau of Statistics (UBOS)

- i. Collect, analyse and disseminate statistics related to business operations.
- ii. Liaise with the MGLSD to identify appropriate indicators to guide the collection of relevant data.
- iii. Provide disaggregated data on all the marginalized and vulnerable groups.

5.12 The Parliament

- i. Appropriate resources for implementation of the action plan.
- ii. Monitor business operations in their constituents for protection of human rights and equal opportunities for the vulnerable and marginalized groups.

- iii. Enact laws that foster protection of human rights by businesses.
- iv. Provide oversight role in the implementation of the NAP.

5.13 Private Sector

- i. Promote and disseminate the action plan to employers and employees.
- ii. Ensure that the corporate policies and plans including practices are compliant with the action plan.
- iii. Ensure affirmative action interventions for less privileged and marginalized in business operations.
- iv. Provide resources for implementation of interventions within their operations.
- v. Ensure production of standard goods and services.
- vi. Develop human rights policies and plans for their businesses.
- vii. Sensitize employees on human rights.

5.14 Development Partners

- i. Provide technical support for the implementation of action plan.
- ii. Provide resources and logistics to enhance implementation of the action plan.
- iii. Monitor and evaluate the impact of the action plan.

5.15 Civil Society Organizations

The civil society organizations are critical stakeholders in implementing NAP on business and human rights. They will be responsible for;-

- i. Building effective partnerships and networks with government and other actors to implement the action plan.
- ii. Building capacity of other actors including local governments, NGOs, private sector and communities to enhance implementation of the plan and rights based service delivery.
- iii. Mobilizing resources to implement the interventions in the action plan.
- iv. Promoting and disseminating the action plan.
- v. Monitoring and evaluating the impact and effectiveness of the action plan.

5.16 The communities and households

The community and households will;

- i. Strengthen social support networks and mechanisms to protect and promote the welfare of vulnerable groups.
- ii. Promote and respect the rights of the vulnerable groups in communities and households.
- iii. Participate actively in implementing interventions and also linking vulnerable groups to service providers.
- iv. Hold community dialogue meetings with business owners to advocate for protection of rights.
- v. Collect data and information related to violations of human rights and inform relevant authorities.

- vi. Monitor and evaluate the impact of the action plan interventions.

5.17 The marginalized and other vulnerable groups

The marginalized and other vulnerable groups will;

- i. Ensure full awareness and realization of their rights.
- ii. Participate in community dialogue meetings to identify factors which cause their marginalization and vulnerability.
- iii. Participate in identification of initiatives and planning and implementing such interventions aimed at improving their welfare.
- iv. Monitor the implementation of the action plan.

CHAPTER SIX: COORDINATION, MONITORING AND EVALUATION

6.1 STRATEGIC IMPLEMENTATION

This NAPBHR shall be implemented through the existing Central and Local Government service delivery structures. The roles of the stakeholders will vary depending on their mandates and functions. The implementation strategy, however, envisions changes in the institutions, structures, systems, procedures and regulations to improve efficiency and effectiveness in the implementation of this Plan.

It is important to note that the implementation of this NAPBHR is a shared responsibility of Government, the private sector and other non- state players because of overlapping roles. The Ministry of Gender, Labour and Social Development will take lead in the implementation of this Plan and coordination of other actors in the social development and human rights sub-sector. Other key public sector actors include; Office of the Prime Minister, Ministry of Foreign Affairs, Ministry of Justice and Constitutional Affairs, Ministry of Education and Sports, Ministry of Finance Planning and Economic Development and Uganda Human Rights Commission. Coordination of the NAPBHR shall be in accordance with the coordination structures under the National Social Protection Policy.

6.2 Multi-Sectoral Technical Committee on Business and Human Rights

The Ministry of Gender, Labour and Social development shall be responsible for the coordination of stakeholders for the implementation of the Plan.

A Multi - sectoral Technical Management Committee composed of Senior Technical Staff of key-line ministries and chief executive officers from government agencies implementing business and human rights shall be put in place to support the coordination. This Committee shall provide technical guidance on all business and human rights interventions. The Ministry of Gender, Labour and Social Development shall provide the Secretariat.

6.3 MONITORING AND EVALUATION

Key stakeholders at all levels will undertake monitoring and evaluation of the NAPBHR. There will be periodic reviews in order to track implementation of interventions, results and change outcomes to enhance accountability, effectiveness and success.

- i. Developing M&E indicators for the NAPBHR
- ii. Carrying out joint monitoring visits
- iii. Conduct review meetings
- iv. The NAPBHR will be evaluated after five years

1.0 APPENDICES

1.1 STRATEGIC IMPLEMENTATION FRAMEWORK

Objective 1.0	To strengthen institutional capacity, operations and coordination efforts of state and non-state actors for the protection and promotion of human rights in businesses.	
Expected outcome	Effective and efficient state and non-state institutions enforcing observance of human rights in business operations.	
Outcome indicators	<ul style="list-style-type: none"> • Number of laws enacted to enforce human rights in business operations. • Percentage increase in resource allocations to institutions responsible for ensuring promotion and protection of human rights in business operations. 	
Expected Output	Output Indicators	Strategic Actions
Overall increase in effectiveness and efficiency of institutions in guaranteeing promotion of human rights in business operations	<ul style="list-style-type: none"> • Number of institutions trained • Percentage increase in funds allocated to business and human rights activities • Number of institutions with human rights desks 	<ul style="list-style-type: none"> • To strengthen institutional capacity, operations and coordination efforts of state and non-state actors for the protection and promotion of human rights in businesses. <p>Resource mobilization to</p> <ul style="list-style-type: none"> • promote effectiveness in monitoring and addressing human rights abuses and violations in business operations. <p>Capacity building for state and</p> <ul style="list-style-type: none"> • non-state actors on business and human rights
Objective 2.0	To promote human rights compliance and accountability by business actors	
Expected outcome	Business actors are able to observe compliance to human rights and accountability	
Outcome indicators	<ul style="list-style-type: none"> • Percentage increase in levels of compliance with human rights and accountability by business actors • Percentage reduction in the number of business and human rights incidences and cases reported • Percentage reduction in the proportion of communities experiencing some form of business and human right violation 	

Expected Output	Output Indicators	Strategic Actions
Overall increase in number of business actors ensuring compliance with human rights and accountability	<ul style="list-style-type: none"> • Number of businesses complying with human rights and accountability standards • Number of businesses that incorporated human rights and accountability procedures in their management processes. • Number of businesses that incorporated human rights and accountability procedures in their procurement processes. 	<ul style="list-style-type: none"> • Empower communities especially vulnerable persons to claim for their rights • Promoting compliance to human rights observance • Capacity building for business operators on human rights observance.
Objective 3.0	To promote meaningful and effective participation and respect for consent by relevant stakeholders in business operations	
Expected outcome	Improvement in the business entities' duty to ensure Free Prior and Informed Consent in investment and other business undertakings	
Outcome indicators	<ul style="list-style-type: none"> • Percentage improvement in number of business entities able to negotiate in good faith, with the local communities in order to obtain their free and informed consent, prior to the approval/commencement of any project affecting their lands or territory • Percentage reduction in the number of incidents of displacement or relocation of local people without free prior and informed consent 	
Expected Output	Output Indicators	Strategic Actions
An increase in the number of business entities following IFPC Procedures or mechanisms during business consultations with local peoples' representatives before approval/commencement of any project affecting their lands or territory.	<ul style="list-style-type: none"> • Number of businesses complying with human rights and accountability standards • Number of businesses that incorporated human rights and accountability procedures in their management processes. • Number of businesses that incorporated human rights and accountability procedures in their procurement processes. 	<ul style="list-style-type: none"> • Empower communities especially vulnerable persons to claim for their rights • Promoting compliance to human rights observance • Capacity building for business operators on human rights observance.

Objective 4.0	To promote social inclusion and rights of the vulnerable and marginalized individuals and groups in business operations	
Expected outcome	A business environment in which the vulnerable and marginalized individuals are socially and meaningfully included.	
Outcome indicators	<ul style="list-style-type: none"> Percentage increase in the number of businesses that are able to promote social inclusion and rights of the vulnerable and marginalized individuals. Percentage reduction in reported cases of discrimination 	
Expected Output	Output Indicators	Strategic Actions
Overall increase in the level social protection and inclusion of rights of the vulnerable and marginalized individuals.	<ul style="list-style-type: none"> Percentage increase in the number of women, minority and marginalized groups benefiting from social inclusion and human rights efforts. Number of business interventions designed to promote social inclusion and rights of the vulnerable and marginalized individuals Number of vulnerable groups linked to social interventions aimed at promoting social inclusion and rights of the vulnerable and marginalized individuals 	<ul style="list-style-type: none"> Empower communities to demand for protection and fulfilment of their rights and access to justice. Engagement of business operators on human rights Capacity building to State and Non-State actors on human rights based approach to programming at all levels
Objective 5.0	To enhance access to remedy to victims of business-related human rights abuses and violations in business operations.	
Expected outcome	Timely and effective access to remedy for all victims of business-related human rights abuses and violations.	
Outcome indicators	<ul style="list-style-type: none"> Percentage increase in the number of business-related human rights victims able to access remedy for business-related human rights abuses and violations. Percentage reduction in the number of incidents and victims of business-related human rights abuses and violations 	
Expected Output	Output Indicators	Strategic Actions
Overall increase in number of cases on business-related human rights abuses and violation	<ul style="list-style-type: none"> Percentage number of victims who had access to judicial and non-judicial services for business-related human rights 	<ul style="list-style-type: none"> Strengthen access to remedy mechanisms against business-related human rights abuses and violations.

reported resolved	and	<p>abuses and violations.</p> <ul style="list-style-type: none"> Percentage number of victims of business-related human rights abuses and violations reporting that they have had access to justice fora in convenient time and distance. Number of centres documenting business-related human rights abuses and violations Number of easily accessible referral centres for victims of business-related human rights abuses 	<ul style="list-style-type: none"> Improve access to legal services to communities affected by business-related human rights violations and abuses.
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ANNEX

Output	Y1	Y2	Y3	Y4	Y5	Total	Actors
Objective 1.0: To strengthen institutional capacity, operations and coordination efforts of state and non-state actors for the protection and promotion of human rights in businesses.							
Support to the secretariat on Business and Human Rights (vehicles, computer sets)	500,000,000	500,000,000	200,000,000	200,000,000	200,000,000	1,600,000,000	MGLSD
Support for development of MIS system for reporting and monitoring	80,000,000	10,000,000	10,000,000	10,000,000	10,000,000	120,000,000	MGLSD
Development of a robust referral pathways on Business and HRs.	200,000,000	80,000,000				280,000,000	MOLG, EOC , MOLG
Sensitize and disseminate information to both duty bearers and rights holders	724,230,000	873,680,000	1,039,980,000	1,039,980,000	1,039,980,000	4,717,850,000	URHC
Establish a multi-sectoral committee on business and human rights	41,280,000	41,280,000	41,280,000	41,280,000	41,280,000	206,400,000	MGLSD
Strengthen existing structures district coordination committees and human rights desk at district and lower local governments	1,762,480,000	1,129,780,000	1,129,780,000	1,762,480,000	1,129,780,000	6,914,300,000	MGLSD, UHRC, MoLG

Strengthen the technical capacity of judicial and non-judicial agencies on business and human-rights related issues.	219,300,000	438,600,000	657,900,000	657,900,000	657,900,000	2,631,600,000	JLOS
Review and strengthen the capacity and function the probation and labour department to handle labour-related grievances	2,160,000,000	2,160,000,000	2,160,000,000	2,160,000,000	2,160,000,000	10,800,000,000	MGLSD
Strengthening the physical planning committee in the district and municipality to do equity planning and budgeting	648,000,000	648,000,000	648,000,000	648,000,000	648,000,000	3,240,000,000	MOLG, EOC , MOLG
Strengthen the monitoring of social, safety and health guidelines in business and human rights	2,863,150,000	2,332,600,000	2,798,900,000	498,900,000	798,900,000	30,510,150,000	MGLSD, MOLG
Sub total	9,198,440,000	8,213,940,000	8,685,840,000	7,018,540,000	6,685,840,000	39,802,600,000	

Objective 2.0: To promote human rights compliance and accountability by business actors

Develop inclusive information ,communication and education materials	763,730,000	1,031,680,000	1,276,980,000	1,141,980,000	1,141,980,000	5,356,350,000	EOC, MGLSD
Popularizing existing labour laws (by translating them into local languages		673,000,000		846,000,000	846,000,000	2,365,000,000	ULRC
Establishing and/ or strengthening laws, policies and grievance redress mechanisms to ensure accountability by businesses	2,400,000,000	2,400,000,000	2,400,000,000	2,400,000,000	2,400,000,000	12,000,000,000	ULRC, MGLSD
Strengthen the technical capacity of business operations on human rights	917,840,000	917,840,000	917,840,000	917,840,000	917,840,000	4,589,200,000	CSO
Strengthening implementation of social safety and health guidelines	175,040,000	175,040,000	175,040,000	175,040,000	175,040,000	875,200,000	MGLSD
Sub total	4,256,610,000	4,197,560,000	4,769,860,000	5,480,860,000	5,480,860,000	25,185,750,000	

Objective 3.0: To promote social inclusion and rights of the vulnerable and marginalised individuals and groups in business operations.

Review and enact laws guaranteeing FPIC		480,000,000	240,000,000			720,000,000	LRC, EOC, MGLSD
Developing guidelines and policies regarding land acquisition, compensation and resettlement of the affected communities	100,000,000	432,600,000	265,200,000			797,800,000	MLHUD
Strengthening effective and meaningful community participation in business operations	5,020,080,000	4,455,680,000	4,414,080,000	4,414,080,000	4,414,080,000	22,718,000,000	MGLSD, PSFU
Advocate for carrying out human rights impact assessments before and throughout business processes	201,500,000	121,500,000	121,500,000	121,500,000	121,500,000	687,500,000	NEMA, CSO, UIA
Develop an e-portal on business and human rights		100,000,000				100,000,000	MTIC
Develop a score card on business and human rights	74,500,000					74,500,000	UHRC, EOC, MGLSD
Develop and roll out multi-media digital access to information/ channels on business and human rights		800,000,000				800,000,000	MTIC
Sub total	5,396,080,000	6,389,780,000	5,040,780,000	4,535,580,000	4,535,580,000	25,897,800,000	

Objective 4.0: To promote meaningful and effective participation and respect for consent by relevant stakeholders in business operations.

Educating communities on business and human rights including access to justice.	2,926,080,000	2,926,080,000	2,926,080,000	2,926,080,000	2,926,080,000	14,630,400,000	MOJCA, JLOS
Advocate for gender equality through ensuring equal opportunity to both men and women in business operations and promotion of the gender equality seal.	3,192,000,000	3,192,000,000	3,192,000,000	3,192,000,000	3,000,000,000	15,768,000,000	MGLSD, EOC
Advocate for elimination of sexual harassment in business operations	1,392,000,000	1,392,000,000	1,392,000,000	1,392,000,000	1,392,000,000	6,960,000,000	MGLSD, Judiciary
Strengthen social protection interventions for the vulnerable groups affected by business operations.	672,000,000	672,000,000	672,000,000	672,000,000	672,000,000	3,360,000,000	MGLSD
Enhance the capacity of MDAs and LGs in promoting human rights and protecting communities against human rights abuses and violations with regard to business operations.	19,044,000,000	19,044,000,000	19,044,000,000	19,044,000,000	19,044,000,000	95,220,000,000	UHRC, MGLSD, EOC
Build capacity of business leaders and owners on the human rights based approach in business operations.	205,400,000	410,800,000	410,800,000	616,200,000	616,200,000	2,259,400,000	Parliament, MGLSD
Sub total	27,431,480,000	27,636,880,000	27,636,880,000	27,842,280,000	27,650,280,000	138,197,800,000	

Objective 5.0: To enhance access to remedy to victims of business-related human rights abuses and violations in business operations.

Awareness raising on available remedy mechanisms for business-related human rights abuses and violations.	1,344,000,000	1,344,000,000	1,344,000,000	1,344,000,000	1,344,000,000	6,720,000,000	MGLSD, CSOs, MoLG
Strengthen laws and policies providing for effective remedies on business-related matters	231,200,000	231,200,000				462,400,000	ULRC, MGLSD, Parliament
Increasing human and financial resources to support the monitoring and inspection of business operations	137,880,000	137,880,000	137,880,000	137,880,000	137,880,000	689,400,000	MFPED, MGLSD
Sensitize workers on their rights	1,392,000,000	1,392,000,000	1,392,000,000	1,392,000,000	1,392,000,000	6,960,000,000	MGLSD, TRADE UNIONS
Build capacity of lawyers, human rights defenders and judicial officers on access to remedy for business and human rights.	114,600,000	114,600,000	114,600,000	114,600,000		458,400,000	UHRC
Provide free legal services to communities affected by business-related human rights abuses and violations.	672,000,000	672,000,000	672,000,000	672,000,000	672,000,000	3,360,000,000	JLOS, MGLSD
Sub total	3,891,680,000	3,891,680,000	3,660,480,000	3,660,480,000	3,545,880,000	18,650,200,000	
TOTAL	50,174,290,000	51,328,840,000	49,793,840,000	48,537,740,000	47,898,440,000	247,734,150,000	

THREE PILLARS Of the UN GUIDING PRINCIPLES

HUMAN RIGHTS



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THE REPUBLIC OF UGANDA