

BRIEFING FOR THE HUMAN RIGHTS COUNCIL ON RIGHT TO ADEQUATE HOUSING IN UGANDA

TWENTY SIXTH SESSION OF UNIVERSAL PERIODIC REVIEW

SUBMISSION TO UNITED NATIONS THROUGH OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

SUBMITTED BY: SHELTER AND SETTLEMENTS ALTERNATIVES; UGANDA HUMAN SETTLEMENTS NETWORK (SSA:UHSNET)

ON 24TH MARCH 2016

This report is a submission of Shelter and Settlements Alternatives; a network of 28 Human settlements focussed civil society organisations to the universal periodic review. It follows the structure of the general guidelines put forth by the Human Rights Council of the United Nations. The report is based on through research, systematically referenced and validated information by members of the SSA:UHSNET. Compilation of this report involved a series of consultations and discussions with various stakeholders with final report validated at national dialogue of stakeholders on 18th March 2016. This report considers a period of 4 years since the previous cycle of the Universal Periodic review of Uganda.



Organisations that contributed and have endorsed this report :



List of Acronyms

KCCA	Kampala Capital City Authority
MDGs	Millennium Development Goals
MoLHUD	Ministry of Lands, housing and Urban Development
HFHU	Habitat for Humanity Uganda
UPR	Universal Periodic Review
RAH	Right to Adequate Housing
SSA: UHSNET	Shelter Alternatives: Uganda Human Settlements Network
CSOs	Civil Society organizations
ESCRs	Economic, Social, and Cultural Rights
UNDP	United Nations Development Program
MDGS	Millennium Development Goals
CECRA	Centre for Economic Social Cultural Rights in Africa

EXECUTIVE SUMMARY

The Right to adequate housing (RAH) was the least reported on during Uganda's first cycle of the Universal Periodic Review (UPR - 2011). The Government of Uganda in its state report mentioned a few lines on decent accommodation under section E paragraph 92 and 93 which literally did not address critical issues regarding the right to adequate housing in Uganda. As a result, no clear and specific recommendations on the right to adequate housing were given to Uganda in the 2011 UPR concluding observations, unlike other Economic Social Cultural Rights such as education, health, water, food, and cultural rights.

In order to advocate for the Right to Adequate Housing in Uganda's second cycle of the (UPR – 2016), Shelter and Settlements Alternatives: Uganda Human Settlements Network (SSA:UHSNET), in partnership with Centre for Economic Social Cultural Rights in Africa (CECRA) started the process of preparing an alternative report on the right to adequate housing. This was done by engaging SSA:UHSNET member organisations, partners, individuals and stakeholders working on housing purposely to contribute to the Civil Society Alternative report both in the National CSOs Alternative report, and as SSA:UHSNET working group on the right to adequate housing, comprising 12 Housing sector stakeholders .

The period being reviewed falls under Uganda's National Development Plan 2010-2015 in which the government made the following commitments;

- a. To debate, pass and implement the National Housing Policy by 2010.
- b. To Develop, debate, pass and implement Land Lord Tenant Bill.

- c. To Develop, debate, pass and implement Building Control Bill.
- d. Implement the Kasooli slum upgrading project within the first year and thereafter upgrade three (3) slums each year.
- e. To develop and implement a rural resettlement program.
- f. To develop initiatives towards lowering mortgage interest rates.
- g. To implement the public servants' loan scheme.
- h. To develop institutional structures at Local Government level to address staffing requirements.
- i. To remove capital gains tax; this is charged on sale of houses and;
- j. To bring down the cost of building materials by coin vesting in exploration and development of requisite materials.

List of contributing organizations/Individuals/stakeholders

1. Shelter and settlements Alternatives: Uganda Human Settlements (SSA: UHSNET)

Shelter and settlements Alternatives: Uganda Human Settlements Network is a network organization comprised of civil society organizations, communities, individuals and private sector stakeholders. Shelter and settlements Alternatives was established in 1999 by a group of eminent Ugandans brought together by a shared concern for the poor state of human settlements across the country. In May 2010 the organisation brought together scattered Human settlement based organisation who resolved to transform SSA into a national Network of housing and human settlement. The vision of the network is “a nation with accessible, decent, affordable and sustainable human settlements for all.” The mission of the network is “to address issues and challenges affecting human settlements in Uganda through information sharing, networking and advocacy” The core activities of the network include research and documentation, sharing information and experiences, community mobilization and empowerment, capacity building, consultancy, networking and advocacy. SSA:USNET has no consultative status with ECOSOC yet but participats in a number of International forums including Habitat Agenda.

2. Centre for Economic Social Cultural Rights in Africa (CESCRA)

Centre for Economic Social Cultural Rights in Africa (CESCRA) is a not-for –profit non-government regional organisation founded in 2010 by four activists experienced in regional human rights specifically on economic social cultural rights and gender equality in Africa. CESCRA harmonises the international and regional human rights law with national reforms and strategies. CESCRA harnesses the energies of the existing national organisations and networks and links these to the growing population of grass root leaders to promote the economic social cultural rights in general and women’s ESC rights agenda. lobbying.

3. Habitat for Humanity Uganda

Habitat for Humanity Uganda (HFHU) is an affiliate of Habitat for Humanity International (HFHI) is an ecumenical Christian ministry dedicated to eliminating poverty and through increased access to housing. HFHU functionally reports to HFHI's Africa and Middle East (AME) Area Office in Pretoria – South Africa.

4. Uganda Co-operative Alliance (UCA)

Uganda Cooperative Alliance (UCA) Ltd is an umbrella organisation for all cooperatives in Uganda established in 1961. It serves as the voice of the cooperative movement both nationally and internationally. UCA also serves as the main cooperative policy advisor for the government, implements various cooperative development projects, and is mandated by law to arbitrate and help settle conflicts within the cooperative movement

5. Uganda Housing Co-operative Union (UHOCU)

It is a non for profit organisation working towards the right to adequate housing amongst low and middle income earners in Uganda. Uganda Housing Cooperative Union was established by a group of 10 primary housing cooperatives who came together to facilitate access to adequate housing amongst low and middle income earners in various communities of Uganda.

6. Foundation for Rural Housing (FHSE – UGANDA)

FHSE-UGANDA is a local NGO and SSA: UHSNET network member whose mission is to empower communities particularly in rural areas to improve their housing conditions through self- help initiatives. Since its origin, FHSE-UGANDA's method of work has been hinged on Community mobilization and networking towards improvement of housing conditions with a rural housing co-operative perspective. Uganda Housing Cooperative Union was established in the year 2013.

7. Wellspring – Uganda

Wellspring is a Non-Governmental faith based Organization based in Uganda working in Uganda, Kenya and Tanzania. As a Christian organization it has multi-faceted mission centres in Uganda, Kenya and Tanzania working to develop and promote our indigenous communities in all areas of life

8. ACTogether Uganda

ACTogether Uganda is a local Non- for Profit organization Established in 2006 We facilitate processes that develop organizational capacity at the local level and promote pro-poor policy and practice in Uganda's urban development arena. In partnership with organized communities of urban poor ACTogether strives to increase access to secure tenure, adequate shelter, basic services, information, and many of the other building blocks required for healthy communities

9. Uganda Road Sector Support Initiative

URSSI is a Not-for-Profit Non-Governmental Organization that was established in 2010 to facilitate coherent and timely development and planning of road transport and urban development in Uganda with particular emphasis on roads, municipal planning and sustainable transport management both in rural and urban areas. We champion and promote best practices in international urban development and management

10. Polysack Housing Cooperative

Polysack housing cooperative society was formed and registered in year 2010 by workers at African Polysack industry based in Mukono Uganda. The Objectives are to mobilise members and utilise resources available to enable construction of decent housing for members. Polysack Cooperative is a member of Uganda Cooperative alliance.

11. Centre for Creativity and Capacity Development

The Centre for Creativity and Capacity Development aims to unlock creativity in East Africa to overcome the most pressing challenges in the region. As a registered social enterprise, the Centre has offered professional development, creative group facilitation training, team building and support to individuals, corporations, and organizations for over five years

12. Uganda Environmental Education Foundation

Founded in 1997 by a group of professional environmentalists UEEF provides services across a broad range of environmental issues including renewable energy, water & sanitation, agriculture and rural development.

THE STATE OF HOUSING CONDITIONS IN UGANDA

- I. SECURITY OF TENURE IN RELATION TO ACCESS TO HOUSING
 1. **Lack of security of tenure.** As previously reported Census 2014 indicated Uganda population at 34.9 million as country's population grew by 10.7 million from 24.2 million in 2002 with an average annual growth rate of 3.03 percent and estimated 77 percent of Ugandans live in owned housing dwelling, while only 17 percent live in rented housing. However, this does not look at housing conditions in the context of the type of ownership of the land on which the housing is constructed. Urban poor especially those in informal settlements such as Katanga slum, Bwaise, Kisenyi including settlements along the proposed Standard Gauge Railway project (SGR) in Namwongo, Ndeeba, Kireka, Namanve, lack security of tenure because they do not have legal ownership to the land on which their housing are located. This problem is linked to the country's land tenure system which has left land control in the hands of a few individuals leaving the majority poor as squatters, thereby limiting their access to land and housing.
 2. Recommendation: (a) Government should take further steps to ensure security of tenure including implementation of pro-poor land titling throughout the country. (b) We call for the establishment of a strong land fund as part of the solutions to breaking

the barriers in the country's rigid land ownership setup, and also reduce poverty levels. Improve management of the land fund, including increasing its funding to give lawful and bona fide occupants subsidized loans to buy out residual rights of landlords.' A land fund, is envisaged to attract investors to pool funds in order to enable citizens buy rights to develop land despite not being the rightful owners and increase access to housing for especially urban populating.

3. Rampant Forced Eviction: Housing problem in Uganda has also been aggravated by continuous occurrence of forced evictions of informal settlements. Evictions have been carried in total disregard of the rights of occupants including lack of sufficient notice, adequate consultation or providing evictees with alternative housing and in contravention of the international laws and principles on forced evictions as contained for instance in the ESCR Committee's General Comment Number 7 on Forced Evictions. In many cases, Government law enforcement agencies have carried out evictions at night and without giving residents adequate notice. A recent example of this is the 2014 eviction by Kampala Capital City Authority (KCCA) of residents believed to have settled on the rail line reserve including Ndeeba and Namuwongo. More than 40,000 residents described as encroachers on public land living close to Port bell Railway line to Kampala and Kyengera railway line to Namanve were told to quit in 2014; evictions started in the same year by KCCA and cases are still on-going at Nakawa court. In Kinawataka-Mbuya parish alone, over 80,000 residents were evicted without adequate consultations and with no compensation at all.
4. The National Housing and Construction Company Limited (NHCC) forcefully evicted residents in Kasokoso informal settlement in 2013, the 292.6 acre of land houses over 60,000 slum dwellers. Although the evictions were halted amidst violence, squatters live in fear of eminent evictions. Forceful evictions of the Benet ethnic Minority people have left them in camps with very poor housing conditions. The government of Uganda in effort to build an Oil refinery in Kabaale parish Buseruka sub-county in Hoima district in 2011, More than 7, 118 people affected by the refinery project were evicted without proper, clear and transparent consideration of Article 26 clause 2 (b) (i) that clearly provide for prompt payment, of fair and adequate compensation prior to the taking of their lands, crops and other property.
5. Lack of comprehensive guidelines on evictions is one of hindering factors to the enjoyment of the right to adequate housing in Uganda and affects the access to and quality of housing.
6. Recommendation: a. The government should implement all its policy and legal commitments including finalising National Evictions Guidelines to ensure proper procedures before, during and after evictions and protect of housing and property rights of the Ugandans especially the poor and vulnerable groups like women.

II. NATIONAL POLICY AND LEGAL FRAMEWORK

7. National policies that would greatly improve the housing sector in Uganda have been drafted but are yet to be passed. Examples include the National Housing Policy, which aims to ensure well integrated sustainable human settlements, the National Urban Policy, Landlord and Tenants Bill, Solid Waste Management Strategy, and National Evictions Guidelines. Uganda passed Building Control Act 2013 but to-date has not yet put in place revised building codes relevant to this Building Control Act. We note with concern that delay in having these policy and legal frameworks put in place and implemented, is a setback to not only facilitation of planned housing development but also to full realization of right to adequate housing for Ugandans.
8. Recommendation: (a). the government should pass the above policies and regulations as a matter of priority to address the challenges to access to right to adequate housing.
9. **Low budget allocation to the housing sector.** The housing sector in Uganda is often underfunded. For example the 2013/2014 and 2014/2015 budgetary allocations to the housing sector were 0.02% and 0.025% respectively. In 2016/2017 National Budget Framework Paper, Government proposed 1% allocation of national budget to Ministry of Lands Housing and Urban Development a ministry that comprise of all those three department the 4th least funded ministry in Uganda. Without adequate funding to implement the commitments made in government policies, the right to adequate housing will not be realized
10. Recommendation: Government should prioritise housing sector by increasing development budget allocation to the sector from 0.025% to at least 3% in development budget of the National Budget
11. **Lack of affordable housing in Uganda remains a big challenge:** This is evidenced by the presence of slums in major urban areas of Uganda.
12. Recommendation: a. Government to put in place Housing fund. b. Government should develop programmes that target improving housing conditions at household level including subsidies to investors to focus on low cost housing for the poor and most vulnerable. (b) Better coordination of Government ministries and local government and other National Housing sector players, create a housing authority to coordinate the housing infrastructure.

Policies, Programs and Laws

13. At a national level, Objective XIV (b) of the 1995 Constitution of Uganda recognizes and mandates the government to ensure all Ugandans enjoy rights to decent shelter. The National Development Plan 2010-2015, and Vision 2040 (chapter 5.5) and KCCA

Development Plan aim to ease access to decent affordable housing to all Ugandans, and the National Slum Upgrading Strategy aims to improve the lives of 1 million slum dwellers. This stems from the Millennium Development Goal 7, target 11 which articulates the commitment of member states to improve the lives of 100 million slum dwellers by 2020.

14. It is a concern however that, the right to adequate housing as protected by the International Covenant on Economic Social Cultural Rights (ICESCR) is only protected in the Constitution as part of the National Objectives and Directive Principles of State Policy (NODPSP). Yet, these objectives are not directly justiciable but would be explicitly and comprehensively provided for under Chapter four of Ugandan constitution 1995. In 2005 the Government amended the Constitution by introducing Article 8A to provide that the country “shall be governed based on the principles of national interest and common good enshrined” in the NODPSP. Unfortunately, over twelve years since the adoption of the amendment, Parliament has not adopted laws which give effect to the above provision as required by Article 8A. What this means is that it is a legal challenge to rely on the right (right to adequate housing/decent shelter) that could be deduced from the NODPSP as a justiciable right which can be protected through judicial means; an indication that Housing in Uganda is not considered by government as a priority area.
15. The 1995 Constitution and the Land Act as amended, address the problem of security of tenure. The Constitution in Article 237 guarantees ownership by repealing laws that had previously made all land public land and vesting title of the same in the state. To give security to the squatters/tenants by occupancy, the Constitution and the Land Act guarantee protection of tenants by occupancy, who cannot be evicted without compensation. The Uganda National land policy 2013 protects occupants on customary land and they are entitled to apply and acquire certificates of ownership which would confirm their title to the land. Parliament in 2010 amended the Land Act of 1998 to criminalise unlawful evictions of tenants by occupancy.
16. Although the legal protections are commendable, most provisions of the Land Act have not been implemented. Uganda developed a National Shelter Strategy to enable policy framework to guide housing development in the country with the objective of providing decent and affordable shelter to its citizens. Despite this effort, to date the state has not enacted progressive housing policies in Uganda which has impacted negatively on housing development. As a result, many people in the country live in poor housing whose conditions are far from being decent and acceptable despite the country’s commitment to improving the living conditions for its citizen.

General Recommendations

17. State should develop, debate, pass and implement the National Housing Policy These documents have been developed but they continue to gather dust on the shelves of Parliament and line ministries yet they would be key to solving issues of urbanization

that are changing the dynamics between landlords and tenants including issues of land and housing ownership and access.

18. State develops, debate, pass and implement the Building control Codes
19. State should develop and implement Eviction and resettlement Guidelines in line with the international standard guidelines on evictions and as espoused in the CESCR General Comment Number 7.
20. State should guarantee that local governments are staffed with officers responsible for housing
21. State should develop a mechanism that coordinates all Ministries, Departments and Agencies (MDAs)
22. State should review the Mortgage Act to ensure the working class can afford mortgage for instance giving tax holidays on mortgage interest
23. State should allocate funds for implementation of slum upgrading strategy.
24. Government should effect implementation of National physical plan throughout the country.