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Network**



**Housing and Land Rights
Network •
Habitat International Coalition**

Report: Technical Workshop on Women, Land and Housing Rights: Assessing the impacts of dispossession



7–9 August 2019

Esella Country Hotel • Kira, Wakiso, Uganda

Report Compiled by Shelter and Settlements Alternatives:

Uganda Human Settlements Network (SSA: UHSNET)

Introduction and Background

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



UHSNET long-term goal of contributing to improved human settlements conditions in Uganda, the network is partnering with Housing and Land Rights Network of the Habitat International Coalition (HIC-HLRN) to implement a project titled “Assessing Impacts of Women’s Dispossession from Land and Home.”

The second technical training workshop took place from 7 to 9 August 2019 at Esella Country Hotel, involving participants who were engaged in the first theoretical training.

The **first day** of the technical workshop focused on reviewing the learning of workshop 1 on gender equality approach to human rights, particularly housing- and land-related rights, and effective remedy for victims in cases of violation. Then focus was put on the cases selected from the typology developed in workshop 1 to ensure that they were complete from the perspective of gender and women’s values, as well as ensuring that they complied with the criteria for selecting cases for full impact assessments. The day ended with a deeper focus on the case selected as the most appropriate: “**Kigungu-Makusa Island Case.**”

The **second day** of the workshop also focused on the selection of the major case to be considered from the main five selected cases by participants. This involved participants presenting on each case in detail for easy selection of the case that is most strategically appropriate for which the Violation Impact Assessment Tool application would most likely lead to (1) have willing respondents, (2) lead to remedy and (3) effective policy.

The **third day** was dedicated to applying the Violation Impact Assessment Tool (VIAT) to the selected case. Participants then adapted the Tool in the form of a survey questionnaire for data collection in the selected community.

Technical Workshop Goal

The main objective of this technical workshop “Women, Land and Housing Rights: Assessing the Impacts of Women’s Dispossession of Land and Home” was to select the main case and apply the VIAT from the perspective of gender and women’s values.

Workshop Contents:

The following core concepts were covered in the technical workshop program:

- ❖ Recap of previous learning
- ❖ Strategic plan and objectives of the workshop
- ❖ Reviewing the 5 cases profiled
- ❖ Main case selection
- ❖ Discussion of the main case
- ❖ SWOT analysis to validate selection
- ❖ Survey tool development
- ❖ Division of labour
- ❖ Next steps and prospects for the future

THE THREE DAYS TRAINING WORKSHOP

Day One

Review of the Theoretical Part

This was done through a recap of what was discussed in the first training workshop. Participants were taken through aspects of:

- Commitments v. obligations
- The Norms and where to find them
- The human right to adequate housing
- A gross violation



- Victims
- Reparation and its constituent entitlements

Ms. Dorothy Baziwe, ED SSA: UHSNET briefly reviewed the typology table that was developed in the first training workshop for which participants had identified 21 diverse cases of housing and land rights violation that were to be discussed deeply. In the follow-up to the first workshop, participants narrowed those to five cases, one of which was to be selected for an in-depth VIAT application. She clarified the objectives of the 3-day training as adapting the VIA tool with the selected violation case to be selected by the participants for implementation. The rationale for shortlisting the cases were to be backed up by reasons of interest as selection was by participants' vote, for the case with the majority of votes emerged as a case to be considered. A few participants with expertise were involved in this selection process to ease work of selection from the typology table that was developed after the first training workshop.

Mr. Joseph Schechla, HIC-HRLN, briefly reviewed the training on the first day of the workshop to refresh participants' understanding of the norms and principles that guide toward achieving a remedy. He further explained how the first training dwelled on the methodological approaches of a human rights intervention, which included a series of steps normally considered in interpreting any human right. That is consistent with the format of an interpretive General Comment of Committee on Economic, Social and Cultural Rights (CESCR). With regard to the human right to adequate housing, that involves identifying the concept and the normative content of the human right to adequate housing, considering what constitutes adequacy, knowing the sources of law and the corresponding obligations of the state, as well as the types of violation. He focused on the over-riding principles in the first 3 articles of the 2 human rights covenants for implanting all human rights. They require the state to ensure: *non-discrimination, gender equality, self-determination of people(s), rule of the law, progressive realization/nonretrogression, applying maximum of available resources, and international assistance and cooperation.*

Participants agreed that the state is always the primary duty holder and understood government as a political administration subject to succession, whereas a state is a legal entity consisting of land/territory, population (people[s]) and institutions, including government recognized by other states.¹ Members cited a number of guarantees of human rights within the state such as *a constitution, policies, ratification of treaties, budgets* among others. In turn, they identified *limited budgets, limited resources, conflicting land tenure systems, donor requirements for some projects* as threats/obstacles or barriers to realizing the human right to adequate housing. Members also understood that "nationality" is also a human right.

Joseph took the participants through the ten steps of human rights intervention, leading to remedy. He reminded that the UN Commission on Human Rights twice affirmed that forced eviction is a "gross violation," which, by definition, triggers rights to remedy, in particular, reparation. Forced evictions are likely to violate multiple human rights as well, for instance, the right to food, health, education, water and adequate housing in general. As defined in the General Assembly resolution A/RES/60/147, reparations consist of seven (7) elements of entitlement for victims of gross violations. This process starts with restitution of the situation before the gross violation takes place, including return, resettlement and rehabilitation in all aspects (i.e., physical, economical, psychological and social), then compensation for those values that cannot be restored, also guarantees of non-repetition and the victim's express satisfaction with the remedy.

Participants requested to know how to deal with non-repetition with women's rights being violated. They also objected to the language of rehabilitation when human rights are violated in the community. They asked "How can victims be satisfied when their objections are being ignored?"

¹ Convention on the Rights and Duties of States (Montevideo Convention), Seventh Conference of American States, 26 December 1933, Article 1, at: http://www.hlrn.org/img/documents/Montevideo_Convention.pdf.

This raised participants' discussion on the typology table that outlined the different violation cases in Uganda, particularly where women's rights have been violated, the stage of violation that is either pre, during or post violation phase, duty holders involved and the redress to be sought. Participants realized that the state should first recognize its binding obligations—and not just voluntary commitments such as SDGs—in order not to violate human rights, with women being the most-affected people due to insufficient tenure protection and inheritance. They agreed that these obligations should be met with effective measures and ensure meaningful participation of the community in decisions that affect them. The identified violation cases mainly targeted women who are face dispossession of land, property and home as violation of their human rights.

Recap on “selection of specific cases” outcomes.

After the first workshop, participants raised quite a number of violation cases that were fed in to the HLRN Violation Database as an assessment of all the violations taking place in Uganda; however, on considering the context and causes of violation, the gender dimension emerged in the specific cases, each phase, identification of duty holders and redress or remedies sought, five major cases were selected that is; *Informal and customary practices, Kampala-Jinja Express Highway, Kigungu-Makusa Island, Pian Upe Wildlife Reserve, and the Kasoli Project.*

This exercise involved in-depth discussion on each of the five priority cases that were selected by presentations by their authors/proponents. In their presentations, participants considered who were affected most, how the eviction occurred and parties involved in that case.

Ms. Rebecca Rukundo, from Action for Development presented the case focused on **Informal and traditional customary practices** with the specific incidences of inheritance, marital dispossession, land ownership issues faced by women. Her presentation was targeting clan leaders for sensitization platforms on women's rights as this would have some impact on women's security and lives through providing evidence to the magnitude of the problem. Participants deliberated about the importance of remedy in this case, as it would have a positive impact in proposing policies and laws that would benefit Ministry of Lands, Housing and Urban Development in designing titling and ownership documents that also favor women. Therefore, the data collection on traditional and customary practices could help in promoting certificates of customary ownership in certain areas affected by such violations.

However, participants also noted that this would raise issues leading to strategic litigation in court and judicial notice, which requires more information from different sectors that will not be easy to collect. Thus, it needs an ambitious and justifiable methodology.

Mr. Edward Kiyingi, from Uganda Housing Cooperative Union presented the **Kampala-Jinja Express Highway case**, where he noted that it is to be an international road supporting trade with East African countries through Uganda. He clarified that this construction is to start off from Nakawa Division, in Kampala, and run through highly settled informal areas of Jinja in consecutive phases. Since this construction has already started, some members are being evicted (during violation), and others are under threat of eviction (pre-violation in those areas where it will pass through). He clarified that this infrastructural development project is causing displacement and affecting livelihoods, especially among females who are estimated at 14,992 as half of the population in the age bracket of 18–60 years. The redress mechanism (compensation) carried out has not been fairly done by Uganda National Roads Authority (UNRA) for the first phase, where women's rights have been violated, since compensation claim were meant to be paid to men only, as they owned the land. Therefore, he noted that this would call for awareness creation among men as duty bearers for justice during the next phase of compensation, resettlement and rehabilitation, and also call for a master plan for other projects that are yet to be started.

Mr. Richard Baguma from Right to Housing Organization presented the “**Pian Upe Wildlife Reserve**” case in northeastern Uganda. He clarified that, in the local dialect, Pian Upe means “friendly enemy”. He presented



to participants the location and history of this eviction case, noting that migrations in the bordering countries have led to tribal conflicts over land claims that are not legal, but under a threat of pending evictions from the areas' Resident District Commissioner (RDC).

He further explained how the existing evictions have led to specific incidents such as displacement of people, loss of lives, burning of huts and loss of livestock, torture and gun violence. Therefore, gross violations various human rights have taken place such those affecting the right to information, adequate housing, education, protection of the family, a clean and healthy environment, water, loss of conjugal rights and many others. Women, children, disabled people and the indigenous where 735 families were displaced and 800 huts burnt. He emphasized that need for remedy to help victims and their community in building capacity to fight for their rights and end violation against them. Participants also suggested that this would help in formulating guidance to protect communities settling in reserves.

Based on the discussion held in the previous training, Joseph asked about the controversy over people living in reserves as to whether they are merely encroaching, or if they have acquired rights to own that land. Richard responded that these are traditional communities that claim ownership of land that belonged to them before the state was formed in 1962. Participants asked for the clarification of the gender dimensions in this case, about the willingness of affected communities to participate in this project which was clarified to participants, and how the gender-disaggregated data could help seek remedy.

Brian Paul Odella from SSA: UHSNET presented Kasoli low-cost housing project as a slum-upgrading project in Tororo that was initiated in 2009 through a MoU with Development Finance Company of Uganda Bank Limited (DFCU), Government of Uganda, Kasoli Housing Tenants Association and Tororo Municipality. He clarified on the purpose of this project as it was to provide 92 houses in the 1st phase, costing UGX 2 billion as a loan from DFCU Bank to be paid back by beneficiaries as agreed, with over 250 low-income households benefitting from this project. However, along the way when the project was launched, ghost beneficiaries appeared at the expense of the original beneficiaries of Kasoli Sacco.

Also the Standard Gauge Railway (SGR) that was to be constructed for a modern and efficient transport system in Tororo, initiated by government in 2014, was to cover a distance of about 47km in Tororo, which would demolish the houses constructed through Kasoli Project. SGR was willing to compensate for this infrastructure development, although local people faced a lot of violations, since the railway construction involved forced evictions through compulsory acquisition of land by government; therefore, the human right to adequate housing right was violated. The proposed reparation for this was to resettle the victims to houses constructed by SGR, then compensation for those costs, losses and damage that could not be restored. Of the victims, 84 were women, single-headed households, and 164 men, 2 beneficiaries from institutions were affected by violence amounting to violations of their human rights to adequate housing and, ultimately, their right to life.

Mr. Ofwono Charles, from Foundation for Rural Housing added that Kasoli Sacco with the inistry of Lands, Housing and Urban Development, Ministry of Works and Transport and other stakeholders comprised 866 members. Of these, 250 were engaged for 84 women and 141 married men. Therefore, another negative impact of the project was break up of local families by the influx of workers luring local women to leave their husbands.

The initial funders of SGR were China; therefore, Uganda's government bears an extraterritorial human rights obligation to protect local people's rights. They have registered losses in business, accommodation, and due to high rates of robbery. Redress is need to restore livelihoods and incomes among the affected people, guidelines are needed for compensation to be fair to all community members. The Ministry of Housing was responsible for housing designs, construction supervision, infrastructure construction, training and give out small loans, Tororo Municipality was responsible for day-to-day supervision. This project was designed to involve community participation with interlocking blocks. Beneficiaries were to make a down payment of 1million through the housing cooperative in DFCU Bank before being allocated a house.

Mr. William Mudde Walaga, SSA: UHSNET Board chairperson, clarified more on the Kasoli violations that were led by clashes among housing cooperative members over who and why to be compensated. Individuals and the ministry demanding money to be paid to the government to start planning for community members who were to be resettled from Kasoli community and also the loan that was to be paid by the community members. (Housing cooperative members negotiated with the SGR to make compensations through DFCU Bank, as they had borrowed a housing loan from there. Some individuals claimed to be paid as they are able to fulfill their obligations. Government claimed for compensation, since it was an infrastructural development and government claimed to be able to use that money for other development ideas).

Day Two

Developing the “Kigungu-Makusa” case for in-depth impact assessment

Strategic Plan

Drawing on the ten steps of human rights intervention, the response involves determining the plan of action (who, what, when). All interventions should be aligned also with the Sustainable Development Goals (SDGs) through the lens of the state’s corresponding human rights obligations. A participant inquired whether the state understands its obligation corresponding to the SDGs. (Joseph reminded them about the components of the state and asked for clarity as to whether the question is directed to its people, or to the institutions of government.) All participants agreed that the Government of Uganda does understand its prior obligations, but turns a blind eye to these issues. Their feedback shows that a lot of issues are not reported on because of lack of facts, thus making the survey findings especially important in acknowledging state obligations.

The second day of the technical workshop involved an in-depth discussion of the VIAT’s application to the Kigungu-Makusa case as the selected community for implementation. It explored the values included in the tool and translated them into survey questions for the affected community (Kigungu-Makusa Eviction).

Discussion on the main case selected

Proscovia Vikman, Kigungu coordinator and a member of SSA: UHSNET presented on an evacuation case that happened in Makusa and Lwamunyu landing sites, which are very small islands in Lake Victoria, very close to Entebbe and on the flight path to Entebbe Airport. As noted, she said there were over 400 people crowded onto a tiny rock living in wooden shacks, with tiny alleys in between, with fishing as the major activity carried out by community members since the site is conducive to fish breeding. She elaborated that Uganda People’s Defence Force (UPDF) officers forcibly evicted the Makusa community from their island home to Mayanzi, Kigungu, Entebbe Municipality, Wakiso district under a supposed threat of the island sinking due to climatic changing patterns. At Mayanzi, a landing site adjacent to Kigungu, the community signed a two-year agreement with the land owner for a temporarily settlement.

Incident

This fishing community, which has increased from 700–3,500 members at their refuge at Mayanzi, is currently protesting a UPDF eviction notice issued to them orally by officers Isaac Ongwen and Herbert Mwesigye, led by James Niwagaba. The officers gave them a forty-day ultimatum to vacate their new settlement as they claim “ownership” of the land in question. Participants understood that the Entebbe RDC and Lake Victoria Local Authorities’ Co-operation (LAVLAC) committee were involved in this eviction process, though this information was not published. Thus, they agreed to focus on a current eviction threat, in order to save the community from becoming homeless.

Remedy Sought

The intended intervention seeks to sensitize the people affected, engage the duty bearers on how to officially resettle the displaced residents, if no alternative were possible. Any remedy should preserve the fish breeding grounds and livelihoods of the community. This is to help in formulating a better resettlement plan with duty bearers engaged, in order to determine the values at stake and, thus, subject to reparation. The VIAT as an illustration of the whole process to be considered for reparations to evictions (return, restitution, resettlement, rehabilitation, compensation, non-repetition and satisfaction).

Cause	Phase	Type of Violation	No. of affected persons	Gender (women)	Redress	Duty Holders
Disaster	Pre- eviction	Forced eviction	700	510	Preservation of breeding grounds, Resettlement, Rehabilitation	State of Uganda, Entebbe Municipal Council, Wakiso District, UPDF, Formed Police Units, Ministry of Agriculture and Fisheries

Development of Violation Impact Assessment Tool

Participants were divided into five groups where each group was allocated a topic of discussion corresponding to a section of the draft survey questionnaire provided, based on the foregoing VIAT application in the case of infrastructure development at James Gichuru Road- Rironi, Kiambu County, Kenya.

The five topics were: **Household Values and Assets**, **Regular Household Expenditures**, **Social Assets**, **Civic Assets** and **Public/state costs/expenditures**. Each group leader had to present the findings under the given topic of discussion. Participants were guided by the VIAT in filling in the contexts required for pre-violation eviction phase.

Group One discussed how to quantify the various values and assets in a household and develop a cover page for the questionnaire, indicating the gender issue to which this tool is addressed, including cash savings in a home, sources of livelihood in a home and also sources of household income in a non-intrusive way for more information to be collected.

Group Two also presented on the regular expenditures incurred in a home, while accessing social services availed to them like clean water, food, market, health care and education, place of worship, information, trainings empowering women and also how they overcome the challenge of not accessing such services in their community.

Group Three discussed how to collect data on available social assets and their accessibility by community members that is to say places of worship, gardens, cemeteries, child services to improve parental engagements for busy parents, health status of the community and how easily can they access immunization and Primary Health Care services, family and social status. This would help in understanding whether the community residents are organised enough for developmental engagements and also have control over their lives.

Group Four came up with an inventory of civic assets; that is to say designed questions that would collect information also about their nature of political participation, public health, relationships and crime management for their safety, political legitimacy and social cohesion. This was to help in understanding how the communities are organised to access social services and their level of participation in community activities.



Group Five discussed how to capture public/state cost/expenditure by probing community members about whether they are aware of certain services provided by the state and how much they spend if they were to access given services; e.g., local councils, municipal councils, police, relief services and judicial courts, and the procedure to follow, as well as the cost incurred, in order to access such services.

Day Three

The third day of the technical workshop involved refining the survey questions for Kigungu-Makusa case intervention after exploring the prior experience of the in-depth application of the VIAT in Kenya.

Learning from Kenya

Sam Ikua from Mazingira Institute in Kenya shared his experience on the VIAT application in a community that facing eviction. He presented some of the findings from their survey tool used in a potential eviction in the context of James Gichuru Expansion of A104 road as an infrastructural development.



The participants later returned to their small groups to incorporate the comments of the previous day and the lessons from Kenya in their respective parts of the survey tool. Participants realized that the tool was huge and called for use of a social approach in order to keep the flow of the conversation with members in the community. This approach was known to better for fetching more information from community members. From the lesson shared, they also understood the sensitive language that is both verbal and non-verbal communication to use in collecting data from this community regarding of their status and also use of a cost guide to avoid exaggerations on costs. This led to the development of the SWOT analysis of intervention. The groups presented their sections of the survey questionnaire after editing their survey questions based on the Kenyan presentation.

SWOT Analysis: Strengths, Weakness, Opportunities and Threats

Strengths	Weaknesses	Opportunities	Threats
<ul style="list-style-type: none"> ❖ Legal basis in international human rights obligation of all organs of the state of Uganda ❖ Solid case of clear violation and potential violation with significant impacts on women ❖ Community in particular, women willing and able to express them selves ❖ Potential for human right based remedy (reparations) with 	<ul style="list-style-type: none"> ❖ Security allow little change and resource ❖ Absence of known policy guidance in cases evacuation ❖ The remedies used to evacuate people from Island ❖ Lack of capacity to support the technology in collecting enough information (Need for public information ❖ The remedy doesn't bring out the wants 	<ul style="list-style-type: none"> ❖ Focus on women enabled survey while men are out fishing ❖ Reparations argent quantification data could dates future such evictions and displacements ❖ Some press outlets already following the case for example Eva Maganyi and Al-mandi Senkibirwa @ daily monitor ❖ Appeal to Uganda positioning as a leader champion of 	<ul style="list-style-type: none"> ❖ State wants to use the entire peninsula for military purposes, china's investors ❖ Militarization and potential violence ❖ Non-cooperation of community leaders ❖ Local Mayanzi resident opposition to the presence of fisher community ❖ Ghost beneficiaries ❖ The Urban land markets ❖ International Nile-



<p>policy relevance and implications</p> <ul style="list-style-type: none"> ❖ Entebbe municipality and mayor opposed to UPDF attempts to evict Mayanzi community ❖ Entebbe Municipality already gazette the Mayanzi land area for fisher community residence with commitment to provide corresponding services ❖ General political culture of non-partnership in Entebbe, enabling movement based approach to issues. ❖ Climate change mitigation with measure with measure to be taken by the prime Minister Office ❖ Ugandan Judicial guidance aligned with CESCERS general comment ❖ Already some focus by the press ❖ National location of this areas as an economic site 	<p>of the women</p>	<p>climate change</p>	<p>Victoria Agreements</p>
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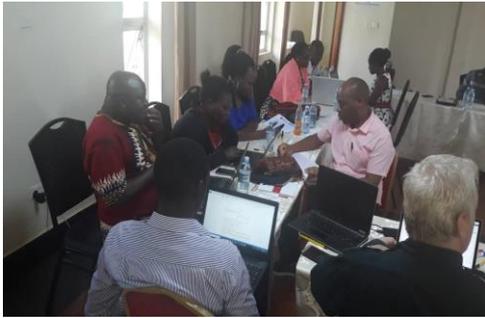
Way Forward

Participants agreed on coordination process with Kigungu Entebbe community leaders to sensitize community members about the data collection activity to take place in their community for more information to be provided and also cooperate with the enumerators. This would lead to another step of engaging with stakeholders and duty bearers in charge of this community's resettlement.



Participants in small groups 1–5

Household Values and Assets



Household social Assets

Household Regular Expenditures



Civic Assets (non-material)



Civic Assets (non-material)



Public/state Cost/ expenditure

