

Ethnic Minorities in Uganda:

**Universal Periodic Review Joint Submissions for Uganda
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PART 1: Introduction and summary

1. This report presents information pertaining to violations of ethnic minorities in Uganda as a joint submission by organizations working on ethnic minority groups in Uganda. The report focuses on the following issues, political representation, education, economic, social and cultural rights, children and gender issues.
2. Uganda is home to a large number of diverse ethnic and linguistic groups. Historically this diversity has been used by those in power to divide and rule the country¹. Today, some ethnic groups continue to be disproportionately affected by Uganda's problems, including regional conflicts, uneven development, and inadequate health care and poor education provision.
3. Ethnic minority groups are scattered across Uganda, but are specifically found as follows: in the north – Alur, Ik (Teuso), Kakwa, Karamojong cluster, Lugbara, Luluba, Ma'di, Nubian; in the east – Bagungu, Bakenyi, Bavuma, Ik (Teuso), Soo; and in the west – Abayanda (Batwa), Ba'amba, Bakonzo.² Since more than three-quarters of Uganda's population live in rural areas, most of Uganda's minorities lead a rural existence; however, even within this rural context, minorities are often the most disadvantaged. Their situation is steadily deteriorating with increasing competition for natural resources in their areas, the effects of climate change (such as drought) and growing impoverishment.
4. The Ugandan constitution provides a limited definition of the rights of minority rights in general, it provides under Article 36 that: *'minorities have a right to participate in decision-*

¹ Wairama, G.B. Uganda: The Marginalization of Minorities, Minority Rights Group International, 2001

² Id. at 10.

making processes and their views and interests shall be taken into account in the making of national plans and programmes’.

5. Uganda has a long way to go on minority issues. Even as regards gender equality, where most advances have been made, much remains to be done to uplift the plight of ethnic minorities in Uganda.
6. In addition to the little knowledge and research about the complex cultural, legal, political and socio-economic problems of minorities, Ugandan institutions and structures are very poorly equipped and financed to deal with issues affecting ethnic minorities.
7. Despite the revival of the Ugandan economy since 1986, minority members (with the exception of Ugandan Asians) suffer greater unemployment and lack of access to political and other rights, due to an entrenched lack of resources such as land, and the prevalence of illiteracy and discrimination.
8. In view of the above, the submitting organizations respectfully request that the Committee emphasizes, in its recommendations to Uganda, the fact that ethnic minorities in Uganda face multiple forms of discrimination, which are the result of their gender and ethnicity and that for this reason, the measures to be taken by Uganda to redress the human rights violations that ethnic minorities face must encompass both their collective land rights, political rights and social and economic rights to redress the imbalance.
9. In addition, the submitting organizations respectfully request that the Committee calls on Uganda to:
 - a) Urgently, ratify the ILO Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries.
 - b) Domesticated all the international conventions aimed at protecting the rights of ethnic minorities into its national laws.
 - c) Comply with the provisions included in the UN Declaration on the Rights of Indigenous Peoples.
 - d) Take all necessary steps to implement the Concluding Observations of the African Commission on Human and Peoples’ Rights on Uganda report.
 - e) Clearly define and recognize ethnic minorities in the country and put in place specific laws and guidelines for ethnic minority protection
 - f) Put in place a quota system on all levels of political participation to enforce affirmative action for ethnic minorities in Uganda including their representation to the Equal Opportunities Commission to ensure equal participation in the decision making processes, especially those that affect them.
 - g) Investigate all kinds of rights abuse of ethnic minorities including sexual abuse and initiate general, individual measures and continuous contacts to remedy such abuses.
 - h) The government should work with ethnic minorities and cultural leaders to find lasting solutions to social problems such as poverty and underdevelopment.
 - i) Address historical injustices meted against ethnic minorities in Uganda and ensure their right to access and occupy their historical sites especially those located in protected areas.
 - j) Take urgent steps to promote peaceful coexistence, and target to eradicate the discrimination and persecution of minorities.

- k) Government should develop inclusive and intercultural educational provisions and curricula, which ensure that all ethnic minority groups have an understanding of their multicultural society.
- l) Government invest in schools and put in place girl-child friendly facilities for all ethnic minority groups to have equal access to education. The education offered to ethnic minority children should be critically analyzed to ensure that it helps them preserve, promote and develop their traditional way of life, practices and languages in a thematic curricula.
- m) Government of Uganda should adopt Institutional networks aiming to promote and develop the cultural heritage of minority groups.
- n) Develop domestic law provided for in international legal instruments to reflect the distinctive cultural practices of ethnic minority groups.
- o) Government should design and implement socio-economic programs among ethnic minorities to accelerate their participation in the development process in their communities.
- p) Government should ensure that women rights among ethnic minorities are protected and prioritized. This should be followed by enough community sensitization.

PART II: Overview of the situation of ethnic minorities in Uganda

10. Since colonial times, Uganda has barely functioned as a single country within a constitutional framework that establishes central and local government. The north and north-east were marginalized and many of today's minority concerns stem from this division.³
11. Within this framework, there has been little respect or protection for minorities, and virtually no process to accommodate those wishing to retain their cultural identity. Core elements of minority rights, such as the right to recognition, language, and to development have all been violated.
12. The usual retrogressive assumption is that minorities are 'temporary' societies destined to disappear as a result of 'modernization'. This leads to attempts to assimilate minorities into the dominant society, an approach that has had a tremendous impact on Ugandan minority groups, including the Bakonzo, Batwa, Ik (Teuso), Karamojong cluster, and Nubians.
13. Because of this approach, the realization of minorities' values and cultural diversity has been ignored, unless a political cost is attached to such neglect. A case in point is that such policies have already led to the extinction of Lusinga, a language formerly used by the Singa of Rusinga Island.
14. It is also notable that no interest has been shown in the existence of ethnic minority people. There is evidence of a gradual decline in the use of certain minority languages and cultural practices among minority groups. Despite Uganda being a party to regional and international instruments relating to the protection and promotion of people's rights, the country has not only failed to ratify and domesticate the ILO Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries (1989) which has inadvertently affected the rights of ethnic minorities. The lack of a framework to implement international Conventions and Declarations for the protection of ethnic minorities hampers the task of harmonizing

³ Ibid at 9.

constitutional rights for ethnic minorities with international standards, and makes enforcement and monitoring of those rights more difficult.

PART III: Violations of the rights of ethnic minorities in Uganda

The legal framework

15. Uganda has not put a framework into place to implement international human rights provisions for the protection of minorities, i.e. those in the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, and the International Labour Organization (ILO) Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries.
16. The lack of a framework to implement the provisions of international Conventions and Declarations for the protection of minorities hampers the task of harmonizing constitutional rights for minorities with international standards, and makes enforcement and monitoring of those rights more difficult. Thus, while the promulgation of the 1995 Constitution was a positive step in the recognition of the rights of minorities in Uganda, the provisions fall short of international standards.

Participation, representation/consultation and non-discrimination

17. As a member of the UN, and as a party to a number of human rights instruments, Uganda is bound by the UN instruments that promote non-discrimination. There is evidence that Uganda has taken steps to effect these provisions. The Ugandan Constitution provides that all persons are equal before and under the law in all spheres of political, economic, social and cultural life, and that no one may be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability⁴. However, the question remains the extent to which the provisions have been implemented as no mechanisms are in place currently to monitor the progressive realization of the said rights.
18. The pluralistic nature of Ugandan society has been the basis of Uganda's post-independence problems, because different groups have discriminated against each other on ethnic and other grounds, failing to achieve national harmony and cooperation, or equal access to resources in society. This has further blocked minority groups efforts to reproduce and develop their own culture and identity. In fact, Minorities do not get the chance to come together and freely express themselves; therefore reducing their bargaining power.
19. Representation of minority groups in local Council and other political leadership roles is not prioritized by the GOU . Therefore, are generally represented by people from other ethnic groups and supposed to silently accept policies made by members of the surrounding communities. This shocking cynicism permeates all discourse about the minorities whether public or private. Very few people understand the need for respect of their rights as human beings.
20. Minority groups political representation is severely limited even those elected are often because of their degree of assimilation and not because of their capacity to fight for the rights of others. In fact there is no person from the stated minority ethnic groups holding a position of political responsibility in Uganda.

⁴ The Republic of Uganda Constitution, Article: 37

21. There has been little done to enhance participation in the formulation of development strategies, policies and projects in general and there is no institutional mechanism for future participation. There are no legal guarantees or remedies giving effect to the internationally recognized rights of ethnic minorities to meaningfully participate in and, in some cases, give or withhold consent to development policies, programmes and initiatives that effect them.
22. In areas where the minorities such as the Benet were forcibly resettled from their traditional homelands there has been continuous marginalization and bureaucratic maladministration. The resettlement process left many without any compensation. For example the resettlement process in Eastern Uganda, the Sabiny dominated the process at the expense of the targeted historical inhabitants. As a further consequence of this marginalization, non-Benet now outnumber the Benet and during elections they take up most of the powerful and influential positions. In all, the Benet feel marginalized.
23. Discrimination against minority groups in Uganda manifests itself in various forms. The Batwa are ostracized by their neighbors; they are shunned as sexual partners⁵ considered underdeveloped, backward and in some respects sub-human and often used as sexual objects under a myth that sleeping with a Mutwa woman heals backache and HIV/AIDS. Discrimination on the basis of sex and gender is rampant and women are more socially and economically deprived.
24. Most minority group's communities remain isolated from the rest due to poverty and mutual distrust that exists between them and the surrounding ethnic groups. They lack access to information and low self-confidence to take advantage of the little/ few opportunities open to them.
25. Discrimination against minority groups is attributable mainly to the failure on the part of the State to recognize and identify ethnic minorities and to adopt policies that are expressly directed affirmative action to address the special needs of these people. Minority groups are not represented on the Equal Opportunities Commission (EOC). This is in addition to the fact that the Commission's Act of 2007 does not have any provisions that expressly address the special needs of minorities.

Access to Education

26. The 1995 Constitution guarantees the right to education under Article 30. Article 34 requires the state and parents to offer basic education to a child. It also accords special protection to orphans and other vulnerable children. To implement these provisions, the government introduced free universal primary education in 1997, with the initial aim of enhancing primary level intake throughout the country and thereby addressing the high levels of illiteracy in Uganda.
27. However, the majority of Uganda's ethnic minorities still suffer an acute lack of access. Virtually most of the schools are near urbanized parts of Uganda where the rural poor ethnic minority groups do not live. In addition there still remains considerable confusion about the language content of education, most schools still teach in English and the teaching of minority languages remain virtually untouched. There is no or little attempt to teach minority pupils about the culture, history or traditions of their own people, or about minority rights. Among the Batwa, they are taught in Rufumbira or Rukiga and not Lutwa.

⁵ International Labour Organization and African Commission on Human & Peoples' Rights, 2009

28. For ethnic or linguistic minorities, education has tended to remain difficult to access because of the tendency to uproot minority children from their traditional ways of life. In fact, most minority parents cannot afford basics such as school uniforms and books.
29. Two examples illustrate the plight of minorities under Uganda's educational system: they have been neglected by colonial and post-colonial governments, making their communities largely undeveloped in relation to neighboring ethnic groups. This is in terms of hospitals, infrastructure and schools.
30. Low enrolment and retention of the girl child in school (early marriages, domestic work, lack of food at school).

Access to Health and Social Services

31. The state of ethnic minorities' health and access to social services is predictably appalling. In many cases, members of ethnic minorities rely on their traditional knowledge of medicinal herbs, though even the transmission of knowledge is seriously threatened by 'modernizing' forces that are often accompanied by serious environmental degradation, loss of biodiversity (including loss of herbs with medicinal value).
32. Members of ethnic minority groups are often not planned for in the public health system. While infant mortality rates are high in Uganda, and life expectancy rates are low, the situation is worse for minorities. For example, among the Batwa women of Kisoro, there are two still births out of every dozen live births (with an infant mortality rate of 17 per cent) and only five out of 10 children reach their first birthday. Further, out of those five children, few reach their fifteenth birthday. These figures are far worse than the national averages, i.e. an 11% infant mortality rate, and an 18% chance of dying before the first birthday.
33. Government should take all necessary measure to ensure that the reproductive health rights of ethnic minority groups are protected, notably by taking affirmative measures to raise social awareness to sexual illnesses and by ensuring access to free, viable and culturally sensitive reproductive health services.

Gender aspects among the ethnic minority groups

34. Women from ethnic minority communities suffer double discrimination as they are frequently excluded from decision making and their gender interests are never accorded priority even in the national policies and programmes. Ethnic minority groups do not consider women in resource ownership and always expect only the men to voice their concerns. This is aggravated by lower levels of literacy and education among women.
35. While a significant level of diversity exists among them, ethnic minority women tend to suffer doubly; are often marginalized and refused access to any property rights or, if they do, they cannot inherit. Many are never included in roles of political leadership, both in ethnic minorities' sociopolitical structures and in structures imposed by the state. Gender division of labor, cultural role attached to each gender, and other specific circumstances do exist.

Social Economic and Cultural Rights

36. The customs and traditions that define life of ethnic minority groups are very important in the livelihood of these peoples. They form an integral part of these peoples and define their culture and identity, which usually differ from that of other communities. It should also be

noted that there is a very close relationship between culture and the socio-economic lifestyles of ethnic minority groups.

37. Under the National Objectives and Directive Principles of State Policy, the Constitution obligates the state to develop and incorporate into Ugandan life, cultural and customary values which are consistent with fundamental rights and freedoms, human dignity, democracy and with the Constitution. In the Bill of Rights, every person is guaranteed the right to belong to, enjoy, practice, profess, maintain and promote any culture, cultural institution, language, tradition, creed or religion in community with others.
38. Culture has been underscored as an indispensable consideration in development initiatives and efforts to move people out of poverty. In addition, cultural and religious rights of all Ugandans are protected under Article 37 of the Constitution. However, in practice this provision for ethnic or linguistic minorities leaves a lot to be desired.
39. Given that most of the ethnic minority groups in Uganda are now increasingly scattered, coupled with derogatory attitudes, this has played a leading role in the denial of their rights. Their traditional way of life was communal, with well-established social support structures that were instrumental to for survival. For example, today the Batwa have to work mostly as casual for nominal wages that are often less than half those paid to non-Batwa.
40. Although Uganda has some of the more progressive policies related to land and poverty alleviation in the region, implementation is still ineffective and the ethnic minorities are not covered in Uganda's development process. Despite the revival of the Ugandan economy since 1986, minority members suffer greater poverty and lack of access to resources such as land, and the prevalence of illiteracy and discrimination. In addition, housing conditions for ethnic minorities are extremely dire and precarious.

PART IV: Recommendations and Conclusions

41. The submitting organizations respectfully request that the council emphasizes in its recommendations to Uganda the fact that ethnic minorities experience multiple forms of discrimination, which are a result of the non-existent legal framework to promote their rights, the lack of political will, the failure by government to design empowerment programmes for members of ethnic minorities and the failure by government to investigate and prosecute those who violate the rights of ethnic minorities.
42. Building on the above, the submitting organizations suggest that the council calls on Uganda to:
 - a. Urgently, ratify the ILO Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries.
 - b. Domesticated all the international conventions aimed at protecting the rights of ethnic minorities into its national laws.
 - c. Comply with the provisions included in the UN Declaration on the Rights of Indigenous Peoples.
 - d. Take all necessary steps to implement the Concluding Observations of the African Commission on Human and Peoples' Rights on Uganda report.
 - e. Clearly define and recognize ethnic minorities in the country and put in place specific laws and guidelines for ethnic minority protection

- f. Introduce a quota system (ring fencing) at all levels of political participation to enforce affirmative action for ethnic minorities in Uganda including their representation to the Equal Opportunities Commission to ensure equal participation in the decision making processes, especially those that negatively affect them.
 - g. Investigate all kinds of ethnic minority rights abuse including sexual abuse and initiate community and individual measures to remedy such abuses.
 - h. Government should work with ethnic minority and cultural leaders to find solutions to social problems such as poverty and underdevelopment.
 - i. Address historical injustices meted against ethnic minorities in Uganda and ensure their right to access to their historical sites especially those located in protected areas.
 - j. Take urgent steps to promote peaceful coexistence, and target to eradicate the discrimination and persecution of minorities.
 - k. Government should develop inclusive and intercultural educational provisions and curricula, which ensure that all ethnic minority groups have an understanding of their multi-cultural society. Government should construct more schools and put in place girl-child friendly facilities in schools for such communities in order for all ethnic minority groups to have equal access to education.
 - l. The education offered to ethnic minority children should be critically analyzed to ensure that it helps them preserve, promote and develop their traditional way of life, practices and languages in a thematic curriculum.
Government should adopt Institutional networks aiming to promote and develop the cultural heritage of minority groups.
 - m. Develop domestic law provided for in international legal instruments to reflect the distinctive cultural practices of ethnic minority groups.
 - n. Government should design and implement socio-economic programs among ethnic minorities to accelerate their participation in the development process in their communities.
 - o. Government should ensure that women rights among ethnic minorities are protected and prioritized. This should be followed by wide community sensitization.
43. **In conclusion**, ethnic minorities in Uganda, largely remain unrecognized. It is clear that the Ugandan Constitutional and other legal provisions have a long way to go on ethnic minority issues including gender, access to equal opportunities such as social services, land among other rights. Uganda needs to put in place legislative, administrative as well as practical remedies to address the plight of ethnic minorities in Uganda. The submitting organizations' prayer is that the council encourages Uganda to put in place practical mechanisms to addressing the challenges highlighted above in a consultative manner with all stakeholders working with ethnic minorities in the country.