

# **Learning Workshop on Women, Land and Housing Rights: Assessing the impacts of dispossession**



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***Fairway Hotel and Spa, Kampala, Uganda***

***Report compiled by: SSA: UHSNET***

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## Day 1, Session 1: Introduction and Background

Shelter and Settlements Alternatives: Uganda Human Settlement Network (SSA: UHSNET) is a national network organization that brings together diverse stakeholders in the human settlements sector to more effectively address issues and challenges affecting human settlements in Uganda.

SSA: UHSNET vision is a nation with accessible, decent and affordable human settlements for all. Our mission is to promote growth of human settlement sector through policy engagement, access to housing, basic service delivery and environmental conservation that benefits poor women, men and youth in Uganda. To achieve its vision and mission, the network operates in key priority areas: Research; networking, lobbying & advocacy; community mobilization & empowerment and sustainability.

Guided by this long-term goal of contributing to improved human settlements conditions in Uganda, SSA:UHSNET partnered with Housing and Land Rights Network of the Habitat International Coalition (HIC-HLRN) to implement a project titled: **"Assessing Impacts of Women's Dispossession from Land and Home."**

Housing and Land Rights Network (HLRN) is a thematic structure composed of Habitat International Coalition (HIC) Members and allied nongovernmental organizations advocating the recognition, defence and the full and progressive realization of everyone's human right to adequate housing everywhere to a secure place to live in peace and dignity by:

- Defending the human rights of the homeless, landless and inadequately housed in rural and urban areas;
- Promoting public awareness about human rights-based approaches to solving human-settlement problems and needs globally;
- Advocating the full human rights of indigenous peoples, non-self-governing and occupied peoples and displaced communities, in particular their human rights to adequate housing and land;
- Demanding legal protection of the human right to housing as a first step to support communities pursuing housing solutions, including via social production and other practical and non-market-based means to realize their human right to adequate housing;
- Cooperating with UN human rights bodies and forums to uphold, monitor and further develop norms and standards of the human right to adequate housing, as well as clarify states' obligations to respect, protect and fulfil that human right;
- Conducting human rights-based policy analysis and reform in accordance with the obligations of states under international law, in particular, human rights;
- Providing a common platform (in association with HIC) for Members and communities across the Network to formulate and share human rights-based problem-solving strategies with social

movements and progressive NGOs in the fields of human settlements and sustainable development;

- Educating about, and training in human rights with a focus on the experience of victims and their entitlement to remedy and reparations in accordance with international law; and
- Advocating on their behalf in regional and international forums.

HIC-HLRN Members include NGOs, CBOs, social movements, academic and research centres, professional associations and like-minded individuals (Friends of HIC) from over 120 countries in both North and South. Those partners have gathered four areas of human settlements competence: (1) production of housing, especially the social production of habitat; (2) women's participation and gender equality; (3) sustainable environment and (4) human rights.



Figure 1: HLRN Coordinator Joseph Schechla introducing the workshop objectives.

HIC Members and thematic structures share objectives that bind and shape their commitment to communities struggling to secure adequate housing and improve their habitat conditions in reciprocal cooperation toward realizing social justice in the human habitat.

It's against this background that SSA: UHSNET partnered with HIC-HLRN to conduct a three-day workshop, the first of two that will be conducted in Uganda to support theoretical and practical specialization of representatives of social movements and civil society organizations working on women's rights, housing rights and land-related rights, lawyers, experts and local leaders on training in women's human rights dimensions of housing and land and on the local application of the Violation Impact Assessment (VIA) tool.

Using the VIA tool enables a thorough assessment of values at stake preceding, during and after evictions, including resettlement. Moreover, the versatility of this impact-assessment method has seen HLRN and local partners apply it in six countries in Africa and Asia. These include such diverse contexts as slum removal, megaprojects, corrupt land governance and armed conflict. These applications also have pursued multiple objectives, ranging from policy reform, adjudication, reparations and transitional justice processes.

Part of the workshop included experiences of how the partners in Kenya (Mazingira Institute and Pamoja Trust) joined forces with human rights lawyers to apply the Violation Impact-Assessment Tool to an urban eviction and resettlement case that has led to an adjudicated outcome that provides reality-based reparations.



The workshop convened 30 participants from the human settlements sector in Uganda who were strategically selected based on their expertise in different fields with an objective of supporting theoretical and practical specialization of representatives of social movements and civil society organizations working on women's rights, housing rights and land-related rights, lawyers, experts and local leaders on training in women's human rights dimensions of housing and land and on the local application of the Violation Impact Assessment (VIA) tool.

**Dorothy Baziwe**, SSA: UHSNET's executive director, welcomed the participants and the HIC-HLRN team to Uganda. **Joseph Schechla**, coordinator of HLRN, introduced the workshop program and objectives, promising to provide analytical tools that will enable more-effective civil society interventions to resolve human settlement problems in Uganda, combining both international norms and their local application.

The first day of training introduced the gender equality approach to human rights, particularly, housing and land-related rights, provided an overview to human rights legislative framework and protection mechanisms at the international, regional and national spheres, and, introduced the theory and practice of the human rights concept of effective remedy.

## **Day 1, Session 2: Contextualizing the Question of Land and Housing in Uganda**

Dave Khayangayanga, the Ag. Commissioner for Human Settlements in the Ministry of Lands, Housing and Urban Development, introduced the land and housing rights situation in Uganda, highlighting the legal framework, housing rights, adequate housing, and challenges of housing delivery and government interventions.

### **Women's Rights to Land in Uganda**

It was noted that land naturally forms a fundamentally important livelihood resource in Uganda, and is the basis of income, sustenance and identity for the majority of Ugandans. Uganda has a multi-faceted framework for land governance and women's rights to land, represented by the following main normative instruments:

- The Land Act 1998 defines customary tenure rights and lays out a process for registration and administration of customary rights. With an estimated 80% of all land in Uganda held under customary tenure, customary rules for land governance play a major role in determining women's land and housing rights. Ugandan statutory law recognizes customary ownership of land and women's rights to land. These principles were included in the 1995 Constitution and the 1998 Land Act. The Constitution also prohibits customs that are biased against women. However, the existing laws do not effectively protect women's land rights.
- With the 1995 Constitution and the post-1995 law reforms, efforts have endeavoured to address the problem of legal security of tenure within the context of access to and control over land. The Constitution enshrines the right to private property and implicitly recognizes women's equal right to access to land and housing.

- Section 38A of the Land (Amendment) Act 2004 provides for a spouse's security of occupancy on family land, and section 39 requires spousal consent prior to entering into any land transaction concerning land that the spouse resides on and uses for sustenance, including housing. The Act also requires land management bodies and institutions to have female representation.
- The National Land Policy, approved by the Ugandan government in 2013, recognizes the gap between women's land rights in law and in practice and directs the government to pass legislation to "protect the right to inheritance and ownership of land for women and children," and to ensure equal land rights for men and women in marriage. It calls for an overhaul of the Succession Act and revisions to the Land Act, and for the restoration of powers of land administration to traditional leaders, provided they are sensitive to the rights of vulnerable groups.

### **The Universal Human Right to Adequate Housing in Uganda**

The presentation introduced the multiple international, regional and national legislative frameworks related to the human right to adequate housing that apply to Uganda is committed to through ratification (or accession after it comes into force internationally), or by being a signatory. These include:

- Internationally, the Universal Declaration of Human Rights of 1948 is the first customary law to recognize adequate housing as a human right (Article 25), and the International Covenant on Economic, Social and Cultural Rights of 1966 (Article 11) guarantees that right for all as an obligation of state parties, including Uganda, since its ratification of the Covenant in 1987. Also political commitments are found in Agenda 21 of 1992, the Istanbul Declaration and Habitat Agenda of 1996, and its successor New Urban Agenda (NUA) of 2016. The Sustainable Development Goals (SDGs) contain further commitments "to ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums," while emphasizing the responsibilities of all states "to respect, protect and promote human rights."
- Nationally, the Constitution of the Republic of Uganda, 1995, under the General Social and Economic Objectives, also obliges the state to fulfil the fundamental rights of all Ugandans to social justice, economic development, enjoying rights and opportunities and access to clean and safe water, health and decent shelter, among others.

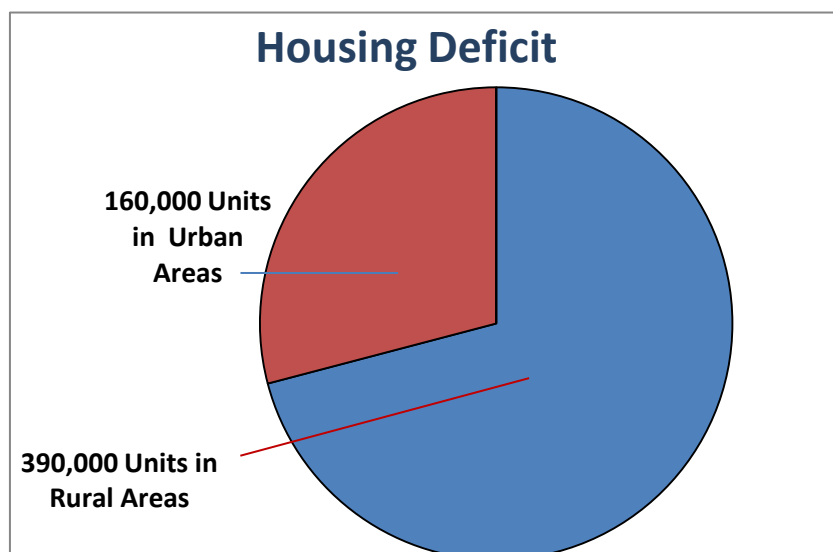
### **The Challenges in the Delivery of Housing in Uganda**

Despite the guidance of the various legal and policy frameworks, it was noted that some challenges persist in Uganda:

- The trend of rapid urbanization, coupled with rapid population growth, has led to growth in the number of slums, slum dwellers, and informal settlements.
- High levels of poverty affect spending for basic necessities, including housing.

- The limited supply of low-cost housing leads to overcrowding, inadequate shelter, homelessness and their consequences.
- Unemployment, informal employment, low incomes and poverty create supply and demand challenges to the provision of affordable housing and housing finance.
- Mortgage markets are weak and the interest rates are very high (see graph below showing Uganda's housing deficit).
- Citing UN Habitat recommendations of a maximum of two persons per room of 12 feet x 12 feet (3.5 m x 3.5 m), 69.7% of all urban households in Uganda live in overcrowded housing with an average household size of 4.2 persons living in dwellings with an average unit size of 1.6 rooms.

**Figure 2: Pie chart indicating the proportions of Uganda's urban and rural housing deficit.**



### Government Interventions toward Realizing the Human Right to Housing

In Uganda, Government interventions in housing are based on the principle of enablement. The private sector is the lead player. Government provides strategic infrastructure such as roads, drainage, water and electricity, etc. However, some initiatives by government were noted:

- Distribution of free pro-type house plans (architectural plans)
- Dissemination of information regarding condominium laws on the nature of separate ownership of individual units in a multiple-unit building and areas designated for common ownership by the owners of those units.
- Revival of housing cooperatives for low-income communities.



**Figure 3: Condominium developments in Uganda**

- Extension of electricity under the rural electrification scheme, which is highly subsidized and meant to help create jobs and improve quality of life.
- Development of the Landlord and Tenants Bill to harmonize the relationship between renters and landlords.
- Increased mortgage facilities in partnership with financial institutions to increase the mortgage facilities in the country.
- Continued dissemination of the physical planning standards and guidelines countrywide.
- Increased partnership with real estate developers.
- Continued dissemination of the simplified National Housing Policy across the country.
- Continued issuance of land titles, Certificates of Customary Ownership and Certificates of Occupancy as a way of protecting and securing housing and land rights of citizens.
- Continued operationalization of the Land Information System (LIS) in various Ministerial Zonal Offices, and planning for New Zonal offices to be rolled out to take services closer to people.

From the presentation, affordability was highlighted as the main issue affecting access to decent housing and a significant barrier to realizing women's land rights. In addition, current marriage laws do not spell out the property rights of married men and women clearly. Common law, carried over from the British system, provides some guidance for marital property in Uganda, but lacuna remain in the existing law relating to marital property. In the absence of clear legislation defining women's property rights, courts continue to apply outdated laws that impede women's rights.

## **Day 1, Session 3: Gender Equality and Women's Rights Approach to Housing and Land**

A presentation by **Rebecca Rukundo** from Action for Development (ACFOD) presented the gender-equality and women's-rights approach to housing and land, focusing mainly on what ACFODE has done to ensure gender equality. That gave an empirical perspective on operating within the legislative framework in Uganda and the practical challenges women face in accessing, owning and controlling land, notably that:

- The negative and patriarchal traditions and practices in communities limit women's ownership, control and access to land.



**Figure 4: Women engaged in VSLAS for economic empowerment project.**



- Limited knowledge of the legal framework relating to land is an impediment.
- Ineffective institutions are at providing adequate services to address women's land and property needs.
- Women of Uganda constitute 76% of agriculture labour force, compared to 65% of men.
- Only 16% of Ugandan women own land in their own right.



Figure 5: Women in agriculture

Rebecca highlighted some of the strategies to promote women's land rights, including community mobilization, promoting positive power relations between couples, economically empowering of women and girls through Village Savings and Loans Associations (VSLAS), awareness creation through the media and theatre, policy advocacy, and the "model couple" approach to promote gender equality among others.

## Day 1, Session 4: International Human Rights Legislative Framework and Protection Mechanisms

The session led by **Joseph Schechla** and **Heather Elaydi**, from HIC-HLRN provided basic information about the international legislative framework of human rights and protection mechanisms concerning gender equality, women, non-discrimination and economic, social and cultural rights, particularly rights to adequate housing, land and property.

### Human Rights Habitat Observatory (HRHO)

In implementing, monitoring and evaluating SDGs and NUA, HRHO is an approach that develops and applies methodologies combines and harmonizes global development policy *commitments* with prior states individual, collective, domestic and extraterritorial human rights *obligations* under treaty.

### Commitments & Obligations !



The implementation of the methodology involves customizing the method for each state under review by citing the treaty obligations corresponding to each SDG, with its accompanying targets and indicators. (For the HRHO, these include SDGs 2, 5, 11, 13, 15 and 17.) The inventory of relevant General Comments/Recommendations and concluding observations from periodic reviews by treaty-bodies, and

Universal Periodic Reviews (UPRs) of states before the UN Human Rights Council also provide standard references for use under the HRHO. These sources and standards often inform the indicators used to monitor progress toward the SDGs and their targets and produce an integrated review that ensures that states *obligations* logically lead the review of lower-level commitments. Emphasis was put on aspects of commitment and obligations where participants were tasked to explain the difference.

Participants found that an obligation to be something legally binding. A social, legal, or moral requirement such as a duty or contract that compels one to follow or avoid a particular course of action. Commitments were seen as a stated intention. Government needs to harmonize both, since what is done to respect, protect and fulfil human rights is its obligation, while commitments are often political promises that come and go.

## State Obligations

The responsibility of national governments to uphold and implement international human rights standards is not in doubt. International human rights law is a subset of public international law, and as such, it engages the commitment of nation states.

The applicability of international human rights treaties to ratifying states is not controversial and there is no ambiguity about the general principle that governments are accountable for applying human rights standards. Within a universal and global human rights framework, individual human beings are the named **rights holders** and the state—represented by its spheres of government—is considered the principal **duty bearer**. But what are the distinguishing features of a human rights treaty obligation?

It was noted that obligations:

- Have **legal effect** + are *binding* nature
- Are **self-imposed** by states on states
- Involve **regular reporting against performance criteria and indicators**
- Specify **what to do** - Implementation formula: Respect / Protect / Fulfil (promote, facilitate, assist)
- Specify **how to do it** - Over-riding implementation principles: **Self-determination, Non-discrimination, Gender equality, Rule of law, Maximum of available resources, Continuous improvement, International cooperation and assistance**
- Apply to **all spheres of government and organs of the state**
- Require states to **regulate non-state actors**
- Have simultaneous **individual, collective, domestic and extraterritorial** dimensions

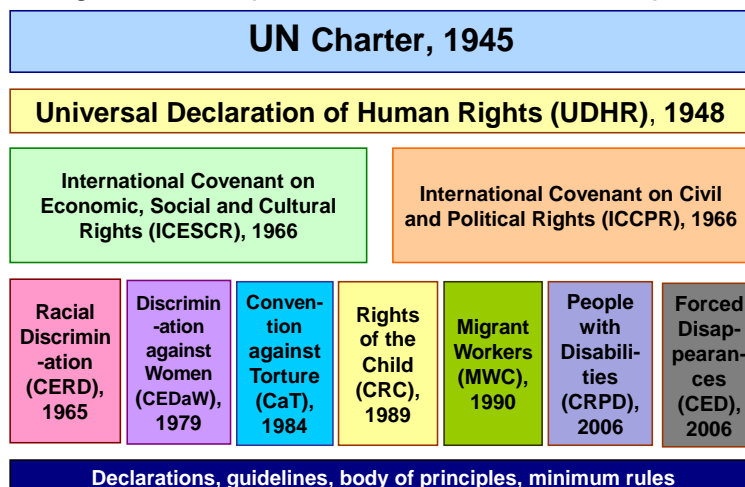


Figure 6: The development of human rights sources and standards, from general to specific, theoretical to practical.

The UN Charter of 1945 mentions human rights, but does not specify what they are. The Universal Declaration of Human Rights (UDHR) 1948 specifies the human rights, but did not impose obligations on the duty holders (states).

The International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) of 1966 grounded the process of imposing human rights obligations by states on states. Both Covenants left out property rights (in UDHR Article 17) and artificially separated categories of rights for political and ideological reasons at the time, the height of the Cold War. However, when it comes to application in context, those rights are put back together, as reflected in the subsequent Conventions. Participants were reminded that the chart showed the evolution of state obligations. The declaratory instruments (a declaration, guidelines, a body of principles, minimum rules, etc.) are not binding.

The facilitator highlighted other sources of law that are commonly referred to as “soft law” or “declaratory law” (e.g., declarations in general, guidelines, bodies of principles, minimum rules, etc.). Included in this category are the NUA and SDGs, among other global policies. It was noted that all these instruments are not binding, but often reflect obligations and provide needed details to guide states toward fulfilment of their obligations under international law.

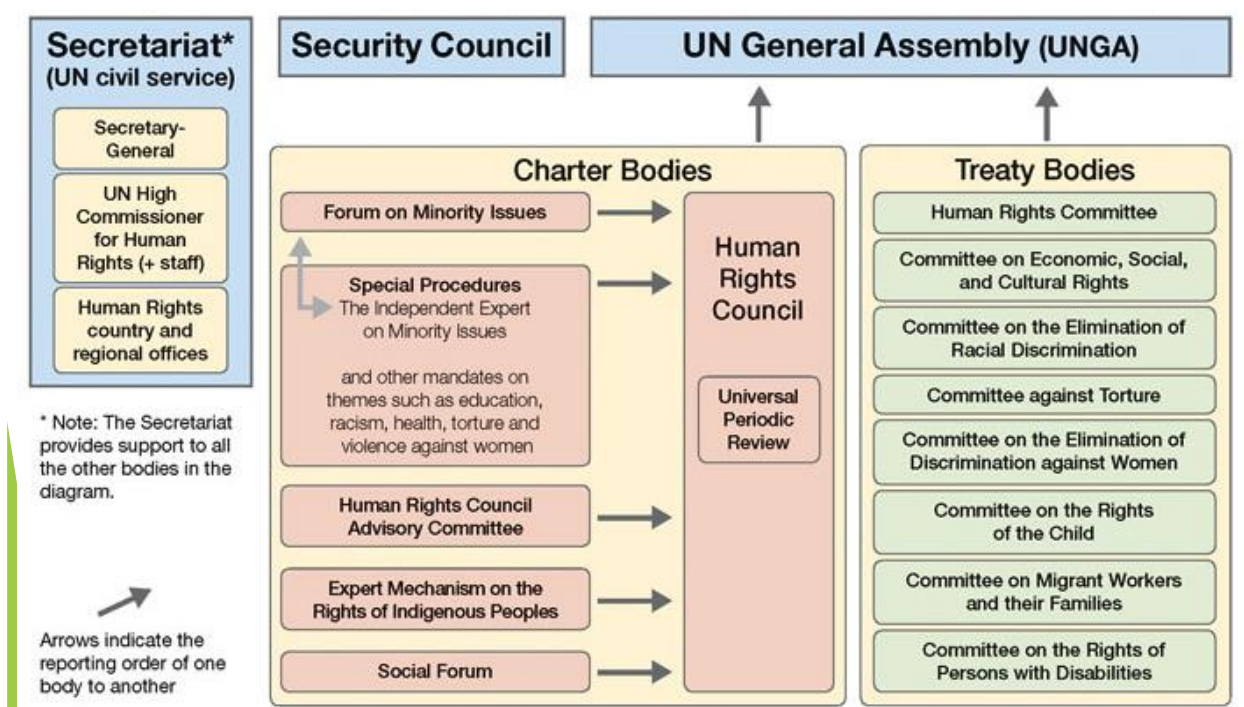


Figure 7: Organogram of the United Nations Human Rights System

The UN Human Rights System also maintains mechanisms to make sure that states actually respect, protect and fulfil human rights. Each human rights treaty has a committee mandated with two types of authority: (1) to monitor state performance and come up with conclusions and recommendations, and (2) to interpret the treaty to clarify understanding of, and measures necessary for a state to uphold its obligations.

#### Legal Specificity: Committee on Economic, Social and Cultural Rights (CESCR)

Article 11 of ICESCR guarantees “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.” Because this passage is rather general in nature, it is not sufficient to guide states in either the content and legal definition of “adequate housing,” nor does it specify what states are obliged to do in order to respect, protect and fulfil that human right. Therefore, the ICESCR monitoring body, the Committee on Economic, Social and Cultural Rights (CESCR) has applied its interpretive authority to provide the needed legal specificity. CESCR has issued 24 General Comments to date. Participants were informed about the ones that are especially relevant to the human-settlements sector and women’s human rights in that context:

- [General Comment No. 4](#) explains the human right to adequate housing and defines adequacy of housing, since the Covenant does not provide that specificity.
- [General Comment No. 7](#) on the right to adequate housing and the prohibition against forced evictions also sets out the criteria for what constitute a lawful eviction (see below).



- [General Comment No. 16](#) on equal rights of men and women to all social economic and cultural rights applies the over-riding implementation principle of gender equality to the human rights enshrined in the Covenant.
- [General Comment No. 21](#) on non-discrimination also applies an over-riding treaty-implementation principle to explain what is required for states to fulfil their obligations.
- [General Comment No. 22](#) on the right to sexual and reproductive health especially focuses on particular needs of women.

The presentation specified the aspects of adequate housing as defined in international law, as provided in CESCR's General Comment No. 4:

- **Legal security of tenure.** Provides a degree of security against forced eviction, harassment or other threats.
- **Availability of services, materials, facilities and infrastructure.** Ensures the health, hygiene, security and comfort of its occupants through the well-managed and equitably distributed of utilities for energy and sanitation, as well as environmental goods such as water and land.
- **Affordability.** Housing is affordable when the associated financial costs are at a level that does not threaten other basic needs and human rights.
- **Habitability.** Provides adequate space, physical security, shelter from weather, and protection from threats to health.
- **Accessibility.** Adequate housing also means accommodation that it physically accessible to all.
- **Location.** Permit access to employment opportunities, health care, schools, child care and other social facilities.
- **Cultural adequacy.** The way housing is built, the materials used, the level of privacy, space for domestic activities and the policies supporting these must facilitate cultural expression and housing diversity.

Members were informed that the Committee is developing two drafts for new General Comments, including one on the economic, social and cultural human rights related to land, and one on sustainable development and what it means for state parties to implementing the Covenant.

## Plenary

Participants raised concerns about some countries, especially developed countries such as the United States of America, are not willing to recognize the human right to adequate housing for fear of being taken to



Figure 8: Participants reacting during the plenary discussion

court by their citizens. However, participants heard that this often-stated USA position arises from a lack of clear understanding of what the human right to adequate housing means, and what the obligations of the state are toward realizing this right. Participants were assured that this USA position was exceptional among developed countries.

Participants raised concerns also that, while adequate housing is a basic human right, it is not a basic service right in Uganda, and local assumptions persist that housing is a process left for the private sector and individuals to undertake.

Participants raised a concern about domestication and enforcement of international law in Uganda. Regarding the right to adequate housing, treaties are not perceived as conferring rights on an individual until they are ratified and domesticated through a parliamentary process, which is also not enough. As a way forward, it was recommended that the state enact a substantive law on housing so that the human right is also enforceable in the courts. However, political will is still needed since the state ratified the ICESCR treaty.

Participants inquired if they needed a law to be domesticated before they could claim their rights. The discussion then focused on cases whereby Courts can find solutions based on international laws, including practical examples in other countries, as in Kenya, and where the International Bill of Rights (composed of UDHR, ICESCR and ICCP) has been contextualized in most constitutions. Therefore, the rights are recognized and the constitution could be a basis to seek redress.

Participants also identified the need for a General Comment on climate change, since it affects housing. It was learnt that states *obligations* with respect to climate change and the human right to a healthy and safe environment are not enshrined in ICESCR. However, related *commitments* are found in policy declarations such as the World Summit on Sustainable Development (WSSD), and United Nations Conference on Environment and Development (UNCED). It was noted that it is legally possible to apply an obligation on states only under the Paris Agreement, whose state parties have yet to specify the means of monitoring and enforcement of corresponding Nationally Determined Contributions.

It was concluded that we need to enact better laws and, at policy level. Some recognition of the definition of adequate housing as defined in General Comment No. 4 is incorporated into the National Housing Policy. However, for adequate housing to be recognized domestically as an obligation of the state, a shift is still needed from the approach to housing as just a property and subject of private-sector interest, but as a human right that would compel the state to engage in its realization and not rely so heavily on only the private sector.

**Adequate Housing** CESCR General Comment No. 4: “The right to adequate housing,” para. 8) spells out the legal criteria to define adequate housing.

**Forced Evictions** constitute “gross violations” of a range of internationally recognized human rights, including the human rights to adequate housing, food, water, health, education, decent

work, security of the person, freedom from cruel, inhuman and degrading treatment, and freedom of movement (UN Commission on Human Rights resolutions 1993/77 and 2004/28).

Forced eviction is clearly defined under General Comment No. 7 as “the permanent or temporary removal against the will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of and access to appropriate forms of legal or other protection.”

“The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights” (para. 3). The definition allows evictions that are compliant with the law and with the Covenant.

**Criteria of lawful eviction involve a change of habitual process that ensures all of the following requisite conditions:**

- a. An opportunity for genuine consultation with those affected;
- b. Adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- c. Information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- d. Especially where groups of people are involved, government officials or their representatives to be present during an eviction;
- e. All persons carrying out the eviction to be properly identified;
- f. Evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies;
- g. Provision, where possible, of legal aid to persons who are in need of it to seek redress;
- h. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights.

Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available (GC7, para. 15–16).

### **Uganda under CESCER Review**

Within two years of ratifying ICESCR in 1987, Uganda was required to submit its initial report to CESCER, followed by periodic reports every five years. It was actually 36 years after ratification when Uganda submitted its first report in 2013. Following a dialogue with the state delegations

at Geneva in 2015, the Committee issued its Concluding Observations and recommendations, which included the following:

### **Land Rights**

"12. The Committee is concerned that many persons remain without a formal ownership title over their house and land, and about the persistence of land disputes exacerbated by overlapping claims and rights over land. The Committee is also concerned at the delays in amending the 1998 Land Act, with a view to protecting in particular the rights of access to and ownership of land by women, pastoralists and customary landowners, including communities. The Committee is further concerned about the inadequate implementation of the Land Policy (art. 1).

*The Committee recommends that the State party harmonize its legal framework governing land rights and that all land-related laws, notably the Land Act and the Forest Act, also be amended in the light of the 2013 Land Policy, which provides additional protection to customary landowners and to indigenous peoples' right to land. The State party should further take measures to implement the Policy effectively, including through allocation of the necessary resources. [...]"*

### **Extraction Activities**

"14. The Committee is concerned about increasing incidents of land grabbing in the State party owing to extraction activities. The Committee is concerned that oil and gas extraction as well as mining activities are carried out without prior and meaningful consultation with communities whose lands lie beneath these projects. It is also concerned about the disproportionate effect land grabbing has on women and customary landowners (art. 1).

*The Committee recommends that the State party strengthen the legal framework governing extraction and mining activities. It urges the State party always to enter into prior and meaningful consultations with the communities concerned before granting concessions for the economic exploitation of the lands, and fulfil the obligation to obtain their free, prior and informed consent, including and in particular that of women and customary landowners. The Committee also recommends that the State party guarantee that in no case will such exploitation violate the rights recognized in the Covenant and that just and fair compensation be granted to the communities concerned. [...]"*

### **Forced Evictions**

"30. The Committee is concerned about repeated cases of forced evictions of communities as well as lack of compensation to those communities or provision of alternative housing ... The Committee is also concerned about the absence of information on the extent of homelessness in the State party (art. 11).

*Taking into account its General Comment No. 7 (1997) on the right to adequate housing: forced evictions, the Committee urges the State party to:*



- (a) Refrain from forcibly evicting individuals and expropriating land, including in the context of development projects. It recalls that in cases where eviction or relocation is considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law;*
- (b) Consider developing a legal framework on forced evictions that includes provisions on effective and meaningful consultation, adequate legal remedies and compensation;*
- (c) Include disaggregated data in its next periodic report on the extent of homelessness in the State party and measures taken to address it."*

### **Equality between men and women**

18. The Committee is concerned about the existence of sex-based discriminatory provisions in the State party's legislation, including the Succession Act, the Divorce Act and the Marriage Code. It is also concerned about the long delay in adoption of the Marriage and Divorce Bill. Furthermore, the Committee is concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in all spheres of life, which prevents women from owning lands, contributes to the limited political participation of women and deepens occupational sex segregation and the concentration of women in low-paid sectors (art. 3).

*Recalling its General Comment No. 16 on the equal right of men and women to the enjoyment of all economic, social and cultural rights, the Committee recommends that the State party:*

- (a) Step up its efforts to achieve legislative reform, and to this end abolish, as a matter of priority, all the remaining discriminatory provisions against women in its national laws;*
- (b) Intensify its efforts to adopt the Marriage and Divorce Bill without further delay, and raise awareness among the judiciary, prosecutors, the police and the general public about the provisions of these laws once they are adopted to ensure their full implementation;*
- (c) Take effective measures, including through implementation of the National Gender Policy, to eliminate traditional practices and stereotypes that discriminate against women and raise awareness of this subject, targeting women and men at all levels of society, including traditional and religious leaders, in collaboration with civil society.*

### **Legal Specificity: Committee on the Elimination of Discrimination against Women (CEDaW)**

The International Convention on the Elimination of All Forms of Discrimination against Women (CEDaW), with Uganda acceding in 1985, applies the human rights enshrined in the two Covenants in application to women. The following articles are especially relevant to housing:

#### **CEDaW, Article 13**

"States Parties shall take all appropriate measures to **eliminate discrimination against women** in other areas of **economic and social life** in order to ensure, on a basis of equality of men and women, the same rights..." [*emphasis added*].

## **CEDaW, Article 14**

"States Parties shall take **all appropriate measures** to eliminate discrimination against **women in rural areas** in order to ensure, on a basis of equality of men and women that they **participate in and benefit from rural development** and, in particular, shall ensure to such women" [*emphasis added*] the rights to:

- Participation
- Health
- Information
- Family planning
- Social security
- Training and education
- Right to organize
- Access agricultural credit and loans
- Equal treatment in land and agrarian reform, as well as in land resettlement schemes
- Adequate living conditions
- Water and sanitation, transport and communications

The CEDaW monitoring body, the Committee on the Elimination of Discrimination against Women (CEDaW) also has issued its General Recommendations on what state parties are supposed to do to meet their obligations under the treaty.

CEDaW General Recommendation No. 34 (2016) on the rights of rural women is declaratory law that interprets the obligations of states to respect, protect and fulfil rural women's human rights. States should take the following measures:

- **Implement** substantive equality in relation to land and **temporary special measures**, comprehensive strategy to achieve equal access to natural resources, and address discriminatory stereotypes, attitudes and practices that impede their rights to land and natural resources (para. 57);
- Ensure that **customary systems** do not discriminate (58);
- **Raise awareness** about rural women's rights to land, water and other natural resources among all relevant actors (58);
- **Ensure that legislation guarantees rural women's equal rights to land** and other natural resources, irrespective of civil and marital status or guardian or guarantor arrangements, and that they have full legal capacity (59);
- Promote rural women's access to and **meaningful participation in agricultural cooperatives** (59a);
- **Enhance rural women's knowledge and role in fisheries and aquaculture**, and **promote their access to forests and sustainable forest resources**, including safe access to fuel wood and non-wood forest resources (59b);
- **Strengthen customary and statutory institutions and mechanisms for defending or protecting women's rights to land** and other natural resources, including community paralegal services (59c);

- **Implement agricultural policies that support rural women farmers**, recognize and protect the natural commons, promote organic farming and protect rural women from harmful pesticides and fertilizers and their effective access to agricultural resources (62);...
- **Ensure that land acquisitions, including land-lease contracts, do not violate the rights of rural women or result in forced eviction**, and protect rural women from the negative impacts of the acquisition of land by national and transnational companies, development projects, extractive industries and megaprojects; (62c);
- **Obtain rural women's free and informed consent** before any acquisitions or project affecting rural lands or territories and resources, and, when such land acquisitions do occur, they align with international standards, including adequately compensation (62d);
- **Adopt and effectively implement laws and policies that limit the quantity and quality of rural land offered for sale or lease to third States or companies** (62e).

### Review of Uganda under CEDaW

Uganda has been slow also in presenting its periodic reports to CEDaW. The state's third periodic review took place in 2002, and the CEDaW Committee considered the combined fourth to seventh report of Uganda in October 2010, with a follow-up review of progress in applying the 2010 Concluding Observations in 2018. The 2010 observations and recommendations included the following:

#### **Visibility of the Convention**

The Committee remains concerned that there is inadequate knowledge of the rights of women under the Convention, its concept of substantive gender equality and the Committee's general recommendations, in society in general, including among all branches of the Government and the judiciary. It is further concerned that women themselves, especially those in rural and remote areas, are not aware of their rights under the Convention and thus lack the capacity to claim them.

*The Committee urges the State party to take all appropriate measures to ensure that the Convention is sufficiently known and applied by all branches of Government and the judiciary as a framework for all laws, court decisions and policies on gender equality and the advancement of women. The Committee recommends that the Convention and related domestic legislation be made an integral part of the legal education and training of judges and magistrates, lawyers and prosecutors, particularly those working in the local council courts, so that a legal culture supportive of women's equality with men and non-discrimination on the basis of sex is firmly established in the country. It urges the State party to enhance women's awareness of their rights and the means to enforce them through, inter alia, legal literacy programmes and to ensure that information on the Convention is provided to women in all parts of the country through the use of all appropriate means, such as the media.*

### **Economic empowerment of women**

...the Committee expresses its concern at the fact that 31 percent of the Ugandan population still lives below the poverty line, the majority of whom are women. The Committee is also concerned that female-headed households are more disproportionately represented among the chronically poor and households moving into poverty. The Committee is further concerned that, according to research studies, women experience severe constraints, including limited access to the key factors of production, such as land, capital and micro finance facilities, as well as several legal and administrative obstacles that constrain their level of entrepreneurship.

*The Committee urges the State Party to continue to intensify the implementation of gender-sensitive poverty reduction and development programmes in rural and urban areas and to pay particular attention to the Batwa women in the development of such programmes. The Committee also reiterates its recommendation that the State party continue to develop targeted policies and support services for women aimed at alleviating and reducing poverty.*

### **Rural women**

The Committee reiterates its concern at the disadvantaged position of women in rural and remote areas who form the majority of women in Uganda, which is characterized by poverty, illiteracy, difficulties in access to health and social services and a lack of participation in decision-making processes at the community level. The Committee also reiterates its concern that customs and traditional practices, prevalent in rural areas, prevent women from inheriting or acquiring ownership of land and other property.

*The Committee calls upon the State party to take the necessary measures to increase and strengthen the participation of women in designing and implementing local development plans, and to pay special attention to the needs of rural women, in particular women heads of household, by ensuring that they participate in decision making processes and have improved access to health, education, clean water and sanitation services, fertile land and income-generation projects. The Committee also urges the State party to eliminate all forms of discrimination with respect to the ownership, co-sharing and inheritance of land. It further urges the introduction of measures to address negative customs and traditional practices, especially in rural areas, which affect full enjoyment of the right to property by women.*

### **Marriage and family relations**

The Committee is concerned about the multiple marriage regimes that apply in the State party. While noting that the Constitutional Court has declared some aspects of current legislation on divorce as unconstitutional for discriminating against women, as well as noting the existence of the Marriage and Divorce Bill and the Muslim Personal Law Bill, the Committee expresses its concern that these Bills have not yet been enacted into law and that gaps exist in the laws on marriage, property rights, inheritance, divorce and the family in general [...].



*The Committee urges the State party to harmonize civil, religious and customary law with article 16 of the Convention and to complete its law reform in the area of marriage and family relations in order to bring its legislative framework into compliance with articles 15 and 16 of the Convention, within a specific time frame. To this end, the Committee calls upon the State party to review and amend, as necessary, the current version of the Marriage and Divorce Bill as well as the Muslim Personal Law Bill to ensure that these do not discriminate against women. [...]*

In 2010, the Committee had asked Uganda to submit responses to its 2010 Concluding Observations within two years (2012) and invited the State party to submit its eighth periodic report in October 2014. However, after issuing two reminders (2013 and 2014), CEDaW monitored Uganda's performance of the treaty and progress at implementing CEDaW's 2010 recommendations in a follow-up review of 2018, based on written information from the state submitted in 2015. In 2018, the Committee observed that the Marriage and Divorce Bill (2009) was still before Parliament, but noted that the government remained committed to complete the review process as soon as the Bill is rescheduled for debate and enactment by Parliament.<sup>1</sup> With the exception of a recommendations to "Expediently enact the Marriage and Divorce Bill" and "Raise the awareness of legislators about the need to give priority attention to legal reforms in order to achieve de jure equality for women,"<sup>2</sup> the follow-up did not address the other issues of economic empowerment and rural women.

Participants were urged to keep the CEDaW comments and recommendations in mind for future advocacy and hold the state accountable.

## **Plenary**

Participants observed that, whether Uganda was delinquent for more than five years or more in the last round of reporting back to CEDaW, nothing much had changed based on the previous findings. However, they noted that most of the relevant interventions by Uganda have been in changing of the legal framework, however, not taking into consideration the traditional cultural contexts in which Ugandan societies live, which have evolved for many years. Therefore, passing laws may not create serious impact in addressing the weakness. Practices continue in clandestine manner, making it worse. Therefore, it is never enough to just have a law.

Participants pointed out the backlog of amendments in the courts of law that has delayed the process of addressing the CEDaW recommendations.

Participants commented that it is difficult to separate culture and religion in Uganda, which the proponents of the marriage and divorce bill did not take into consideration.

<sup>1</sup> Concluding observations on the seventh periodic report of Uganda, CEDAW/C/UGA/CO/7/Add.1, 22 March 2018, para. 2, and in a letter of Hilary Gbedemah Rapporteur on follow-up to Christopher Onyanga Aparr, Permanent Representative of the Republic of Uganda to the United Nations Office at Geneva, MK/follow-up/Uganda/70, 5 September 2018, p. 1.

<sup>2</sup> MK/follow-up/Uganda/70, *op. cit.*, p. 3.

## Universal Periodic Review (UPR)

In the Universal Periodic Review, the human rights peer states by the UN Human Rights Council, Uganda has undergone two reviews to date. The most-recent review was in the 2<sup>nd</sup> cycle of UPRs in 2016, which resulted in the following recommendations from other states in the area of women's human rights, including:

- 115.9 Enact laws that enhance equal access to property rights for women (Sweden);
- 115.34 Enhance efforts to implement the National Action Plan on Women, in particular their participation and integration in the economy (South Africa);

Concerns were raised on whether Uganda had responded to the recommendations and participants were advised that civil society can use pressure to hold government accountable to respond through various upcoming international platforms in the UN Human Rights System:

[Committee on the Elimination of Discrimination against Women - Working Group on Communications / 45th session](#), From: 16-10-2019 To : 18-10-2019, Palais des Nations Room XVII;  
[Committee on the Elimination of Discrimination against Women - WG on inquiries / 14th session](#), From: 17-10-2019 To : 18-10-2019, Palais Wilson 1-016;  
[Working Group on the issue of discrimination against women in law and practice / 26th session](#), From: 21-10-2019 To : 25-10-2019, Palais des Nations Room XXV;  
[Committee on the Elimination of Discrimination against Women / 74th session](#), From: 21-10-2019 To: 08-11-2019, Palais des Nations Room XVII;  
[Committee on the Elimination of Discrimination against Women - Pre-sessional Working Group / 76th session](#), From: 11-11-2019 To: 15-11-2019, Palais des Nations Room XVII.

## International Commitments

By comparison with states' *obligations* under international human rights treaty law, the lower-level *commitments* of states in political forums have the following distinguishing characteristics:

- **Not ratified or subject to legislative process.**
- **Not legally binding.**
- Are limited to a **specific time period**.
- **Reports** of implementation **are voluntary** against criteria and ineffective indicators, if any.
- Do not guide or require **what to do**, but provide a general orientation for voluntary action.
- Provide no normative guidance on **how to do it** – but defer to individual, country-led approaches.
- Recommend **only voluntary efforts** on the part of governments and organs of the state.
- **Do not require regulation of non-state actors.**

## 2030 Agenda (Sustainable Development Goals)

Participants were taken through the 2030 Sustainable Development Goals which replaced the millennium development goals in 2015. This provided a much more comprehensive approach to development than the eight millennium development goals and the idea was to achieve the SDGs by 2030.

Key to note is that all the 17 current SDGs were to be approached in a comprehensive and integrated way, since all the Goals are interrelated and speak to each other. The integrated approach is enshrined in the General Assembly resolution “Transforming our world” (A/RES/70/1) of September 2015.

Related, too, is the pledge to harmonize short-term emergency and relief efforts with the longer-term and institutional-building development approach, and all within the framework of human rights obligations. Among the sustainable-development commitments that states agreed to was come under review by states by submitting submit Voluntary National Reviews (VNRs), in turn, at the High-level Political Forum every July. Uganda has not yet submitted any VNR.

The High-level Political Forum on Sustainable Development (convened at UN Headquarters by ECOSOC). Each year, the Forum focuses on certain SDGs and development themes. In 2019, it will convene under the theme “**Empowering people and ensuring inclusiveness and equality**” and focus on:

- SDG 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
- SDG 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
- SDG 10: **Reduce inequality** within and among countries which of more concern to the participants
- SDG 13: Take urgent action to combat climate change and its impacts
- SDG 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
- SDG 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development

## UN 2030 Sustainable Development Agenda



**SUSTAINABLE  
DEVELOPMENT GOALS**



For the purpose of the workshop, the workshop session's focus was on Goal 5: "Attain gender equality, empower women and girls everywhere" which concerns the participants most since they are commitments of a global policy.

Of particular interest to the training was Target 5.a, which was both a commitment to state parties and an obligation: "Undertake reforms to give **women equal rights to** economic resources, as well as access to **ownership and control over land** and other forms of property, financial services, inheritance and natural resources, in accordance with national laws"

The training also looked at the specificity of the target where states were to report in form of indicators including:

- **Sub-indicator (a)** the prevalence of people in the agricultural population with ownership or tenure rights over agricultural land, disaggregated by sex. No. people in agricultural population with ownership or tenure rights over agricultural land disaggregated by sex.
- **Sub-indicator (b)** the extent to which women are disadvantaged in ownership/tenure rights over agricultural land. The number of women in the agricultural population with ownership or tenure rights over agricultural land. % of ♀ in the total agricultural population with ownership or tenure rights over agricultural land.

The states' VNRs and development process need to focus more on providing statistics on indicators while reporting progress toward the SDGs. However, as noted above, the state obligations and reporting requirements under human rights treaties are often more thorough and more explicit than anything produced for the VNRs.

One example provided in the session was the reporting requirement under ICESCR (para. 54 of the Reporting Guidelines) that states monitor, quantify and assess the impacts of forced



eviction taking place in the country every five years. The SDG indicators provide no such requirement. Furthermore, as noted in the illustrative indicators under SDG 5.a, the SDG is dominated by structural and outcome indicators, rather than “process indicators,” which would guide and measure efforts to achieve positive change.

## **Regional Human Rights Legislative Framework and Protection Mechanisms**

This session provided basic information about the African Union’s legislative framework of human rights concerning gender equality, women, non-discrimination and economic, social and cultural rights, particularly rights to adequate housing, land and property. The session also provided an opportunity to describe the African Union (AU) protection mechanisms of human rights in force and to discuss the access of civil society entities and local communities to these protection mechanisms against forced evictions, other violations of the human right to housing and land-related rights and women’s rights violations.

Heather Elaydi, from HIC-HLRN started the session by presenting the AU mechanisms, and then taking members through the process of how Uganda relates to the AU’s core human rights instruments.

The relevant instruments dealing with human rights in the African system under review are:

- OAU Refugee Convention 1969;
- African Charter on Human and Peoples' Rights (ACHPR) 1981–1986;
- African Charter on the Rights and Welfare of the Child 1990;
- Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights (1998);
- African Union Convention on Preventing and Combating Corruption (2003);

The three most relevant to the training are as below:

**A. The African Charter on Human and Peoples' Rights (ACHPR) 1981** (signed 8/1986- ratified 5/1986; i.e., a treaty binding on Uganda)

- ✓ freedom of religion (land as culture) “Article 8”;
- ✓ freely dispose of wealth & natural resources+ the people individually or collectively have the right to their economic, social and cultural development to (land as economic and social source) “Articles 21–22”

**B. The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol) 2003–2005** (signed 12/2003, ratified 7/2010 and binding)

- ✓ Separation, Divorce and Annulment of Marriage (equitable sharing of the joint property) “Article 7”;

- ✓ Adequate systems to ensure food security (right to food) "Article 15";
- ✓ Grant equal access to adequate housing (right to adequate housing) "Article 16/D";
- ✓ Access to and control over productive resources such as land and guarantee their right to property (right to sustainable development) "Article 19/ C";
- ✓ The right to an equitable share in the inheritance of the property (husband-parents) "Article 21";
- ✓ No specific supervisory body. African Commission may receive State reports and African Court will be able to apply Protocol.

**C. African Youth Charter (2006)** (ratified 8/2008) (binding)

- ✓ Equal rights to own or sharing properties between young women and men "Article 9";
- ✓ Right to economic, social and culture development "Article 10";
- ✓ Poverty Eradication and Socio-economic Integration of Youth (grant land) "Article 14/C".

**D. African Charter on Democracy, Elections and Governance (2007–2012)** (signed 12/2008) (not binding)

- ✓ State Parties shall institutionalize good economic and corporate governance through, including: Equitable allocation of the nation's wealth and natural resources "Article 33."

**E. Treaty for the Establishment of the East African Community (Kenya-Rwanda-South Sudan-Tanzania-Uganda)** (signed 1999, entered into force 2000) (Rwanda-Burundi 2007)

- ✓ Article 121 (enhance the role of women in socio-economic development)
- ✓ Article 122 (the role of women in business)

**Land in Other Instruments** (soft law/initiatives; i.e., not binding commitments of the state)

**Framework and Guidelines on Land Policy in Africa (2009)- this was jointly developed between the AU and the UN Economic Commission for Africa.**

- ✓ Strengthening the land rights of women
- ✓ Land and gender relation.

**The Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights (2010)**

- ✓ "To ensure equitable and Determine the Minimum core obligation+ national plans and policies+ Vulnerable Groups, Equality and Non Discrimination.
- ✓ *Non-discriminatory access, acquisition, ownership, inheritance and control of land and housing, especially by women.....* "(para.55)

**The African Union's Declaration on Land Issues and Challenges in Africa (2010):**  
(non-binding commitment)

- ✓ *"strengthen security of land tenure for women which require special attention."*  
Assembly/AU/Decl.1(XIII) Rev.1
- ✓ Issued Land Policy Initiative (African Union Commission (AUC), the Economic Commission for Africa (ECA) and the African Development Bank (AfDB).

**The Nairobi Action Plan on Large-scale, Land-based Investments in Africa (2011);**

- ✓ *maximize opportunities for Africa's farmers, with special attention to smallholders and minimize the potential negative impacts of large-scale land acquisitions, such as land dispossession and environmental degradation.....ensure food security and development."*  
High Level Forum on Foreign Direct Investments in Land in Africa, Nairobi, 4–5 October 2011.

**Guidelines on Business, Land Acquisition and Land Use: A Human Rights Approach (2012)** (non-binding policy commitments developed with companies and private sector)

- ✓ Including three main principles: Transparency, nondiscrimination and accountability.

**Agenda 2063: The Africa We Want** (non-binding commitment)

- *"The African woman will be fully empowered in all spheres, with equal social, political and economic rights, including the rights to own and inherit property.... Rural women will have access to productive assets: land....."* (para. 50).
- Adequate housing: *"Ensuring effective and territorial planning and land tenure, use and management systems"* (para. 72/b).
- Agriculture Development: *"Develop and implement affirmative policies and advocacy to ensure women's increased access to land and inputs, and ensure that at least 30% of agricultural financing are accessed by women"* (para. 72/e).

**The Uganda National Land Policy Implementation Action Plan 2015/2016–2018/2019**

**Promotion and Protection of Women's Secure Rights and Access to Land**

- ✓ Recognizes the value and benefits of secure rights and access to land for women,
- ✓ Addressing the gender differences, women as (discrete group and as members of households and communities),
- ✓ Land administrative staff should include women,
- ✓ Customary access to land should focus on specialized expertise on women's status and rights.

The reason the above is not in the regional presentation is because it came out of the framework and guidelines and Uganda was the last country to develop a national land policy.

## **African Commission on Human and Peoples' Rights**

### **Functions:**

- ✓ Deciding whether alleged human rights abuses violate the African Charter,
- ✓ Recommends to governments about promoting and protecting human rights and addressing past violations,
- ✓ Organizing seminars and conferences,
- ✓ Conducting country promotional visits,
- ✓ Disseminating reports on various human rights issues,
- ✓ Interpreting the African Charter and
- ✓ Investigating human rights violations through fact-finding missions.

### **Civil society plays a pivotal role in the activities of the African Commission by:**

- ✓ Alerting to violations of the African Charter,
- ✓ Submitting communications/complaints on behalf of victims,
- ✓ Monitoring governments obligations under the ACHPR and other human rights treaties,
- ✓ Attending the Commission's public sessions,
- ✓ Submitting parallel reports,
- ✓ Advocating content in the concluding observations and
- ✓ Increasing awareness of the Commission's activities.

### **Joint promotion mission undertaken to the republic of Uganda (August 2013)**

#### **General Concern:**

- ✓ Lack of the full and effective implementation of the laws and policies that protect the rights of women in Uganda.

#### **Recommendations:**

- ✓ Protection of women's property and inheritance rights;
- ✓ Amending the Succession Act;
- ✓ Initiation of the Marriage and Divorce Bill;

### **Special Mechanisms of the African Commission**

#### **Special Rapporteurs:**



- Human Rights Defenders
- Freedom of Expression and Access to Information
- **Rights of Women**
- Prisons and Conditions of Detention
- Refugees, Asylum Seekers, Migrants, and Internally Displaced Persons

#### **Working Groups and Committees:**

- **Economic, Social and Cultural Rights**
- Death Penalty and Extra-judicial, Summary, or Arbitrary Killings in Africa
- **Indigenous Populations / Communities in Africa (Mission July 2006)**
- Rights of Older Persons and People with Disabilities
- **Extractive Industries, Environment, and Human Rights Violations**
- Protection of the Rights of People Living with HIV and Those at Risk, Vulnerable to, and Affected by HIV
- Prevention of Torture in Africa

#### **African Commission's Working Group on Indigenous Populations/communities (visit to Uganda, July 2006)**

- Landless people and landlessness
- Marginalization and IDPs (The Basongora Pastoralists).
- The Batwa in Kisoro.
- Article 32 of the Constitution: "Women shall be accorded full and equal dignity of the person with men...."

#### **Recommendations:**

- ✓ Address the situation of indigenous women;
- ✓ Address the very vulnerable situation of indigenous women;

#### **African Court of Justice and Human Rights 2008**

##### **Function:**

*"complement the protective mandate of the African Commission on Human and Peoples' Rights"*  
Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (1998).

##### **Who can submit cases before the court:**

- ✓ The African Commission on Human and Peoples' Rights;
- ✓ Governments of countries that are complainants or respondents to a communication before the African Commission;
- ✓ Governments that have an interest in a case;
- ✓ African inter-governmental organizations;
- ✓ Non-governmental organizations with observer status at the African Commission and ordinary individuals, if the government against which the case is brought has made a declaration giving the court jurisdiction over cases brought by individuals and non-governmental organizations. (**8 countries:** Burkina Faso, Malawi, Mali, Tanzania, Ghana, Cote d'Ivoire, Benin, Tunisia) members were informed that they can submit their complaints to this and Uganda ratified the protocol of the Court (February 2001), but did not recognize its competence to receive cases from NGOs and individuals and has not allowed this to take place and it is also possible to bring communication to the African commission.

### **East African Court of Justice 2001 Established according to art.9 of the Treaty for the Establishment of the East African Community**

- ✓ Interpretation and application the treaty of the East Africa Community.

### **Future opportunities to cooperate with the African Human Rights System:**

- African Commission?
- African Court?
- East Africa Treaty??
- Role of local NGOs?
- East African Court of Justice.

### **Plenary**

Some participants have engaged these bodies especially the East African Court of Justice. However, none held observer status, but have participated in forums acknowledged as members of civil society.

Participants also mentioned that, though they didn't have observer status, they have participated in the African Union Ministerial Conference on Housing and Urban Development (AMCHUD).

Members requested to know how they could get observer status. (Information to follow.)

## **Day 1, Session 5: The Human Rights Concept of Effective Remedy: Theory and Practice**

The session focused on remedies to violations of women's housing and land rights, particularly forced eviction as a "gross violation" of human rights. That gross violation often is accompanied by other violations, not least including dispossession, destruction/demolition, denial of equal inheritance and even forced displacement due to privatization processes.

While human rights have to be universal since they emanate from human needs and, therefore, apply to everybody. However, the session laid emphasis on victims as a specific group of people with specific entitlements in cases of human rights violation.

### **Rights of Victims to Remedy and Reparations**

In international law it was noted that there are two types of victims who have a right to remedy and reparations:

- a. **Victims of crime:** A person who is suffering from harm, including physical or mental injury, psychological suffering, economic loss, or any damage to the essence of his fundamental rights as a result of an actor of negligence that constitutes a violation of the criminal laws in force within the State, including laws that prohibit the abuse of power that amounts to crime. It was established that what determines a victim of crime are the national laws though there are international crimes as well such as human trafficking, population transfer such as deportation and importation, genocide, among others.
- b. **Victims of human rights violations:** A person who has suffered, including physical or mental injury, psychological suffering, economic loss or any damage to the substance of his or her fundamental rights through act of omission/ commission that is a violation of internationally recognized human rights standards. Eg. Hostage situations, torture etc.

### **Sources of a Right to Remedy in Law**

#### **Treaty Law:**

- ICCPR, Article 2 (legislative provisions)
- ICERD, Article 6 (protection and remedies)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Articles 14 and 22 (1984)
- CRC, Article 39 (recovery and reintegration )
- Hague Convention, Article 3 (compensation)
- Geneva Conventions, OP1, Article 91 (compensation)

- Rome Statute of the ICC, Articles 68 (appropriate protective measures, security arrangements, counselling and assistance) and 75 (reparations).

### **Declaratory Law:**

- Universal Declaration of Human Rights, Article 8 (right to an effective remedy)
- Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)
- Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (1989)
- Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (2006)

### **Reparations in International Law**

- Traditionally, wrongful acts and ensuing reparations were dealt with as a matter of interstate responsibility (Chorozow Factory Case)
- Progressive recognition that the victims of human rights violations have the right to pursue their claims for redress and reparations before national justice mechanisms (and if needed, before international forums).

The session also explored resolution A/RES/60/147 of the General Assembly, adopting on the Basic Principles of the Right to remedy and reparation of victims of gross violations of International Human Rights Law and Serious Violation of International Human Rights Law. That legal definition of reparations provides for seven inter-related entitlements:

1. Restitution (which is comprised of)
  - a. Return: to the *status quo ante*, which means in the cases we are dealing with ensure voluntary return to the place of origin. If that is not possible the victim has a right to resettlement;
  - b. Resettlement: should be voluntary with all elements of adequate housing;
  - c. Rehabilitation: all aspects including physical, cultural, therapy, occupational and rehabilitation in all aspects of loss.
2. Compensation: monetary or in kind compensation for all things that cannot be subject to restitution or repaired.
3. Non repetition: there should be a guarantee of non-repetition inform of policy reform or it could be institutionalized.
4. Satisfaction: the victim must express satisfaction with the remedy.

**NB:** if any element is missing, then it ceases to be reparation.



This reparations framework is important because it has guided policies such as the UN Basic Principles and Guidelines on Development-based Evictions and Displacements, which were developed a year after the General Assembly resolution. The Basic Principles refer to the General Assembly resolution and also make sure that there is recognition of both losses and damages to victims of evictions and displacements in the context of development processes, including stages prior to the eviction or displacement (upon the threat), during the implementation and after the violation.

## **Plenary**

In plenary, participants raised questions as to how compensation could be determined for the loss of loved ones as part of a formula for reparation. The issue was discussed further later under methodologies for assessing impacts with the Violation Impact Assessment Tool (VIAT).

Participants requested to know how non-repetition can take effect in instances where the state is the perpetrator and also in instances where the government is providing compensation that is not adequate or fair. It was learnt that there was need to critique the government policies for compensation, and the VIAT enables us to do just that.

Participants inquired how they could demand government to recognize all elements of reparation without looking like they are opposed to government interventions. The question went to the heart of the workshop's purpose of using the universal and politically neutral language of international laws for reparations that states and their governments have adopted. In the case of resolution A/RES/60/147, the General Assembly adopted it without a vote, meaning that no state was opposed or requested a roll-call vote. Because the formula already was so well established in customary law, it was not controversial.

Concerns were also raised regarding the challenges of compensation in Uganda as a result of property and tenure patterns, since there may be a land owner, the structure owner and the tenant. So this complexity makes it difficult to observe all the elements of reparation.

The restitution and value of compensation must be fair to prevent cases of causing deeper poverty. The plenary also discussed the potential of reparations serving as a deterrent to future gross violations

It was also noted that the concept of "reparations" in international law and practice do not apply originally apply to individual victims, but to reparations between and among states. As late as the Nuremberg and Tokyo Military Tribunals in the 1940s, victims were not heard in the proceedings, since those trials were focused only on prosecution of the perpetrators. However, the global system is still evolving. The International Criminal Court now provides two channels for victims: One channel is through the Voluntary Fund for Victims, based on the Court's recognition of the victim and the fact that a violation has taken place. The other channel provides reparations that the Court orders the perpetrator to bear in the case of a conviction. Given the few prosecutions to date and the prolonged process toward that eventual outcome, it would be an injustice to require victims to wait for reparations arising only from conviction.

Participants noted a limitation to the application of reparation in Uganda, because the position of the judiciary is such that general principles and treaty obligations of international law remain only *persuasive*. Furthermore, some cases also do not amount to “gross violations” according to international standards, making the reparations framework less persuasive.

Regarding non-repetition, participants wanted to know whether there is a possibility of a violation repeating itself. It was learnt that, without this element in the process, there is a likelihood of the violation happening again. The materials and the presentation referred the participants to resolution A/RES/60/147 and the stated need for judicial, policy and institutional mechanisms to prevent repetition. These mechanisms are also subject of transitional justice (TJ), which was discussed later. (See below.)

### **Other challenges to providing reparations**

#### ➤ **Financing reparations**

- Political constraints as significant as economic
- Two models – trust funds or introducing a dedicated line in the yearly national budget

#### ➤ **Interpreting reparations benefits – linking reparations and other justice measures**

- Reparations should be linked to other TJ measures; i.e., criminal justice, truth telling, reform processes, national reconciliation
- Such connections provide incentive to interpret the reparations benefits in terms of justice, rather than as an exchange of money for appeasement

#### ➤ **Linking reparations programmes to civil litigation**

- Judicial resolution of individual reparations cases often catalysed the willingness of the governments to establish massive reparations programmes
- Some programmes have been final and foreclosed other avenues of civil redress (Germany)
- The victims access to courts should be preserved
- **Making a reparations programme gender sensitive**

## **Day 2, Session 6: Strategic Human Rights Monitoring and Reporting**

The session also provided a theoretical background on monitoring and reporting on human rights and described the main tools and methodologies available to civil society and local communities to monitor and report on the local situation of human rights. It focused first on the general method of monitoring and documenting housing and land rights violations. This was

followed by the specific application in the HLRN Violation Database, focusing on Uganda as an illustration.

Regarding human rights it was noted that the government is the protector and promoter so it cannot abandon the process and hand it to other people; therefore, government ought's to resettle victims following the reparation processes.

Issues of foreign investors were also raised such as oil refineries that lead to forced evictions of people in order to undertake such big infrastructure and private sector developments, Albertine Grabben was highlighted as a key example.

Alternative dispute resolution mechanisms need to be adopted like the Bataka court model, which has worked in the Albertine region to resolve cases of absentee landlords.

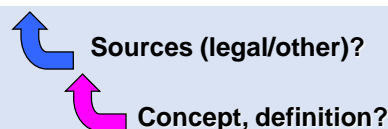
There are also cases of high ranking military personnel evicting people from land without regarding the law.

Participants wanted to know how cases can be uploaded to the system. They were informed that the cases can be filled online since it was designed for members and the public. For old cases members were requested to review the cases and add information in case something is lacking. However there were lots of problems related to non-specific reporting on very serious cases so participants were urged to be specific while collecting data. Civil society was mostly encouraged to engage in doing the analysis.

A step by step process was shared for planning and implementation human rights interventions. These involve the following processes:



Figure 9: The ten logical steps of a human rights approach to problem solving.



**1.** The first step requires knowing the **concept** and **definition** of the human right concerned. If we are determining the human right to adequate housing is at stake, we need to know what it clearly entails and its normative contents. These were described in the session and their definition is found in the CESCR General Comment No. 4.

**2. Sources: legal and other:** To embark on a human rights argument, including the corresponding obligations of the states, it is necessary need to identify our sources in law, including the treaties and soft-law instruments, such as the General Comments, and to distinguish between and among them to know the level of *obligation* and/or *commitment*.

In the case of guaranteed human rights, states have the *obligation* to respect, protect and fulfil the right. That means that the state, all of its organs and agents must avoid actions that violate the right (i.e., respect); they should prevent and safeguard against third parties violating the right (i.e., protect); and the responsible public bodies must take step and measures to promote, facilitate and assist in the realization of the right (i.e., fulfil). That is the formula that tells the state **what to do**.

In some instances, legal sources may not be sufficient to uphold your claim to a human right and its corresponding obligations. For example, as of the present, we do not have legal instrument at the international level that affirms a human right to land. So, in order to stake that claim and a violation, we may have to interpret that right on the basis of other, codified human rights (adequate housing, food, livelihood, participation in culture). That is how the human right to sanitation eventually was recognized by CESCR and the UN General Assembly, but basing the claim primarily on the guaranteed human rights to health, food and housing.

In other cases, the right may be the subject of local law and jurisprudence, custom and tradition, or the assertion of communities or social movements. These claims are grounded in sources outside the law.

**3.** Then we have to consider the **over-riding principles**. These seven principles derive from the instructions in the first three articles of the Covenants. They apply to the implementation of each human rights and instruct the states **how to do it**. That is, states and their governments must ensure the enjoyment of the human rights while ensuring:

1. Self-determination,
2. Non-discrimination,
3. Gender equality,
4. Rule of law,
5. Progressive realization/non-retrogression,
6. Application of the maximum of available resources and
7. International cooperation.



**4. Guarantees:** One always assesses which guarantees are in place for these values, principles and rights to be implemented. These include any and all of: the ratification of international treaties, constitutional provisions, policies, programmes, projects and public budgets. At this stage of inquiry, we are still at the theoretical level, but ready to determine if the necessary guarantees are effective, ineffective or missing.

**5.** At this point, we are able to identify any **threats, barriers and obstacles** to the guarantees, potentially leading to violation of the rights. In the case of Uganda these may include: a lack of political will, cultural practices and customs, over politicization of issues, gaps in World Bank safeguards and policies, budget shortfalls, unspent budget allocations, or other impediments to realizing the human right.

**6.** Participants also went through another step of identifying the victim, as understood in international law. In human rights language, these are **persons violated, vulnerable to violation**. It is important to have as thorough and accurate information about who is affected. This may require a descriptive report, as well as a numerical representation of the effected persons, with gender-disaggregated data of the violations to know the right questions to about the impact of the violations specific to them.

**7.** The main subject of this exercise—and the present workshop—is the enumeration of the consequences and impacts of the violation. This calls for a thorough inventory identifying the **losses, costs and damages** of all kinds, material and non-material values. Unfortunately, this important aspect is the weakest of monitoring and reporting in the field of human rights. However, the reparations framework and the VIAT can guide us to fill the gap in this information, which is useful for multiple strategic objectives.

**8.** While we now know that a violation has taken place, despite the guarantees, the **duty holders** are those parties responsible for the violating act or omission, as well as liable for the remedy. In the methodology of human rights, the state has the primary duty to respect, protect and fulfil everyone's human rights, including the human right to adequate housing, within its jurisdiction and/or effective control. Therefore, duty holder is always the state, which means also identifying the specific party/ies responsible. The constitution may simplify the process of identifying the specific duty holder(s) of the state.

Other duty holders may be pertinent to the case of violation. In the example of a widow whose in-laws evict her and her daughters from the family home, the other duty holder may include her mother-in-law and brothers-in-law. While these duty holders are also perpetrators, the state remains the primary duty holder in the case of a human right violation by virtue of the state's obligation to *protect* against the violations carried out by third parties. In this same scenario, a full description of the duty holders could also include those who practice the custom of material discrimination on the basis of gender. This determination of duty holders helps guide the decisions and choices of intervention.

Heather presented the entries and focused on a key instance: The Apaa land conflict between the Madi and the Acholi. Participants were informed that the [Violation Database](#) (VDB) was designed for HIC Members—and the general public—to fill in valid data and to use the Database as a monitoring, research and advocacy tool. However, the reality is that, although the VDB was developed in response to Member demand, few Members do systematic

monitoring and, therefore, the HLRN team in Cairo does almost all of the work, relying more on public information such as the news media and reports from other organizations in the field. So, participants were urged to collect and provide cases, and critically review/validate the cases in the VDB for Uganda.

Questions of reliability of the data fed into the database were raised, where local civil society validation of the issues and cases in the VDB is needed for purposes of ensuring accuracy of the information. Political questions were raised as part of the problems related to some of the cases, absentee landlord, and boundary conflicts. Participants debated specific cases in Uganda to question whether the affected persons were actual victims entitled to remedy and reparation.

For example, participants also raised concerns on the type of cases included in the VDB, since some cited as victims people who encroached on wetlands and reserves, meaning that their removal did not qualify as a violation. However, some also issues of war raised where victims were moved for over 25 years from their home only to come back to find their land gazetted as a reserve by government, thus constituting multiple violations.

### **Uganda entries in the Violation Database between 01 Jan 1990 and 12 Apr 2019**

Title	Date	Victims	Details	Type of violation
Makusa and Lwamunnya Islanders	01/10/2018	700		Forced eviction
Apaa Village, Mungula Parish	11/07/2018	3,000	1	Forced eviction Demolition/destruction
Bulakati Village	18/09/2017	200		Forced eviction Dispossession/confiscation
Ngabano Land	23/05/2016	10		Demolition/destruction Dispossession/confiscation
Rwamutonga, Hoima	25/08/2014	1,500		Forced eviction
Nsambya Railway Quarters	01/06/2013	1,000		
Hoima Sugar Ltd	01/01/2013	11,000		Forced eviction Dispossession/confiscation Privatization of public goods and services
Namanve Industrial Park	09/09/2012	500		Forced eviction
Kasenya Village	13/07/2012	100		Forced eviction Dispossession/confiscation
Hoima - Oil Refinery	01/01/2012	7,423		Forced eviction Dispossession/confiscation
Bugala Island - Bidco Palm Oil	01/07/2011	100		Forced eviction Demolition/destruction Dispossession/confiscation Privatization of public goods and services
Pastoralists in Buliisa	12/12/2010	400		Dispossession/confiscation

Indigenous People in National Park	01/02/2008	4,000		Forced eviction Demolition/destruction
Osukuru, Tororo	12/02/2007	15,000	1	Dispossession/confiscation Privatization of public goods and services
Kampala Street Children	01/01/2007	900		Forced eviction
Evictees at Border in Dire Need	30/03/2006	6,000	1, 2	Forced eviction
Kiboga and Mubende - New Forests Company	01/01/2006	22,000		Forced eviction Dispossession/confiscation
Various Evictions, 2003-2004	01/07/2003	4,600	1	Forced eviction
Mubende - Kaweri Coffee Plantation	01/08/2001	4,000		Forced eviction Dispossession/confiscation
Bujagali Hydropower Project	01/01/1999	8,700		Forced eviction Dispossession/confiscation
Bukaleba Central Forest Reserve	01/01/1996	10,000		Forced eviction Demolition/destruction Dispossession/confiscation Privatization of public goods and services

**Affected Persons : 101,133**

**Record Count : 21**

## Assessing the Impacts of Housing and Land Rights Violations

The session involved presenting the diverse experiences and contexts in which the Violation Impact-assessment Tool has been applied in several countries, resulting in a typology of cases involving violations of housing and land rights. The participants were introduced to the inventory of 21 applications of the tool so far on the HLRN website.

The session explained the background, development process and objectives of the tool, in order to contextualize it and provide an overview of the cases and countries where it was implemented, and their lessons learnt and successful outcomes. It highlighted the need to develop the method further to capture the values at stake for women and girls in cases of violation or risk of violation of the human right to adequate housing, land-related rights and rights to property. Filling that need is a principle objective of the "Assessing Impacts of Women's Dispossession from Land and Home" project.

## Day 2, Session 7: Violation Impact-assessment Tool

Over the years, gaps have been found in the monitoring and evaluation for performance of The Habitat Agenda (1996–2016), since no implementing or oversight body in the UN assumed that function, particularly dealing with the human rights dimensions of that Agenda, in general, and the human right to adequate housing rights, in particular. By 1998, it became clear to HIC

Members that UN Habitat leadership had no intention of applying the Habitat Agenda as the normative framework for its operations. HLRN then developed specific tools and methods to address the gap. That is when HIC-HLRN initiated the development of a *Housing and Land Rights Toolkit* for civil society to build capacity and monitor the performance of states' Habitat Agenda *commitments*, as well as their compatible human right to adequate housing *obligations*.

With the quantification of costs, losses and damages from violations being the greatest data gap and methodological challenge, HLRN developed the tools for Step 8 of the above-cited method of intervention. The tool took on different names: "eviction impact-assessment tool" (EvIA tool), which adapted the title from the environment impact assessment (EIA) policies that became standard within the World Bank and the development community, more generally, with the aim that such an assessment would be undertaken whenever there was a development project or other action causing involuntary resettlement, displacement or other form of forced eviction.

It also took on the name "Loss Matrix," which suggests a wider scope, since it could be used to quantify and calculate losses from all types of violation, beyond forced eviction cases. It is noted that sometimes the losses are not just from the forced-eviction victim; they could arise from the privatization of public services and its consequences therein, or from the arbitrary confiscation of land, or even the denial of inheritance rights.

The VIAT covers state violations and other sources of violations within the state's permanent obligations. It prioritizes the rights of the victims in order to defend them through measuring the costs of losses and damages. The tool is used to count the real cost and not the assumed costs. These may include bribes, the hidden costs of policies and "informal" values lost, which do not get counted in official figures. A full inventory of losses, costs and damages also allows us to reveal how much affected people are bearing the burden and actually subsidizing development policies that dismiss their values.

In case of a forced eviction, for example, prospective victims may incur hidden costs and losses before the violation, especially when it is still a threat. During the violation, other losses, costs and damages arise. Then after the violation, usually additional costs may include the loss of a home, livelihood and, even in the case of resettlement, are accumulated losses that need to be captured to present the full and accurate picture of what affected people undergo.

### **Applying the Tool at Various Stages of a Violation**

Consistent with the UN Basic Principles and Guidelines on Development-induced Displacement and Evictions, the tool is designed for all stages of intervention: before, during or after a violation. Therefore, it presents the following multi-phase methodology:

1. Baseline survey (inventory of assets under threat) to assess all *potential* losses;
2. Assessment of losses/costs as result of a notice of eviction or displacement;



3. Assessment of losses/costs at the time of violation; that is, if the intervention takes place while the violation is happening;
4. Assessment of losses/costs post-eviction, and this could be in a variety of situations; e.g.:
  - A. Transit camps or temporary intermediate shelter, which often becomes permanent like IDP camps;
  - B. Resettlement site we can determine whether there is restitution of livelihoods;
  - C. No resettlement;
  - D. Compensation schemes.

### Baseline: Values/Assets & Expenditures

For the baseline assessment of values at stake, the tool captures the different categories:

<b>Economic Values/Assets (household):</b>	<b>Expenditures (household):</b>
<ul style="list-style-type: none"> <li>⦿ Contents</li> <li>⦿ Environment goods and services/ecology</li> <li>⦿ Equipment/inventory</li> <li>⦿ Investment/Equity</li> <li>⦿ Infrastructure/services/utilities</li> <li>⦿ Inheritance prospects</li> <li>⦿ Inviolable/priceless assets</li> <li>⦿ Land</li> <li>⦿ Livestock and animals</li> <li>⦿ Plot</li> <li>⦿ Structure (dwelling and other)</li> <li>⦿ Subsidies and rations</li> <li>⦿ Trees and crops</li> <li>⦿ Vital documents</li> <li>⦿ Wells/water sources</li> <li>⦿ Work/livelihood</li> <li>⦿ Other, including opportunity gains</li> </ul>	<ul style="list-style-type: none"> <li>⦿ Bureaucratic and legal fees</li> <li>⦿ Advocacy</li> <li>⦿ Education</li> <li>⦿ Food</li> <li>⦿ Health care</li> <li>⦿ Information</li> <li>⦿ Investment</li> <li>⦿ Mortgage, other debt payments</li> <li>⦿ Occupancy</li> <li>⦿ Transportation</li> <li>⦿ Other, including opportunity gains</li> </ul>
	<b>Civic Assets (nonmaterial):</b>
	<ul style="list-style-type: none"> <li>⦿ Social cohesion/ integration</li> <li>⦿ Political participation</li> <li>⦿ Political legitimacy</li> <li>⦿ Civil order</li> <li>⦿ Crime</li> <li>⦿ Other, including opportunity gains</li> </ul>
<b>Social Assets (household):</b>	<b>Public/State Expenditures:</b>
<ul style="list-style-type: none"> <li>⦿ Community spaces</li> <li>⦿ Community/solidarity</li> <li>⦿ Nurseries</li> <li>⦿ Cultural heritage/sacred sites/structures</li> <li>⦿ Family</li> </ul>	<ul style="list-style-type: none"> <li>⦿ Bureaucracy &amp; administration</li> <li>⦿ Lawyers/judges/judiciary</li> <li>⦿ Rebellion/resistance</li> <li>⦿ Services &amp; fees</li> <li>⦿ Equipment</li> </ul>

<ul style="list-style-type: none"> <li>◉ Health status</li> <li>◉ Identity</li> <li>◉ Inheritance status</li> <li>◉ Investment (community)</li> <li>◉ Inviolable/priceless assets</li> <li>◉ Life</li> <li>◉ Psychological well-being</li> <li>◉ Social &amp; institutional capital</li> <li>◉ Social status/cohesion/integration</li> <li>◉ Friends</li> <li>◉ Other, including opportunity gains</li> </ul>	<ul style="list-style-type: none"> <li>◉ Security</li> <li>◉ Other, including opportunity gains</li> </ul>
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The above baseline level assessment captures costs (expenditures) and values under normal circumstances. However, many of those values change when there is a violation, or threat of violation. The baseline information is helpful to capture the change in these values during and after a violation. After the violation when people have been displaced, it is important to capture the cost of losses and values and damages in both the short term and the long run. In this project, we are especially concerned with capturing the women's experience and the values at stake for women.

Even in the case of compensation and resettlement questions persist. For example, it is important for affected persons, as well as decision makers and policy makers, to know whether the resettlement was adequate, whether the compensation was realistic. We can determine this with precision only by conducting a survey to determine whether and how the lived impacts relate to the official resettlement and compensation outcomes.

## Plenary

Members inquired how costs would be established for example for a bed that was bought two days ago and for a bed which one has owned for 10 years. They learned that the proposed method of calculating all values is the *replacement* cost. This is the only way to achieve restitution, the first and leading aspect of reparation.

Participants were concerned also that the process was very long; however, participants were informed that other strategies can be applied, whether legal, administrative, or otherwise, in the interest of timely reparation. In the Muthurwa Estates eviction case, the Nairobi High Court judgment remained open ended, including "such other relief as this honourable court may deem fit to grant."

## Link to the Violation Impact Assessment Tool



Tool\_11-2018 (1).xls

The tool comes with an outline of the different stages and the different types of costs, losses and values at stake. The tool also has the baseline assessment of values of the household, regular expenditures of a household, the social assets of the household, the civic assets. It also has an iteration for use when there is a threat. Just like the baseline survey, it bears similar categories assessed to determine the change in those values from what they were like during the baseline, well before the anticipated violation actually takes place.

While the violation is going on, the tool also provides for the assessment of the same categories to identify the change that could have happened. It is important to note that, when the violation is going on, the change in the values and losses are already being captured, and that be persuasive in the pursuit of a court injunction to stop a violation in progress.

After a violation, it may be important to capture the time it takes to look for alternative housing and also the related transport costs as a new household expenditure. In that case, it is possible to measure that time also in monetary terms as commensurate with the affected person(s) regular wage or prorated salary income.

After the violation, the tool also provides for the assessment of the same values to measure the change over a short period (as determined by the users) as well as over a long term (as determined by the users). This is for purposes of proper and adequate remuneration for the cost of housing replacement or other forms of compensation.

It was noted that the victims or potential victims are the ones to express the values at stake and the costs/losses incurred. This is especially true for capturing women's impacts, whereas their "informal" labour and other values typically go uncounted.

The methodology provides for entering details of how to determine the replacement costs by providing guidelines on market values to replace the structure and any other property lost or damaged. When it comes to values such as health, social capital and psychological well-being, these may involve adding up bills or cost calculations based on the market standard (for medical care, alternative housing or child care, etc.). For all abstract values, such as cultural identity and social bonds, the methodology provides for the questionnaire to collect responses from the victims own expression of the values at stake.

## **Plenary**

Participants wanted to know how the system captures loss of ancient civilization. It was learnt that the system assesses *values* and not always monetization of the impacts alone. Such values are indispensable to a thorough and accurate inventory, and may need to be expressed in a narrative, rather than a number.

For example it is difficult to put a value for a woman who lost her child. Actuary sciences applied in cases of pain and suffering, loss of life and limb, or disability, as applied in the practice of divorce and insurance law, may provide more precise methods of calculating values at stake. However, that cold calculation may not be sufficient compensation, where restitution is

physically impossible. It is important to keep constantly in mind that this inventory of values should be used to advocate and do justice for the victims, including fulfilment of all aspects of reparation, including the victim's satisfaction.

Participants inquired about scenarios where a woman evicts a fellow woman. In response, it was reminded that the focus is on the values related to the victim. If the perpetrator is a woman, that fact does not obscure the assessment's objective or method.

Participants wanted to know the information that goes into the columns in the tool for short and long term and if the questionnaires are administered to individuals or focus group discussions. In most applications so far, the questionnaires have been used to survey individuals and/or households. However, the design of the questionnaire also seeks to capture collective/community values such as social capital. Where an affected household or community has engaged in the [social production of habitat](#), those collective efforts and arrangements may have produced public spaces for cultural and/or political purposes, local infrastructure or even self-determined security arrangements. These values can be inventoried through focus group discussions to ensure the greatest possible level of inclusion (of affected people and the values they identify).

Short term and long term are included as reminders that there is a violation of a community or household that needs to be followed-up, especially if you are seeking a remedy and do not get it and, in the longer term, the costs and consequences will accumulate. Short term, therefore, could mean within a month after the violation, and long term could mean after a year, where follow-up is appropriate and feasible. The users of the tool should determine their own criteria for short-term and long-term calculation of values. That determination may depend on the unique circumstance of a particular case, as well as the strategic plan, type and objectives of the intervention, and resources available for the assessment.

When it came to values, it was clarified that the tool seeks to capture quantifiable, including monetary values, as much as possible. That is because money talks, and data have credibility, as long as they rest on a method of some scientific integrity. It was noted, however, that it differs in cases of capturing issues such as the number of people killed during a violation. This would require a different narrative to capture the values at stake.

Members also wanted to know whether the tool could be customized to the Ugandan context, especially for unique circumstances. Examples of spirits attacking villagers were raised as some of the unique cases for Uganda. How do we add the spiritual people to a cost incurred as well as the torture by the spirits?

In response, participants were reminded that the tool is flexible. The Excel format allows users to add columns and rows to allow for additional items, or interim periods of calculation (e.g., short term, medium term, long term, longer term), if needed.

As for the spirit perpetrators, it may be difficult to argue the state's obligation to regulate those third parties. It may also be a remote prospect for spirits to adhere to the reparation

framework. If such a case comes up in the typology of Ugandan case, that may require some creative brainstorming to apply human rights methodology and accountability criteria.

### Defining the Incident, Context

The session featured a discussion of how to develop a typology of contexts and cases in that reflect the overall situation of women's housing and land rights priorities. That outcome will be the basis for selection of five priority cases to be analysed in the follow-up to the workshop.

Based on the previous applications of the VIAT and the findings of the project activities in Kenya and India, the outline of cases so far applies an analysis of contexts, types of violation, stages of intervention, remedy/ies sought and—after the intervention—the status of the remedy/ies sought. The following table summarizes the criteria for each item of a case outline.

Summarizing a Violation Incident/Case	
<b>Contexts</b> <ul style="list-style-type: none"> <li>× Conflict</li> <li>× Conflict (civil war)</li> <li>× Development (land concession)</li> <li>× Development project</li> <li>× Disaster (flood)</li> <li>× Gentrification</li> <li>× Infrastructure project</li> <li>× Land grab</li> <li>× Mega-event</li> <li>× Military occupation, punitive</li> <li>× Punitive (other)</li> <li>× Transitional justice</li> <li>× Combinations of the above</li> </ul> <b>Type(s) of violation</b> <ul style="list-style-type: none"> <li>× Forced eviction</li> <li>× Dispossession</li> <li>× Damage, destruction</li> <li>× Privatization</li> <li>× Lost inheritance</li> <li>× Foreclosure</li> <li>× Other</li> </ul>	<b>Stage</b> <ul style="list-style-type: none"> <li>× Pre-violation</li> <li>× During violation</li> <li>× Post-violation</li> </ul> <b>Redress sought</b> <ul style="list-style-type: none"> <li>× Juridical</li> <li>× Administrative</li> <li>× Customary / traditional</li> <li>× Alternative justice systems (AJS) / alternative dispute resolution (ADR)</li> <li>× Charity (temporary relief, not remedy)</li> <li>× Hybrid / policy-coherence approach (aligning emergency aid, development, human rights)</li> <li>× Regional adjudication (AU/EA Court)</li> <li>× Treaty body communication (OP)</li> <li>× International Criminal Court</li> <li>× Transitional justice processes</li> <li>× Combination</li> <li>× Other</li> </ul> <b>Redress status: ?</b>

Examples were provided and shared with participants for all stages including pre-violation where, in the case of the Inga III (dam) project in the Democratic Republic of Congo, four villages applied the tool to capture the values at stake in their eventual displacement and resettlement. The objective was a remedy that ensured full restitution achieved through negotiations.



An early intervention during eviction was the case of Baljeet Nagar – Delhi, India, where defenders sought and obtained an injunction against the ongoing demolition of a slum from the court. Examples of post-violation in Topsia, Kolkata, West Bengal, India was also shared with participants and how the tool was used to capture the impacts of an eviction and other simultaneous violations, including the particular consequences for women.

## Plenary

Participants inquired about timing and if there was a recommended time to assess the impact of the violation. Especially during the violation it could be difficult to intervene as observers to record how many bulldozers, how many families, how many police, among other important details.

Clearer data can be found in the aftermath of the event. It was learnt that, if one has the baseline values, the change in those values can be captured in the aftermath.

## Day 3, Session 8: Local Experiences of Quantifying Violation Impacts

### Applying the Tool in Kenya

The session involved sharing cases and experiences of dispossession and mitigation strategies to quantify the impacts on women in cases of housing and land rights violations in Kenya.

**Sam Ikua** from Mazingira Institute and **Pascal Adongo** and **Diana Wachira** of Pamoja Trust (Kenya) gave background to recent gross violations of human rights, in particular, the human right to adequate housing. These included citywide demolitions, evictions and arson attacks against people and their habitat in their country. These were being undertaken despite various legal and policy developments, including the Land Amendment Act 2016, New Urban Agenda, and the Eviction and Resettlement Bill. Therefore, the need persists to monitor the implementation of programs, document the violations and assess the actual costs to help in evidence-based and evidence-informed advocacy.

This need led to the idea of applying the Human Rights Habitat Observatory approach to monitor these violations. In doing so, the Kenyan organizations have been carrying out their part of the “Assessing Impacts of Women’s Dispossession from Land and Home” project by applying the VIAT to gender roles and women vulnerable to gross violation of their housing and land rights.



**Figure 11: The house and stall belonging to a woman in Kenya before eviction.**

The Kenyan iteration of the project has benefitted from experience at using the quantification method in the case of Muthurwa Estate, which involved an court intervention during the violation to stop its violent eviction. That followed with litigation and a negotiation process to determine the “shifting costs” that resettlement would entail for the residents. The judge in Nairobi High Court accepted the argument and included in his judgment that the evictor provide “such other relief as this honourable court may deem fit to grant.”

In developing the repertoire of instances, they set out a simple conceptual framework with three types of values (losses) to investigate:

**Wealth** – Household goods, income, opportunity loss, etc.

**Well-being** – Distress, social status, etc.

**Habitat** – House, water, sanitation, etc.

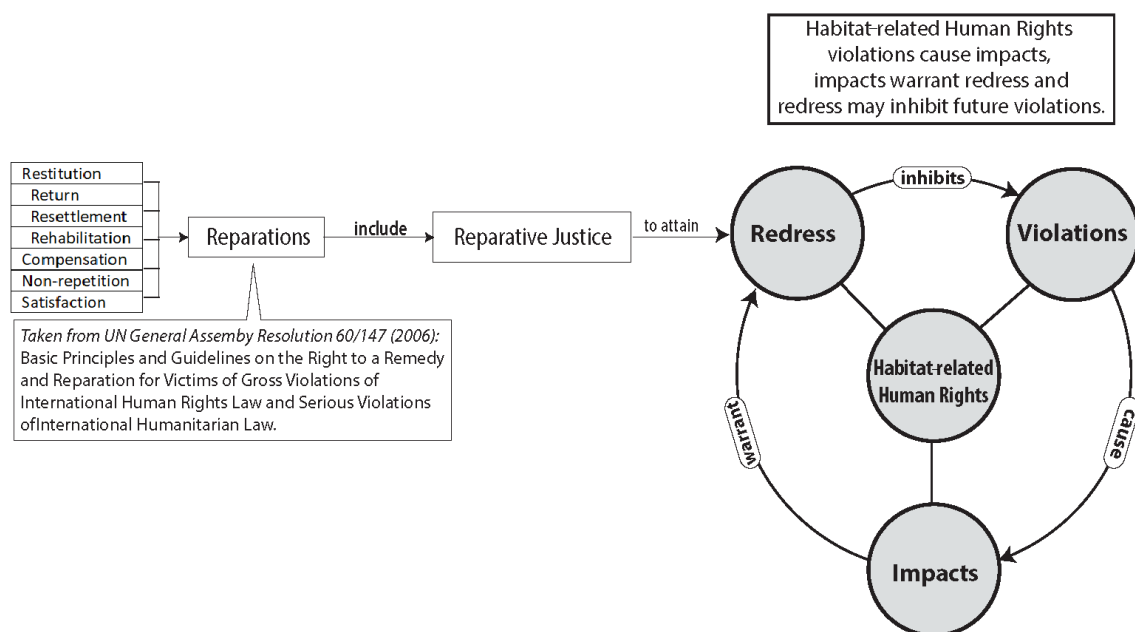


Figure 12: Chart showing the process of interventions to resolve habitat-related human rights violations.

The Kenyan partners explained their process of developing a typology of cases in their July 2019 workshop, then focusing on six representative cases as possible subjects for applying the tool. These involved instances corresponding to specific contexts:

1. Intercommunal conflicts
2. Infrastructure failure and disaster
3. Infrastructure development
4. Military occupation
5. Land titling, which exclude or diminish women’s security of tenure
6. Customary practices that deny women and widows ownership of property, particularly land and homes.

Each was the subject of a brief background note, identifying each of the main features of the case (each 50 words max):

- The general type of incident.
- The characteristics of the particular incident.
- The effects (direct or indirect) of the particular incident on women.
- The scale of the type or particular incident (any numbers).
- Mention of specific losses, costs and/or damage for women affected by the incident

Ultimately, they focused on the case of women threatened by forced eviction due to infrastructure project: the A104 James Gichuru Junction road expansion in Nairobi City County. Their inquiry has involved interviews with affected women in four categories of civil status: single, widowed, divorced/separated and married.

Based on the VIAT, they developed a gendered baseline-assessment tool focusing on the three main values and potential losses: wealth, wellbeing and habitat. Then they pre-tested the questionnaire with nine respondents. They proposed an affirmative question:

"Have you ever been displaced or suffered any other loss of land or home? Yes..... No..... Please describe."

Since these were women who also had undergone previous displacement, the survey question was posed:

"Please tell me why you left your original home (and when) and also all the reasons why you have moved subsequently, so we can get the story of your housing history."

The researchers chose a "[purposive sampling](#)." That is the selection of a sample, based on characteristics of a population and the objective of the study. Within that selection, they chose a "homogeneous purposive sample" group having shared characteristics or set of characteristics. The sample size is 120 women; i.e., 30 respondents from each of the four categories: single, married, divorced/separated, widowed.

The implementers conducted training on women's land and property rights for the respondents and women leaders of the community before embarking on mobilisation. The message were clear: This is a project for women, with women. They engaged the women leaders because they have better knowledge of the area, and also the researchers wanted the community to be fully informed and involved.

Findings were partially quantitative, but largely qualitative. The interviews were done off-site (at Mazingira Institute), to avoid tension and confusion in the community. They took eight days, with five enumerators, each one doing three interviews per day; i.e., 15 interviews done each day, totalling 120 interviews over 8 days. The resulting data is being analysed for a report scheduled to appear in June 2019.

The Kenya team pointed out how this research builds on much earlier findings published in a 1997 book by project leader Diana Lee-Smith, [My House Is My Husband](#), which identified the often-subtle, consistently unquestioned and enduringly impoverishing "gender contract" that permeates traditional property relations, always disadvantaging women, without sufficient critical thinking or action on the part of men or women to rectify it.

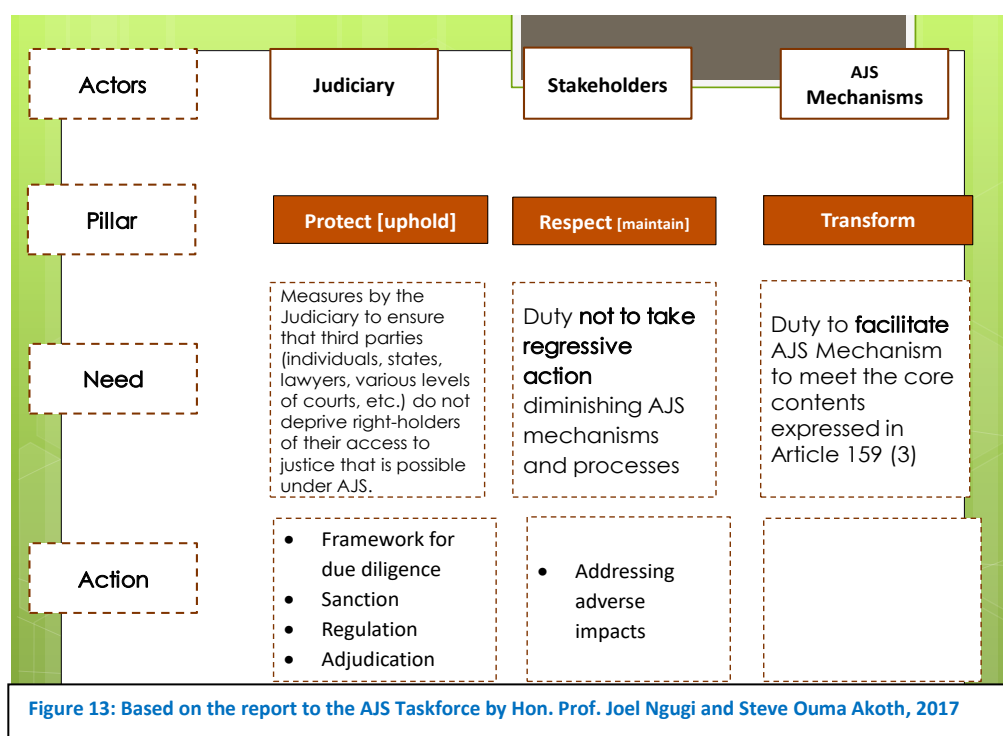
## Alternative Justice Systems

The Kenya team presented the example: the case of *Mitu-Bell Welfare Society v Attorney General & 2 Others*. This involved litigation and a judgment in favour of residents, stopping their eviction and demolition, and finding them eligible for compensation. However, that decision was overturned on appeal, and the case is now before the Kenyan Supreme Court. This case provided a context to explore Alternative Justice Systems (AJS) as a path to remedy.

The session also covered the basic framework of AJS. Given experiences from Kenya, they illustrated the pursuit of remedy as a meandering “River of Justice.” In the course of dispute resolution, AJS is a viable alternative to court-based adjudication for several reasons:

- **Effectiveness:** It is closer to the lived realities of most Kenyans,
- **Social Engagement:** Many Kenyans are disenfranchised and/or lack confidence in state institutions,
- **Legal Imperative:** The 2010 Constitution commands it (Article 159), with 600 cases being adjudicated so far.
- **Efficiency and comparative advantage:** The courts’ capacity and access to justice are limited, litigation is cost prohibitive, and everyone is able to come to a conclusion through AJS mechanisms,
- **Competence:** The courts lack technical competence to adjudicate customary law. Local leaders understand the situation better than the courts do, since the courts only take up what they are told and what coincides with their formal training.

The session also covered the normative elements of alternative justice systems:



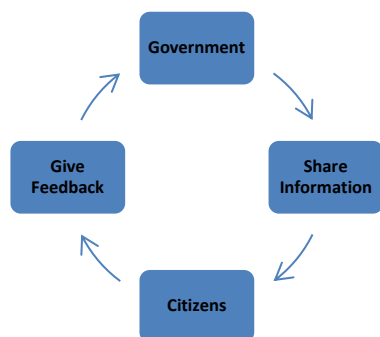


Figure 14: Graph illustrating the interaction of citizens and government in AJS processes.

While the AJS mechanisms typically operate outside formal state institutions, they nonetheless form a relationship and service to the public in dispute resolution, but also in complementing state institutions. This interaction enhances the AJS outcomes by gaining legitimacy and eventual judicial status of the outcomes. It also leads to harmony and integration of the justice system in general with the citizens who seek dispute resolution.

### Day 3, Session 9: Local Testimonies

Testimonies were shared by women slum dwellers from different areas illustrating dispossession of their homes and land by parents, spouses, siblings and local authorities in their communities. The cases shared included:

Case 1 was from **Margret Kaheru Namusoke**, from Luwero who narrated her story of eviction from public land (railway land), the struggle to find alternative accommodation during the period, her husband's sale without her knowledge of land she purchased, challenges of limited documentation of ownership and loss of property due to limited knowledge of her rights and the processes for registration of land.

Case 2 was from **Justine Nakibuule** from Namayumba district, who narrated her story of loss of inheritance land to male siblings, as well as loss of land to the deceased husband's first wife who had male children.

Case 3 was from **Hajati Haminsa Kyaye**, who shared her story of being disowned due to cross-tribal marriage of the parents; loss of land to her husband's family due to no education; loss of land as when her husband sold off the land she purchased; and potential loss of her current domicile without compensation due to an upcoming project by Uganda National Roads Authority.

Case 4 was from **Teopista Namusiisi** of Masulita, who shared her story of being cheated by brokers during the sale of family land, and the current threat of eviction by her siblings from the current family land she is settled on in Kibuye.

The cases illustrated that, beyond cases of large-scale displacement under exceptional circumstances, women in Uganda regularly undergo denial of their housing and land rights due to informal and customary practices. These insidious means of violation of a woman's human right to adequate housing, land and property often escape the monitoring process and elude quantification.



## Day 3, Session 10: Toward a Ugandan Typology of Violations

Participants developed the inventory of local experiences into a set of (proposed) five representative types of violation represented by specific cases that would benefit from further quantification of impacts on women and girls. Of these emblematic cases, the discussion will focus on the strategic outcomes envisioned for each and identify one of particular strategic importance for an in-depth application of the Violation Impact-assessment tool.

Context Causes	Ugandan & Gender-specific Incidents/Cases	Phase: Pre, During, Post	Redress Duty Holder, Remedy Type
<b>Private investments</b>	Lusanja evictions	Post	<b>DH:</b> Kiconco
<b>Public private investments</b>	Naguru – Nakawa eviction (public private partnership between government and OPEC.)	Post-violation	<b>DH:</b> Ministry of Local Government/Kampala Capital City Authority (KCCA), <b>RT:</b> Restitution
<b>Public private investment</b>	Kasokoso eviction ( national housing vs community)	Pre-violation	<b>DH:</b> National Housing and Construction Company <b>RT:</b> Resettlement
<b>Infrastructure development</b>	The Kasoli Project eviction (Standard Gauge Railway Project land acquisition)	Pre-violation	<b>DH:</b> Ministry of Works and Transport (MoWT), Ministry of Lands Housing and Urban Development (MoLHUD), Standard Gauge Railway, Tororo Municipal Council. <b>RT:</b> Resettlement, compensation
<b>Infrastructure development</b>	The Kampala-Jinja Express highway evictions	Pre/During-violation	<b>DH:</b> Uganda National Roads Authority (UNRA), MoWT, MoLHUD <b>RT:</b> Resettlement, compensation, rehabilitation, livelihood programmes
<b>Development (land concession)</b>	Namanve Industrial Park eviction	Post-violation	<b>DH:</b> Ministry of Water and Environment (MoWE), National Environment Management Authority (NEMA), Uganda Revenue Authority (URA) <b>RT:</b> Sensitization of the people, administrative
<b>Disaster</b>	Kigungu-Bussi Makusa Island / airport expansion evictions	Pre/during/Post	<b>DH:</b> Civil Aviation Authority, Wakiso District, Entebbe Municipal Council, MoWE, NEMA, Office of the Prime Minister, Ministry of Disaster Preparedness <b>RT:</b> Voluntary resettlement, financial literacy
<b>Infrastructure</b>	Musiita Majanji Road evictions	Post, during	<b>DH:</b> Uganda National Roads

<b>development</b>			Authority (UNRA), MoWT, <b>RT:</b> compensation, sensitization, charity, resettlement, financial literacy
<b>Mining</b>	Mubende gold mining area evictions	Post	<b>DH:</b> Uganda Peoples' Defence Force (UPDF), Ministry of Energy and Mineral Development (MEMD) - Geological Department, Mubende DLG, Police <b>RT:</b> Financial literacy, training and retooling, licensing
<b>Disaster</b>	Bududa displacement	Post, during	<b>DH:</b> OPM, MLHUD, MoLG, <b>RT:</b> Charity, resettlement, livelihood programmes, technology application
<b>Infrastructure development</b>	Bukasa Dry Land Port evictions	During, post	<b>DH:</b> MoWT, MoLHUD, Wakiso DLG <b>RT:</b> Legal support, charity, publicity, sensitization
<b>Disaster</b>	Ngora Rock eviction	Pre	<b>DH:</b> OPM, <b>RT:</b> Charity, resettlement,
<b>Infrastructure development</b>	Bulisa oil refinery and airport evictions	Post	<b>DH:</b> MEMD, MLHUD, Tallow Oil <b>RT:</b> Resettlement, sensitization, judicial, revaluation
<b>Nature conservation</b>	The Benet community evictions	Post	<b>DH:</b> Uganda Wildlife Authority (UWA), <b>RT:</b> Judicial, financial literacy, training in alternative livelihood programmes
<b>Privatization</b>	Nswanjere eviction	Post	<b>DH:</b> National Forestry Authority <b>RT:</b>
<b>Privatization</b>	Apaa land evictions in Amuru	Pre, during, post	<b>DH:</b> MAAIF, MoLHUD, Amuru DLG, Ministry of Trade Industry and Cooperatives (MTIC), Madhvani Group, UIA <b>RT:</b> Negotiations (AJS), compensation
<b>Nature conservation</b>	Musamya swamp evictions	Post	<b>DH:</b> NEMA, Kayunga DLG, MoWE <b>RT:</b> Charity, rehabilitation, sensitization
<b>Privatization</b>	Nsambya Railway eviction	Post	<b>DH:</b> Uganda Railway Corporation, MoLHUD, State House, MoWT <b>RT:</b> Judicial, charity, livelihoods, compensation
<b>Military Occupation</b>	Kasenyi fish villages evictions	Post	<b>DH:</b> UPDF, MoWE, MAAIF <b>RT:</b> Compensation, Judicial,
<b>Conservation</b>	Bukakata fishing village evictions	Post	<b>DH:</b> UPDF, MoWE, MAAIF <b>RT:</b> Compensation, Judicial,

<b>Military Occupation</b>	Kimaka Market	Pre	<b>DH:</b> Kimaka military barracks, Jinja Municipal Council, MoLHUD, community
<b>Private Investment</b>	Kimaka	Pre	<b>DH:</b> Jinja Municipal Council, MoLHUD, community
<b>Nature Conservation</b>	The Pian Upe Game Reserve eviction in Karamoja	During/post	<b>DH:</b> Amudat Local Government, MoLHUD, MoWE, NEMA, UWA <b>RT:</b> Resettlement, livelihood programmes, publicity (as human rights violation)
<b>Public-Private Partnerships (Investment)</b>	Kaweri Coffee Plantation re eviction in Mubende district	During/post	<b>DH:</b> UIA, High Court of Uganda, Mubende Local Government, UPDF <b>RT:</b> Compensation, legal support, financial literacy, sensitization, publicity (as human rights violation)
<b>Infrastructure development</b>	Kabale Central Market traders eviction	Pre	<b>DH:</b> High Court of Uganda, Kabale Local Government, Kabale Municipal Council, Kabale Central Market Traders Association <b>RT:</b> Relocation plan, legal support, publicity (as human rights violation)
<b>Private Investment</b>	Quality Parts Company Limited evictions in Mubende	During/post	<b>DH:</b> Commission of Inquiry into land matters, Quality Parts Company Limited, Mubende Local Government. <b>RT:</b> Relocation plan, legal support, publicity (as human rights violation)
<b>Patriarchal control over land and its bounty</b>	Women toiling in field without proper remuneration, dispossession and no control over resources	Pre, ongoing, post	<b>DH:</b> Everyone <b>RT:</b> Cultural transformation
<b>Combinations of the above</b>			

## Day 3, Session 11: Way Forward and Closing

In this wrap-up session, **Joseph Schechla** informed participants of further strategic steps in the project, which involve (1) finalizing the typology table, (2) prioritizing a handful (five) of cases, (3) preparing a short write-up of those, (4) the selection of one case for in-depth application of the VIAT and (5) a second technical workshop on customizing of VIAT for application to selected case.

**William Mudde Walaga**, chairperson of the board at SSA: UHSNET thanked the HIC-HRLN team for their partnership with SSA: UHSNET, which has resulted into a very valuable meeting to Ugandans. The main intention of this workshop was to expose women, land and housing rights, which has been adequately tackled and has tremendously expanded his horizon about the phenomena about women, land and housing. He said that he wished to have more such capacity-building workshops to always increase awareness of what we are doing in our different organizations.

He assured the team from Cairo, that before they had come, members thought that they knew everything up to when we started a workshop to now that we are now aware of the gaps to be filled. We are very grateful for that insight and establishing that inadequacy of what we knew and how to deal with it and hopes of this knowledge obtained to greatly enhance our day to day work and appreciation of women.

## **Annex I: Workshop Programme**

### **Learning Workshop on Women, Land and Housing Rights:**

#### **Assessing the impacts of dispossession**

**10–12 April 2019**

***Fairway Hotel and Spa***

#### **Programme**

**10 April 2019**

The first day of training will introduce the gender equality approach to human rights, particularly, housing and land-related rights, provide an overview to Human Rights legislative framework and protection mechanisms at the International, regional and national spheres, and, introduce the theory and practice of the human rights concept of effective remedy.

#### **Session 1: 09:00–10:30**

##### **Welcome and introductions**

##### **Session 1: Introduction to the project and workshop**

*Dorothy Baziwe, SSA: UHSNET, and Joseph Schechla, HIC--HLRN*

The introductory session will provide a brief description of the project background, activities and objectives and briefly explain the structure, sessions and objectives of the three days of the workshop.

Introduction of participants.

##### **Session 2: Contextualizing the question of land and housing in Uganda**

*Dave Khayangayanga, Ministry of Lands Housing and Urban Development*

##### **Session 3: Gender equality and women's rights approach to housing and land rights**

*Rebecca Rukundo, Action for Development (ACFODE)*

The session will examine the importance of gender equality and women's equal rights to land, housing and property, as well as provide the key aspects, characteristics and impacts of gender discrimination and violation of women's right to land, housing and property.



***Break: 10:30–11:00***

**Session 2: 11:00– 12:45**

**Session 4: International human rights legislative framework and protection mechanisms**

*Joseph Schechla and Heather Elaydi, HIC-HLRN*

The session provides basic information about the international legislative framework of human rights and protection mechanisms concerning gender equality, women, non-discrimination and economic, social and cultural rights, particularly rights to adequate housing, land and property.

**Regional human rights legislative framework and protection mechanisms**

*Heather Elaydi, HIC-HLRN*

The session will provide basic information about the African Union legislative framework of human rights concerning gender equality, women, non-discrimination and economic, social and cultural rights, particularly rights concerning housing, land and property. Furthermore, the session will be an opportunity to describe the African Union protection mechanisms of human rights in force and to discuss the access of civil society entities and local communities to these protection mechanisms against forced evictions, other violations of the right to housing and land-related rights and women's rights violations.

**Lunch: 12:45– 14:00**

**Session 5: 14:00–16:00**

**The human right concept of effective remedy: theory and practice**

*Joseph Schechla and Dorothy Baziwe*

The session will focus on applicable accessible and human rights-based formal courts and everyday justice mechanisms remedies to violations of women's land and property rights

**11 April 2019**

**9:00 AM – 10:30 AM**

**Summary of the first day and introduction to the second day**

*Brian Odella – SSA: UHSNET and Sam Ikua, Mazingira Institute*

**Session 6: Strategic Human Rights Monitoring and Reporting**

*Heather Elaydi*

Monitoring and documenting housing and land rights violations in the HLRN Violation Database, focusing on Uganda as an illustration.

## **Assessing the impacts of housing and land rights violations**

*Joseph Schechla*

The session will provide a theoretical background on monitoring and reporting on human rights and describe the main tools and methodologies available to civil society and local communities to monitor and report on the local situation of human rights.

**Break: 10:30–11:00**

**Session 7: 11:00 –12:45**

### **Violation Impact-assessment Tool**

*Joseph Schechla*

Presenting the diverse experiences and contexts in which the Violation Impact-assessment tool has been applied in several countries, resulting in a typology of cases involving violations of housing and land rights. The session will explain the background, development process and objectives of the tool, in order to contextualize it and provide an overview of the cases and countries where it was implemented, and their lessons learnt and successes. It highlights the need to develop the method further to capture the values at stake for women and girls in cases of violation or risk of violation of rights to adequate housing, land-related rights and rights to property.

**Lunch: 12:45 PM – 2:00 PM**

**Session 3: 14:00– 16:00**

### **Session 8: Local experiences of violation**

*Sam Ikua, Mazingira Institute and Diana Wambui, Pamoja Trust (Kenya)*

Share cases and experience of dispossession and mitigation strategies to quantify the impacts of housing and land rights violations in Kenya.

Participants' exchange of learning from Kenya's experience applying the VIAT.

**Day 3: 12 April 2019**

The third day of the training will be an organized debate and in-depth discussion to develop a typology of contexts and cases in Uganda that reflect the overall situation of women's housing

and land rights issues That outcome will be the basis for selection of five priority cases to be analyzed in the follow-up.

**09:00–10:30**

**Summary of the second day and introduction to the third day**

***Pascal Adongo, Diana Wambui and Sam Ikua***

**Session 9: Local Testimonies**

*Moderated by Edris Lubega, National Slum Dwellers Federation*

**Break: 10:30–11:00**

**Session 10: 11:00–12:45**

**Toward a Ugandan typology of violations**

*Joseph Schechla and Heather Elaydi*

Participants will develop the inventory of local experiences into a set of (proposed) five representative types of violation represented by specific cases that would benefit from further quantification of impacts on women and girls. Of these emblematic cases, the discussion will focus on the strategic outcomes envisioned for each and identify one of particular strategic importance for an in-depth application of the Violation Impact-assessment tool.

**Lunch: 12:45–14:00**

**Session 11: 14:00–16:00**

**Way Forward and Closing**

*William Walaga and Joseph Schechla*

In this wrap-up session, the presenters will lead the discussion of further strategic steps in the project and take decisions about the next steps, including the second technical workshop on application of the Violation Impact-assessment tool to be customized on the basis of inputs from this workshop.

## Annex II: Participants

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**Shelter and  
settlements  
Alternatives** | **Uganda Human  
Settlements  
Network**



**Housing and Land Rights Network**  
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