

Mandates of the Special Rapporteur on the right to food; the Working Group on Arbitrary Detention; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; and the Special Rapporteur on the human rights to safe drinking water and sanitation

REFERENCE:
AL UGA 2/2021

30 September 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the right to food; Working Group on Arbitrary Detention; Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the human rights of internally displaced persons; Special Rapporteur on extreme poverty and human rights; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes ; and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 32/8, 42/22, 46/7, 42/16, 43/14, 43/16, 41/15, 44/13, 43/20, 45/17 and 42/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we received concerning the **allegations of the persistent long-standing issue of forced evictions affecting more than 35,000 residents of the Kiryandongo district, Uganda, and the resulting impact on the affected population's access to adequate food.** Reports of forced evictions began in 2017 and have persisted as three multinational companies — Agilis Partners Limited, Kiryandongo Sugar Limited, Great Season SMC Limited — have allegedly acquired and converted national ranchland into plantations without obtaining consent from, or providing fair compensation to, residents who had occupied and cultivated the land for decades.

The alleged acquisition and conversion of the land in question has purportedly caused serious violations of human rights for affected residents of the Kiryandongo district, many of whom are indigenous to the region or have migrated to the area as refugees and internally displaced persons. This communication is intended to draw your Government's attention to alleged violations of the rights to food, water and sanitation, health, adequate housing, and other human rights of those individuals who have been forcibly evicted and displaced from their land in the Kiryandongo district.

We also wish to call your attention to information concerning human rights violations against landowners and human rights defenders who have sought to address the alleged violations. Over the last months, at least seven members of the community including two human rights defenders, Mr. **David Otyaluk** and Mr. **James Olupoti** and a farmer namely, Mr. **Batumbya Charles**, have reportedly been subjected to a range of human rights violations including intimidation, harassment, abduction or alleged arbitrary detention.

Concerns related to similar allegations were transmitted in communication UGA 3/2020 in December 2020, which concerned Mr. **Fred Mwawula**, Mr. **Ramu Ndahimana**, Mr. **Samuel Kusiima**, Mr. **Martin Munyansia**, Mr. **Martin Haweka**, Mr. **Amos Wafula**, Mr. **Eliot Talemwa**, Mr. **Erias Wanjala**, Mr. **Godfrey Ssebisolo**, Mr. **George Rwakabisha** and Ms. **Pamela Mulongo**, land rights defenders and local leaders who have led and organized the peaceful actions of their communities against alleged forced evictions, land grabbing and arbitrary displacement by private companies working on sugar cane, coffee and grain growing in the district of Kiryandongo. It also concerned Mr. **Venex Watebawa** and Mr. **Joshua Mutale**, environmental rights defenders and journalists working for the Water and Environment Media Network (WEMNET) - Uganda, a platform that promotes environmental awareness through informing, educating citizens, highlighting environmental rights violations and demanding accountability and good governance from national and local authorities.

According to the information received:

Background

The Kiryandongo district covers 3,642 km² of land, of which 1,747 km² is considered arable,¹ and has been used for small-scale, subsistence farming and livestock since the 1930s. The Kiryandongo district is also known for providing refuge to those who were internally displaced by conflict and natural disaster elsewhere in Uganda, as well as those migrating from neighboring countries. Despite the continued land occupation and use by residents, in the 1970s the Government purportedly declared control of, partitioned, and leased about 3,800 hectares of the district's land to a private Ugandan company. While some residents were displaced as a result of the transaction, others were unaware of the acquisition until after the company's operations folded in 1979.

Kiryandongo residents reportedly resettled the abandoned ranches in the mid-to late-1990s as part of the Ranches Restructuring Scheme,² and have since sought to formalize ownership. In 2013, the Umoja Famers' Association, representing the interests of many who resettled the ranches, began this formalization process, seeking approval and recognition from relevant authorities. In this context, the Government of Uganda reportedly issued a written determination confirming that residents were lawfully occupying the ranchland in the Kiryandongo district.

¹ UGANDA INVESTMENT AGENCY, KIRYANDONGO DISTRICT INVESTMENT PROFILE 3 (2019), https://www.ugandainvest.go.ug/wp-content/uploads/2019/06/UNDPUG1720-DistrictProfile_Kiryandongo.pdf
² Nyangabyaki Bazaara, *Land Policy and the Evolving Forms of Land Tenure in Masindi District, Uganda* (CTR. BASIC RESEARCH Working Paper No.28, 1992).

Land acquisition and forced eviction of ranchland

In early 2017, Kiryandongo residents discovered that the government had leased a significant expanse of ranchland to three privately-owned companies: Kiryandongo Sugar Limited, which acquired 2,400 hectares for conversion into a sugar plantation; Great Season SMC Limited, which acquired 1,165 hectares for a coffee plantation; and Agilis Partners³ is reportedly converting around 3,850 hectares for a large-scale grain farm. Kiryandongo residents lawfully living on the affected ranchland reportedly were not informed of, or consulted, about the transactions, but only learned of the acquisitions through informal communication channels or at the moment of eviction.

According to information received, since 2017, these three companies have independently commenced campaigns to systematically and violently evict Kiryandongo residents occupying the leased ranchland. The displaced families have described the eviction process as brutal and inhumane, often involving threats or acts of violence. Employees of Kiryandongo Sugar Limited, for example, threatened families with children at gunpoint to convince them to abandon their homes. Soldiers from the Uganda People Defense Forces (UPDF) and Kiryandongo police personnel have allegedly violently removed people from their land at the direction of these private companies.

Access to food and an adequate standard of living

For generations, the affected residents had access to adequate food, cultivating beans, maize, sweet potatoes, bananas, groundnuts, cassava, and mangoes, and raising pigs, goats, and cows for subsistence and sale in local markets.⁴ Those who were forcibly evicted from their land, however, had to leave this primary source of subsistence behind. While the companies implied or even promised fair compensation for property, it is alleged that residents have received little to no monetary payment for their land and did not receive relocation assistance from the companies or the Government. Therefore, many residents were without a guaranteed access to adequate food, housing, water, or means of securing such basic human rights to which they are fundamentally entitled.

Those who have been forcibly evicted from their lands in the Kiryandongo district, as well as those who have maintained possession of property have purportedly experienced a range of challenges from accessing essential services, including health care and education, to enjoying just and favorable working conditions and living free from poverty. While some communities were transferred to other ranches or forest over the years, including the government ranches and Nyamakere and Kibeka forest reserves, some stayed nearby with no specific places to go. For instance, it is alleged that several families sheltered in a closed school, near Agilis Soya's farms. In fact, this reported land acquisition and conversion has threatened the habitability of the

³ See Nelson Mandela, *Agilis on Mission to Transform Agriculture in Kiryandongo*, PARLIAMENT OF THE REPUBLIC OF UGANDA PML DAILY (Oct. 1, 2019), <https://www.pmldaily.com/features/2019/10/agilis-on-mission-to-transform-agriculture-in-kiryandongo.html>.
THE REPUBLIC OF UGANDA KIRYANDONGO DISTRICT LOCAL GOVERNMENT, *Kiryandongo District Development Plan for FY 2015/2016 – 2019/2020* 35 (July 2015), <https://kiryandongo.go.ug/sites/default/files/2ND%20FIVE%20YEAR%20DISTRICT%20%20DEVELOPMENT%20PLAN%20%20FOR%20THE%20FY%202015.2016-2019.2020-KIRYANDONGO%20DLG-min%20%281%29.pdf>

Kiryandongo district as evictions have destroyed homes, small businesses, maize stores, and crops.

Furthermore, the COVID-19 pandemic has intensified the impact of evictions and, faced with hunger and malnutrition, evicted residents and those surrounded by the plantations have reportedly sought work in these operations. Previous mandate-holders acknowledged that plantation work is especially difficult, consisting of harsh labour conditions and pay that is far below living wage.⁵ Workers in the Kiryandongo plantations have reported slavery-like conditions, poor wages, and health complications arising from prolonged exposure to toxic chemicals (an issue that has also been reported by those living in the vicinity of the plantations). Nevertheless, without lands to farm, local residents have turned to the plantations as the primary source of employment in the district so that they may be able to afford food and other basic necessities. Employment on and proximity to the plantations have reportedly compromised the health and safety of residents as it is alleged that when crops are being sprayed or being burned they are not informed and nothing is done in general to protect the workers. The agrochemicals are especially dangerous for women and children and it has reportedly resulted in visible impacts on some local residents' bodies. Furthermore, these populations may have faced increased harms arising from the alleged evictions.

Furthermore, it is alleged that Agilis has seized livestock from local residents living on the land and hired additional livestock belonging to pastoralists, bringing the animals on the land to put further pressure on the population by destroying and damaging crops and gardens. It is also alleged that Kiryandongo Sugar Limited blocked access to water and to the gardens of residents who have not been forcibly removed. In addition, women and young girls reportedly faced threats of rape and sexual assault by security guards when having to cross sugar cane plantations to fetch water.

According to information received, several pharmacy shops, schools and nurseries have been closed or demolished in the area. This destruction imposes additional burdens on women as the primary caregivers and who are often responsible for producing and purchasing food for families. Education is also a critical factor in promoting food security and breaking intergenerational cycles of poverty.

Violent intimidation of human rights defenders

In February 2020, community members wrote an open letter to the ambassadors of the United Kingdom, United States and the Netherlands in Uganda, in an attempt to stop the forced evictions and abuses of those who do not comply with such action.⁶

However, as highlighted in UGA 3/2020, several alleged human rights violations against land rights defenders and local leaders who have led and organized the peaceful action of their communities against forced evictions,

⁵ A/HRC/34/48

⁶ *Open letter to halt land evictions by agribusiness companies in Kiryandongo District* (18 Feb. 2020), <https://www.farmlandgrab.org/post/view/29484>.

land grabbing by private companies working on sugar cane, coffee and grain growing in the district of Kiryandongo reportedly took place in 2020. Over the same period, further incidents occurred. For instance, on 25 March 2020 agents from Kiryandongo Sugar, accompanied by members of the UPDF, trespassed on the property of Richard David Otyaluk, ploughing over his maize crops, and then beat him when he protested. Reportedly, Mr. Otyaluk and another human rights defender, James Olupoti, who was documenting the event, were subsequently taken to a camp housing workers and UPDF soldiers where they were allegedly tortured. They were then transferred to Kiryandongo police station and were reportedly held in detention for seven days. At the end of this period, Kiryandongo police then released them on bond, after charging both of them with criminal trespassing.

In 2021, further intimidation, harassment and human rights violations have been reported by the community. For example, on 7 February 2021, Mr. Charles Batumbya was attacked at his home by two unidentified plain-clothed persons who were armed with pangas and batons. The attackers cut part of his body using pangas and Mr, Batumbya has, as a result, lost four fingers and has been hospitalized.

On 12 March 2021, David Richard Atyaluk was allegedly abducted from his home at gunpoint by three armed soldiers guarding the Kiryandongo Sugar Limited's sugarcane plantation. Reportedly, he was then taken to a military camp where he was beaten. On the same day, eight police officers picked him up and took him to Kiryandongo police station where he was allegedly put in detention from 12 to 17 March 2021. At first, the community did not know where he was, before he was found at Kiryandongo Central Police Station. The police supposedly reported that he was arrested in connection with a fire that destroyed crops on the sugarcane plantation owned by Kiryandongo Sugar Limited. Although released on bail, he has been charged with destroying the crops of Kiryandongo Sugar limited.

Shortly after, on 18 March 2021, four more village members were reportedly abducted by Kiryandongo police and workers of the company Great Seasons SMC Limited. A few hours later, the company descended on people's gardens with tractors under the protection of anti-riot police and plowed people's crops before planting their maize. Fearing to be abducted or shot, families are reportedly hiding.

On 23 March 2021, a group of mothers together with their children went to Kiryandongo district police to bring up criminal charges of criminal trespass and destruction of property against police personnel and the company's workers. However, the mothers were blocked by the district police from bringing charges on the grounds that they did not have proof of land ownership.

Community members fear that the police and workers still patrol the area, in an attempt to arrest additional village members and to provoke a rise in violence.

Recognition of the obligation to address alleged forced evictions

The Uganda courts have acknowledged the fundamental duty of the State to respect, protect and fulfil the rights guaranteed under the Constitution,⁷ and international human rights law before, during, and after land eviction and resettlement proceedings.⁸ The Ugandan High Court recognized that the State retains these obligations even in circumstances where the eviction is being carried out by a private developer.⁹ The Court also highlighted that “...specific legislation or measures need to be adopted to ensure that private actors-such as landlords, property developers, landowners and various types of business enterprises-are compliant with human rights”. Judge Ssekaana Musa has noted “that the absence of Eviction guidelines is a threat to possible violation of rights enshrined in the Constitution”¹⁰ including those that guarantee access to education, health services, clean and safe water, work, decent shelter and food security.¹¹

In the absence of such guidelines or other safeguards, affected communities in the Kiryandongo district have sought judicial recourse for evictions, filing several cases in the Masindi High Court. According to information received, these cases remain pending. Moreover, the evictions have allegedly continued, despite the onset of COVID-19 pandemic. In June 2020, Betty Namisango Kamyā—the Cabinet Minister of the Lands, Housing, and Urban Development in Uganda—ordered Kiryandongo Sugar Limited to halt all evictions until a final decision could be made for the “sitting tenants who don’t have [any]where to go.” Despite this directive, evictions have allegedly continued.

Without prejudging the accuracy of these allegations, we wish to express our serious concerns about the persistent and long-standing nature of the alleged forced evictions and displacement of more than 35,000 residents of the Kiryandongo district, who have relied on their land, including for the enjoyment of their rights to food, housing, water and sanitation, and livelihoods, as a result of land acquisition deals involving Agilis Partners Limited, Kiryandongo Sugar Limited, and Great Season SMC Limited. Without access to the land that has been long used for subsistence farming and raising livestock, residents who are forcibly evicted encounter diminished availability of adequate food and may be more likely to experience hunger, food insecurity, and poverty. We are particularly concerned also for those who have been able to maintain possession, amidst the alleged land grabs, who may still suffer a similar fate, as locally-produced food may be less available and more expensive due to farm loss, consolidation, and conversion into plantations. The severity of such claims has only increased since the outbreak of the COVID-19 pandemic, which has exacerbated issues of hunger and food insecurity worldwide.¹²

⁷ CONSTITUTION OF UGANDA, National Objective and Directives of State Policy XIV. Such rights include those to food security, decent shelter, clean and safe water, health services, and education services.

⁸ *Muhindo & 3 Ors v. Attorney General* (Miscellaneous Cause-2016/127) [2019] UGHCCD 3 (25 January 2019), <https://ulii.org/ug/judgment/hc-civil-division-uganda/2019/3>.

⁹ *Muhindo & 3 Ors v. Attorney General* (Miscellaneous Cause-2016/127) [2019] UGHCCD 3 (25 January 2019), <https://ulii.org/ug/judgment/hc-civil-division-uganda/2019/3>.

¹⁰ *Muhindo & 3 Ors v. Attorney General* (Miscellaneous Cause-2016/127) [2019] UGHCCD 3 (25 January 2019), <https://ulii.org/ug/judgment/hc-civil-division-uganda/2019/3>.

¹¹ CONSTITUTION OF UGANDA, National Objective and Directives of State Policy XIV.

¹² *COVID-19 will double number of people facing food crises unless swift action is taken*, WFP (April 21, 2020), <https://www.wfp.org/news/covid-19-will-double-number-people-facing-food-crises-unless-swift-action-taken>.

During a public health emergency, access to adequate and available food remains a fundamental human right, the obstruction of which constitutes a violation of international human rights obligations. As human rights are indivisible, interdependent and interrelated, violations of the right to food must be considered within the broader context of the right to an adequate standard of living, including the rights to housing, water, and health. We are also concerned about the fact that many Kiryandongo residents were allegedly not informed of the transactions, did not have an opportunity to participate in the decision-making process, and did not receive fair compensation for confiscated land. In this regard, we wish to further recall that the principles of transparency and accountability are based on the condition of freedom of expression, and note grave concern about the alleged human rights abuses of those who have voiced opposition to the aforementioned violations.

In particular, we are gravely concerned not only by the aforementioned allegations, but also of reports that those who have spoken out against evictions face arrest, detention, and even torture. We are concerned over the allegations that the human rights defenders and community leaders have been targeted, intimidated, attacked, arrested and beaten as a result of their legitimate work in defending the land rights of their communities against violent land grabbing and the forced evictions by private companies in the district of Kiryandongo. We are concerned that this will have a chilling effect on the exercise of human rights in the area, and will deter other human rights defenders from carrying out their peaceful and legitimate activities. We are issuing this appeal in order to safeguard the rights of those detained from irreparable harm and without prejudicing any eventual legal determination.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

- 1) Please provide clarifications and any additional information or comment that your Government may have on the above-mentioned allegations.
- 2) Please provide information on the legal basis of the land acquisitions by the three companies in the Kiryandongo district and explanation of the status of claims made by residents in the district to secure legal tenure from your Government.
- 3) Please provide information on whether human rights impact assessments were undertaken prior to the land acquisition and if so, please provide information on their results and the measures adopted to prevent, avoid and mitigate any adverse impacts. Please also provide a copy of these impact assessments and information about how informed participation, including by those potentially affected, was ensured.
- 4) Please confirm whether the evictions in the Kiryandongo district have halted. Please provide information on the steps taken, in consultation

with the people affected, to explore all alternatives to evictions, and address the steps taken by your Government to relocate those who have already been evicted.

- 5) Please indicate what measures have been taken to ensure that persons who have lost their land, housing, possessions or livelihoods, or suffered any other human rights or economic impacts, as a result of the land acquisition deals, have access to effective remedy and reparation. Please address whether your Government is providing relocation assistance to those evicted to ensure that they have adequate housing, and access to arable land for cultivation or other means to access adequate food, water, and other basic necessities.
- 6) Please confirm whether your Government has a mechanism for compensating those who were evicted and if so, whether your Government has received and approved claims. Please also provide the information on nature of compensation provided to evicted residents, the amount and type of compensation determined, and the process for distributing the compensation to the affected community members.
- 7) Please share the details of the steps that your Government is taking to ensure that food in the Kiryandongo district remains available, accessible, and nutritionally-adequate in light of the destruction of farms on land that has been converted into plantations. Please indicate what measures your Government has taken to protect the right to food for those who can no longer secure this right in the Kiryandongo District, including internally displaced people.
- 8) Please indicate how your Excellency's Government guarantees the enjoyment of the human rights to safe drinking water and sanitation in Kiryandongo district, and in particular how it ensures that water, including safe drinking water, is physically accessible to the communities, without threat to their physical security.
- 9) Please explain what steps have been taken to rebuild schools in the Kiryandongo district that have been destroyed during the eviction process, and what measures your Government is taking, if any, to ensure that education is available, accessible, adequate and adapted to the needs of residents in the affected area, particularly children.
- 10) Please confirm whether residents working on or living near the plantations and who are exposed to agrochemicals have access to protective equipment and adequate healthcare. Please address whether your Government restricts the use of certain agrochemicals known to be toxic and dangerous for human health or requires certain protective measures.
- 11) Please state the measures that your Government has adopted to ensure the safety of human rights defenders within Kiryandongo. Please confirm whether your Government has investigated the reported allegations of arbitrary arrest, detention and torture of human rights defenders in the Kiryandongo district. If so, please provide the findings

of this investigation. Please explain whether your Excellency's Government has or intends to investigate the alleged involvement of UPDF and police force members in the use of violence against human rights defenders and evicted residents.

- 12) Please highlight the steps that your Excellency's Government has taken, or is considering to take, including policies, legislation, and regulations, to uphold its obligations to protect against human rights abuse by business enterprises under its jurisdiction, and ensuring that business enterprises within its territory conduct effective human rights due diligence to identify, prevent, mitigate and account for how they address their impacts on human rights throughout their operation, as set forth by the UN Guiding Principles on Business and Human Rights.
- 13) Please indicate the steps taken or envisaged in line with the UN Guiding Principles on Business and Human Rights, including to (i) set out clearly the expectations that all business enterprises operating or present in the Kiryandongo district respect human rights throughout their operations and conduct human rights due diligence to identify, prevent, mitigate and account for how they address their impacts on human rights (ii) take appropriate steps to ensure the effectiveness of domestic judicial and non-judicial mechanisms with respect to business-related human rights abuses, and (iii) provide effective guidance to the business enterprises on how to respect human rights throughout their operations.
- 14) Please provide information on any measures taken to prevent and respond to forced displacement, and to support long-term and lasting solutions for internally displaced persons, including voluntary return, local reintegration and resettlement; and if these measures have received the support of local authorities.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Finally, we would like to inform your Excellency's Government that after having transmitted this communication to the Government, the Working Group on Arbitrary Detention may transmit a related case through its regular procedure in order

to render an opinion on whether a deprivation of liberty was arbitrary or not. This letter in no way prejudice any opinion the Working Group may render. The Government is required to respond separately to this communication and the regular procedure.

Please be informed that a letter on this subject matter has also been sent to the companies involved in the abovementioned allegations.

Please accept, Excellency, the assurances of our highest consideration.

Michael Fakhri
Special Rapporteur on the right to food

Miriam Estrada-Castillo
Vice-Chair of the Working Group on Arbitrary Detention

David R. Boyd
Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

Tlaleng Mofokeng
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Balakrishnan Rajagopal
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Cecilia Jimenez-Damary
Special Rapporteur on the human rights of internally displaced persons

Olivier De Schutter
Special Rapporteur on extreme poverty and human rights

Nils Melzer
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Marcos A. Orellana
Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

Pedro Arrojo-Agudo
Special Rapporteur on the human rights to safe drinking water and sanitation

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, I would like to draw your Excellency's Government's attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

Article 25 of the Universal Declaration of Human Rights recognizes the right of everyone "to a standard of living adequate for the health and well-being of himself and of his family, including food." Article 11 (1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) - to which Uganda acceded in 1987 - recognizes "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." In interpreting this provision, the Committee on Economic Social and Cultural Rights stressed in its General Comment No. 12 that the core content of the right to adequate food refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems (para. 12). It entails both economic and physical accessibility of food, as well as the sustainability of food access for both present and future generations (para. 7).

The ICESCR further requires States to "take appropriate steps to ensure the realization of this right" (article 11(1)), and the Committee has defined the corresponding obligations of States to respect, protect, and fulfil the right to food in its General Comment No. 12. According to the Committee, the obligations to respect existing access to adequate food requires State parties to refrain from taking any pressures that result in preventing such access. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to fulfil (facilitate) means the State must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including their access to land in order to ensure their food security. (para. 15.) The right to be free from hunger and malnutrition is not subjected to the progressive realization, as it must be fulfilled in a more urgent manner (para 1.)

It follows from this authoritative interpretation of the right to adequate food that this right may be under threat when land on which people depend for their subsistence is leased by the State to third-parties, for instance as part of a land-acquisition deal that results in the forced eviction of land occupants. The Commission on Human Rights has confirmed that forced evictions do not only implicate the right to adequate food, but also constitute gross violations of a wide range of internationally human rights that are indivisible, interdependent, and interrelated (Resolutions 1933/77 and 2004/08), such as the right to adequate housing. Commenting on the right to housing and forced evictions, the Committee on Economic, Social and Cultural Rights stressed that all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction from their homes and lands, harassment and other threats (CESCR General Comment No. 7, para. 1). The CESCR concluded that forced evictions are "*prima facie* incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law" (CESCR General

Comment No. 4, para. 18).

In its General Comment No. 7, the Committee has further stated that forced evictions are only permissible under international human rights law in exceptional circumstances and after all procedural protections have been met. This includes inter alia the exploration of all feasible alternatives to avoid evictions, genuine consultation with the affected residents and tenants, adequate and reasonable notice, adequate compensation for any loss of property, alternative accommodation made available in reasonable time, and provision of legal remedies and legal aid. Lawful evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights, including those enshrined in the ICESCR (paragraph 13, 15, and 16). In addition, in his recent report to the UN General Assembly (A/75/148, para. 68(b)), the Special Rapporteur on the right to adequate housing highlighted that the ramping up of evictions during the Covid-19 pandemic threatens to increase the number of homeless persons and called for a moratorium on evictions.

In addition to recognizing the right to an adequate standard of living, the ICESCR provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (art. 12). According to the CESCR, this is “an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information.” (CESCR General Comment No. 14). Meanwhile, article 24 of the Convention on the Rights of the Child, which Uganda ratified in 1990, reiterates the right to the highest attainable standard of health owed to children. Article 28 of the Convention recognizes the right to education, which the ICESCR also recognizes as a fundamental right that States owe an obligation to respect, protect, and fulfil. (ICESCR, arts. 13, 14, CESCR General Comment No. 13).

In relation to the human rights to safe drinking water and sanitation, we wish to draw the attention of your Excellency’s Government to the General Comment No 15 of the CESCR, which affirms that everyone is entitled to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. In particular, commenting on the physical accessibility aspect of this right, the Committee has stated that water must be within safe physical reach for all sections of the population, and that physical security should not be threatened during access to water facilities.

I would also like to draw your Excellency’s Government’s attention to article 7 of the ICESCR, enshrining the right of everyone to the enjoyment of just and favourable conditions of work, including safe and healthy working conditions. The abovementioned General Comment No.14 holds that the improvement of all aspects of environmental and industrial hygiene comprises, inter alia, “the requirement to ensure an adequate supply of safe and potable water...; the prevention and reduction of the population’s exposure to harmful substances such as... harmful chemicals or other detrimental environmental conditions that directly or indirectly impact upon human health.” (para 15). I would also like to stress that the right to work is a fundamental right, recognized in the ICESCR. As specified in General Comment No. 18 (2005) on article 6 of the Covenant, work must be “decent work”, that is, “work that respects the fundamental rights of the human person as well as the rights of workers in terms of conditions of work safety and remuneration.”

Business enterprises providing these work opportunities are required to comply with all applicable laws and to respect human rights, pursuant to the UN Guiding Principles on Business and Human Rights (A/HRC/17/31). Unanimously adopted by the Human Rights Council in June 2011, the Guiding Principles are relevant to the impact of business activities on all human rights, including the rights to adequate housing, health and food, as well as on human rights defenders. The Guiding Principles clarify not only the corporate responsibility to respect human rights, but confirm that “States must protect against human rights violations committed in their territory and / or their jurisdiction by third parties, including business enterprises.” (Principle 1). This requires States to “enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights...” (Guiding Principle 3).

The Guiding Principles should be implemented in a non-discriminatory manner, with particular attention to be paid to the rights and needs of, as well as the challenges faced by, individuals from groups or populations that may be at heightened risk of becoming vulnerable or marginalized, including children and women (Annex, General Principles, p.6). In its General Comment No. 24, the Committee acknowledged that investment-linked evictions and displacements place an additional burden on women and girls who are inadequately compensated and who may face physical and sexual violence and gender-based discrimination (para. 9). Article 14 of the Convention on the Elimination of All Forms of Discrimination against Women, which Uganda ratified in 1985, confirms that States “shall take all appropriate measures to eliminate discrimination against women in rural areas (...) to ensure (...) the right (...) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.”

The obligations set forth in the Guiding Principles also require that a State take appropriate steps to “prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication.” Thus, States have a duty to ensure that any person or group who is a victim of a violation of the right to adequate food has access to effective judicial or other appropriate remedies, and that all victims of such violations are entitled to adequate reparation, which may take the form of restitution, compensation, satisfaction or guarantees of non-prepetition (E/C/12/1999/5, para. 32; Guiding Principles, para. 25). The right to an effective remedy is incompatible with judicial procedures that incur undue delays, as would appear to be the case in the information received.

States may be considered to have breached their international human law obligations where they fail to take appropriate steps to prevent, investigate and redress human rights violations committed by private actors. While States generally have discretion in deciding upon these steps, they should consider the full range of permissible preventative and remedial measures. Business enterprises, in turn, are expected to carry out human rights due diligence in order to identify, prevent, mitigate and account for how they address their impacts on human rights. Where a business enterprise causes or may cause an adverse human rights impact, it should take the necessary steps to cease or prevent the impact. Similarly, where a business enterprise contributes or may contribute to an adverse human rights impact, it should take the necessary steps to cease or prevent its contribution and use its leverage to mitigate any remaining impact to the greatest extent possible (Guiding Principle 19).

We draw your attention to the UN Declaration on Human Rights Defenders (adopted in Resolution A/RES/53/144), which recognizes the right of each person to promote the realization of human rights and calls for the protection “of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of” their rights as human rights defenders (article 12.2). The Declaration also guarantees the right of everyone to participate in the conduct of public affairs, and that “This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms” (article 8.2).

In this context, I would like to refer your Excellency's Government to article 17 of the International Covenant on Civil and Political Rights (ICCPR), to which Uganda acceded on 21 June 1995, and which establishes that no one “shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence” or subjected to arbitrary arrest or detention. The ICCPR also guarantees the right to take part in the conduct of public affairs (article 25). Both the ICESCR (article 1.2) and the ICCPR (article 1.2) have established that “in no case may a people be deprived of its own means of subsistence.” In addition, arrest or detention is arbitrary and contrary to articles 9 and 19 of the ICCPR, when it constitutes a punishment for the legitimate exercise of the rights, including freedom of opinion and expression, freedom of assembly, freedom of association, freedom of religion and the right to privacy (CCPR/C/GC/35).

We would also like to refer your Excellency's Government to the 1998 Guiding Principles on Internal Displacement, which establish in Principle 5 that all authorities “shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to the displacement of persons”. Principles that “Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence”. Authorities also have the obligation to protect internally displaced persons, including their protection from human rights violations (Principles 10 to 13). We would also like to refer your Excellency's Government to Principle 18, which sets out that “All internally displaced persons have the right to an adequate standard of living” that includes essential foods and potable water, basic shelter and housing, and essential medical services and sanitation. Principle 21 establishes that “No one shall be arbitrarily deprived of property and possessions”.

We would like to remind your Excellency's Government of its primary duty and responsibility to support durable solutions for internally displaced persons. Principle 28 establishes that “Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavor to facilitate the reintegration of returned or resettled internally displaced persons.” Principle 29.2 states that “Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and

possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide r assist these persons in obtaining appropriate compensation or another form of just reparation.”

In regard to the requirement to ensure durable solutions for internally displaced persons, we furthermore refer your Excellency’s Government to the IASC Framework on Durable Solutions for Internally Displaced Persons and the Principles on Housing and Property Restitution for Refugees and Displaced Persons (E/CN.4/Sub.2/2005/17, Annex), in particular its Principle 10 on the right to voluntary return in safety and dignity, which specifies that “displaced persons shall not be forced, or otherwise coerced, either directly or indirectly, to return to their former homes, lands and places of habitual residence” and that “displaced persons should be able to pursue durable solutions to displacement other than return, if they wish so, without prejudicing the right to restitution of housing, land or property.”

We would also like to refer to your Excellency’s Government’s to the African Union Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention), that was ratified by Uganda on 29 January 2010. Article III states “1. States Parties undertake to respect and ensure respect for the present Convention. In particular, States Parties shall: a) Refrain from, prohibit and prevent arbitrary displacement of populations” and “h) Ensure the accountability of non-State actors concerned, including multinational companies and private military or security companies, for acts of arbitrary displacement or complicity in such acts; “and” i) Ensure the accountability of non-State actors involved in the exploration and exploitation of economic and natural resources leading to displacement”. Article IV of the Kampala Convention provides that “States Parties shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, so as to prevent and avoid conditions that might lead to the arbitrary displacement of persons.” Article V states that “States Parties shall bear the primary duty and responsibility for providing protection and humanitarian assistance to internally displaced persons.” Article X highlights that “1. States Parties, as much as possible, shall prevent displacement caused by projects carried out by public or private actors; 2. States Parties shall ensure that the stakeholders concerned will explore feasible alternatives, with full information and consultation of persons likely to be displaced by projects; 3. States parties shall carry out a socio-economic and environmental impact assessment of a proposed development project prior to undertaking such a project.” Article XI mentions that “States Parties shall seek lasting solutions to the problem of displacement by promoting and creating satisfactory conditions for voluntary return, local integration or relocation on a sustainable basis and in circumstances of safety and dignity.” The Convention also sets out the obligation of States Parties to “provide persons affected by displacement with effective remedies”. In paragraph 2, it adds that “State Parties shall establish an effective legal framework to provide just and fair compensation and other forms of reparations, where appropriate, to internally displaced persons for damage incurred as a result of displacement, in accordance with international standards.”

Finally, the Framework Principles on Human Rights and the Environment, presented to the Human Rights Council in March 2018 (A/HRC/37/59) set out basic obligations of States under human rights law as they relate to the enjoyment of a safe, clean, healthy and sustainable environment. Principle 4 provides, specifically, that “States should provide a safe and enabling environment in which individuals, groups

and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence.” Principle 12, provides that States should ensure the effective enforcement of their environmental standards against public and private actors. As per principle 14, States should take additional measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks and capacities.