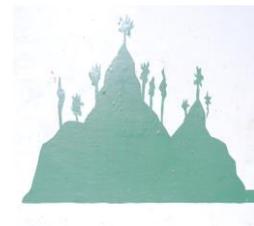
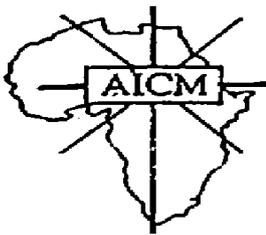


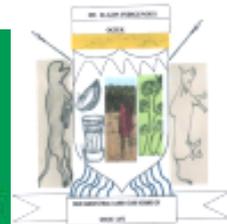
# Minority and Indigenous Groups in Uganda

## Universal Periodic Review Report

Joint Submission by:



**Community Development Resource Network**  
|| providing organizational support to CSOs in Uganda



March 2016

## I. Submitting NGOs

1. **African International Christian Ministry (AICM)** is a non-governmental, non-denominational, non-partisan and a non-profit making organization which was founded in 1983. It is registered with the Uganda National NGO board 85/90. AICM is incorporated under the Trustees Incorporation Act. and in United Kingdom with the Charities Commission Reg. No. 1011451 (Friends of AICM). AICM's Strategic focus was mainly in the areas of Community Based Health Care (CBHC), Community Development, Promotion of Technical/ Vocational Education, Support for Orphans' and Vulnerable Children (OVCs), Literacy, Evangelism & Christian Leadership Development, Promotion of Human rights and Livelihoods for the highly marginalized and vulnerable Batwa communities of Southwestern Uganda, Research and Documentation, Advocacy and Lobbying, among others. AICM has its headquarters in Kabale Municipality, Kabale District in the Republic of Uganda. [www.aicmuganda.org](http://www.aicmuganda.org) / [www.aicm.org.uk](http://www.aicm.org.uk)
2. **The ELIANA R's & JAMP Banyabindi Foundation (ERJBF)** is a of projects oriented organization founded in 2004 and composed of orphans, disabled children who are mentally retarded and others born physically fit. It focuses on environmental protection, education, ethnic minority rights, training, economic empowerment, research, culture and land rights.
3. The **Basongora Group for Justice and Human Rights (BGJHR)** is a community based organization that works as Basongora community voice in Kasese District.
4. The **Batwa Development Program (BDP)** is a community based organization that was established in the Bwindi region in 2008 with a vision to help Batwa, who were evicted from the Bwindi Impenetrable Forest in 1992, emerge from a life of poverty with an improved and sustainable status of life. BDP seek to empower the Batwa community through education, land and food security, spiritual growth, civic education, and sustainable income generation so they become valued and law abiding members of society. BDP's programme areas include education, healthcare, land acquisition and home-building, and income generation. Special programmes for clean water/sanitation and for spiritual outreach are also supported by the BDP. [www.batwaexperience](http://www.batwaexperience)
5. The **Benet Lobby Group (BLG)**, is a nongovernmental organization that operates in the districts of Kween, Kapchorwa and Bukwa, in the sub counties bordering Mount Elgon national park. The organization was formed in 1972 as a pressure group to act as a voice to the unsettled Benet people (Ndorobos). In order to end these injustices, BLG has engaged in a number of activities with different organizations, stakeholders and the community within the Benet community. BLG has since then been lobbying for permanent resettlement, accession of social services like good roads, hospitals, schools, and good water from the government. It became a CBO in 1999, and then registered as a local NGO in 2006.
6. The **Coalition of Pastoralist Civil Society Organisations (COPACSO)** was formed in 2005 as a loose coalition of civil society organizations working for the advancement of pastoralists in Uganda. It provides a platform for member organizations to engage in policy formulation and advocacy for recognition of pastoralism and the right of pastoralists to benefit from national and local resources. The goal of the coalition is to achieve national policy and local practices that enhance capabilities and improve the welfare of pastoralists. <http://www.copacso.org>
7. The **Community Development Resource Network (CDRN)** is a local, independent and non-profit non-governmental organization registered by National NGOs Board and the Registrar of Companies to operate in all parts of Uganda. It was founded in 1994 to support community development work through participatory techniques and to assist organizations involved in such work to be more effective in meeting their mandates. CDRN also recognizes the importance of influencing policies and decisions in the environment within which civil society operate. CDRN is strongly committed to making an effective

contribution to righting social injustices in Uganda, which are seen as arising from gender and other forms of inequality, poor governance, limited empowerment and the denial of rights.

8. The **Minority Rights Group International (MRG)** is an international human rights non-governmental organization working to secure rights for ethnic, religious and linguistic minorities and indigenous peoples around the world. It has a consultative status with the United Nations Economic and Social Council (ECOSOC) and observer status with the African Commission for Human and Peoples' Rights. MRG's head office is in London, United Kingdom with Africa Regional Office in Kampala, Uganda. It operates in Africa, Asia and Europe (non-European Union countries). Through training and education, legal cases, publications and the media, MRG supports minority and indigenous peoples as they strive to maintain their rights to the land they live on, the languages they speak, to equal opportunities in education and employment, and to full participation in public life. [www.minorityrights.org](http://www.minorityrights.org)
9. The **Mount Elgon Benet Indigenous Ogiek Group (MEBIO)** is a community based organization, formed and registered in 2012 by concerned community members in the Benet resettlement area. The prime objective of the association is to champion the plight of its people who are facing not only marginalization, but also discrimination and human rights violations.
10. The **United Organisation for Batwa Development in Uganda (UOBDU)** was established in 2000 by the Batwa themselves and registered in 2002 as a national NGO. It aims to support Batwa in Uganda to address their land issues and other socioeconomic problems and to help them develop sustainable livelihoods. <https://uobdu.wordpress.com>

## II. Introduction

11. The very first article of Universal Declaration of Human Rights puts it clear that “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”. In the same vein, the International Covenant on Civil and Political Rights stipulates that (Art 26) “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” These human right principles are also echoed by the Uganda Constitution in its Art 21 (1) saying “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”. As such, no one should be discriminated against on any basis whatsoever, be it sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability.
12. As a country, Uganda is endowed with multi-tribal population composition and the 1995 constitution explicitly recognises 56 tribes and recent amendments place them at 65. Among these tribes, some have become minority, not only in numbers, but also in terms of their socio-economic and political inclusion. The minority communities are found in different regions of the country. Some of the commonly recognized minority communities are identified as: in the north East – Alur, Ik (Teuso), Tipenth, Karamojong cluster, in North West - Lugbara, Luluba, Ma’di, Kakwa, Nubian; in the Eastern – the Benet (Ndorobo) in the mid-Western – Bagungu, Bakenyi, Bavuma, Ik (Teuso), Soo; and in the South West – Batwa (Abayanda), Basongora, Banyabindi, Bamba, Bakonzo<sup>1</sup>.
13. Though there is no universally agreed upon definition of “minority groups”, such groups share same plights of discrimination manifest in form of poor services (health, education, water,...) compared to other tribes. In the United Nations Minorities Declaration, the term “minorities” refers to a group of people based on national or ethnic, cultural, religious and linguistic identity. Minority community can also be referred to as “A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members - being nationals of the State - possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language<sup>2</sup>”.
14. Not specifying, or defining, who minorities are, the 1995 Uganda constitution in Art 36 states one of the rights of minorities: “minorities have a right to participate in decision-making processes and their views and interests shall be taken into account in the making of national plans and programmes’. Whereas this provision is good, its implementation becomes difficult as it lacks terms of reference and clarities as to who the end beneficiaries are.
15. This report, which is jointly submitted by organisations described on pages 2-3 working for the protection and promotion of minority and indigenous communities, highlights some of human violations that these communities are facing. It refers to situations or developments that occurred between January 2012 and December 2015, that is, the period after the recent Universal Periodic Review (UPR) till end of 2015. Its main focus is on issues around access to education, health services, land and food security with reference to the Batwa, Banyabindi, Basongora, Benet (community among the Sabiny) the Ik and Pastoralists communities (the Pokot and Karimojong).

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<sup>1</sup> Wairama, G.B. Uganda: The Marginalization of Minorities, p.10, Minority Rights Group International, 2001

<sup>2</sup> Francesco Capotorti, UN Document E/CN.4/Sub.2/384/Rev.1 (1977), para. 568.

### III. Legal and Policy Framework

16. In addition to the Constitution and other domestic laws, Uganda committed to respecting human rights of her citizens in accordance with other regional and international human right treaties which it ratified. Among these are:
- a. African Charter on Human and Peoples' Rights – 1986
  - b. International Covenant on Economic, Social and Cultural Rights – 1987
  - c. International Covenant on Civil and Political Rights – 1995
  - d. Convention on the Elimination of All Forms of Racial Discrimination – 1986
  - e. Convention on the Elimination of All Forms of Discrimination against Women – 1985
17. However, there have been inequalities among various communities in Uganda stemming from lack of mechanisms to ensure all citizens enjoy government services evenly. The most victim communities have been minorities who lag behind as far as development programmes are concerned. Historically ethnic minorities, like the Batwa, Basongora, Banyabindi, the Benet and the Ik in Uganda continue to suffer, disempowerment and discrimination on economic, social and cultural grounds. Their livelihood is threatened mainly by the dwindling access they have to land and natural resources on which they depend either as pastoralists or as hunt-gatherers.
18. The 1995 Uganda constitution, in its art 30, guarantees the right to education for all persons. Programmes on Universal Primary Education (UPE), Universal Secondary Education (USE) and Uganda Post-Primary Education and Training (UPPET) have been emphasized under the Vision 2040 and the National Development Plan I and II. These are opportunities for addressing disparity in access to education, exclusion and achieving higher education for ethnic minority. Whereas no direct exclusion exist for ethnic minority from accessing these programmes. Little has been done to guarantee special consideration for ethnic minority youth and children to access these programmes and because of lack of adequate representation and participation in decision making levels, the ethnic minorities especially the Batwa and Benet have not adequately benefited from the programmes.
19. The Land Act of 1998, the Uganda Wildlife Act 1996, and the National Environment Statute of 1995 protect customary interests in land and traditional uses of forests. However, these laws also have claw backs; they authorize the government to exclude human activities in any forest area by declaring it a protected forest or National Park, within which activities are regulated, thus nullifying the full customary land rights of indigenous minority peoples.
20. The National Land Policy 2013, elaborately recognises the vulnerability of ethnic minorities and indigenous pastoralists and recognises that land rights of pastoral communities will be guaranteed and protected by the State; (i) ensure that pastoral lands are held, owned and controlled by designated pastoral communities as common property under customary tenure. The policy further provides for protection of pastoral lands from indiscriminate appropriation by individuals or corporate institutions under the guise of investment and considers land swapping, resettlement or compensation for pastoral communities displaced by government from their ancestral lands. The policy also calls for government to redress the rights of ethnic minorities in natural habitats and to take measures to establish regulations by Statutory Instrument to: recognize land tenure rights of minorities in ancestral lands; document and protect such de facto occupation rights against illegal evictions or displacements; consider land swapping or resettlement or compensation in the event of expropriation of ancestral land of minorities for preservation or conservation purposes; set terms and conditions for displacement of minorities from their ancestral lands in the interest of conservation or natural resources extraction. Largely the Land policy remains unimplemented in these areas.

#### **IV. Current Situation on access to service delivery by Minority and Indigenous Groups in Uganda**

##### **21. Health:**

21.1. Government programmes have ensured free medicines and anti-retroviral drugs for people living with HIV (PLHIVs) are available in most health centres, but ethnic minority access to such services are limited by discrimination by health service providers, lack of awareness and long distance to these health facilities and lack of participation and representation of ethnic minorities in local decision-making platforms.

21.2. The government has also established Health Unit Management Committees (HUMCs) which comprise of health unit staff and selected community members, and are supposed to have quarterly meetings with the District Health Officer (DHO) to give feedback on medical issues for the vulnerable groups. However, the status report from the Equal Opportunity Commission, 2013 notes lack of meeting for such committees due to limited funds. Additionally despite readily available health centre units across the country, Equal Opportunity Commission report found that it is difficult to get attention, leave alone treatment if one did not know any of the service providers. This is even difficult for ethnic minority like the Batwa and Benet who are stigmatized as backward and dirty and therefore excluded.

##### **22. General access to services**

22.1. Minorities and indigenous communities have minimal access to socio-economic programmes due to their historical background and way of life. The National Development Plan (NDP) and The Social Development Strategic Investment Plan (SDIP) addresses major challenges of inequality, inequity, exclusion, unemployment and low productivity among the poor and vulnerable communities including ethnic minorities. However, lack of specific attention to disaggregated data and data analysis by ethnic minority has made it difficult to determine minorities access to services and help government programmes reach out to their communities in the spirit of the affirmative action espoused in the 1995 Constitution. Government tendency of generalizing ethnic minority issues under marginalized groups has made it difficult to guarantee government accountability to ethnic minority access to equitable service delivery and reinforced their exclusion.

##### **23. Education**

**22.1.** The ethnic minority and indigenous pastoralists are found in the remotest parts of the country. The schools available are universal primary free schools. These are often characterized by poor quality, in some cases lack of infrastructure, teachers and children of ethnic minority have to trek long distances to reach these schools. For example the Batwa who live at the peripheral of other communities walk long distances to access schools. Whereas this also applicable to other marginalized communities, the ethnic minority like the Batwa and the Benet are disproportionately affected.

**22.2.** Apart from general education programmes like Universal Primary Education (UPE), Universal Secondary Education (USE) and Uganda Post-Primary Education and Training (UPPET), government has not taken any special measures to uplift the education levels of the minority and indigenous peoples. This has been left in the hands of NGOs such as AICM and UOBDU in Kabale and Kisoro districts and BDP in Kanungu in the case of Batwa for example.

**22.3.** The historical rampant poverty among minority and indigenous peoples emanating from lack of land limiting economic opportunities has negatively affected their education. Children of ethnic minorities like Batwa do not attend school regularly and experience high school dropout rates since they cannot afford the cost of education such as school uniform, scholastic materials among others. Lack of income make it impossible for minority peoples to afford quality education majorly offered in private schools concentrated in urban areas and very expensive. Tuition fees for higher institutions like universities and colleges are considerably too high to be afforded by already poverty stricken Batwa and Benet parents.

This is worsened by the fact that parents can't provide food for their children. In such circumstances, majority of them do not complete education level hence becoming victims of child labour in search of a better life, or resorting to early marriages for girls.

**22.4.** The current primary school curriculum is designed in such a way that the language of the majority community is taught at the detriment of the language spoken by minority hence depriving children of fully learning their mother tongues. This kind of forced assimilation is experienced, for example, by the Ik (language not written) in Kaabong district, and Basongora in Kasese district who taught Karimojong instead of Ik and Lukozo instead of Rusongora their mother tongues respectively.

### **23. Health**

**23.1.** Although all communities in Uganda access available health services without discrimination, notably there is limited statistics on the levels of access and use of health services by ethnic minorities. No disaggregated data on access to health services by ethnic minorities is readily available to inform planning of health programmes. Given their locality and peculiar circumstances, ethnic minorities like the Benet and Batwa access to health services have been regarded as appalling. The Equal Opportunity Commission's Status Report 2013 indicates that in many cases, members of ethnic minorities rely on their traditional knowledge of medicinal herbs. The report further states that ethnic minority groups are often not planned for in the public health system and the situation on infant mortality rates and life expectancy remain worse in the face of the already challenging situation at country levels (EOC Status report 2013)

**23.2.** After trailing for long distances, minority and indigenous peoples access same health facilities with the majority communities. The Benet who are still squatting on the national park land face a somewhat peculiar challenges since no health facilities can be constructed on such land. They have to go down mountain for health services which poses a great risk in case of emergencies such maternal related services or epidemic outbreak.

**22.2.** In some health centres, the minority and indigenous peoples face a number of problems where health workers exhibit negative attitude towards them, most especially describing them as dirty. As minority and indigenous peoples' health facilities are mostly located in remote areas without enough drugs, they find it difficult to buy drug for themselves from private drug shops due to poverty.

### **23. Land**

**23.1.** Land as a natural resource is very important for incomes for majority rural populations. Most of the minority and indigenous peoples were evicted from their ancestral land with an aim of creating national parks. In this process, the principles of meaningful consultation, participation and prior and free consent were never applied to these communities. This resulted into persistent landlessness, extreme poverty conditions, isolation, exclusion and discrimination affecting their economic livelihoods and social cultural lifestyles. These communities live as squatters on other peoples land, for example, some Batwa in Kisoro and Kabale, Banyabindi in Kasese and Benet on land belonging to Mt Elgon National Park. They do not have land they can call their own for setting up their homestead, grazing their animals and growing crops.

**23.2.** In areas such as Kabale, Kisoro and Kanungu, NGOs and churches have tried to resettle the evicted minority and indigenous communities by buying land for them. In some others, government has also tried but on a slow pace leaving a number of minority and indigenous communities living miserably in a squatting / camp-like conditions. .

**23.3.** Another category of indigenous community affected by creation of national parks is "Pastoral communities". The 2013 National Land Policy recognizes that pastoral communities have been

disadvantaged through loss of “land rights to conservation projects, mainly national parks and other government projects including government ranches and oil and gas exploration. This has led to depletion of their resources or landlessness. Privatisation of communal grazing lands and other pastoral resources has forced some pastoral communities and ethnic minorities to invade other people’s lands causing tension and conflicts or to encroach on protected areas in their neighbourhood.”

23.4. Food security in the rural context is largely related to land. Minority peoples are able body people who can work to so as to put food on the table. However, due to landlessness or having small plots of land, they cannot produce enough. In most cases, they can only afford one meal a day, or go without meal at times. Due to lack of land, they are compelled to work for food from their neighbouring majority communities. The little produced is of poor quality therefore exposing them to malnutrition cases and other related diseases.

#### **24. Social, Economic and Political Tension and Conflicts among ethnic communities**

24.1. Ethnic tribes mainly in the Rwenzori Region and to some extent in Acholi region (clashes between Amuru and Adjumani districts in 2014 and 2015) and Bunyoro Region (Buliisa clashes between the pastoralists and indigenous forming communities in 2015) have experienced ethnic driven tension triggered by struggle over land ownership, cultural and linguistic identity (the Basongora, Banyabindi, Bamba and Bakonzo) and political participation, equal access to employment and economic opportunities. For example about 90 people were killed in the Rwenzori ethnic driven clashes in 2014, similar clashes happened in 2015. Tension in the Rwenzori region to date is mounting with highly likelihood of deteriorating into serious clashes in future.

#### **25. Recommendations**

25.1. Government should fully acknowledge the historical injustice faced by the Indigenous Peoples and adopt appropriate national legislation and policy to address the landlessness, marginalization, and discrimination caused by the creation of conservation areas;

25.2. Government should establish a database of all ethnic minority communities countrywide to allow proper planning for them.

25.3. Government under the Bureau of Statistics should support the Equal Opportunity Commission to develop clear indicators for gathering disaggregated data that captures the status of minority and indigenous peoples in Uganda mainly in the area of access to quality, affordable and equal health care, education, housing, arable lands and food security.

25.4. Government must pay prompt, adequate and fair compensation to ethnic minority groups that are displaced from their ancestral lands by government action including the exploitation of extractives. This should put into context measures to compensate those ethnic minorities (the Batwa and Benet) that have in the past been forcefully driven off their ancestral lands for preservation or conservation purposes.

25.5. Government should fast-track the resettlement process of all indigenous communities who were evicted from their ancestral lands so that they can fully engage themselves in income generating activities.

25.6. Government, through ministry of education, should come up with an inclusive curriculum that takes care of minority communities’ languages in primary schools and address affordability and equal access challenges in access to education by ethnic minorities.

- 25.7. Government should expedite the implementation of the National Land Policy 2013 provisions on the recognition and protection of ancestral customary land rights of ethnic minorities and enact specific laws recognizing the cultural, religious, linguistic identity of ethnic minority and the relationship with land rights.
- 25.8. Government of Uganda should ratify the ILO Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries and follow this with domestic legislation that reinforce recognition of ethnic minority and indigenous population and address issues of substantive discrimination, exclusion and continued disrespect of their land rights.
- 25.9. Government MUST urgently address ethnic driven conflicts in the Rwenzori Region through effective and genuine mediation and apply other methods that reinforce peaceful co-existence and resolution of conflicts. This should include government prioritization of addressing perennial drivers of these conflicts; land ownership, cultural and linguistic rights challenges, political participation and equally shared social economic opportunities by the communities prone to conflicts.