

Mandates of the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the right to food; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; 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 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

Ref.: AL UGA 4/2024

(Please use this reference in your reply)

19 December 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the human right to a clean, healthy and sustainable environment; Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of human rights in the context of climate change; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the right to food; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; 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 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 55/2, 51/8, 48/14, 54/14, 49/13, 52/9, 50/17, 52/10, 52/4, 50/6, 53/10, 54/10 and 51/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of the severe environmental, climate and human rights impact of the East African Crude Oil Pipeline (EACOP) and the Tilenga and Kingfisher Projects, as well as a systematic pattern of oppression and human rights violations against environmental human rights defenders in Uganda in relation to these projects. According to the information received, these include at least 129 alleged arrests and detentions; incommunicado detentions and ill-treatment of multiple environmental human rights defenders, enforced disappearances; the forced eviction of more than 42 families; and widespread judicial harassment. These attacks and threats appear to be directly related to the legitimate human rights activities of the environmental human rights defenders, especially their defence of the right to a clean, healthy and sustainable environment. Reports indicate that such alleged pattern of human rights violations has been ongoing since at least 2022 and persists to this date.**

As Special Procedures mandate-holders and Working Groups, we have raised our concerns in the past about alleged attacks and ill-treatment, including by law enforcement officers, against environmental human rights defenders and activists, (see, most recently, ([UGA 3/2023](#), and [UGA 4/2023](#)), and specific reference made to the repeated arrests of environmental human rights defender Bob Barigye ([UGA 2/2023](#))).

Concerns as to multiple alleged acts of retaliation against human rights defenders by State forces in Uganda have also previously been communicated to your Excellency's Government ([UGA 6/2022](#), [UGA 4/2022](#) and [UGA 3/2022](#)). Concerns as to retaliation against human rights defenders working on issues related to climate change specifically, including raising concerns as to the human rights and environmental impact of the EACOP and Tilenga project, were previously raised in communications [UGA 1/2022](#) and [UGA 3/2021](#).

We are concerned that no responses have been received from your Excellency's Government to any of these communications.

According to the updated information received:

The East African Crude Oil Pipeline, and the Tilenga and Kingfisher projects

The East African Crude Oil Pipeline Project (EACOP) will be a buried 1,443km pipeline that will transport crude oil from these fields in the Lake Albert region to the Port of Tanga in Tanzania, for export. On 24 January 2023, The East African Crude Oil Pipeline Company (EACOP) Ltd, received a license for the construction of the East African Crude Oil Pipeline granted by the Ministry of Energy and Mineral Development. The Kingfisher and Tilenga projects are related oil development projects located in Uganda's Lake Albert region, operated by China National Offshore Oil Corporation (CNOOC) and Total Energies EP Uganda.

Based on the information received, EACOP Ltd is registered in the United Kingdom of Great Britain and Northern Ireland. The shareholders of EACOP are Total Energies (62%), the Uganda National Oil Company (UNOC) (15%), Tanzania Petroleum Development Corporation (TPDC) (15%) and the China National Offshore Oil Corporation (CNOOC) Uganda limited (8%). The project managed by EACOP Ltd in Uganda will cross several conservation areas, protected areas and highly biodiverse and ecologically sensitive areas.

The Kingfisher Development Area (KFDA) project will comprise of 31 wells to be drilled in four well pads, as well as a 40,000-barrels of oil per day (bopd) fed by 19 kilometres of flowlines, in the Southeast of Lake Albert. The Tilenga Project covers three production licenses in Jobi-Rii, Gunya, Kasamene-Wahrindi, Kigogole-Ngara, and Nsoga. The total expected production of these fields is 190,000 bopd. The project will comprise more than 426 wells with more than 160 kilometres of flowlines.

The shareholders of KFDA and of the Tilenga Oil Project are Total Energies

E&P Uganda (56.67%), and CNOOC (28.33%), and the Uganda National Oil Company (15%).

Human rights impacts in Uganda of the EACOP, Tilenga and KFDA projects

The EACOP project and related projects, including Kingfisher and Tilenga, threaten ecologically sensitive ecosystems, including protected areas and wetlands, endangering biodiversity while also increasing deforestation. The oilfields will be located in one of the world's most ecologically sensitive and biodiverse regions, positioned at the intersection of Lake Albert—Africa's seventh-largest lake and a key source for the Nile and Congo River basins—the Murchison Falls National Park, Uganda's largest protected nature reserve, and the Murchison Falls-Albert Delta Ramsar wetland system. The Murchison watershed supports over one million people who rely on it for fishing and fresh water, while Lake Albert alone contributes approximately 43 percent of Uganda's fishing industry. Additionally, over one-third of the pipeline, spanning more than 400 kilometers, will run alongside Lake Victoria, Africa's largest lake, which serves as a crucial water source for over 40 million people. The EACOP pipeline will also run through seven forest reserves—Wambabya Central Forest Reserve, Taala Forest Reserve, Bugoma Forest, Wembere Steppe, Biharamulo Forest Reserve, Swagaswaga Forest Reserve, and Minziro Forest Reserve—and two game reserves: Murchison Falls National Park and Biharamulo Game Reserve, cutting through 295 kilometres of conserved and protected areas. According to the information received, the pipeline risks contaminating critical water sources, such as the Kamugenyi and Wambabya rivers in Kikuube, the Kanywabarogo and Kinfenyi rivers in Hoima, and the Kijubya and Lwemido swamps in Kikuube.

Over 14,000 households may lose their land and be forcibly evicted, with many facing inadequate compensation and inadequate resettlement, disrupting farming and fishing economies and risking deepening poverty and gender-based violence. Furthermore, the displacement is allegedly threatening cultural and religious sites, like the shrines in the Nansiti village (Lwengo District) that will be destroyed, and Barabaig graves which are worshipped in the in Manyara region, that will need to be relocated.

The construction and operation of the pipeline may also cause noise pollution, and oil spillages risking polluting the water and land on which multiple communities depend on for their survival. Residents along the pipeline corridor may face significant health risks, including a rise in diarrhea, typhoid, and tuberculosis as well as respiratory illnesses from dust and chemical exposure. Reports received underscore that the project will displace more than 100,000 people, and cause food insecurity, household debt, and children dropping out of school.

At the same time, the EACOP pipeline and the associated Tilenga and Kingfisher projects are large-scale investments in fossil fuels in the context of a triple planetary crisis and will allegedly contribute significantly to worsen it. A scientific analysis has determined that the project's environmental impact assessments “do not acknowledge the full climate

The situation of environmental human rights defenders in relation with EACOP and associated projects in Uganda

In the context of the development of the EACOP, and related oil projects, multiple human rights defenders, students, activists and communities have peacefully mobilised to protect their lands and defend their rights, expressing concerns due to the pollution and displacement of their communities.

On 5 October 2022, nine student activists were reportedly arrested for holding a peaceful demonstration in support of a resolution of the European Parliament calling for the suspension of the EACOP Pipeline. The students were released on bail and their cases were dismissed on 7 November 2023, due to the prosecutors' failure to produce witnesses.

On 9 December 2022, Mr. Bob Barigye and three members of the StopEACOP global campaign were reportedly arrested while protesting peacefully against the EACOP. They were held in an unsanitary and crowded cell in Kampala Police Station.

On 11 December 2022, they were released on precautionary measures requiring them to report regularly at the Kampala Police Station.

On 24 January 2023, police officers again reportedly arrested, and assaulted, Mr. Barigye and subjected him to incommunicado detention for two days after he organised a public meeting in a local hotel to debate the environmental, economic, and human rights impacts of the EACOP. Police intervened before the event could commence and based on the information received, approximately 15 police officers beat and detained him. Mr. Barigye was placed in an unsanitary, cold, and crowded cell at the police station, with no bedding. He was denied access to his lawyer for two days, during which time he was allegedly subjected to derogatory statements and intimidation, and ordered by authorities to sign a statement, which he refused to do. On 26 January 2023 Mr. Barigye's lawyer was allowed to see him, and in his presence, Mr. Barigye signed the statement and was granted release with instructions to report back to the police station. On 27 January 2023, Mr. Barigye was charged with obstruction of a police officer on duty and was released on a police bond. These charges were dropped 1 March 2023.

On 11 July 2023, Bob Barigye, Mutesi Zalika, Nalwadda Shamim, and Nalusiba Phionah were reportedly arrested for protesting against the environmental and social impacts of the EACOP at Mini Price in Kampala. They were released on police bond the next day and remain under investigation on charges of inciting violence.

On 10 August 2023, Gladis Akumu was arrested after community members of her village, the Kirama Village in the Bulisa District, had started a fire outside one of TotalEnergies' oilrigs in protest of its effect on the community.

According to the information received, the oilrig has had both psychosocial and a physical effect on the community due to noise, light and air pollution from the oilrig. Gladis Akumu has claimed not to be involved in the fire but was charged with attempted arson and detained together with her baby for more than two months from 10 August until 12 October 2023. She was released on a bail. According to the information received, the health of her baby had been negatively impacted by her detention as she was unable to breastfeed properly in prison.

On 15 September 2023, approximately 50 students peacefully marched to Uganda's Parliament to deliver a petition requesting MPs to end fossil fuel investments in the country. Police officers denied them access to Parliament, and chased most of them away, except four students, including Abdul Twaib Magambo, who were kicked, beaten, and arrested. They were detained in prison over the weekend, then released on police bond. They are currently being investigated on charges of public nuisance.

On 20 November 2023, Bob Barigye, Brave Ahimbisibwe, Raymond Bintunkwanga and three other defenders were arrested in front of the Chinese Embassy, where they were protesting the EACOP project. They were detained for two days at Jinja Road police station and were released on police bond on 22 November 2023. They remain under investigation on charges of incitement to violence.

On 15 December 2023, four students including Abdul Aziz Bwete and Shafic Kalyango, were reportedly illegally arrested and detained for protesting the police crackdown on civil society and human rights defenders. They were charged with common nuisance. Reports indicate that they were subjected to police violence during the arrest and were detained without access to legal representation or medical care. They were held at the Central Police Station for four nights before being transferred to Luzira Maximum Security Prison. According to available information when drafting this communication, their case was due to continue on 21 August 2024, but as of November 2024, they are still awaiting the final decision, with no public records indicating a final verdict.

On 15 April 2024, a public demonstration was held by communities in Uganda's Albertine region to protest the evictions of 42 families and the lack of a fair, transparent judicial process for the Tilenga oil project. More than 12 community members, and one lawyer seeking to assist the community faced a range of criminal charges, including malicious damage to property, criminal trespass, theft, stealing cattle, assault, and threatening violence. Most have been detained at Hoima Central Prison and released on bail subject to strict reporting conditions. Three were reportedly coerced into surrendering their interest over their land in exchange for withdrawal of the charges. All have faced repeated delays in the prosecution of their cases before the courts.

On 27 May 2024, the Ugandan police reportedly arrested seven environmental human rights defenders – including Bob Barigye, Noah Katiiti, Newton Mwesigwa, Desire Ndyamesigwa, Raymond Binntukwanga and Jelousy

Mugisha- who were peacefully protesting in front of the Chinese Embassy in Kampala with a petition urging the Chinese Government to stop funding EACOP. They were charged with unlawful assembly.

On 28 May 2024, Kikuube community members organised a peaceful march to present a petition to the Chinese-owned Daqing Oil Construction Group regarding the Kingfisher Oil Project and its impacts on climate change. The members who were marching peacefully were reportedly blocked by Ugandan People's Defense Force (UPDF) soldiers from delivering their petition to the oil company.

On 1 June 2024, three Local Council Chairpersons and one community member were called to report to the Resident District Office and were reportedly ordered to write an apology letter for protesting without police consent. Police officers subsequently reportedly arrested and detained four community members at Kaseeta Police Station, who were later released on police bond. They have since appeared before the Officer in Charge of Investigations at Kikuube police station five times, although they are yet to be formally charged with an offence.

On 4 June 2024, one human rights defender was reportedly forcibly disappeared by the Uganda Peoples Defence Force for five days. The defender was taken to a house and held in a small room with hands bound and was subjected to beating and torture. The defender was held in incommunicado detention for five days till 9 June 2024, when the defender was dumped along the roadside in Kyambogo district. The defender, a family member and another human rights defender were required to give statements at the police station for further investigation, but they have not been contacted since.

On 26 June 2024, the police reportedly arrested another 30 protestors who had gathered in front of the Chinese embassy in Kampala in opposition to the EACOP project. This was the largest number of women defenders (nine) arrested. They were detained for a day and released on police bond that night. They face charges of involvement in an unlawful assembly.

On 5 August 2024, seven activists marched to the Chinese embassy in Kololo, Kampala to present a petition. Four of the activists were reportedly arrested. The police spokesperson has stated they face charges of common nuisance and inciting violence.

On 9 August 2024, the police reportedly arrested 50 individuals including Margret Kothurach and 47 students who planned to march to the Parliament to protest against the EACOP project. 45 individuals were released while the police continue to investigate, and two individuals have remained in prison and have yet to be charged, according to information received until drafting the present communication.

On 26 August 2024, a group of 22 environmental activists and community members affected by the EACOP project (20 men and two women) were arrested in Kampala while having attempted to deliver a petition to the

Ministry of Energy and Mineral Development and TotalEnergies' office with intent to call for halting the project.

According to local sources, 20 of them including seven community members were charged with common nuisance and remanded at Luzira prison until 3 September 2024. One of the community members arrested is reportedly a girl who is a minor, who claimed to be deprived the opportunity of education due to the project.

Separately, on the same day, a group of approximately 300 community members affected by EACOP project attempted to hold a demonstration in the Hoima district. However, in the face of heavy deployment of security forces, only a few representatives were allowed to deliver a petition to the EACOP office with escort of security personnel. The petition highlighted several concerns pertaining to ongoing human rights violations including eviction and alleged gender-based violence and adverse impact on local economies and environment and biodiversity.

The available information also indicates that both police and military police were involved in quelling the protest in August 2024 and some of them resorted to unnecessary and disproportionate force to apprehend protesters including the use of baton.

On 4 October 2024, one defender was reportedly arrested by Kikuube police in Rwengabi and remained in detention exceeding the authorized 48-hour limit. This followed peaceful marches organized by the NGO Greenfaith Uganda and a previous case of harassment in June after the defender submitted a petition related to oil exploitation in the region.

Many communities affected by the EACOP project have reported inadequate compensation for the loss of the land they depend on for subsistence. Immaculate Najjemba and her sister, residents of Nansiti village in Lwengo district, Uganda, were impacted when EACOP acquired a portion of their land in 2018. They received USD 9,844 and USD 7,110, respectively, as compensation for crops but argue that the amount was insufficient and excluded payment for the land itself. In November 2022, they were reportedly arrested while working on their land, accused of falsely claiming compensation for the crops. In August 2024, they were served court documents accusing them of obstructing a Government development project and were summoned to court.

Without prejudging the accuracy of these allegations and based on the information received, we would like to express our deep concern about the repressive environment and the suppression of protests and peaceful assemblies related to the EACOP project and associated oil Tilenga and Kingfisher projects. These measures interfere with the exercise of freedom of peaceful assembly and of freedom of expression. At the same time, they undermine public participation in decisions related to the protection of the right to a clean, healthy and sustainable environment.

We are deeply concerned about the potential negative impact the project would

have on the local communities' human rights including the right to a healthy environment, and their legitimate interest in and intention to peacefully defend their rights and raising attention to the detrimental effects to the environment, cultural heritage, and livelihood posed by the project's completion. Due to the environmental impacts described above, the proposed EACOP project would potentially affect all the key substantive elements of the right to healthy environment: clean air; a safe climate; healthy and sustainably produced food; access to safe water and adequate sanitation; non-toxic environments in which to live, work and play; and healthy ecosystems and biodiversity. The project will furthermore affect other rights such as the rights to life, health, water and sanitation, food, freedom of movement and residence, adequate housing, culture, and education.

We are further concerned that the implementation of the project will gravely impact the food production, food consumption and the overall food security of the affected communities. The pollution of the water resources of these communities will inhibit them from exercising their traditional practices and deprive them of their source of economic livelihood and well-being, as well as their cultural identity around fishery that constitutes an important and integral part of their life. If confirmed, these allegations would be in contravention of the State's responsibility to ensure an adequate standard of living, including the right to food and the right to feeding oneself directly from productive land or other natural resources as well as the fundamental right to freedom from hunger. The full enjoyment of human rights for small-scale fishers and all fish workers is a necessary precondition for the realization of the right to food. It is more urgent than ever to respect and fulfil the human rights of vulnerable populations, such as small-scale fishermen, in the face of acute needs arising from climate change.

We are furthermore deeply concerned by the arbitrary detention, including incommunicado detention, torture, enforced disappearance, and judicial harassment of environmental human rights defenders, members of civil society, affected communities and students in Uganda who have opposed the project. We would like to remind your Excellency's Government that such acts constitute serious human rights violations, including breaches of the rights to life, liberty and security of the person, human dignity, freedom of expression, assembly, and association, freedom from torture, ill-treatment, and arbitrary detention, the right not to be forcibly disappeared, and of the right to a clean, healthy and sustainable environment.

These acts seem to be part of a broader pattern of intimidation and harassment of civil society organisations and groups in Uganda who have raised human rights concerns arising from oil and gas projects, which may include the potential forced displacement of more than 100,000 people without guarantees of proper resettlement.

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 any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information about the existing laws, regulations, and procedures that guide the consideration of human rights impacts of the establishment of the EACOP pipeline, as well as of the Tilenga and Kingfisher projects, including any environmental impact assessments conducted prior the approval of the project, including considerations regarding the impacts on safe climate and specific measures for pollution prevention and control.
3. Please provide detailed information about the existing laws, regulations, and procedures that guide police conduct during arrest, and detention; and what mechanisms exist to monitor its conduct, prevent abuse of power and guarantee the respect, protection and fulfilling of human rights.
4. Please provide detailed information on the fate and whereabouts of the persons reported disappeared and on the measures applied to ensure that any person deprived of their liberty is authorized to communicate with and be visited by their family, counsel or any other person of their choice.
5. Please advise what steps your Excellency's Government is taking to ensure that individuals and groups, including those expressing dissent or criticism, can exercise their freedoms of peaceful assembly, of association and expression without fear of arrest or harassment, in particular in relation to defending their right to a clean, healthy and sustainable environment.
6. Please provide information as to any steps taken by your Excellency's Government to allow affected or potentially affected communities by the EACOP, Tilenga and Kingfisher projects, to engage in peaceful assemblies and to freely disseminate materials which may include dissenting views or beliefs on the activities related to the projects.
7. Please provide information as to Uganda's general measures (laws, programmes, information, trainings for enforcement officers) to ensure 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 (see annex).
8. Please indicate the steps that your Excellency's Government is taking to investigate serious violations against environmental human rights defenders in Uganda, including arbitrary detention, torture and enforced disappearance and any corresponding determinations of responsibility, cessation of wrongful acts and non-repetition of these violations and the full reparation of victims. If no investigation has

been opened, please illustrate the reasons.

9. Please provide a detailed explanation as to how your Excellency's Government ensures that remedies are adequate, in view of the current needs of affected groups and individuals as well as their future long-term needs. Please indicate whether information on how affected communities can exercise their rights, either to remain or to resettlement, has been provided. Please further indicate whether information regarding how those affected can claim fair and timely compensation for all assets lost and any affected housing, land or property, regardless of whether they enjoy formalized property rights.
10. Please provide detailed information on what steps your Excellency's Government is taking to ensure the protection and the fulfilment of the right to a clean healthy and sustainable environment for communities in the area, including rights to information, participation, justice and remedies.

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.

We would also like to inform your Excellency's Government that given the allegations of enforced disappearance, the Working Group on Enforced or Involuntary Disappearances may decide to transmit cases related to its humanitarian procedure. The Government is required to respond separately for the present communication and the humanitarian procedure.

Similarly, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication of allegations in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the present communication and the Working Group's regular procedure.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent any irreparable harm to the areas that would be affected by the EACOP, Tilenga and Kingfisher projects and to the life and personal integrity of individuals and communities that protest against these projects, 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.

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

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environment

Ganna Yudkivska
Vice-Chair on communications of the Working Group on Arbitrary Detention

Elisa Morgera
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Michael Fakhri
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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, we would first like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), to which Uganda acceded on 21 September 1995. In particular, we refer to articles 6, 7, 9, 14, 16, 19, 21, 22 and 25 of the ICCPR.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11). The Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving "in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat" (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. In this regard, the Human Rights Committee stated that the restrictions must be "the least intrusive instrument among those which might achieve their protective

function”. (CCPR/C/GC/34, para. 34).

In its general comment no. 35, the Human Rights Committee has found that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), or on discriminatory grounds, in violation of article 2, paragraph 1, article 3 or article 26, are in principle arbitrary.

We also recall article 21 of the ICCPR, which protects the right to peaceful assembly. The Human Rights Committee highlighted that article 21 ‘protects peaceful assemblies wherever they take place: outdoors, indoors and online; in public and private spaces; or a combination thereof. Such assemblies may take many forms, including demonstrations, protests, meetings, processions, rallies, sit-ins, candlelit vigils and flash mobs’ (CCPR/C/GC/37, para. 6). The Human Rights Committee also affirmed that States “should effectively guarantee and protect the freedom of peaceful assembly and avoid restrictions that do not respond to the requirements under article 4 of the Covenant. In particular, it should refrain from imposing detention on individuals who are exercising their rights and who do not present a serious risk to national security or public safety” (CCPR/C/THA/CO/2, para. 40).

Furthermore, we bring to your attention the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. We would like to draw further attention to the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 (a) and (b), which provides for the right of all persons to meet or assemble peacefully and to form, join and participate in non-governmental organisations, associations, or groups;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration.

We would also like to refer to the Human Rights Council resolution 31/32 which in paragraph 2 calls upon all States to take all measures necessary to ensure the rights and safety of human rights defenders, including those working towards realization of economic, social and cultural rights and who, in so doing, exercise other human rights, such as the rights to freedom of opinion, expression, peaceful assembly and association, to participate in public affairs, and to seek an effective remedy. It further underlines in paragraph 10 the legitimate role of human rights defenders in mediation efforts, where relevant, and in supporting victims in accessing effective

remedies for violations and abuses of their economic, cultural rights, including for members of impoverished communities, groups, and communities vulnerable to discrimination, and those belonging to minorities and indigenous peoples.

We would also like to refer to the report of the former Special Representative of the Secretary-General on the situation of human rights defenders to the General Assembly on 5 September 2006 (A/61/312), where the Special Representative urges States to ensure that law enforcement officials are trained in and aware of international human rights standards and international standards for the policing of peaceful assemblies and to investigate allegations of indiscriminate and/or excessive use of force by law enforcement officials (para. 98).

Moreover, in reference to the seemingly arbitrary nature of the protesters and activists' arrest, we would like to refer to article 9 of the ICCPR enshrining the right to liberty and security of person and establishing in particular that no one shall be deprived of their liberty except on such grounds and in accordance with such procedure as are established by law, as well as the right to legal assistance from the moment of detention. The international law on deprivation of liberty includes the right to be presented with an arrest warrant, which is procedurally inherent in the right to liberty and security of person and the prohibition of arbitrary deprivation, under articles 3 and 9 respectively of the Universal Declaration of Human Rights and article 9 of the Covenant, as well as under principles 2, 4 and 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Article 9(4) also entitles everyone detained to challenge the legality of such detention before a judicial authority.

Furthermore, in its general comment no. 35, the Human Rights Committee has found that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), freedom of assembly (art. 21), and freedom of association (art. 22). This has also been established in consistent jurisprudence of the Working Group on Arbitrary Detention. Article 14 upholds the right to a fair trial and equality of all persons before the courts and tribunals, the right to a fair and public hearing by a competent, independent and impartial tribunal established by law, as well as the right to legal assistance.

Enforced Disappearances constitute violations of articles 6, 7, 9 and 16 of the ICCPR regarding the alleged disappeared persons and in conjunction with article 2.3 with regard to the relatives of the disappeared persons. In addition, article 7 of the Declaration on the Protection of all Persons from Enforced Disappearances establishes that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency may be invoked to justify enforced disappearances (article 7). The Declaration further sets out that the authority ordering or carrying out the deprivation of liberty is required to prevent enforced disappearances under all circumstances. The maintenance in every place of detention of official up-to-date registers of all detained persons (article 10), that all persons deprived of liberty must be released in a manner permitting reliable verification that they have actually been released (article 11), that each State shall establish rules under its national law indicating those officials authorized to order deprivation of liberty, establishing the conditions under which such orders may be given (article 12) and that

family relatives have the right to obtain redress, including adequate compensation (article 19).

The Working Group on Enforced Disappearances has also recalled the importance of respect for cultural diversity and the existence of a space in which multiple opinions, positions and interpretations of history can find expression in the public sphere, which reduces the level of vulnerability of those who question dominant ideas and positions in one way or another (A/HRC/30/38/Add.5). Also, due to the collective nature of certain economic, social and cultural rights, the disappearance of one person can have a negative impact on the community as a whole. An example is the forced disappearance of a leader of a minority community and the impact this may have on the exercise of the right to participate in the cultural life of minorities and on other members of the affected community. Such disappearances may also affect the right to political participation and the existence and protection of other human rights.

We remind that the prohibition of enforced disappearance and the duty to investigate it is a *jus cogens* norm, also enshrined in international customary law, from which no derogation is permitted.

The Universal Declaration of Human Rights also establishes, through its article 10, that “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his/her rights and obligations and of any criminal charge against him/her”. The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, specifically principle 2, makes clear that “[a]rrest, detention or imprisonment shall only be carried out strictly in accordance with the provisions of the law and by competent officials or persons authorized for that purpose. It should also be noted that principle 9, states that “[t]he authorities which arrest a person, keep him/her under detention or investigate the case shall exercise only the powers granted to them under the law and the exercise of these powers shall be subject to recourse to a judicial or other authority.” Lastly, principle 11 outlines the right of all detainees to be heard promptly by a judicial authority.

Regarding the possible adverse effects on the environment, we would like to cite that, on 8 October 2021, the Human Rights Council adopted resolution 48/13, recognizing the right to a clean, healthy and sustainable environment, confirmed by the General Assembly in July 2022 with resolution A/RES/76/300. The right to a clean, healthy and sustainable environment comprises six substantive elements, including the need to ensure a sustainable climate for humanity, which was further elaborated in a report to the UN General Assembly in 2019 (A/74/161). In addition, in March 2008, the Human Rights Council, in resolution 7/23, expressed its concern that “climate change poses an immediate and far-reaching threat to people and communities around the world and has implications for the full enjoyment of human rights”.

In this sense, the right to a clean, healthy and sustainable environment, also comprises procedural elements, that is, access to information, participation and access to justice in environmental matters (A/79/270). Specifically, public participation includes “respecting and protecting the rights to freedom of expression, association

and peaceful assembly related to environmental and climate matters and avoiding restrictions not aligned with international law”; “guaranteeing safe civic spaces for all environmental, climate and human rights defenders, who must be free from any stigmatization, intimidation, criminalization and violence, and “diligently investigate, prosecute and punish perpetrators of such acts, while addressing the root causes of environmental and climate-related conflicts” (A/79/270). In addition, 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.” Accordingly, “The requirements for such an environment include that States: adopt and implement laws that protect human rights defenders in accordance with international human rights standards; publicly recognize the contributions of human rights defenders to society and ensure that their work is not criminalized or stigmatized; develop, in consultation with human rights defenders, effective programmes for protection and early warning; provide appropriate training for security and law enforcement officials; ensure the prompt and impartial investigation of threats and violations and the prosecution of alleged perpetrators; and provide for effective remedies for violations, including appropriate compensation (see also A/71/281, A/66/203 and A/HRC/25/55, paras. 54–133).”

With regard to the protection of the human rights of climate activists as environmental human rights defenders, the Special Rapporteur on the rights to freedom of peaceful assembly and of association called on States to: adopt all necessary measures to ensure that climate defenders meaningfully participate in all just-transition policy development and implementation at all levels of decision-making; conduct thorough, prompt, effective and impartial investigations into killings and violence against civil society actors; ensure that perpetrators are brought to justice; and refrain from issuing official and unofficial statements stigmatizing climate defenders. The Special Rapporteur on climate change and human rights has called on States to: protect climate activists as environmental human rights defenders; urgently develop, in coordination with civil society, positive narratives on the contributions of environmental human rights defenders to the protection of human rights in the context of climate change; gather and share information on threats of violence or attacks against environmental human rights defenders and available protection measures and challenges faced in accessing justice, including for children. She also underscored that intimidation or harassment of environmental human rights defenders by public administration bodies, business and other actors can have a deterrent effect on requesting information, which undermines the contribution of climate and environmental human rights defenders to the protection of everyone’s human right to a healthy environment, including a safe climate.

In relation to the above-mentioned facts and concerns, we would also like to draw your attention to the Paris Agreement on Climate Change, acceded by Uganda on 21 September 2016, which acknowledges that State Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights (preamble). This obligation includes the human right to a clean, healthy and sustainable environment. Moreover, article 12 of the Paris

Agreement provides that “Parties shall cooperate in taking measures, as appropriate, to enhance climate change education, training, public awareness, public participation and public access to information, recognizing the importance of these steps with respect to enhancing actions under this Agreement”.

In relation to this, we wish to refer to the Framework Principles on human rights and the environment of the Special Rapporteur on human rights and the environment (A/HRC/37/59, annex), which summarize the main human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. Namely, framework principle 1 provides that States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights. In the same vein, principle 2 reiterates that States should respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment. Principle 8 reaffirms that, to avoid undertaking or authorizing actions with environmental impacts that interfere with the full enjoyment of human rights, States should require the prior assessment of the possible environmental impacts of proposed projects and policies, including their potential effects on the enjoyment of human rights. The assessment requires meaningful participation of the public, done in a manner that does not discriminate anyone. Principle 14 require States to ensure that they 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.

In addition, we recall that The Committee on the Rights of the Child, in its general comment No. 26 (2023), emphasized that to protect children’s right to a healthy environment, which is implicit in the Convention on the Rights of the Child, States must take immediate action to equitably phase out the use of coal, oil and gas; and States that have substantial fossil fuel industries should assess the social and economic impact on children of their related decisions. Furthermore, several Special Rapporteurs have pointed out the tremendous negative impacts on human rights of fossil fuels throughout their life cycle, from exploration and extraction to combustion and contamination, noting that fossil fuels exploitation affects the rights to life, health, food, water and sanitation, education, an adequate standard of living, cultural rights, and a clean, healthy and sustainable environment with marginalised and vulnerable communities bearing the brunt of the consequences.³

We further recall that under the Convention on Biological Diversity, States have obligations to: manage biological resources important for the conservation of biodiversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use (art. 8); and introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biodiversity with a view to avoiding or minimizing such effects and allow for public participation in such procedures (art. 14). CBD Parties committed to: include approaches to conserve, enhance and sustainably use biodiversity and ecosystem functions and services in upstream decisions on investments in the energy sector, through strategic environmental assessments and integrated spatial planning, including the evaluation of alternatives to such investments; apply best practices on environmental impact assessments; review and,

³ See <https://www.ohchr.org/en/press-releases/2023/11/fossils-fuels-heart-planetary-environmental-crisis-un-experts>.

as appropriate, update legal frameworks, policies and practices to promote the mainstreaming of biodiversity in the energy sector, including through safeguard, monitoring and oversight measures; and promote the full and effective participation of Indigenous peoples and local communities, academia, women, and youth, through consultations with Indigenous peoples and local communities with a view to obtaining free, prior and informed consent, consistent with international agreements (Decision XIV/3, 2018).

We recall the explicit recognition of the human rights to safe drinking water by the UN General Assembly (resolution 64/292) and the Human Rights Council (resolution 15/9), which derives from the right to an adequate standard of living, protected under, *inter alia*, article 25 of the Universal Declaration of Human Rights, and article 11 of ICESCR. In its general comment No. 15, the Committee on Economic, Social and Cultural Rights clarified that the human right to water means that everyone is entitled to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.

Furthermore, the UN General Assembly (resolution 70/169) and the Human Rights Council (resolution 33/10) recognized that water and sanitation are two distinct but interrelated human rights. In particular, we recall explicit recognition that “the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity, while reaffirming that both rights are components of the right to an adequate standard of living”.

In this regard, we would like to refer to the Special Rapporteur on the human rights to water and sanitation report, A/HRC/51/24, in which he recommended Member States to recognize in national legislation the existence of Indigenous Peoples within their borders and their collective rights to lands, territories and natural resources, including aquatic ecosystems, with legal communal ownership of the lands, resources and water rights in their territories.

We would also like to draw your attention to article 12 of the ICESCR, which Uganda acceded on 21 April 1987. The Article enshrines the right to the highest attainable standard of physical and mental health, which is also guaranteed as a part of the UDHR, article 25 read in terms of the individual's potential, the social and environmental conditions affecting the health of the individual, and in terms of health care services. In its general comment No. 14, the Committee on Economic, Social and Cultural Rights (CESCR) interprets the right to health as "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". Accordingly, States have a duty to adopt measures against environmental and occupational health hazards and against any other threat as demonstrated by epidemiological data. Furthermore, article 24 of the CRC recognizes the right of the child to the enjoyment of the highest attainable standard of physical and mental health, and the concomitant duty of the State to provide adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental

pollution.

Moreover, the CESCR stated that “corporate activities can adversely affect the enjoyment of Covenant rights”, including through harmful impacts on the right to health, standard of living, the natural environment, and reiterated the “obligation of States Parties to ensure that all economic, social and cultural rights laid down in the Covenant are fully respected and rights holders adequately protected in the context of corporate activities” (E/C.12/2011/1, para. 1).

We would like to recall the duty of all States to prevent exposure to hazardous substances and wastes, as detailed in the 2019 report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes to the UN General Assembly (A/74/480). This obligation derives implicitly, but clearly, from any number of rights and duties enshrined within the global human rights framework, under which States are obligated to respect and fulfil recognized human rights, and to protect those rights, including from the implications of exposure to toxics. Those rights include the human rights to life, health, safe food and water, adequate housing, and safe and healthy working conditions. The duty to prevent exposure is further reinforced by the national and regional recognition of the right to a safe, clean, healthy and sustainable environment, including clean air (see A/HRC/40/54 and A/79/270). The existence of the State’s duty to prevent exposure is reinforced by the right to full respect for the bodily integrity of the person, which helps to provide context to the extent to which every person should have the right to control what happens to their body (see A/HRC/39/48). Read together, international human rights clearly establish a duty of the part of your Excellency’s Government to prevent exposure to hazardous substances and wastes.

In its general comment No. 4 interpreting obligations under the ICESCR, the CESCR affirmed that all persons should possess a degree of security of tenure, which guarantees legal protection against forced evictions, harassment and other threats.

Further, in its general comment No. 7 on forced evictions, the CESCR clarified that if an eviction is to take place, procedural protections must be guaranteed, including, among others, genuine consultation, adequate and reasonable notice, alternative accommodation, and provision of legal remedies and legal aid. Under no circumstances should evictions result in homelessness, and the State party must take all appropriate measures to ensure that adequate alternative housing, resettlement or access to productive land, is available to affected individuals, where they are unable to provide for themselves. States parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force. Legal remedies or procedures should be provided to those who are affected by eviction orders. States parties shall also see to it that all the individuals concerned have a right to adequate compensation for any property, both personal and real, which is affected.

The basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I), further state that urban planning and development processes should involve all those likely to be affected and should

include: appropriate notice to all potentially affected persons that eviction is being considered and that there will be public hearings on the proposed plans and alternatives; effective dissemination by the authorities of relevant information in advance, including proposed comprehensive resettlement plans specifically addressing efforts to protect vulnerable groups; a reasonable time period for public review of, comment on, and/or objection to the proposed plan; opportunities and efforts to facilitate the provision of legal, technical and other advice to affected persons about their rights and options; and holding of public hearing(s) that provide(s) affected persons and their advocates with opportunities to challenge the eviction decision and/or to present alternative proposals and to articulate their demands and development priorities. Moreover, these Principles and Guidelines underscore that States must give priority to exploring strategies that minimize harm. Comprehensive impact assessments should be carried out prior to the initiation of any project that could result in development-based evictions and displacement, with a view to securing fully the human rights of all potentially affected persons, groups and communities, including their protection against forced evictions. The State must make provision for the adoption of all appropriate measures, to the maximum of its available resources, especially for those who are unable to provide for themselves, to ensure that adequate alternative housing, and resettlement, is available and provided.

In general comment No. 26 on land and economic, social, and cultural rights, the CESCR stressed that “the sustainable use of land is essential to ensure the right to a clean, healthy, and sustainable environment and to promote the right to development, among other rights”. The general comment further emphasizes the essential role of land in the realization of a range of rights under ICESCR. In fact, the secure and equitable access to, use of and control over land for individuals and communities can be essential to eradicate hunger and poverty and to guarantee the right to an adequate standard of living, including the right to food and to adequate housing, as housing is often built on land used for the purpose of food production. Without such access, people could be subject to displacement and forced eviction, which could violate their right to adequate housing.

In his report on resettlement after evictions and displacement, the Special Rapporteur on the right to adequate housing recognized that resettlement, particularly when poorly executed, can have long-lasting negative effects on multiple generations. Resettlement must be treated as a last option to be resorted to when it becomes unavoidable. Resettlement should never unlawfully restrict the freedom of choice of residence. Nobody should be forced to resettle in a particular location or community. Resettlement must comply with human rights standards, be proportionate, avoid recourse to force and ensure benefit-sharing through negotiated agreements with affected persons (A/HRC/55/53). In his second report on resettlement, the Special Rapporteur further noted that intentional displacement and the concomitant resettlement of communities in the name of development is no longer acceptable from a human rights perspective, and that resettlement should be permitted only in cases in which it is called for due to overwhelming and persistent threats to the survival of communities such as those resulting from conflict or climate change (A/79/317).

We would like to refer to article 25 of the Universal Declaration of Human Rights (UDHR) recognizes the right of everyone to a standard of living adequate for the health and well-being of themselves and of their family, including food, housing

and necessary social services.

Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) – ratified by Uganda in 1987 – recognizes the right of everyone to an adequate standard of living for themselves and their family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions. article 11(2) provides “the fundamental right to freedom from hunger and malnutrition”, which is of immediate application. Article 11(1) of the ICESCR further requires States to “take appropriate steps to ensure the realization of this right”. The Committee on Economic Social and Cultural Rights (Committee) 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). According to the Committee, the obligation 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 the State to take measures to ensure that enterprises or individuals do not deprive other individuals of their access to adequate food. The obligation to fulfil (facilitate) means the State must proactively 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 to ensure their food security (para. 15). The right to be free from hunger and malnutrition is not subjected to progressive realization as it must be fulfilled in a more urgent manner (para. 1).

As stated by the Committee in its general comment No. 12, States are required to respect existing access to adequate food and to take no action to prevent such access. The Committee also recalled that the formal repeal or suspension of legislation necessary for the continued enjoyment of the right to food may constitute a violation of this right. The formulation and implementation of national strategies, mandatory for the progressive realization of the right to food, require full compliance with the principles of transparency, accountability and participation of the people. Paragraph 54 of general comment No. 12 also emphasizes that “[t]he denial of access to food to particular individuals or groups” constitutes a violation of the right to food.

We also wish to draw the attention of your Excellency’s Government to CESCR’s general comment No. 26 on land and economic, social and cultural rights, which emphasizes the essential role of land in the realization of a range of rights under ICESCR. In fact, the secure and equitable access to, use of and control over land for individuals and communities can be essential to eradicate hunger and poverty and to guarantee the right to an adequate standard of living, including the right to food and to adequate housing, as housing is often built on land used for the purpose of food production. Without such access, people could be subject to displacement and forced eviction, which could violate their right to adequate housing. Additionally, the Committee underlines that agrarian reform is an important measure to fulfil such rights, as more equitable distribution of land through agrarian reform can have a significant impact on poverty reduction and improve food security, since it makes food more available and affordable, providing a buffer against external shocks (para. 36). Such redistribution of land and agrarian reforms should focus particularly on the access to land of young people, women, communities facing racial and descent-based discrimination and others belonging to marginalized groups and should respect

and protect the collective and customary tenure of land. Therefore, States parties shall put in place laws and policies that allow for the recognition of informal tenure through participatory, gender-sensitive processes, paying particular attention to tenant farmers, peasants and other small-scale food producers (para. 39).