



NATIONAL
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HUMAN
RIGHTS
DEFENDERS
UGANDA

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Submission by Minority Rights and Indigenous Groups

14th JULY, 2021

Joint Submission by:

Minority Rights Group International (MRG)

African International Christian Ministry (AICM)

National Coalition for Human Rights Defenders Uganda (NCHRD-U)

-And-

Action for Batwa Empowerment, Bagungu Community Women Association, Benet Lobby Group, Bugungu Heritage and Information Centre, Eliana R's & JAMP Banyabindi Foundation, Maragoli Community Association, Mount Elgon Benet Indigenous Ogiek Group, North Karamoja Indigenous Minority Group Platform, Rwenzori Empowerment Programs of Transformation and Action, Tapac Integrated Development Organisation, United Organisation for Batwa Development in Uganda.

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SECTION I: INTRODUCTION

About the Submitting NGOs

- 1.1** This report is a culmination of joint efforts and data contributions of the Indigenous and Ethnic Minority rights cluster under the CSO National Stakeholders' Forum on the UPR- a loose network of over 300 NGOs dedicated to following upon on UPR mechanism coordinated by the [National Coalition of Human Rights Defenders Uganda](#). All these organisations, with varying experience and expertise are key actors in the advocacy on Indigenous and Ethnic Minority rights in Uganda. The report was compiled through collection of data from the membership of the cluster. A draft report was presented and validated amongst the members leading to this final report. The cluster convened by Minority Rights Group International and African International Christian Ministry also had the following contributing organisations;
- 1.2** **Action for Batwa Empowerment (ABE)** is a non- political, non- profit-oriented community-based organization registered, headquartered and operating in Kanungu District, South-western Uganda. ABEG started as an awareness creation campaign engineered by the Batwa youth based on their experience of the series of social, economic, cultural, environmental injustices and suffering their community has continued to face for decades, and, after realizing the need to complement other stakeholders' efforts to finding a comprehensive approach and, solution to addressing the above challenges for the Batwa community's transformation for development.
Contact: Ms Kokunda Sylvia; kokundasylvia@yahoo.co.uk
- 1.3** **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 / www.aicm.org.uk **Contact: Mr. Arinda Precious Nabimanya; precious.arinda@gmail.com**
- 1.4** **Bagungu Community Women Association (BACWA)** is a non-profit making Community Based Organisation registered with Buliisa district. It was founded in 2000 to specifically care for women and girl child affairs. The main objectives for its establishment were among others to establish a sustainable mechanism that promotes value addition and skilled women in the communities, to promote girl child education, health and discourage early marriages and to provide counselling to the members and their families, including children especially the orphans, children with disabilities, and other vulnerable children, school dropouts, adolescents, youth

about sexual promiscuity and drug abuse. **Contact: Ms Suzan Wandera Abwooli;** wanderasusic@yahoo.com

- 1.5 **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. **Contact: Mr Mungech Chebet;** mungech@gmail.com
- 1.6 **Bugungu Heritage and Information Centre (BHIC)** is a Non-Profit Community Based Organization founded and registered in 2013 with Buliisa District Local Government's Community Service Department. It was created with the major aim of closing cultural heritage and Information gaps that existed in the face of oil and gas discovery and exploration in the region. It also focuses on Environmental conservation, Human Rights, and food security. **Contact: Mr. Kiiza Wilson;** bugunguheritage@gmail.com
- 1.7 **ELIANA R's & JAMP Banyabindi Foundation (ERJBF)** is a project-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. **Contact: Mr. Elisha Mugisha Ateenyi;** isebantu.entale@gmail.com
- 1.8 **Maragoli Community Association (MCA)** is a non-governmental organization founded in 1998 and registered as a CBO in 2016. MCA was formed to fight for recognition of the Maragoli as one of the indigenous communities in Uganda. In order to settle these issues, the MCA engages in a number of activities with different stake holders in the government and the communities around the Maragoli including petitioning the offices of the President, Speaker of Parliament and Equal Opportunities Commission. In addition to citizenship recognition, MCA works towards ensuring that Maragoli community members enjoy full rights to social services such as health and education and other political rights like any other citizens of Uganda. MCA currently operates in the districts of Kiryandongo, Masindi, Hoima, Bugiri and Iganga. **Contact: Mr. Mwale Paul;** mwalepauls@gmail.com
- 1.9 **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. **Contact:** Agnes Kabajuni; Agnes.Kabajuni@minorityrights.org

- 1.10 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. **Contact:** Mr. Alex Yesho; arapsamsonyeshoalex@gmail.com
- 1.11 National Coalition of Human Rights Defenders Uganda (NCHRDU)**, created in 2013, is a network of individuals and organizations working to promote the protection of Human Rights Defenders (HRDs) in Uganda by facilitating synergy, cooperation and sharing of best practices among HRD community. With a membership of 160 individual Human Rights Defenders and organizations its work is focused on all regions in Uganda. It plays an integral role in harnessing a transparent and accountable working environment for HRDs in Uganda. **Contact:** Mr. Robert R Kirenga, info@hrdcoalition.ug
- 1.12 North Karamoja Indigenous Minority Group Platform (NKIMGP)** is a Community Based Organization (CBO) formed by five (5) indigenous minorities in Karamoja viz; Nyangia, Ngokutio, Katebo (Mening), Ngiporein and Ik. Furthermore, it is a registered CBO under Kaabong District Local Government (KDLG/CBSO/300). Formed in 2015 for the communities to have a voice against marginalization on key issues like inequality, exclusion in employment, poverty, land related issues, healthcare and education among the minorities in the three (3) districts of Kaabong, Karenga and Kitgum. **Contact:** Mr. Samuel Okene Ayaru; kenayarus@gmail.com
- 1.13 Rwenzori Empowerment Programs of Transformation and Action (RWEPOTA).** RWEPOTA is a non-governmental organization formed in June 2006 and operating in the Rwenzori western region of Uganda. The organization was started by some people who had tested living positive with the HIV/AIDS. Therefore, the formation of RWEPOTA was based on the need to reduce the prevailing of HIV/AIDS and violation of human rights, to enhance child protection, improved livelihood skills and environmental conservation. **Contact:** Ms Kabarakole Janet Kagaba; jannetkabarokole@gmail.com
- 1.14 Tapac Intergrated Development Organization (TIDO)** is a Community Based Organization formed in 2018. It works on such issues as environmental management, education, early/forced marriages, Female Genital Mutilation (FGM) and alcoholism among the Tepeth Community. It currently operates in Moroto district in Uganda. **Contact:** Ms Adupa Stephany; adupastephanic@gmail.com
- 1.15 United Organization 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> **Contact:** Ms Zaninka Penninah; zaninkapen@gmail.com

SECTION II:
**PROGRESSIVE RATIFICATION AND DOMESTICATION OF LEGAL
FRAME WORK ON MINORITIES**

2.1 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’¹. 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.

Minority-Groups/Communities in Uganda

- 2.1. As a country, Uganda is endowed with multi-tribal population composition and the 1995 constitution explicitly recognizes 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), Tepeth and Karamojong cluster; in North West – Lugbara, Luluba, Ma’di, Kakwa and Nubian; in the Eastern – the Benet (Ndorobo); in the Mid-Western – Bakenyi, Bavuma, Soo; and in the South West– Batwa, Basongora, Banyabindi, Bamba, Bakonzo².
- 2.2. 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 language³”.
- 2.3. 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 programmes⁴. Whereas this provision is good, its implementation becomes difficult as it lacks terms of reference and clarities as to who the end beneficiaries are.

- 2.4. 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 2017 and December 2020. Its main focus is on issues around access to education, health services, land and natural resources, political participation and citizenship recognition with reference to the Batwa (Kabale, Rubanda Kisoro and Kanungu), Banyabindi (Kasese), Batuku (Ntoroko), Benet (Kapchorwa, Kween and Bukwo), Bagungu (Buliisa), Maragoli (Kiryandongo), Tepeth (Moroto) and Ngikutio (Karenga).

Progressive Ratification of International Human Rights Instruments that respect, promote rights of Minorities

- 2.5. 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
- 2.6 Both Universal Declarations of Human Rights (1948) and the United Nations Declaration on the Rights of Indigenous People (UNDRIP 2007) lay foundation for human rights standards and fundamental freedoms as the guarantee of the rights of indigenous people across the globe. Specifically, Article (26) of UNDRIP states that⁵:
- (i) Indigenous people have the rights to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired,
 - (ii) Indigenous people have the right to own, use and develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use as well as those which they have otherwise acquired, and
 - (iii) States shall give recognition and protection to these land, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure system of the indigenous peoples concerned.
- 2.7 In the same vein, Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (1992)⁶. Article (1) states:
- (i) States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within the respective territories and shall encourage conditions for the promotion of that identity;
 - (ii) States shall adopt appropriate legitimate and other measures to achieve these.

Article 2 states:

- (i) Persons belonging to national or ethnic, religious and linguistic minorities (herein-after referred) to as persons belonging to minorities have the right to enjoy their own culture, to protect and practice their own language in private and in public freely and without interference or any form of disagreement,
- (ii) Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life; and
- (iii) Persons belonging to minorities have the right to participate effectively in decisions on the national and where appropriate, regional level concerning the minority to which they live in, in a manner not in compatible with national legislation.

2.8 The 1995 Uganda Constitution, in its Article 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 of ethnic minority from accessing these programmes exists, little has been done to guarantee special consideration for ethnic minority youth and children to access these programmes mainly because of lack of adequate representation and participation in decision making levels.

2.9 Article (32) of the constitution (1995) obligates states to take affirmative action in favor of marginalized groups on the basis of gender, age, disability or any other reason created by history, tradition or customs for addressing imbalance that parliament shall make relevant laws, including the establishment of on equal opportunities commission for the purpose of giving full effect of clause (i) of Article 32.

2.10 Article 36 of the constitution (1995) offers protection of minorities by granting them the rights to participate in decision making process and their views and interests taken into account while making national development plans.

2.11 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.

2.12 The National Land Policy 2013, elaborately recognizes the vulnerability of ethnic minorities and indigenous pastoralists and recognizes 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 tenure⁷. 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 areas⁸.

- 2.13 With all these National, Regional and International legal and Policy frameworks in place, 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 Bagungu, Banyabindi, Batuku, Batwa, Benet, Maragoli, Ngikutio and Tepeth 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.

SECTION III: EMERGING DEVELOPMENTS ON THE HUMAN RIGHTS SITUATION RELATING TO ACCESS TO SERVICES AND NATIONAL PROGRAMMES AND OPPORTUNITIES BY MINORITY AND INDIGENOUS GROUPS IN UGANDA

The Right to Health of Minority and Indigenous

- 3.1 Although all communities in Uganda are expected to access available health services without discrimination, 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.
- 3.2 AICM's assessment of access to education and health services (2021), found out that, most Batwa communities (69%) do not access nearest standard health facility within a radius of 5km. 94% of Batwa could not afford to pay for charges on health care services at private facilities and 67% of Batwa reported lack of medicine in their local health facilities. All these add up to health care services challenge to Batwa community in Uganda. After the issuance of National IDs, most services are offered to citizens on presentation of ID. The Maragoli community members without IDs do not get health services from government health facilities.
- 3.3 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.
- 3.4 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.

3.5 In areas where ethnic minorities are settled, access to health services is still low due to long distances to be covered compounded with poor road networks. Also, these health facilities are lacking medicines whereby patients are advised to buy from private drug shops, yet they cannot afford due high level of poverty.

Right to Education of Minority and Indigenous

3.6 The ethnic minority 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 minorities have to trek long distances to reach these schools. For example, the Batwa and Benet 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.

3.7 According to BMCT Batwa Census Report (2016), 49.8% of Batwa never went to School and only 0.3 % of Batwa had tertiary/University education⁹. Further, AICM's education and health access assessment report (2021) also revealed that 64% of Batwa household heads did not attend schools and school dropout rates among Batwa children was high at 51.4 %¹⁰.

3.8 In the Benet temporal settlements classroom structures are still of poor quality built of mud and timber due to the government restrictions that some areas are considered to be within the national park where no permanent structures are allowed.

3.9 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.

3.10 The current curriculum allows every Ugandan child in lower primary (p.1-p.3) to be instructed in their mother tongue. However, 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 Banyabindi and Basongola (Kasese district) where Lhukonzo is used instead of Runyabindi and Rusongola; the Maragoli (Kiryandongo district) are taught in Runyoro instead of Ruligoli. This leads to poor performance hence school dropouts among the indigenous minority pupils due to lack of understanding of the new language. In a positive move, Equal Opportunity Commission had ordered the government to teach Banyabindi pupils in their mother tongue in a judgement passed on 14th August 2019.

Right To Self-Determination in the Use Of Natural Resources And Extractives

- 3.11** 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 people's 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.
- 3.12** 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.
- 3.13** Majority of Batwa do not own land as evidenced by Bwindi Mgahinga Conservation Trust (BMCT) Batwa Census Report (2020) that 56.4% of Batwa in Bwindi Mgahinga Conservation Area (BMCA) do not have access to land and Kisoro District is the worst affected with 71.9% Batwa staying as squatters on other people's land compared to other districts in the region¹¹.
- 3.14** Some ethnic minorities sought legal redress to claim land. For example, the Benet in 2005 (court)¹² and Banyabindi in 2019 (Equal Opportunity Commission)¹³. Both communities received a positive judgement but up to now government has not fully implemented the court decisions.
- 3.15** 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. Privatization 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 neighborhood."
- 3.16** The discovery of natural resources such as oil and gas and gold in Albertine region and Karamoja regions respectively has come as a blessing in terms boosting economic growth and creating jobs to Ugandans. In such areas where mineral resources have been discovered, the government shall protect the land rights of all owners of the areas¹⁴.

- 3.17** However, the extraction process has left locals greatly disadvantaged especially due to evictions from specific spots where oil was discovered and where oil processing facilities are to be built. The Bagungu in Buliisa district continue to lose land to the oil and gas sector, hence affecting their livelihoods that heavily depend on land. Many people depend on land for cultural practices, cattle rearing, medicinal plants/herbs and building materials. For example, people evicted from Kasinyi (Bulisa District) were not given adequate compensation.
- 3.18** Traditional places of worship continue to be affected by the oil and gas activities as sacred sites found within the land demarcated for the oil activities are demolished or forced to be relocated despite the plea from the custodians that their sites are immovable. For example, sites for Bahukwa clan in Kakindo village were relocated by Tullow oil and gas, whereas sites for Balima and Basingo/Bateera in Kasinyi were relocated by Total E & P Uganda. The principle of Free, Prior, and Informed Consent (FPIC) has been abused by the oil and gas companies as the Project Affected Persons are only informed that their land is going to be taken on the very day oil companies are mapping the land they (oil companies) are to use for their activities.

Citizenship Recognition and Attendant Rights and Freedoms

- 3.19** Whereas the 1995 Constitution of Uganda acknowledges existence of indigenous groups and has a list of such, the Benet and Maragoli are not among the recognized tribe. As such, the Benet and Maragoli were not able to get national IDs identifying them as such. Therefore, without national IDs, they are not able to process land title, access loans, vie for political positions, obtain passport or register SIM cards for communication.

SECTION IV: RECOMMENDATIONS

- 4.1** 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.
- 4.2** Government under the Bureau of Statistics should support the Equal Opportunity Commission to develop clear indicators for gathering disaggregated data that capture 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.
- 4.3** 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.
- 4.4** Government should construct and adequately equip more health facilities in areas occupied by ethnic minorities, elevate and upgrade Health Centres III to Health Centres IV so that antenatal and others services come nearer to the local community to minimize death that are occasioned by long distances.

Right to Health

- 4.5** Uganda Government should build schools in areas occupied by ethnic minorities with qualified and enough teachers and adequate learning/teaching to improve and increase access to education and enhance retention in schools and completion.

- 4.6 Government should institute bursary schemes for secondary schools and higher institutions targeting ethnic minority children as a way of affirmative action.
- 4.7 Government, through ministry of education, should develop and emphasize an all-inclusive education curriculum that takes care of minority communities' languages in primary schools

Right to Property, Access to forestry lands and Compensation

- 4.8 Government must pay prompt, adequate and fair compensation to ethnic minority groups that have been displaced from their ancestral lands by government action including preservation or conservation and exploitation of extractives.
- 4.9 The government should ensure that people evicted for extraction of oil, gas and other minerals are well compensated after consent.
- 4.10 Government through UWA and NFA should develop mechanisms for the ethnic and indigenous communities to access the forests at scheduled times to get local medicinal herbs and practice cultural/religious rites and also for grazing during disaster time of drought.
- 4.11 Government should de-gazette parts of forests/parks to settle all landless ethnic minorities to enable them practice farming to improve their livelihoods.
- 4.12 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.

Right to Recognition and Identity

- 4.13 The government should revise the 1995 constitution to include Maragoli and Benet so as they are given national IDs indicating their respective tribes.
- 4.14 Government to issues national IDs to all Maragoli community members to enable the latter access all services that require one to have an ID as education and health services in government institutions, loans, land titles etc.
- 4.15 Government should implement the 2019 Equal Opportunity Commission order to instruct and teach Banyabindi pupils in lower classes in their mother language.
- 4.16 Government should ensure that the all ethnic minorities are represented in all political positions through affirmative action scheme.
- 4.17 The government should immediately and fully implement the 2005 Benet Consent judgement and the 2019 Equal Opportunity Commission judgement in favour of Banyabindi.

¹ United Nations, *Universal Declaration of Human Rights*, Accessible at <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

² Wairama, G.B. *Uganda: The Marginalization of Minorities*, p.10, Minority Rights Group International, 2001

³ Francesco Capotorti, UN Document E/CN.4/Sub.2/384/Rev.1 (1977), para. 568.

⁴ Constitution of the Republic of Uganda, 1995, Chap.4, Art 36, https://statehouse.go.ug/sites/default/files/attachments/Constitution_1995.pdf

⁵ United Nations, *United Nations Declaration on the Rights of Indigenous People*, 2007, https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

⁶ United Nations Human Rights, *Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities*,

<https://www.ohchr.org/en/professionalinterest/pages/minorities.aspx#:~:text=1.-.Persons%20belonging%20to%20national%20or%20ethnic%2C%20religious%20and%20linguistic%20minorities,and%20without%20interference%20or%20any>

⁷ Ministry of Lands, Housing and Urban Development, *The National Land Policy*, Feb 2013 Chap.5; 4.9, <https://www.jlos.go.ug/index.php/document-centre/land-justice/366-uganda-national-land-policy/file>

⁸ Ministry of Lands, Housing and Urban Development, *The National Land Policy*, Feb 2013 Chap.5; 4.8, <https://www.jlos.go.ug/index.php/document-centre/land-justice/366-uganda-national-land-policy/file>

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¹⁰ African International Christian Ministry (AICM), *Assessment on access of Education and Health services among the Batwa population in South Western Uganda (2021)*, unpublished

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