



**OFFICE OF THE
LEADER OF THE OPPOSITION**

**RESPONSE BY THE LEADER OF THE OPPOSITION TO THE ADDRESS ON THE STATE OF THE
NATION DELIVERED BY H.E THE PRESIDENT**

Moved under Rule 53 of the Rules of Procedure of the Parliament of Uganda

**Hon. Mpuuga Mathias, (MP)
Leader of the Opposition**

July 2023

PREAMBLE

Rt. Hon Speaker,
Honourable Members of Parliament,
Fellow Ugandans,

On 7th June, the President delivered the State of the Nation Address, 2023 to which I am enjoined to respond under Rule 53 of the Rules of Procedure of the Parliament of Uganda.

Rt. Hon. Speaker and Honorable colleagues, while the State of the Nation Address (SONA) is a constitutional obligation and yearly tradition detailing the status of the country and unveiling the government's agenda for the coming year, it is unfortunate that, in many respects, it has become a mere ritual.

We therefore indisputably express our disappointment that for a country that has been hollowed out by gross abuse of human rights, corruption, a general decline in the standard of living and malfeasance, no concrete policy direction to address the pressing needs of the citizenry is presented. A crisis of this nature demands urgent action and sound leadership.

Rt. Hon Speaker, on March 31st, 2023, we presented at the Opposition Budget Conference themed: '**Rethinking Uganda's Economy: A Human Rights Approach**', in which we outlined our key budget priorities and policy alternatives. I wish to appraise this House that I have since been on Oversight visits in West Nile and Buganda region, monitoring the extent of implementation of key government programs as mandated of me by the Constitution and our Rules of Procedure. I will soon exhaustively report to this House on my findings.

In the same light Rt. Hon Speaker, more in doing right than departing from the arbitrary norm, this year, the Opposition in Parliament opts to respond by highlighting the prevailing state of affairs vis-à-vis what the President presented. Therefore, the LoP's response has taken a human rights-based approach to the nation's state of affairs and development.

Rt. Hon. Speaker and Honorable colleagues, we are guided by the unquestionable truth that human rights embody the key values of freedom, fairness, dignity, equality and respect. They are valid as they guarantee freedom

of choice and expression and the rights to basic needs necessary for the full development and enjoyment of rights, including education, water, sanitation, food, health, and housing. They are an important means of protection for us all, especially those who may face abuse, neglect and isolation by people or entities that are more powerful. Furthermore, human rights inform the relationship that exists between individuals and their governments, distinguishing between every human being and governmental and non-governmental actors obligated to respect, protect, and fulfill these rights.

Sadly Rt. Hon. Speaker, the sitting Government has failed to address the pressing needs of our society which ultimately tantamount to the abuse of human rights and fundamental freedoms which include the right to decide who shall govern the people of Uganda and how they should be governed, that is, through regular, free and fair elections of their representatives.

And on a valid and current note Rt. Hon Speaker, the ugly reality of malpractice in the recent by-election in Oyam North is still fresh in our minds as it is disturbing. This is in light of the fact that our kin in the neighbourhood in Omoro just a year ago are still aghast at how the military could shamelessly visit violence on the unarmed voters of Lalogi just to ensure that a candidate with sympathy from the powers that be wins an election to replace a noble man. Rt. Hon Speaker, the script that the government has recurrently read from has formed the cast of grim theater in Kayunga and Bukedea making it a bad habit. The ghastly stain on the slate of democracy undermines the principle that holding regular, free and fair elections is the hallmark of building a democratic society, especially that we feature very embarrassingly on this front as a country. It is concrete proof of the failure by the government to offer and manage the basic of an election and a vote of no confidence in the government and its rhetoric that democracy can be a principle of reference in Uganda.

The wanton electoral irregularities like ballot-stuffing, voter bribery and use of force and intimidation by security operatives and other government officials exhibit high degree of primitivity. We therefore re-emphasize the need for constitutional and electoral reforms targeted at enhancing democracy, rule of law and constitutionalism in the country.

It is therefore our considered belief and conviction that the policy platform of a nation at any single moment should aspire to uphold stellar standards of

conformity to globally accepted levels of human rights. This is if we are to be true the fact that we are signatory to a plethora of International Instruments on Human Rights where we should be seen to walk the talk.

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A: STATE OF THE NATION IN A HUMAN RIGHTS PERSPECTIVE

i) Right to life

The right to life is a fundamental right whereby, without it, the enjoyment of other rights is not possible. As a minimum, the right to life imposes upon states the duty to abstain from arbitrarily killing individuals under their jurisdiction. The paradigm violations of the right to life are the extra-judicial executions understood as killings that are committed, condoned or acquiesced by governments.

We are disheartened by the number of people who have been killed under the watch of the State. I will list some of the killings that have remained unaccounted for and uninvestigated, yet the government operatives had a direct link to these atrocities.

We shall not relent in reminding ourselves and demanding a report of the infamous November 2020 shootings where many people (over 54 people) lost their lives, scores were maimed, and are still nursing grave injuries without any support from the government. Even the promised selective compensation to the victims' families has never materialized.

Additionally, many citizens were killed and others injured while on the campaign trail for the NUP Party President, Hon. Kyagulanyi Robert Ssentamu, who was contesting for the presidency in the 2021 General elections. Those who were killed include;

1. Ssentenza Frank Kalibbala
2. Micheal Kalinda aka Ziggy Wine,
3. Ritah Nabukenya
4. Daniel Kyeyune
5. Ibrahim Mutaasa
6. Willy Kayondo of Kubbiri Roundabout
7. Sophie Kusasira of Kalerwe B Market
8. Baker Kato Lubwama shot from Namulanda
9. Martin Owekiky
10. Tsubira Elijah
11. Elijah Mukibi Kaate of Luweero

12. Umaru Ssemakula of Entebbe/Gomba
13. Katwere Kimuli of Seeta
14. Musisi Allan Kitete Mukono
15. Peter Mwanje of Nansana
16. Mugerwa William of Wankulukuku
17. Baatio Sofi of Obongi
18. Alionji Nobert of Obongi
19. Fungaroo Moro of Obongi
20. Shaaba Saraf of Obongi
21. Akim Abile of Obongi – deliberately drowned by UPF and UPDF on 15th Jan. 2021
22. Bukere Nuhu was abducted from Mukono Municipality, murdered and dumped in Kalangala.

Rt. Hon. Speaker and colleagues, under a human rights compliant State, the obligation to respect the right to life goes beyond refraining from intentional and unlawful deprivation of life. The State must also take appropriate steps to safeguard the lives of those within its jurisdiction. This includes measures aimed at controlling and limiting the circumstances in which state agents may use firearms to, in some cases, the provision of some commodities to keep one alive. It was last year that thousands starved to death in Karamoja. The relief purportedly advanced to them was nothing but dummy and superficial.

Rt. Hon. Speaker, in another dimension, it should be noted that enforced disappearances have no place in Countries where the State upholds the right to life. It is hard to discern that over 3 years now, the Government has failed to account for the citizens abducted by security operatives moving in 'drones' on different dates between 2019 and 2021. We have made statements here and elsewhere. We have secured writs of *habeas corpus* against security agencies. I have repeatedly followed this matter with the Prime Minister and the Ministers for Security and Defence. But regrettably, their responses are mansplaining.

Under normal circumstances, expeditious investigations would have been conducted into these disappearances, but alas, we are fed on hollow undertakings by the Executive while our people continue disappearing mysteriously. The following are some of the known abductees;

1. Kibalama John Bosco (Abducted from Kanyanya on 3rd June, 2019)

2. Semuddu Michael (Abducted from Kasubi on 28th November 2020)
3. Damulira John (Abducted from Kisekka Market on 21st December, 2020)
4. Mbabazi Moses (Abducted from Kisekka Market on 26th November 2020)
5. Nalumonso Vicent (Abducted from Bugolobi on 1st December, 2020)
6. Lukwago Martin (Abducted from Bugolobi on 3rd November, 2020)
7. Kanatta Muhammad (Abducted from Mukono on 23rd December, 2020)
8. Sempijja Yuda (Abducted from Mukono on 19th December, 2020)
9. Musisi Mbowa (Abducted from Kisenyi, Kampala on 18th December, 2020)
10. Kirya Peter (Abducted from Nansana on 1st December, 2020)
11. Wangolo Shafik (Abducted from Nansana on 3rd December, 2020)
12. Zimula Dennis (Abducted from Nansana on 25th November, 2020)
13. Luwemba Musitafa (Abducted from Nansana on 19th November, 2020)
14. Mubiru Hassan (Abducted from Kawaala on 20th November, 2020)
15. Ssesaazi Isma (Abducted from Makindye on 19th November, 2020)
16. Kitembo Godfrey (Abducted from Mubende town on 12th February, 2021)
17. George Kasumba (Abducted from Kyotera on 19th January, 2021)
18. Baguma Joseph (Abducted from Kyebando in December 2020)

ii) Right to Freedom from Torture and Inhumane or Degrading Treatment or Punishment

Article 24 of the Constitution of Uganda prohibits torture, cruel, inhuman or degrading treatment and punishment. This is one of the rights that are absolute and may not be subject to any exemption, even in times of war or emergency. Article 44 (a) of the Constitution provides for non-derogation of the right of freedom from torture and cruel, inhuman, or degrading treatment or punishment, thus making this fundamental right absolute. The absolute prohibition of torture is set out in several international human rights treaties, for instance, the UN Convention Against Torture, which Uganda ratified in 1986.

The African Centre for the Treatment and Rehabilitation of Torture Victims issued a report in 2021 indicating that they registered more than 1,000 cases of torture and violence in Uganda, out of which 371 were committed by the Uganda People's Defence Forces (UPDF), 126 by the police.

Acts of torture and degrading treatment have continued to surface, mostly perpetrated by security machinery. Police and Military repeatedly employ torture

against political opponents to the Government in power, ordinary civilians accused of supporting rebel groups, as well as suspected common criminals. Victims are usually severely beaten with rifle butts, sticks, electric cables and other objects. According to the Uganda Human Rights Commission 25th Annual Report, violation of freedom from torture topped human rights abuses across the country at 36% of all complaints.

I would like to draw our attention to the horrid incident that happened at Sheikh Kamoga's residence in Kawempe in early June, 2023. Police officers were captured on video indiscriminately beating up and torturing teenagers who were suspected to be attending radicalisation classes.

Fellow Colleagues, Women Members of Parliament were unimaginably manhandled just outside this building while they peacefully marched towards Ministry of Internal Affairs following brutal foiling of Women's Day celebrations across the country.

Rt. Hon. Speaker and Colleagues, the concept of human rights is based on the dignity of the human being and humiliating treatment is prohibited. However, we have not seen commendable efforts by Ministry of Internal Affairs, Police, and UPDF to reprimand and individually charge perpetrators of torture, inhumane and degrading treatment as provided for under the Prevention and Prohibition of Torture Act as well Human Rights Enforcement Act.

iii) The Rights to Due Process

"Defend the poor and the fatherless. Do justice to the poor and afflicted and needy. Deliver the poor and needy. Free them from the hand of the wicked." Psalm 82.3-4

I will comment on the judiciary's role in advancing social justice or other causes for the public good. Courts of law, being the last bastion of human rights, have a task to make basic human rights meaningful to the deprived and vulnerable sections of the community.

I will quote the words of Prof Joe Oloka Onyango in his book titled; *When Courts do politics; Public Interest Law and Litigation in East Africa*, where he stated that in matters regarding social justice, *"Courts must decide whether to pursue a course*

known as judicial “activism” or hold themselves back in a posture of its opposite, otherwise known as judicial “restraint.”

In most cases, our Courts of law have opted for restraint by either denying the citizens' right to a fair trial or the right to an effective remedy. We have witnessed situations where citizens are unjustifiably denied bail, prolonged pretrial detentions, and case backlogs. In worst case scenarios, some cases are dismissed on technicalities. Wholesomely, the conduct of the judiciary has essentially rendered justice of little use.

In my view, a citizen whose constitutional rights are allegedly trampled upon must not be turned away from the Court by procedural hiccups. Once a complaint is arguable, a way must be found to accommodate him so that other citizens become knowledgeable of their rights.

We need a bold and courageous Judiciary to take the challenge of public interest litigation and, through judicial activism, give vitality to the Constitution and meaning to human rights.

Last year, I brought to the attention of the House the internal bickering and controversies in the judiciary, which have disfigured the expectation of the quality of justice. The situation has not changed for the better, to date, there are still apparent mistreatments of some judicial officers and staff. These controversies have not only violated the victims' rights but also preoccupied the judiciary and deflected the judiciary from attending to its core mandate.

My clarion call to the judiciary is to rise to the occasion and uphold the right to due process in its full sense.

iv) Freedom of expression and media freedom

Kofi Annan, then Secretary General of the United Nations (UN), in 1999 recognized the role of a free media in development, stating that:

“Press freedom is a cornerstone of human rights. It holds governments responsible for their acts, and serves as a warning to all that impunity is an illusion. It advances knowledge and understanding, within and between

countries. It helps peoples everywhere appreciate what unites us, and not just what divides us”

It is our observation that in Uganda, there are various legal and extralegal mechanisms that restrict media freedom against the national, regional and international protocols on freedom of expression.

Uganda’s legal and policy framework springs from Article 29 (a) of the Constitution, which states that: *“Every person shall have the right to freedom of speech and expression which shall include freedom of the press and other media”*.

The textual framework of the said constitutional provision was drawn from the international legal instruments to which Uganda is a signatory, vide: The Universal Declaration of Human Rights (UDHR); the International Covenant on Civil and Political Rights (ICCPR); the Convention Against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment; as well as the African Charter on Human and Peoples’ Rights (ACHPR).

The practical application of the right to expression and media freedom has been subject to restrictions and limitations.

Journalists, media professionals, and human rights defenders in Uganda have faced intimidation, threats, and harassment for their work. This includes physical attacks, arrests, and arbitrary detention. For instance, journalists covering political events or reporting on sensitive topics have been targeted by security forces or faced legal action as a means of suppressing critical voices.

The atmosphere of intimidation and the fear of reprisals have led to self-censorship among journalists and media organizations. Reporters may choose to avoid sensitive topics or refrain from critical reporting to protect themselves and their organizations. This self-censorship limits the diversity of voices and undermines the free flow of information.

I will comment on the conduct of the media as well. In terms of programming, entertainment takes up most of the airtime. According to the Media Sustainability Index close to 60% of media airtime is allocated to entertainment and advertisement, while only 40% is allocated to news and educational programmes.

Failure to strike a balance between entertainment and information/education negatively affects the ability of various groups to meet their information needs, which is a hindrance to participation in the democratization process. I therefore invite our friends in the fourth estate to re-strategize and re-package what they feed the citizenry. This should in the near future ensure a sane population where media freedom and democracy thrive, so much to the advantage of the media.

That said we shall in this session, continue defending and promoting freedom of expression and media freedom through advocacy on different fora, legal reforms, and capacity-building initiatives.

v) The rights relating to labour

Article 23 of the Universal Declaration of Human Rights sets out the right to work, the right to equal pay for equal work, and just and favourable remuneration and Article 24 provides that everyone has the right to rest and leisure, reasonable limitations of working hours as well as periodic holidays with pay. Articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) develop these rights further with regard to the right to work and its essential corollary, just and favourable conditions of work.

I will be specific on the most pressing issues for our citizens. The issue of minimum wage has remained "on the fence" for a long time. The government, particularly the President, has quite vocally expressed hesitance and even aversion towards the call for a minimum wage. Honourable colleagues, it is imperative for us to take the lead in awakening the debate on minimum wage to address the plight of workers in this country. Let us not go down in history as a Parliament that remained oblivious and aloof to this critical challenge facing the country's labour force.

Secondly, it is imprudent for us to pass laws just for record purposes. Our citizens are not working in safe and healthy conditions as envisaged under the Occupational Safety and Health Act, 2006. The Government has abdicated its role of inspecting workplaces on matters concerning occupational safety and health, welfare and the working environment.

The citizens are working under horrible conditions and beyond reasonable working hours, which has significantly undermined their right to a quality life. It's not *uhuru* even for those who work beyond borders.

vi) Right to a Clean and Healthy Environment

Rt. Hon. Speaker and colleagues,

The United Nations recognizes access to a safe, clean, healthy and sustainable environment as a fundamental human right. Unfortunately, in Uganda, poor sanitation and hygiene, as well as unequal access to safe drinking water, have put millions of people at the risk of exposure to water borne diseases and even death.

Over-exploitation of our natural resources is increasingly leading to environmental degradation and contributing to reduced ecosystem services and disasters. The 2020 World Bank Climate Risk Profile for Uganda indicates that an average of 200,000 Ugandans is affected each year by environment related disasters. The country has continued to experience destructive floods whose effects have been visible in low-lying areas especially in degraded wetland areas like Lwera. These tragedies have posed a significant threat as they endanger human life and impair economic activities. The trail of destructions has over and over again included grave environmental degradation, loss of lives, damaged homes and infrastructure like roads, bridges, schools, health centres and agriculture with their associated devastating impacts on the welfare and livelihoods of the affected persons.

Our wetlands and forests are undergoing conversion, degradation and decline in a totally uncontrolled manner under the watchful eye of the government. Wetlands are not fully gazetted and indeed the Auditor General's reports since 2018 have continually raised the issue of persistent delays in gazettement of wetlands.

Rt. Hon. Speaker, the government has formulated a number of policies to regulate land use and the impact of human activities on the environment. However, the alarming rate at which natural resources are being depleted shows that these laws and policies are not enforced effectively. It is regrettable that the government continues to selectively apply the said laws against the poor and those "without connections" while sparing and protecting the rich who encroach on tracts of wetlands and forests across the country with impunity.

vii) Right to Health

Rt. Hon. Speaker and Honourable colleagues,

Health is both a human right in itself and an essential means for the realisation of other human rights. Unfortunately, in Uganda, the rot in the health care system

deteriorates every day. It is characterized by very low wages to health workers, shortage of health workers, inadequate supplies of medicines, sundries and essential equipment in government facilities, insufficient hospital beds and poor accessibility to health services, particularly in rural areas. In addition, the sector remains underfunded, falling far short of the 15% budget allocation recommended by the Abuja Declaration, to which Uganda is a signatory.

Rt. Hon. Speaker, the health sector has been beset by endless strikes of health workers which have crippled the health care system. There have been several running battles between intern doctors and the police. Due to the cascaded nature of our health care system, it employs a referral approach where health workers at a lower level refer only cases that they are not able to manage. In the absence of Senior Doctors and Senior Health Officers, it implies that junior medical officers will continue referring patients to fellow junior medical officers. It is important to note that the continued unavailability and inaccessibility to essential medicines and vital health care services is a violation of a fundamental human right and contravenes the 2018 Astana-Kazakhstan Declaration on attainment of universal primary health care.

The health sector is grappling with serious human resource gaps that have had severe consequences on the health of Uganda's citizens across health areas—from reproductive, maternal, newborn, child, and adolescent health, to the testing, treatment, and prevention. Many public health care facilities are operating below the required WHO threshold. In addition, there is a general lack of specialized staff in almost all health centres and general hospitals which limits the scope of services offered. Owing to this understaffing, some patients have often resorted to private health facilities where high out-of-pocket expenses enormously encroach on their meager household savings and income.

Human Resource challenges aside, the health sector has continually suffered from drug/ sundries stock-outs at various levels occasioned by irregular delivery of supply cycles from the National Medical Stores. Health facilities especially at the lower levels of Health Center III and IV went without drug supplies for as long as six months. While the entire country has been affected by drug stockouts, the hard to reach districts have greatly suffered. Some of the most affected areas include: some hard to reach districts in northern Uganda, the Islands of Lake Victoria that make up Kalangala, Namayingo and Buvuma districts; mountainous areas of

Rwenzori and Elgon; Karamoja areas and forest inhabited villages of Budongo, Maramagabo, Ichuya, Kibaale, Bwindi and Mgahinga. In addition, there is inadequate and inconsistent supply of blood in many health facilities. This is worsened by the lack of blood storage facilities. In the circumstances, the government cannot claim to be concerned about the health of the citizenry when the health care system is in a deplorable state.

Rt. Hon. Speaker, there is still a challenge of low access to universal health care with 83% of Ugandans reporting unavailability of medicines/supplies as a major concern followed by long waiting time at the facility (50%), limited range of services available (47%) and long distances to health facility (42%) as major concerns with accessing services in public facilities.¹ There is high reliance on out-of-pocket payments and limited prepayment mechanisms. Without compulsory health insurance and low coverage of private health insurance, Uganda has limited pooling of resources, and hence minimal cross-subsidization.

Rt. Hon. Speaker, it's important that we focus on ensuring that the existing health facilities function effectively by allocating resources in the short term towards equipment of Health Centre IVs, adequate staffing with appropriate motivation and increasing investment in health promotion and prevention efforts.

It goes without saying, healthcare workers are at the heart of any strong healthcare system. Government should immediately commit resources to recruit enough health workers to fill all vacant posts and to make deliberate decisions to revamp the health sector. Rt. Hon Speaker, while doing oversight across Buganda Region, we discovered that many times funds are released for recruitment but ironically followed by stern directives halting recruitment.

viii) Right to education

Rt. Hon Speaker and Honorable Colleagues,

Article 30 guarantees all persons the right to education and article 34(2) enshrines the child's right to basic education. The National Objective and Directive Principle of State Policy XVIII obligate the State to provide free and compulsory basic education and to take measures to ensure that every citizen can attain the highest standard of education possible. However, despite this mandate, the country continues to be plagued with a myriad of challenges. The education

¹ Uganda Bureau of Statistics, 2021: Uganda National Survey Report 2019/2020.

sector grapples with a high level of teacher and pupil/ student absenteeism, weak school level management structures, inadequate learning materials, understaffing, overcrowded classrooms and lack of accommodation for teachers.

Rt. Hon. Speaker and Honourable colleagues, there is an acute shortage of space and furniture in many government primary and secondary schools with most pupils sitting on the floor or studying under tree shades or in risky and condemned mud and wattle structures. Many government schools around the country have dilapidated buildings that are about to collapse and pose a threat to the lives of the pupils/ students and teachers. Owing to this poor and inadequate infrastructure especially in rural and remote/ hard to reach areas, bad weather particularly during the rainy season, causes major disruptions that make it practically impossible for learners to get into school on time or at all. Yet, the minimum standards stipulate that a class should not comprise more than 60 pupils. In addition, a desk should be for only three pupils, and every latrine should be for 40 pupils. Unfortunately, with the current rot in the education system, these proposals remain out of reach.

Rt. Hon. Speaker, despite the known fact that some Sub-Counties lack public schools, there has to date been little progress in constructing schools in the deprived areas. Although it is a government policy that every Sub County should have a seed school, many do not have. As a result, learners have to trek long distances to access secondary education. For some Sub Counties especially in the hard to reach mountain landscapes and remote districts, the nearest government school may be 10 to 15 kilometres. The situation is worse in the Island districts of Buvuma and Kalangala where Sub Counties are spread across Islands. Such challenges adversely affect learners' concentration due to tiredness and are also worsened by the inability to afford lunch hence increasing school dropouts.

Efforts by school governing bodies to engage parents into contributing to the learners' lunch have occasionally been foiled by government authorities especially RDCs. It should also be pointed out that there are parents of children in rural-based and peri-urban schools that can barely afford to pay for their children's school breakfast or lunch. These challenges point to a wider structural and governance breakdown in the education sector that need to be urgently addressed. ***As laid out in our alternative policy direction, there is a need for government to increase the capitation grant to schools, address infrastructural challenges and to invest in school inspection. This will improve service delivery in the sector. It is ridiculous Rt. Hon Speaker, that under the school feeding program, a paltry 6,600/= per year per pupil is allocated.***

ix) Right to property

Rt. Hon. Speaker and Honourable Colleagues, Article 26 of the Constitution of Uganda guarantees the right of every person to own property either individually or in association with others. Unfortunately for the past two decades, land grabbing disputes apparent in mass and violent evictions, ceaseless and long court cases have occasioned land conflict-related murders leading to devastating consequences for our country.

The Lady Justice Catherine Bamugemereire Land Inquiry Commission exposed a worrying relationship between government officials, security personnel and politicians in so far as ganging up to evict locals from their land is concerned. The Commission observed that unlawfully evicting communities was creating societies that are homeless. It is very unfortunate that up to now, many recommendations of the Commission have not been implemented. A common denominator in all these evictions is that the political elite have always acted as an umbrella for the land grabbers hence making many local communities to suffer not only due to little or lack of knowledge about their rights but also because the legal and structural mechanisms in place have not been effective in addressing illegal land evictions.

The rot at the Lands Registry offices is but a tip of the iceberg of a wider decomposed state of affairs regarding the acquisition, ownership, distribution and control of land. It is especially evident in urban centres where there is an apparent rush by individuals with “connections”, politicians, government and investors to acquire land for investment and infrastructural development. As a result, unscrupulous investors have taken advantage of the structural gaps in land administration and this has exacerbated the issuance of multiple titles. The weak justice system and excesses perpetrated by some armed personnel have also aggravated illegal land evictions thus rendering many communities landless and devoid of a means of livelihood.

Rt. Hon Speaker, the citizens of Uganda are currently being compulsorily deprived of their land without following the law, a case-in-point being the development of Bukasa inland port project which affected 2,378 residents. The compensation exercise, which was supposed to have been concluded by FY 2020/21 has not been completed to date and, residents still face continuous eviction threats.

The compensation delay has not only deterred residents from engaging in development projects on the land but also, denied them the right to prompt payment of fair and adequate compensation. This is due to the fact that the

compensation rates, that were approved by the Chief Government Valuer (CGV) in 2018 have not been revised to reflect the present value.

Generally, the slow implementation of government's projects prohibits residents from engaging in productive activities on the land prior to compensation. For instance, the Standard Gauge Railway Project, which was supposed to commence in 2013 has not moved a single inch to date. This means that the Project Affected Persons (PAPs) have not been able to engage in any productive activity on the land for over 10 years and the compensation rates have not been revised to reflect the present value.

Rt. Hon Speaker, over 3648 Project Affected Persons by crude oil pipeline in Hoima, Buliisa, Amuru and other areas have experienced similar abuse and delay in compensation for a period of over 10 years since the oil discovery. The land acquisition exercise has not been concluded to date amidst rampant land grabbing, encroachment and land disputes.

In addition, the Oil Palm Project in Buvuma and Kalangala has left a big number of citizens stranded due to delayed process of compensation. Some residents gave away their land over 5 years ago to Government but yet to be compensated.

The delayed compensation of PAPs has adversely impacted their livelihoods and wellbeing in total violation of the law that requires prompt payment of fair and adequate compensation to the affected landowner before any public related construction or development can commence.

x) Protection of the rights of vulnerable groups

Rt. Hon Speaker and Colleagues,

There is need to urgently strengthen the capacity of the most vulnerable people to access justice and claim their rights, as well as ensuring that the State is obliged to perform its attendant duties and obligations in human rights protection, gender equality, rule of law and a just society for everyone.

The Government is mandated under Chapter 4 Articles 31- 40 and Chapter 16 Article 246 of the Constitution to protect and promote the rights of vulnerable population, to address gender inequalities, to ensure cultural growth, labor and employment as well as community mobilization and empowerment. It is imperative for the State to strengthen human capital development, community

mobilization and improve governance through promoting the rights of the vulnerable persons.

The acknowledgement of this role has however not been supported by adequate government prioritization in resource allocation over the years. The Gender Sector remains among the least funded. Without proper resources for this sector the country runs a risk of achieving superficial development that increases existing inequalities and excludes the most vulnerable and marginalized citizens. It is essential that no citizen is left behind as the country realizes its vision.

This should be done through ensuring a significant proportion of labour force transitioning into gainful employment and enterprise development; coordinated labor externalization program and employment abroad; increased access to social care services and social insurance; recognition of the economic contribution of the arts and creatives Industry to GDP; and increased proportion of vulnerable groups accessing labor justice.

a) Refugee Rights

Rt. Hon Speaker and Colleagues,

Uganda opened her doors to forced migrants and here are about 1.5 Million of them in the country today. We have a fairly progressive enabling legal and policy framework for forced migrants, especially the Refugee Act, 2006 which lays down rights of refugees that include movement and employment, access to elementary education, health and courts, ownership and transfer of property, right to associate though exclusive of political actions, among others. This framework is in line with the Geneva Convention relating to the Status of Refugees, 1951, the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969, Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

According to UNHCR, relevant authorities in refugee management are not well equipped to adequately respond to the situation of increasing numbers of forced migrants. There are glaring gaps in promoting refugees' socio-economic integration. Refugees are gravely affected by lack of healthcare and medicine, water, sanitation and hygiene services. The protection of the rights of urban refugees is wanting. As a right, forced migrants are entitled to receive education, like host communities. However, the State has fallen too short in ensuring the provision of these services. Refugees especially in settlement camps are left to

insufficient, unsanitary and crowded living conditions that expose them to risks, including disease and gender-based violence.

I urge the Government to grow synergies with the relevant stakeholders like UNHCR, UNICEF, Civil Society Organizations in order to bridge the funding gap so that rights of forced migrants are respected and promoted.

I also challenge Government to lay down plans control environmental degradation that has been widely reported in areas that we host forced migrants.

xi) Right to an adequate standard of living

Rt. Hon Speaker and colleagues,

The National Objective XVI of the Constitution provides that the State shall endeavour to fulfill the fundamental rights of all Ugandans to social justice and economic development. The enjoyment of these rights is pivotal to attaining a decent life. The right to an adequate standard of living requires, at a minimum, that everyone shall enjoy the necessary subsistence rights: adequate food and nutrition, clothing, housing and the necessary conditions of care when required. Unfortunately, Uganda is far from realizing these standards due to high levels of inequality occasioned by corruption and bad governance which undermine democracy, the rule of law and sustainable economic development.

a) Slum Growth and homelessness

Rt. Hon Speaker, Uganda is urbanizing at an estimated rate of 5.2% annually and this is one of the fastest-growing rates in the world. This has been driven up by rapid rural-to-urban migration, poor planning, economic stagnation and depression, poverty, high unemployment, informal economy, politics, natural disasters and social conflicts. This has led to the growth of informal settlements and slums which are overcrowded and lack access to appropriate utilities such as safe drinking-water and sanitation, and are subject to insecure tenure.² However, the housing sector is characterized by increasing land prices, high cost of construction materials, limited access to funding opportunities and planning bottle necks. Yet, the population is as such limited by low per capita income, high costs of borrowing, limited mortgage opportunities and affordable housing stock.³

² UN Habitat – SDG Indicator Metadata

³ Knightfrank Uganda - **Challenges and Opportunities in Uganda's Affordable Housing**

The resultant homelessness is a profound assault on dignity, social inclusion and the right to life. It is a prima facie violation of the right to housing and violates a number of other human rights in addition to the right to life, including non-discrimination, health, water and sanitation, security of the person and freedom from cruel, degrading and inhuman treatment.⁴

b) Capacity of Local Governments to Respond to Disasters

Rt. Hon Speaker, numerous disaster occurrences have been recorded across the country over the past two years. The response only speaks volumes on Uganda's capacity to contain disasters of even a basic magnitude without huge losses and fatalities. Massive damage to both public and private property has been witnessed with such obvious response such as relief taking ages to get the victims. Shamelessly, ministers have brought statements indicating that the situation was under control when it wasn't. Instead, it has been UNICEF and the Uganda Red Cross Society making critical interventions.

While the National Policy for Disaster Preparedness and Management presents a holistic institutional structure for disaster preparedness, there in practice exist gaps in coordination that hinder successful disaster preparedness and response. The disconnect is visible between OPM and the Local Governments where the latter despite being locally better placed is relegated to the end of implementation programs whose formulation they are entirely not party to.

The 2021 Auditor General's report highlighted as a service delivery challenge the non-functionality of District Disaster Management Committees (DDMCs). While the participation of Lower local governments and CSOs in disaster risk management is provided for in chapter 3 of the National policy for disaster Preparedness and Management, the functionality of the DDMCs, Sub- County Disaster Management Committees (SCDMCs) and Village Disaster Management Committee (VDMC) is still inadequate.

In total violation of Section 26(1) of the PFMA; 2015(As Amended) which establishes the Contingencies Fund replenished with an amount equivalent to 0.5% of the appropriated annual budget of Government of the previous Financial consistent underfunding with shortfalls of more than 50% has been noted.⁵ This has hampered timely response to disaster occurrences.

⁴Special Rapporteur on the right to adequate housing ([A/HRC/43/43 para.30](#))

⁵ The OAG report 2021

Rt. Hon Speaker, it is undoubtedly true that Uganda as a country has fallen short in performance on all the above fronts. It is worse that the status-quo won't change in the current circumstances, owing to the lack of commitment and political will by the government. This is evidenced in the deliberate departure by the system from appropriate policy direction, in favour of skewed priorities aimed at entrenching the government in power. I delve into the detail of this in the discourse below.

c) Collapse of the Decentralization Policy

Rt. Hon. Speaker and Honourable colleagues,

The impetus for fostering decentralized service delivery ensues from the perceived inefficiencies associated with centralized provision of basic services which usually rids the citizenry of the right to a decent standard of living. Objective II (iii) of the National Objectives and Directive Principles of State Policy provides that the State shall be guided by the principle of decentralization and devolution of government such that people can best manage and direct their own affairs at local levels.

Unfortunately, the government has swept this provision under the carpet in favour of recentralization. The current recentralization of revenue collection has derailed service delivery in local governments such as garbage collection, waste disposal and management, road maintenance, among others. This stance has stripped local governments of authority over their resources leading to poor service delivery.

Relatedly Rt. Hon Speaker, decentralization places the Sub – County and District Disaster Management Committees (DDMCs) at the forefront of dealing with disaster occurrences, prevention and preparedness. However, the Local Governments lack the requisite funding specific to these functions. Even in disaster prone areas like Mbale, Karamoja, Kasese, etc hardly do any LGs allocate local revenues to the management of disasters. They all look to donors and OPM for relief when disasters occur. This has rendered implementation of the District Contingency Plans highly impracticable. The disaster-prone DLGs are ill-prepared to handle/manage disaster even on small scale on their own due to the over-centralization of disaster preparedness and management.

Rt. Hon Speaker, Parliament on Wednesday 8th September, 2021 Parliament passed a motion requiring Local Governments to utilize local revenues without remitting them to the consolidated fund as a means to enhance service delivery in Local Governments. Unfortunately, this resolution has not been implemented. The

tendency by the Executive not to implement the resolutions of parliament undermines the power and sanctity of this House and the laws of the land.

Our considered view which is also elaborately outlined in the Opposition Legislative Agenda is to operationalize the devolution of power to local governments to enhance efficient service delivery; with a clear formula for sharing revenue with the centre.

B: GENERAL IMPEDIMENTS TO THE ENJOYMENT OF RIGHTS

i) The performance of the economy

Rt. Hon Speaker, the projected GDP growth of 6.5% in 2023 and 6.7% in 2024 is a misconception meant to paint a false picture of hope to Ugandans. Given the global growth slowdown and the fragile border trade in East Africa, Uganda is obviously likely to suffer the consequences.

Rt. Hon Speaker and colleagues, this project is incredulous because more than 41% of the 44.3 Million Ugandans continue to grapple with abject poverty living on less than \$1.90 a day. While a flowery picture is painted by the government on the state of the economy, we have 76% of our population living in rural areas and more than 73% of those engaged in rain-fed agriculture trying to make ends meet with not much to show for their hard work.

The Government has over the years introduced programmes purported to improve the living conditions of the citizenry but instead, all economic indicators point to a failing economic state. The growth rate of National income, the per capita income, the per capita consumption, the physical quality life index, and the Human Development Index, industrial progress to capital formation don't show hope of recovery. A fundamental overhaul of the running of our economy is urgently required.

The exchange rate averages UGX. 3700 per dollar with no hope of improving given the structure of Uganda's exports and imports. Ugandans continue to suffer from high-interest rates. The CBR remains at 10% and commercial banks have consequently charged between a maximum of 23% and a minimum of 6.5% as at May 2023. Rt. Hon Speaker, this has stifled investments for growth.

Painfully Rt. Hon Speaker, as the economy grapples with meager resources, the government has the luxury to accommodate high corruption, high tax leakages in the form of suspicious tax exemptions, accommodating unjustified tax arrears, and

abuse of classified expenditures having adverse financial implications on public administration. No wonder Rt. Hon Speaker, the country is highly overburdened by a huge public debt.

ii) Corruption

It's appalling that Uganda ranks 26th in terms of global corruption. This level of corruption has a significant impact on economic, social, and cultural rights, including access to basic necessities like education, healthcare, and employment. It's clear that income inequality and poverty are direct consequences of this corruption, which in turn hinders economic growth and restricts access to economic rights. Furthermore, the mismanagement of public resources only serves to further undermine the effectiveness of the government.

Rt. Hon Speaker, the institutions charged with fighting graft are deliberately undermined, among them the Inspectorate of Government, Parliament and the Courts by creating insider collaborative schemes that undermine the doctrine of separation of power between the arms of government.

iii) Inequitable Distribution of Public Resources

The national budget in Uganda is important for resource allocation and economic activity. However, it often neglects important sectors, such as health and education, in favor of less vital areas like State House and the presidency. This is due to a bloated administrative structure, including a large Parliament and numerous agencies with duplicated functions. The IMF and World Bank have urged Uganda to reduce unnecessary expenses and borrowing. We suggest abolishing redundant offices and agencies in favor of leaner structures and implementing a fully functional E-Government platform for audits. Defence is allocated 2 trillion for recurrent and 1.8 trillion for development expenditure, with a 3% window for unapproved spending. Referral hospitals are allocated insufficient funds.

iv) Unbearable debt burden

There is no denying that our country is facing a serious debt crisis. Despite conflicting reports on the exact amount, the Auditor General's figures show that our debt is even higher than what the Ministry of Finance has reported. Since 2018, our debt has skyrocketed by 180%, which means we must be extremely cautious when it comes to borrowing and spending. Our debt service to revenue ratio

currently stands at 30%, which is having a significant impact on our ability to provide essential services to our citizens. It's imperative that we make better economic decisions that prioritize human rights and ensure that we manage our fiscal affairs responsibly.

v) The Parish Development Model (PDM)

The Parish Development Model (PDM) was launched in Uganda to lift households from subsistence to money economy. However, there are concerns regarding the selection of beneficiaries, unstable market and fluctuating prices for agricultural goods, disjointed financing interventions, inadequate infrastructural capacity, and mismanagement of group funds. The allocation of resources also did not take into account the unique needs of each district. Additionally, the Parish Development Committees have been either dormant or non-existent. There have also been cases of misappropriation of PDM funds as well as biased selection criterion and gross underfunding with limited enterprise selection.

vi) Road Infrastructure

Roads play a crucial role in the economic development of any country. Investing in transportation infrastructure is widely recognized as essential for fostering economic growth, promoting socio-economic transformation (SDG 9), reducing inequalities (SDG 10), and building peaceful and inclusive societies (SDG 16). However, in Uganda, only 21.4% of the road network is paved, which hinders economic and social human rights, such as access to markets and connectivity.

Additionally, there have been significant failures in ensuring prompt compensation for Project Affected Persons (PAPs) during road construction. Land and house evictions have grossly negatively impacted their livelihoods, violating their rights to adequate housing, food, water, health, education, work, security of person and home, and freedom from cruel, inhuman, and degrading treatment.

The poor state of roads in Uganda is a critical issue that must be addressed immediately. Shockingly, over 1,200km of national roads are in extremely poor condition, with a staggering 72% of national roads unpaved and in even worse shape. This dire situation has led to a significant increase in road accidents, with a 16.9% spike in 2022 alone. As a result, Mulago Hospital is forced to spend millions of dollars daily on treating accident victims. Sadly, the Uganda Road Fund, which was established to maintain public roads, is currently non-functional. It is the

government's duty to take responsibility and improve the country's infrastructure, enabling citizens to access much-needed services safely.

vii) Defence and internal security

Rt. Hon. Speaker, I laud the commendable work done by all men and women in uniform in defending our sovereignty, notwithstanding the excesses. I also commiserate with the families of our gallant sons and daughters that were murdered when Al Shabab overran their Forward Operating Base (FOB) in Buulo Mareer, Somalia, on May 26th, 2023. May their souls rest in eternal peace.

Our security apparatus has of late received an infusion of criminal gangs officially supervised by the state. They can abduct, cause disappearance, kill, maim and report back on their accomplishment.

Of recent, there have been rampant reports of robberies of schools, supermarkets, homes etc. How surely will the population tell the difference between the guns witch-hunting fishermen and those being used to steal.

It is high time we genuinely evaluated this UPDF open-ended deployment in Somalia under the African Union Transition Mission in Somalia that has lasted over twelve years. The welfare of our soldiers is appalling, moreover, in a foreign country. Soldiers go for several months without pay, operating in a horrid environment.

The country continues to suffer unimaginable internal insecurity, especially in Karamoja and neighbouring sub-regions owing to porous borders, thin and inefficient deployment of security personnel and grand-scale corruption. Security roads that were earmarked to be constructed in the area have not been started. Cattle that are confiscated from raiders, both within and across our frontiers, are not returned to the owners. Except some corrupt UPDF soldiers and local leaders who rejoice in the loot.

The UPDF, which is primarily charged with preserving and defending the sovereignty and territorial integrity of Uganda, is rather preoccupied with deployments out of the country, which has undermined the enjoyment of the right to life and property.

Rt. Hon. Speaker and Colleagues, the country has experienced metamorphosing crime patterns ranging from illegal roadblocks mounted by security personnel to rebel groups operating within the country, organised criminal gangs as well as trained assassins. Security personnel, both State and private, have exhibited utter levels of indiscipline, trigger-happiness and horrendous incompetence that have resulted in the death of several persons, including Hon. Minister Charles Engola. This unabated criminality has plunged the country into fear of the very people who ought to ensure security and well-being. Critical analysis of the situation deducts the obtaining failure of democratic governance, rule of law and justice as well as depravity and impunity. Security personnel are not fairly recruited from across the country, well trained, modestly deployed, and maintained in deserving conditions, which gravely affects their welfare and morale.

Rt. Hon. Speaker and Colleagues, the laxity and lapses in security and intelligence services to curb the ADF attack in time as well as regrettable delay to respond is most appalling. The readiness and capacity of the UPDF to keep and maintain our territorial integrity during that attack in Mpondwe is questionable. UPDF deployments across the country are thin, thereby neglecting their duty and inhibiting Ugandans from enjoying their rights and freedoms. Our Army is busy war-mongering in other countries, at least five of them. The UPDF is fighting the same ADF on two parallel deployments in the Democratic republic of Congo, under Operation Shujja and under the East African Community Regional Force, to pacify Eastern DRC. The deployment in Somalia under the African Union Transition Mission in Somalia that has lasted over twelve years, as well as other countries. We are in South Sudan since 2013, Equatorial Guinea since 2017, Central African Republic, among others.

The welfare of our soldiers is appalling, moreover in a foreign country. Soldiers go for several months without pay, fighting in a horrid environment. Whereas it is imperative to keep and maintain peace in the region, the deployment is currently more detrimental to Uganda's security landscape.

I implore this House to take this clarion call and hold each one of us, across the political divide, accountable for our commissions or omissions, ensure the restoration of the rule of law and constitutionality for equal national development and posterity.

viii) Mafia – Run Sectors

Mining

The largely unregulated mining industry is costing Uganda heavily in terms of lost revenue, environmental damage and exploitation of vulnerable communities. There is massive criminality around investments into Uganda's vast reserves of sand, a valuable non-renewable commodity by cartels with support from 'influential people' with government connections. The cost of sand mining to the environment is steep and has destabilized the sensitive ecology around Lake Victoria and other water catchment areas. The mining is also labor-intensive, employing men and many youths, most of whom are underage children.

Illegal gold mining has occasioned Illicit Financial Flows (IFFs) on Uganda's mining ecosystem. It is estimated that the country loses about 2 trillion in IFFs every single year. Gold exports from illegal artisanal mines in Uganda amount up to 2.8 tonnes a year with children constituting 30% of the miners.⁶

The Auditor General noted in his report on the performance of URA for the Financial Year 2021/2022, that URA failed to collect Shs340 billion in taxes from gold exports, which was estimated to be recovered after the five per cent levy was implemented. There is deliberate failure by URA to collect revenue from exports of precious minerals yet smaller businesses are ruthlessly taxed.

Fisheries

Much as the Ugandan fisheries sector is vital for the economy, the army under the guise of curbing illegal fishing practices has caused depletion of resources and unjustifiably restricted fishing activities.

The UPDF have, out of impunity, continued to terrorize and blatantly torture fishermen on various water bodies of Uganda. Fish is impounded from fishermen by the military who in turn make a killing out of it. Harassment and deaths at the hands of armed personnel have been reported on the lakes. **Fishermen are terrorized and their nets seized. They are accused of using particular nets now deemed illegal yet they are manufactured in Uganda and cleared for import.** Ironically, the government knows about the trade in such gear because taxes are levied on them.

Parliament has passed numerous resolutions suspending UPDF activities on water bodies as far as regulation Fisheries is concerned, all in vain. To-date, the Fisheries and Aquaculture Act, 2022, has not been operationalized and implemented. While the Fisheries & Aqua-culture Act 2022 deems UPDF's presence on lakes

⁶ Global Rights Alert, June 2023

unlawful, they still disrupt fishing activities and profit from confiscated fish and gear.

C: CONCLUSION

I believe this account will create unease and discomfort for the perpetrators of state-sponsored violations, and pray that they find humility to change for the better. Of course, I am not oblivious of the fact that they do not feel any sense of responsibility and recourse for their atrocities.

Although we have embraced a human rights-based approach to the state of the nation and the budget, previously, we are not motivated by an unreasoned expectation that things will change overnight. We are aware that there are powerful structural, political, economic and embodied constraints against alternative approaches. Thus, our efforts are to rally the change seekers to the common cause and offer direction to our relentless efforts.

That said, there is strong and overwhelming evidence that supports charges of human rights violations against the state apparatus and their accomplices, including reports from various human rights organisations and personal accounts from victims of state-sponsored violence and torture. Despite this evidence, individual perpetrators of these heinous crimes are not being brought to justice due to the pervasive impunity in the country.

I detest a situation where both the legislative and judicial arms of the government would be completely emasculated by the sitting Government to the extent of rendering no redress to these violations. I do not want to sound alarmist, but we must intervene and act now in order to prevent a catastrophic outcome for our nation. Thus, in order to investigate the illegal and gross human rights violations meted out against the people of Uganda over the years, a commission of inquiry should be established.

FOR GOD AND MY COUNTRY!

Proposed legislative interventions

1. Review of the Local Government Act
2. Initiating the Public Order Management (Amendment) Bill
3. Initiating the Uganda Peoples Defence Force (Amendment) Bill
4. Initiating the Public Finance Management (Amendment) Bill
5. Initiating the Liberalization of the Retirement Benefits Sector
6. Initiating the Public Debt Repayment Structure
7. Initiating review of tax exemptions
8. Review of the register of foreign and domestic investors
9. Review of the Uganda National Minimum Health Care Package
10. Initiating amendment of the Uganda Communications Act
11. Initiating amendment of the Data Protection and Privacy Act