

# THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES RIGHTS ON THE RIGHTS OF CITIZENS TO SOCIAL PROTECTION AND SOCIAL SECURITY

How does Uganda Measure Up?



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## ACRONYMS

AU	African Union
CSSP	Child-Sensitive Social Protection
CT-OVC	Cash Transfer for Orphans and Vulnerable Children
DRDIP	Development Responses to Displacement Impacts Project
DRF	Disaster Risk Financing
GDP	Gross Domestic Product
ISER	Initiative for Social and Economic Rights
LIPW	Labor Intensive Public Works Programme
NLFS	National Labour Force Survey
NSSF	National Social Security Fund
NUSAF	Northern Uganda Social Action Fund
RAISE	Research & Action for Income Security
SAGE	Social Assistance Grants for Empowerment
SCG	SCG Senior Citizen Grant
URBRA	Uganda Retirement Benefits Regulatory Authority
UWEP	Uganda Women Entrepreneurs Program
WFP	World Food Program
YLP	Youth Livelihood Program

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## FORWARD

At the height of the Covid 19 pandemic and the cost of living crisis, the African Union adopted the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security (the AU Protocol). The premise on which the adoption was based was simple: we cannot go back to how things were after all we know. That many people are one medical bill or job loss away from poverty. That social protection is a right and integral for people to live in dignity.

Uganda's Vision 2040 points out limited social protection as a challenge to the country's development and the country's National Development Plan III links social protection to inclusive growth. I am glad to see ISER take on the formidable task of interrogating Uganda's social protection initiatives against the requirements of the AU Protocol.

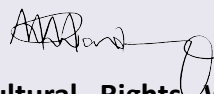
I commend the government of Uganda for the efforts it is making to provide social protection to its people. The African Commission on Human and Peoples' Rights review of Uganda's human rights record in 2023 found social protection to be a key area deserving further attention, particularly the need to entrench it as a right and commit the necessary resources for it to be accessible to all without discrimination.

The AU Protocol is a useful benchmark on which to assess progress, make improvements and strides in tandem with other African Countries. Member States to the African Charter on Human and Peoples' Rights (the Banjul Charter) pledged to undertake efforts to achieve a better life for the peoples of Africa.

It is without question that social protection is a right. In this regard Uganda should demonstrate its commitment to upholding social protection as a right by ratifying this important AU Protocol. It is noteworthy that Uganda has often signed the African Human Rights Instruments, and most recently ratifying the Protocol on the Rights of Older Persons in Africa and the Rights of Persons with Disabilities. Ratifying the AU Protocol will without doubt complement government's efforts to provide social protection to its people, realize the sustainable development goals and enable people to live in dignity.

**Mudford Zachariah Mwandenga**

**Chairperson Economic Social and Cultural Rights Working Group, Africa  
Commission on Human and Peoples' Rights and Country Rapporteur for Uganda**



## EXECUTIVE SUMMARY

Social protection is a key tenet of African culture and sorely needed given the poly crises of climate change, Covid 19 recovery, conflict and cost of living that have disproportionately affected people's ability to live in dignity. Yet less than 1 in 5 people in Africa receive at least one form of social protection, the lowest compared to other regions. There is a large unmet financing gap with the continent only spending 0.4% of its GDP on social protection.

The African Union adopted the Protocol to the Rights of Citizens to Social Protection and Social Security (hereinafter African Protocol on Social Protection) in February 2022. While this Protocol is yet to be ratified by many African countries, including Uganda, it provides for a comprehensive, lifecycle and rights-based approach to social protection, rooted in the African Charter on Human and Peoples Rights (Banjul Charter) and linking it to emerging crises like climate change and epidemics.

This research interrogates social protection in Uganda against the norms enshrined in the African Protocol on the Rights of Citizens to Social Protection. We find that while the country has made good progress and has a National Social Protection Policy, it should strengthen social protection by more firmly entrenching it as a right, including enacting enabling legislation. Key to this is ratifying the African Union Protocol on Social Protection.

Financing for social protection remains limited in Uganda. It has not exceeded 1% of GDP, hovering between 0.7-0.9% of GDP. For two of the largest direct income support programs, Uganda spent only 0.14 percent of GDP in FY17/18, below peer neighboring countries' spending on direct income support. For example, Kenya and Rwanda spent 0.4 percent and 0.3 percent of GDP on direct income support programs during this period.<sup>1</sup> It is also below government's own spending targets for social protection.

Implementing a human rights and life cycle approach to social protection would greatly strengthen government's efforts to provide social protection to its people.

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<sup>1</sup> World Bank (2022) Uganda Poverty Assessment, at p. 105, <https://openknowledge.worldbank.org/entities/publication/1f4dfb7e-63e5-5773-9f17-690acba30bb8> (last accessed 22 March 2024).

## RECOMMENDATIONS

- 1** Ratify and domesticate the AU Protocol on the Rights of Citizens to Social Protection.
- 2** Increase financing for social protection, including by curbing illicit financial flows and implementing progressive tax reforms.
- 3** Implement a human rights based and lifecycle approach to social protection.
- 4** Identify and ameliorate barriers to accessing social protection.
- 5** Allow other forms of ID to access social protection as the government further strengthens the roll out of national ID.
- 6** Ringfence financing of public services to ensure there are no budget cuts to vital services and benefits when undertaking fiscal consolidation and austerity measures.
- 7** Curb unnecessary debt and conduct a human rights impact assessment before undertaking further debt.





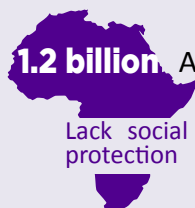
## CHAPTER 1

### INTRODUCTION AND BACKGROUND

Amidst the multiple crises facing the world right now, including climate change, recovery from covid 19, cost of living crisis, wars, conflict and fragility, social protection is more important than ever. However, the majority of people in Africa are still not covered by social protection.



Only 17.4% of people in Africa receive at least one form of social protection, the lowest compared to other regions.<sup>2</sup>



Africans lack any form of social protection.<sup>3</sup> Although the Continent has some of the greatest needs for social protection given the high proportion of children, it has some of the lowest coverage rate of social protection and a large unmet financing gap, with African countries only spending **0.4% of GDP** on average.<sup>4</sup>

The African Union adopted the Protocol to the Rights of Citizens to Social Protection and Social Security (*hereinafter* African Protocol on Social Protection) in February 2022, reaffirming social protection as a right and set out state obligations in a binding instrument. Uganda is yet to ratify this Protocol although it publicly pledged to do so at the 77<sup>th</sup> ordinary session of the African Commission.

The African Protocol on Social Protection while providing an overview of rights also enshrines specific protections for vulnerable groups. It also recognized the ILO

<sup>2</sup> International Labour Organisation, World Social Protection Report 2020-2022, [https://www.ilo.org/africa/areas-of-work/social-protection/WCMS\\_856047/lang--en/index.htm#:~:text=Despite%20the%20importance%20given%20to,%2C%20WSPR%202020%2F22](https://www.ilo.org/africa/areas-of-work/social-protection/WCMS_856047/lang--en/index.htm#:~:text=Despite%20the%20importance%20given%20to,%2C%20WSPR%202020%2F22)

<sup>3</sup> International Labour Organisation, World Social Protection Report 2020-2022, [https://www.ilo.org/africa/areas-of-work/social-protection/WCMS\\_856047/lang--en/index.htm#:~:text=Despite%20the%20importance%20given%20to,%2C%20WSPR%202020%2F22](https://www.ilo.org/africa/areas-of-work/social-protection/WCMS_856047/lang--en/index.htm#:~:text=Despite%20the%20importance%20given%20to,%2C%20WSPR%202020%2F22)

<sup>4</sup> International Labour Organisation, World Social Protection Report 2020-2022, [https://www.ilo.org/africa/areas-of-work/social-protection/WCMS\\_856047/lang--en/index.htm#:~:text=Despite%20the%20importance%20given%20to,%2C%20WSPR%202020%2F22](https://www.ilo.org/africa/areas-of-work/social-protection/WCMS_856047/lang--en/index.htm#:~:text=Despite%20the%20importance%20given%20to,%2C%20WSPR%202020%2F22)

Social Security Standards: in particular the Social Security (Minimum Standards) Convention, 1952 (Number 102); the Social Protection Floors Recommendation, 2012 (Number 202); and the Recommendation concerning The Transition from the Informal to the Formal Economy, 2015 (Number 204). It is the first AU instrument to comprehensively deal with social protection.<sup>5</sup>

It provides for a lifecycle approach to social protection, meaning that states are obligated to provide social protection at every stage of life, including childhood, working age and old age. It enshrines the right to holistic social protection and tackles recent developments like climate, pandemics.

Ugandans increasingly need holistic social protection as the country faces the polycrises of climate change, covid 19, cost of living crisis and conflict. Over the three decades of 1980-2012, natural disasters attributed to climate change increased by 250% and the estimated number of people affected increased by 140%.<sup>6</sup>

**In 2023** indicated that climate conditions had worsened over the last decade.<sup>7</sup>  
**90% of farmers**

The World Bank's latest poverty assessment found that shocks disproportionately affect the poor and 40% of rural households and 30% of households in urban areas experienced some form of shock.<sup>8</sup> 1 in 2 people in Uganda are vulnerable to falling back into poverty within the



30%

Urban households



40%

Rural households

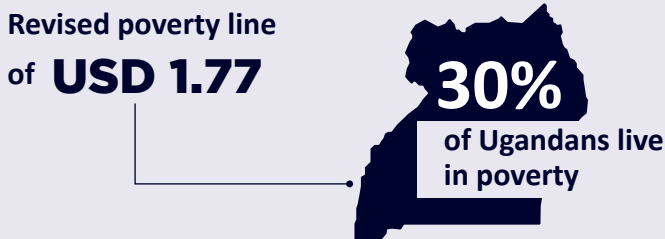
<sup>5</sup> Uganda Bureau of Statistics (2021) Uganda National Household Survey, [https://www.ubos.org/wp-content/uploads/publications/09\\_2021Uganda-National-Survey-Report-2019-2020.pdf](https://www.ubos.org/wp-content/uploads/publications/09_2021Uganda-National-Survey-Report-2019-2020.pdf) (last accessed 26 March 2024)

<sup>6</sup> Ministry of Gender, Labour and Social Development(2022), Draft National Social Protection Strategy; Uganda Bureau of Statistics (2021) Uganda National Household Survey, [https://www.ubos.org/wp-content/uploads/publications/09\\_2021Uganda-National-Survey-Report-2019-2020.pdf](https://www.ubos.org/wp-content/uploads/publications/09_2021Uganda-National-Survey-Report-2019-2020.pdf) (last accessed 26 March 2024)

<sup>7</sup> World Bank (2023) Uganda Poverty Assessment: Strengthening Resilience to Accelerate Poverty Reduction, <https://openknowledge.worldbank.org/entities/publication/1f4dfb7e-63e5-5773-9f17-690acba30bb8> (last accessed 20 February 2024).

<sup>8</sup> World Bank (2023) Uganda Poverty Assessment: Strengthening Resilience to Accelerate Poverty Reduction, <https://openknowledge.worldbank.org/entities/publication/1f4dfb7e-63e5-5773-9f17-690acba30bb8> (last accessed 20 February 2023).

next two years.<sup>9</sup> Based on the revised poverty line of USD 1.77, 30% of Ugandans live in poverty.<sup>10</sup>



The majority of the labour force is in the informal sector, with

**35%** in the subsistence sector



9 in 10 youth are working in the informal sector.<sup>11</sup>

While it is not the case that all informal sector workers are poor, nor are all working poor part of the informal sector, there is a strong correlation with poverty and vulnerability as Uganda's data shows.

Children of school going age face the highest rates of multi-dimensional poverty at 56% and for households with 3 or more children it is at 62%.<sup>13</sup> 28% of children are

<sup>9</sup> World Bank (2023) Uganda Poverty Assessment: Strengthening Resilience to Accelerate Poverty Reduction at p.111, <https://openknowledge.worldbank.org/entities/publication/1f4dfb7e-63e5-5773-9f17-690acba30bb8> (last accessed 20 February 2023).

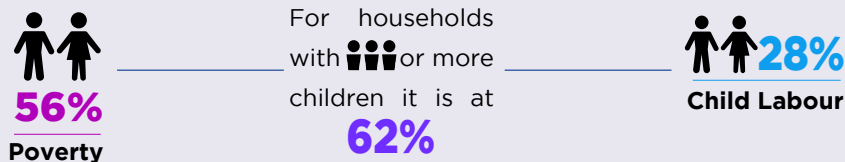
<sup>10</sup> World Bank (2023), Poverty and Equity Brief Africa East and Southern, Uganda [https://databankfiles.worldbank.org/public/ddpext\\_download/poverty/987B9C90-CB9F-4D93-AE8C-750588BF00QA/current/Global\\_POVEQ\\_UGA.pdf](https://databankfiles.worldbank.org/public/ddpext_download/poverty/987B9C90-CB9F-4D93-AE8C-750588BF00QA/current/Global_POVEQ_UGA.pdf) (last accessed 19 March 2023); World Bank (2023) Uganda Poverty Assessment: Strengthening Resilience to Accelerate Poverty Reduction at p.111, <https://openknowledge.worldbank.org/entities/publication/1f4dfb7e-63e5-5773-9f17-690acba30bb8> (last accessed 20 February 2023); Uganda statistics using poverty line place it at 20%. Uganda Bureau of Statistics (2021) Uganda National Household Survey, [https://www.ubos.org/wp-content/uploads/publications/09\\_2021Uganda-National-Survey-Report-2019-2020.pdf](https://www.ubos.org/wp-content/uploads/publications/09_2021Uganda-National-Survey-Report-2019-2020.pdf) (last accessed 26 March 2024)

<sup>11</sup> [https://www.ubos.org/wp-content/uploads/publications/11\\_2022NLFS\\_2021\\_main\\_report.pdf](https://www.ubos.org/wp-content/uploads/publications/11_2022NLFS_2021_main_report.pdf)

<sup>12</sup> For more on the relationship between informality and poverty, see <https://www.wiego.org/informal-economy/poverty-growth-linkages/links-poverty> (last accessed 20 February 2024).

<sup>13</sup> <https://www.unicef.org/esa/sites/unicef.org/esa/files/2019-10/UNICEF-Uganda-2019-Child-Poverty-Report-Vol1.pdf>; see also UBOS et al. (2022) Multi Dimensional Poverty Index Report, [https://www.ubos.org/wp-content/uploads/publications/08\\_2022Multi\\_Poverty\\_Dimensional\\_Index\\_Report\\_2022.pdf](https://www.ubos.org/wp-content/uploads/publications/08_2022Multi_Poverty_Dimensional_Index_Report_2022.pdf) (last accessed 26 March 2024);

involved in child labour.<sup>14</sup> ISER's research report "[I Must Work to Eat](#)" found an increase in child labour and street children in urban areas following Covid 19.<sup>15</sup> Close to 48 percent of older persons above the age of 65 years live in poverty.<sup>16</sup>



This research assesses Uganda's progress on social protection in light of the provisions of the Protocol. Given the exhaustive nature of the Protocol, this research does not attempt an exhaustive assessment of all the covered topics, but focuses on five overarching areas.

The first part of this research assesses the extent to which overarching principles in the Protocol are embedded within the legal policy context. The second part assesses social protection across the lifecycle, focusing on women, older persons, persons with disabilities and children. The third part delves into school feeding as a form of social protection described by the Protocol. The fourth part assesses financing of social protection and how Uganda benchmarks against the provisions in the Protocol in this regard. The fifth part assesses access to remedy mechanisms. The report concludes with recommendations and urges Uganda to ratify the Protocol to further demonstrate its commitment to social protection.

<sup>14</sup> Uganda Bureau of Statistics (2021) Uganda National Household Survey, [https://www.ubos.org/wp-content/uploads/publications/09\\_2021Uganda-National-Survey-Report-2019-2020.pdf](https://www.ubos.org/wp-content/uploads/publications/09_2021Uganda-National-Survey-Report-2019-2020.pdf) (last accessed 26 March 2024)

Initiative for Social and Economic Rights (ISER) (2021) I Must Work to Eat: Covid 19, Poverty and

<sup>15</sup> Child Labour in Ghana, Nepal and Uganda, [https://www.iser-uganda.org/images/downloads/I\\_Must\\_Work\\_to\\_Eat.pdf](https://www.iser-uganda.org/images/downloads/I_Must_Work_to_Eat.pdf)

<sup>16</sup> UNICEF Uganda's multi-dimensional poverty profile, 2020.

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<sup>9</sup> World Bank (2023) Uganda Poverty Assessment: Strengthening Resilience to Accelerate Poverty Reduction at p.111, <https://openknowledge.worldbank.org/entities/publication/1f4dfb7e-63e5-5773-9f17-690acba30bb8> (last accessed 20 February 2023).

<sup>10</sup> World Bank (2023), Poverty and Equity Brief Africa East and Southern, Uganda [https://databankfiles.worldbank.org/public/ddpext\\_download/poverty/987B9C90-CB9F-4D93-AE8C-750588BF00QA/current/Global\\_POVEQ\\_UGA.pdf](https://databankfiles.worldbank.org/public/ddpext_download/poverty/987B9C90-CB9F-4D93-AE8C-750588BF00QA/current/Global_POVEQ_UGA.pdf) (last accessed 19 March 2023); World Bank (2023) Uganda Poverty Assessment: Strengthening Resilience to Accelerate Poverty Reduction at p.111, <https://openknowledge.worldbank.org/entities/publication/1f4dfb7e-63e5-5773-9f17-690acba30bb8> (last accessed 20 February 2023); Uganda statistics using poverty line place it at 20%. Uganda Bureau of Statistics (2021) Uganda National Household Survey, [https://www.ubos.org/wp-content/uploads/publications/09\\_2021Uganda-National-Survey-Report-2019-2020.pdf](https://www.ubos.org/wp-content/uploads/publications/09_2021Uganda-National-Survey-Report-2019-2020.pdf) (last accessed 26 March 2024)

<sup>11</sup> [https://www.ubos.org/wp-content/uploads/publications/11\\_2022NLFS\\_2021\\_main\\_report.pdf](https://www.ubos.org/wp-content/uploads/publications/11_2022NLFS_2021_main_report.pdf)

<sup>12</sup> For more on the relationship between informality and poverty, see <https://www.wiego.org/informal-economy/poverty-growth-linkages/links-poverty> (last accessed 20 February 2024).

<sup>13</sup> <https://www.unicef.org/esa/sites/unicef.org/esa/files/2019-10/UNICEF-Uganda-2019-Child-Poverty-Report-Vol1.pdf> ; see also UBOS et al. (2022) Multi Dimensional Poverty Index Report, [https://www.ubos.org/wp-content/uploads/publications/08\\_2022Multi\\_Poverty\\_Dimensional\\_Index\\_Report\\_2022.pdf](https://www.ubos.org/wp-content/uploads/publications/08_2022Multi_Poverty_Dimensional_Index_Report_2022.pdf) (last accessed 26 March 2024);



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## CHAPTER 2

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### METHODOLOGY

The Protocol contains provisions for many different kinds of social services and benefits. Some of these are best analysed through a qualitative assessment of a country's legal and policy framework and the practical implementation. Others may be easier quantified, with key indicators that are comparable over time and between countries.

As a first step, we reviewed the legal framework in Uganda, to assess whether the obligations are fulfilled in terms of the legal and policy framework. However, this is not sufficient to understand the actual situation of whether social and economic rights are respected in practice. For this we need to consider implementation. Here, three indicators are particularly useful for measuring progress over time and between countries when it comes to social protection/social security benefits.

#### ***Coverage***

First, a key indicator to understand the extent of social protection is to understand the coverage levels of various programmes. This means first of all understanding what percentage of a country's population are currently receiving income transfers, either from contributory or tax-financed programmes. In the case of social insurance, we also considered how large a proportion of a country's workforce are currently contributing to a scheme that will provide social security in old age and in the case of accidents.

In practice, calculating coverage can then be done either by comparing administrative data on beneficiaries of social protection programmes with data on the estimated number of persons in the target population. For example, the ILO measures coverage of social protection for older persons as the "ratio of persons above statutory retirement age receiving an old-age pension to the number of persons above statutory retirement age (including contributory and non-contributory)."<sup>17</sup>

Another approach is to use household survey data. The advantage of the latter approach is that it may provide a more accurate assessment in a situation where

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<sup>17</sup> <https://www.social-protection.org/gimi/WSPDB.action?id=13>



many people receive payments from various sources, which may not be captured in the more crude comparison of administrative beneficiary data with population estimates. On the other hand, most likely survey data is not as current as the available administrative data.

We used both household survey data and administrative data on beneficiaries of particular programs.

### ***Adequacy***

One thing is coverage, but coverage measures alone are not sufficient to assess whether people experience income security in practice. This depends very much on whether social protection programmes provide an adequate level of benefit. Assessing adequacy in an in-depth manner is not straightforward, since a person's needs may vary significantly across regions and individuals.

We compared the benefit levels provided by social protection programmes with national standards of living established by for example national poverty lines or other ways of calculating the minimum necessary income to lead a decent life in a specific country. However, for comparisons between countries we need a more standardized measure of standards of living. A generally accepted measure for standard of living is GDP per capita where one measures the adequacy of a social protection programme by considering the benefit level as a percentage of GDP per capita.

### ***Spending***

Another indicator of the extent to which government is living up to their obligations to provide social security is to measure spending. This can give an indication of the commitment of government to invest in social protection, and provides a way to track commitment over time and in comparison with other countries. As a measure of commitment, spending should arguably be measured as a percentage of GDP or as a percentage of the national budget. When measuring spending a key decision for the analysis is which programmes are considered part of social protection. We considered programs that provide regular payments. Although we note one off interventions by government, they do not factor into the financing analysis.

### ***Impact***

Finally, poverty levels can be seen as an indicator of the overall effectiveness of the social protection system for providing income security. This is measured through survey data, and a key decision is which poverty lines to use in the analysis. We used both government and World Bank poverty data.



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## CHAPTER 3

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# THE LEGAL AND POLICY FRAMEWORK ON SOCIAL PROTECTION IN UGANDA

The Protocol broadly sets out guiding principles and state obligations on social protection. This chapter assesses the extent to which these principles and state obligations are incorporated in the legal and policy framework in Uganda.

### 1. Guiding Principles and State Obligations in the Protocol

Article 2 of the Protocol sets out guiding principles including a requirement for social protection to be “human rights based” and to “follow a lifecycle approach.”<sup>18</sup> Article 3 of the African Protocol on Social Protection tasks state parties to “ensure that social protection is available, accessible, adequate, affordable and transparent.” It requires States to provide a minimum package of social protection sufficient to fulfill basic needs. States are also obligated to progressively “increase coverage of social protection and raise systems of social protection to a higher level, in accordance with the provisions of this Protocol and in accordance with the ratio of economic growth and the relevant national laws.” As such, the Protocol echoes the ILO Social Protection Floors Recommendation in its description of ‘progressive realisation’ of the right to social protection, allowing countries to gradually expand social protection as more resources becomes available. However, crucially, this should involve the setting of specific targets and time frames, to ensure that progress is actually made.

States are tasked to enact national legislation on social protection to ensure “clarity and certainty of rights,” to pass policies that improve the standard of life of individuals and tackle the needs of vulnerable groups and adhere to the principle of non-discrimination with provisions of this Protocol applying to all citizens. States must develop a comprehensive and integrated social protection system.

Finally, states are obligated to regulate private and public sector actors involved in provision and management of social protection.

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<sup>18</sup> [https://au.int/sites/default/files/treaties/42736-treaty-PROTOCOL\\_TO\\_THE\\_AFCHPR\\_ON\\_THE\\_RIGHTS\\_ON\\_CITIZEN\\_TO\\_SOCIAL\\_PROTECTION\\_AND\\_SECURITY\\_E.pdf](https://au.int/sites/default/files/treaties/42736-treaty-PROTOCOL_TO_THE_AFCHPR_ON_THE_RIGHTS_ON_CITIZEN_TO_SOCIAL_PROTECTION_AND_SECURITY_E.pdf) (last accessed 26 March 2024).

## Uganda's legal and policy framework on social protection in Uganda in light of the principles of the Protocol

Despite some positive steps like a National Social Protection Policy, Uganda's legal framework on social protection remains relatively weak. This chapter examines the legal and policy landscape surrounding social protection in Uganda, analyzing the key laws, policies, and their effectiveness.

### Legal framework

#### **Constitutional Provisions**

The Constitution of Uganda, adopted in 1995, provides the overarching legal framework for social protection. It is divided into two with the National Objectives and Directive Principles of State Policy and Bill of Rights.

Some of the salient provisions from which the right to social protection could be inferred include:-

1. Objective VII of National Objectives and Directive Principles of State Policy (NODPSP) outlines the government's responsibility to make reasonable provisions for the welfare and maintenance of the aged;
2. Objective XIV further mandates the State to fulfill the rights of all Ugandans to social and economic development. It provides that –“ *All Ugandans enjoy rights and opportunities and access to education, health services, clean and safe water, work, decent shelter, adequate clothing, food security, and **pension and retirement benefits.***”[emphasis added]
3. It requires the government to take positive steps to support marginalized groups and ensure the rights of various segments of society, such as women, children, persons with disabilities, ethnic minorities.

However, aside from the broad provisions in the National Objectives, and Article 254, which only addresses pensions for public servants,<sup>19</sup> the Constitution is largely silent on it. Chapter four (which contains the Bill of Rights) of Uganda's Constitution doesn't have a specific provision on social protection although it enshrines rights like education.

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<sup>19</sup> Retired public officers receive pensions based on their position, salary, and years of service.

The implicit provision of social protection in the National Objectives rather than its explicit inclusion in the Bill of Rights raises concerns about enforceability and implementation. Other East African nations have moved to enact specific provisions on social protection within their constitution and Bill of Rights.

Kenya, in its 2010 Constitution specifically provided for social security. Article 43(1)(e) and (3) of the Kenyan Constitution provides that ‘every person has the right—to social security ..., and (3) the State shall provide appropriate social security to persons who are unable to support themselves and their dependents.’

### ***Legislation/ Acts of Parliament***

Existing Acts of Parliament fall short of providing comprehensive coverage and equitable access to social security for all. Since the promulgation of the 1995 Constitution, Uganda has yet to establish a comprehensive Act of parliament that adequately addresses social protection. Existing Acts of Parliament focus on providing social security for formal employees, leaving out a significant portion of the population engaged in the informal employment sector and those who have never been in employment.

1. The Pensions Act (Cap. 286) regulates pensions, gratuities, and other allowances (social security) for civil servants principally employed in public service.<sup>20</sup> Under this scheme, a beneficiary receives what is referred to as a defined benefit which comprises of gratuity and a life pension.
2. Other Acts such as the Parliamentary Pensions Act<sup>21</sup> establish specific schemes, such as the Parliamentary Pensions Scheme which only provides pension and gratuity for members and staff of parliament. The Uganda Peoples’ Defence Forces,<sup>22</sup> also provides a pension for the army.
3. The National Social Security Act,<sup>23</sup> covers benefits for persons formerly employed in the private sector. Under the law, workers and employers are

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<sup>20</sup> Section 9 of the Pensions Act

<sup>21</sup> Act No. 6 of 2007

<sup>22</sup> Act No. 7 of 2005

<sup>23</sup> Chapter 222 Laws of Uganda

required to contribute a percentage of their salary to the fund. Presently workers contribute 5% while employers contribute 10% making a total contribution of 15%. On retirement or in the circumstances that the worker is incapacitated, he/she receives a lump sum payment from the fund.

4. The Uganda Retirement Benefits Authority Act<sup>24</sup> established Uganda Retirement Benefits Authority which was established among others to ‘regulate the establishment, management, and operation of retirement benefits schemes in Uganda in both the private and public sectors...’<sup>25</sup>
5. There are also many voluntary contributory schemes in place notably such as the Makerere University scheme, and the Bank of Uganda scheme among others.
6. The Employment Act No. 6 (2006) provides for the rights of workers and employers’ obligations, including the duty to give maternity and paternity leave, and prohibits any kind of work that is dangerous or hazardous to a child’s health.
6. The Workers Compensation Act, (Cap. 225) provides compensation to workers, employed both by the Government and the private sector, for injuries suffered and illnesses incurred in the course of their employment. It focuses primarily on specific rights and protections for formal sector workers, neglecting the broader spectrum of social protection needs among the population.
7. Other Acts that could apply include The Domestic Violence Act (2010), The Children Act (Cap 59), The Persons with Disability Act (2006), The Occupational Safety and Health Act No. 9 (2006), and The Minimum Wages Board and Wages Councils Act, (Cap 221), the Education (Pre-Primary, Primary and Post-Primary) Act (2008).

All these laws and schemes fail on one major front: they fail to establish an all-encompassing scheme that covers the greater percentage of persons in the informal sector, in rural areas, that are most vulnerable to social and economic shocks. These Acts provide targeted interventions for those in formal employment in the public service and private companies and therefore cater to a small fraction

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<sup>24</sup> Act No. 15 of 2011

<sup>25</sup> Long title of the Act

of Ugandans, leaving informally employed out of the statutorily provided social security systems. Those covered are dominated by higher earners, peaking at the mid-career level, with minimal representation of lower income groups, and most are men.

None of the existing Acts/ laws provide comprehensive obligations on the right to social protection. The laws stipulated above do not address the other dimensions of social protection as a right, nor adequately tackle coverage and equity. They fail to address existing gaps like the limited inclusion of the informal sector, nor do they have integrated and inclusive frameworks for holistic social protection.

There is an urgent need for legislative reforms to establish an inclusive and holistic social protection framework that caters to the diverse needs of all Ugandans, especially those in vulnerable situations.

Unlike Uganda, in 2013, Kenya enacted the Social Assistance Act No. 24 of 2013, 'to give effect to Article 43(1)(e) of the Constitution; to establish the National Social Assistance Authority; to provide for the rendering of social assistance to persons in need...' (Long title of Act). This Act has comprehensive provisions on social protection covering a wider group of 'persons in need' vulnerable to social and economic shocks; these include 'orphans and vulnerable children; poor elderly persons; unemployed persons; persons disabled by acute chronic illnesses; widows and widowers; persons with disabilities; ....' Section 17(3) of the Act.

## **Policy Framework**

### **The National Social Protection Policy**

In 2015, the government commendably enacted the National Social Protection Policy, with the rationale of providing 'a framework for putting in place the comprehensive social protection system that caters for diverse categories of the population.'<sup>26</sup> The policy echoes the major concern noted above, that "the existing social protection initiatives are selective and target a few people." It notes that "the schemes and services which provide social protection cover only the working population in the formal sector, leaving about 93 percent of the labor force, most

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<sup>26</sup> National Social Protection Policy, 2015 at page 23.



population in the formal sector, leaving about 93 percent of the labor force, most of whom are employed in the informal sector, without access to social security services.”<sup>27</sup>



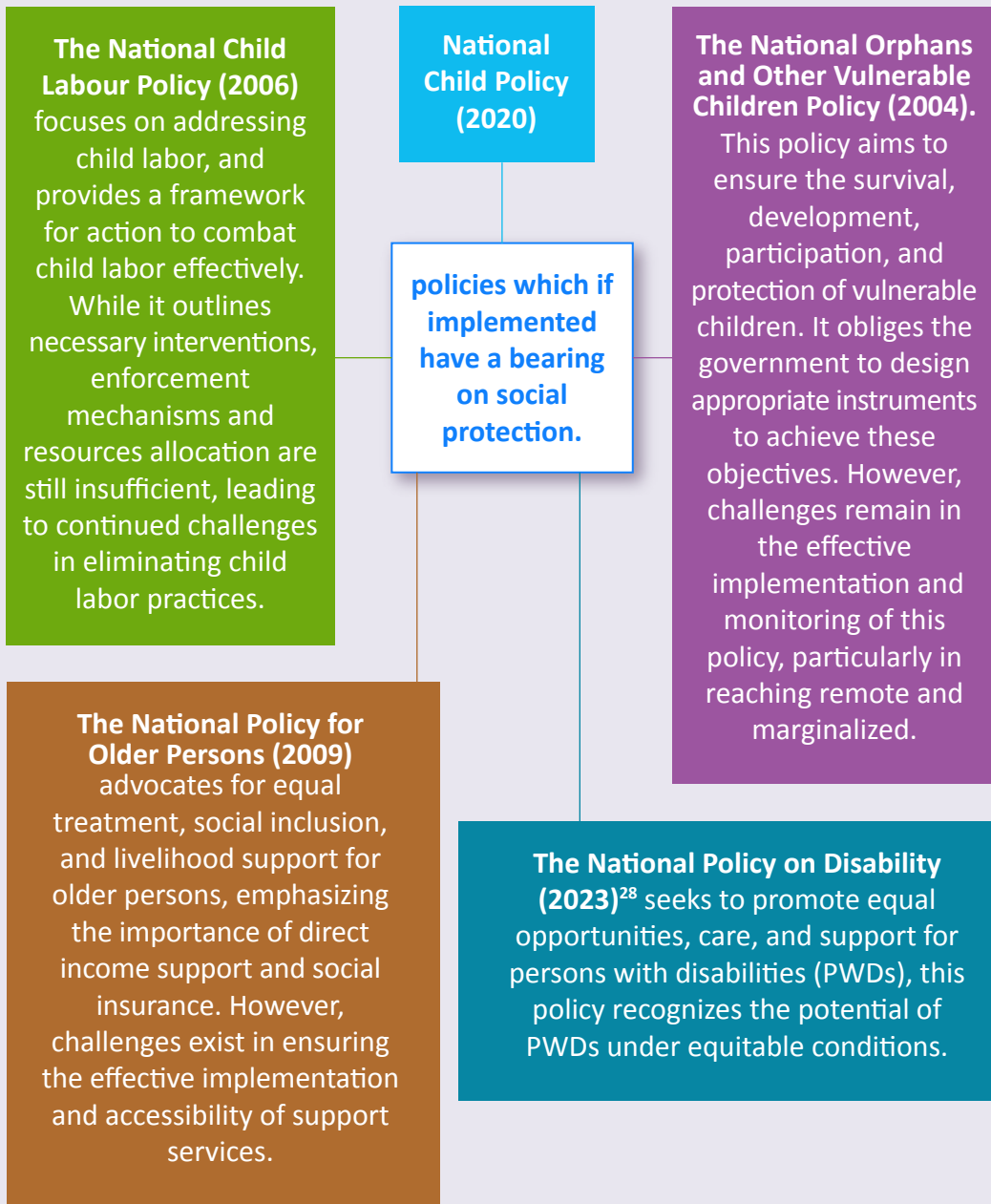
**93%** percent of the labor force  
has no access to social security services.

The objectives of the policy are to increase access to social security; enhance care, protection, and support for vulnerable people; and strengthen the institutional framework for social protection service delivery. The guiding principles of the implementation of the policy include among others, a Human Rights-Based Approach to Service delivery; universalism and inclusiveness, and it focuses on the following persons: workers in the formal sector; workers in the informal sector – working in the economic units or family business with less than 5 persons, unregistered workplaces, rural agricultural areas; orphans and other vulnerable children such as abandoned children, children in contact with the law, child laborers; labour constrained individuals and households; unemployed persons; older persons aged 60 years and above.

In addition to this, there are a number of other policies which if implemented have a bearing on social protection.

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<sup>27</sup> National Social Protection Policy, 2015 at page 23.



<sup>28</sup> <https://mglsd.go.ug/wp-content/uploads/2023/07/FINAL-REVISED-NATIONAL-POLICY-ON-PWDs-2023.pdf>

**Uganda Vision 2040** recognises importance of social protection to address risks. It provides for universal pension for older persons, public works schemes especially for vulnerable groups, social assistance for vulnerable children, persons with disabilities, the poor/destitute.

**The National Development Plan III 2020/21-2024/2025** has a section on social protection and lists it as a key area for intervention under human capital development.

Other policies that have a bearing on social protection include the **National Employment Policy (2010)**, the **Uganda Gender Policy (2007)**, the **National Policy for Disaster Preparedness and Management (2010)**, the **Special Needs and Inclusive Education Policy (2012)**, and the **National Health Policy (2010)**.

Government has also embarked on putting in place guidelines and strategies on various elements of social protection.



To oversee implementation of social protection, the government has an Expanding Social Protection unit within the Ministry of Gender, Labour and Social Development (MOGLSD). It has an interministerial thematic committee on social protection that meets quarterly to take stock of progress and a child sensitive social protection technical working group.

While the policy framework is quite comprehensive, it does not make up for the insufficient legal framework which is critical to ground existing interventions in law. There are also challenges with implementing what is in place.

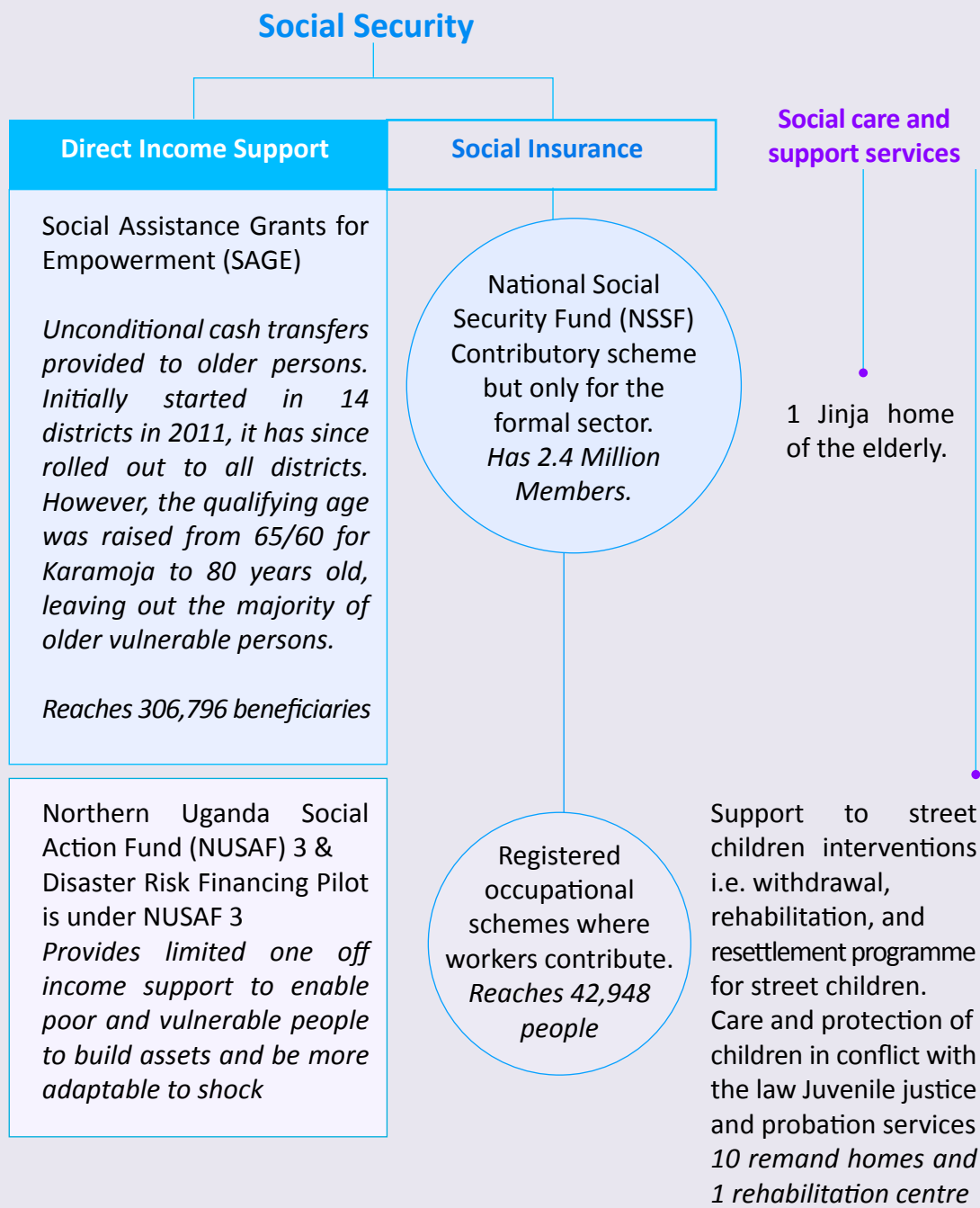
## Overview of Policy Implementation

The government has set up programs which in line with policies should provide cushion across the lifecycle. They are broadly categorized in three groups: social security which comprises of direct income support and social insurance; and social care and support.

**Direct income support** comprises of regular non-contributory transfers in cash or in kind. The National Social Protection Policy describes direct income support as non-contributory regular, predictable, cash and in-kind transfers that provide relief from deprivation to the most vulnerable individuals and households in society.”

**Social Insurance/Contributory Schemes** target the working population in both formal and informal sectors.→ They include but are not limited to; pension schemes for public servants and workers in the private sector, health insurance schemes among others. **Social care and support services** encompasses non-contributory services that provide care, support, protection, and empowerment to vulnerable individuals who are unable to fully care for themselves i.e. vulnerable children; the elderly and disabled; women and those impacted by gender-based violence, among others

## What Government is Currently Doing on Social Protection



Development Responses to Displacement Impacts Project (DRDIP) Displacement Crisis Response Mechanism.

*This handles shocks as a result of displacement. It is pre planned and pre-financed with government setting indicators for public service provision which it monitors over time. These can include development of schools, water supplies and health facilities.*

*Reaches 43,084 households (285,500 people)*

Voluntary individual schemes where persons in the informal sector contribute.  
*Reaches 1,159 people*

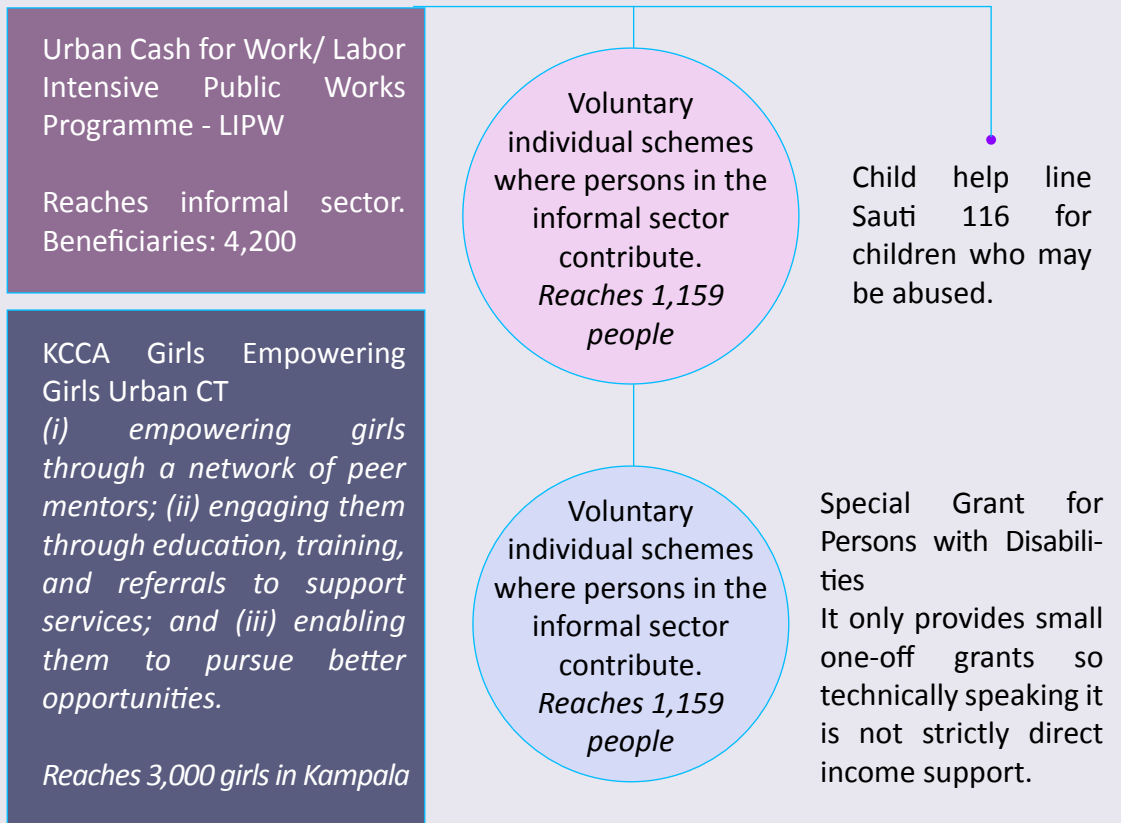
Response to gender based violence

Pension schemes

- *Public Service Pension Schemes*
- *Parliamentary Pensions Scheme*
- *Army Pensions Scheme*

*Only for retired public servants. Non contributory scheme. Reaches 85,000 people*

Provision of food and non-food items to PWDs in rehabilitation centers



Source: Ministry of Gender Administrative Data as of 26 March 2024

In addition to this, there were one off measures provided during Covid 19 like cash transfers, distribution of food and masks. Beyond covid 19, they have not persisted. They often did not reach all those in need of support.<sup>29</sup>

A lot remains to be desired on social protection in Uganda. Many Ugandans remain excluded from the social protection system. Vulnerability is faced across the life cycle but yet the existing social protection interventions do not adequately tackle these vulnerabilities across the lifecycle.

<sup>29</sup> ISER (2021) A Drop in the Ocean: Uganda’s Covid 19 Cash Transfer, [https://iser-uganda.org/wp-content/uploads/2022/03/A\\_drop\\_in\\_the\\_ocean\\_-\\_Ugandas\\_Covid-19\\_cash\\_transfer.pdf](https://iser-uganda.org/wp-content/uploads/2022/03/A_drop_in_the_ocean_-_Ugandas_Covid-19_cash_transfer.pdf) (last accessed 27 March 2024)

There is almost nonexistent social protection for children, particularly those that are below 6 years although development partners are beginning to explore child sensitive social protection through the pilot NUTRICash which for now is solely funded by donors. For those 6-17 years, the social protection initiatives provided are negligible. Access to education is a critical element of social protection for children. While there is a public education system with Uganda enacting universal primary education and universal secondary education, there are gaps in quality with 3 classes sometimes sharing a classroom. This is a result of underfinancing the public schools—capitation grants that cover cost of operating school are 20,000ush per child per year.<sup>30</sup> There is no school feeding as chapter 5 will delve into.

For working class, the informal sector often falls through the cracks. They can opt into voluntary saving schemes but their regulation as we shall see below is questionable. NSSF as of the moment only acts as a provident fund i.e. a savings vehicle for those under employment, and has yet to start providing pensions. Only a quarter of people contribute to the NSSF, which, given it provides a lumpsum payment, would not strictly qualify as social protection.<sup>31</sup> Furthermore, challenges persist concerning the adequacy of benefits provided and the exclusion of informal sector. Workers compensation paid to workers harmed in the course of duty is often only paid for formal sector employees.

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<sup>30</sup> Approved Budget Estimates FY 2023/24

<sup>31</sup> [https://www.ubos.org/wp-content/uploads/publications/11\\_2022NLFS\\_2021\\_main\\_report.pdf](https://www.ubos.org/wp-content/uploads/publications/11_2022NLFS_2021_main_report.pdf) at p.74



**Table: Distribution of People in Paid Employment by Type of Social Security and Selected Background Characteristics, %**

Background Characteristics	Employer					
	Pays for NSSF	Pays for other Provident fund	Pays for Pension	None	Don't Know	Total
<b>Sex</b>						
Male	15.7	0.3	5.7	73.8	4.4	100
Female	11.9	0.5	4.7	79.6	3.2	100
<b>Residence</b>						
Rural	12.0	0.4	6.6	76.3	4.7	100
Urban	17.1	0.4	4.2	74.8	3.4	100
<b>Sector of Employment</b>						
Agriculture, forestry & fishing	2.0	0.0	0.1	96.2	1.7	100
Production	8.5	0.1	0.0	87.5	3.9	100
Services	20.6	0.6	8.8	65.0	4.9	100
<b>Types of Institution</b>						
Public	33.3	1.5	29.8	24.8	10.7	100
Private	10.6	0.2	0.2	86.4	2.6	100
<b>Disability Status</b>						
With disability	11.5	0.0	7.8	76.6	4.1	100
Without disability	14.7	0.4	5.3	75.5	4.1	100
<b>National</b>	<b>14.5</b>	<b>0.4</b>	<b>5.4</b>	<b>75.6</b>	<b>4.1</b>	<b>100</b>

*Source: Uganda Bureau of Statistics National Labour Force Survey (NLFS) 2021, at p.74*

For older persons, as chapter 4 further delves into, coverage is low especially for those that did not work for public service and those below 80 years since SCG starts at 80 years. While the National Development Plan III envisaged to extend SCG benefits to 977,000 older persons in 2022/23, it has only reached a third of that 2022 target at 306,796 beneficiaries.<sup>32</sup> Even when older persons would otherwise qualify for SAGE, they face discrimination when some are excluded from

<sup>32</sup> NDP III; Ministry of Gender, Labour and Social Development Administrative data as of 26 March 2024.

social protection because they lack a national ID.<sup>33</sup> Many older persons were left out at registration due to inability to reach registration points, failure to capture fingerprints or provide birth data.<sup>34</sup> Yet access to senior citizens grants and increasingly public service pensions require a national ID.

### National Development Plan III

envisaged to extend SCG benefits to **977,000 older persons** in 2022/23

The National Development Plan (NDP) III (2020–2025) recognizing these limitations points out that for inclusive growth to happen, government should expand and modify existing programs to include more beneficiaries.

## REGULATION

The Protocol requires African states to regulate all actors providing social security. While there are some laws dealing with different aspects of social protection like the NSSF Act, Retirements Benefits, they do not adequately regulate public and private schemes. The Uganda Retirement Benefits Authority established under the URBR Act<sup>35</sup> was set up to ‘regulate the establishment, management, and operation of retirement benefits schemes in Uganda in both the private and public sector.’ URBRA lists licensed retirement benefits and has sanctions and penalties for non-compliance with the regulations. It also provides complaint handling guidelines. This is key because there while there are two mandatory old age income security schemes, NSSF and Public Service Pensions Scheme, employers and other institutions can set up voluntary retirement benefits schemes. Thus regulating them is key. This will be more pivotal as attempts have been made to allow workers to opt into more diverse options with the Retirement Benefits Sector Liberalization bill which was tabled by government then withdrawn.<sup>36</sup>

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<sup>33</sup> Report of the Special Rapporteur on Extreme Poverty and Human right’ report A/HRC/50/38 “The ‘Non-take-up of Rights in the Context of Social Protection” <https://www.ohchr.org/en/documents/thematic-reports/ahrc5038-non-take-rights-context-social-protection-report-special>

<sup>34</sup> ISER et al., (2021) Chased Away and Left to Die, <https://iser-uganda.org/publication/chased-away-and-left-to-die/> (last accessed 27 March 2023)

<sup>35</sup> Act No. 15 of 2011

<sup>36</sup> Bill No.2, Retirement Benefits Sector Liberalisation (2011) <https://ulii.org/akn/ug/act/2011/15/eng@2011-09-26/source.pdf> (last accessed 20 March 2024).

Article 6 of the Act makes URBRA an independent authority with the power to search premises of any “licenced person under this Act” conduct investigations and “issue guidelines, directives or instructions to any licensed person for the proper management of a retirement benefit scheme.”<sup>37</sup> It has regulations: Uganda Retirements Benefits Regulatory Authority (Assignment of Retirements Benefits for Mortgages and Loans, 2022 Regulations passed by Parliament and which came into force on the 10<sup>th</sup> May 2022. It has enacted an undated corporate risk register and 24 new risks were identified and added with internal controls.<sup>38</sup>

While URBRA exists, its regulatory role is often underfunded. In in the first quarter FY 2022/23, no money was released for licencing and compliance nor for inspection and monitoring. Only 15.6% was released for regulation in the first quarter.<sup>39</sup> The overall URBRA budget for regulation and supervision is slightly more than a third of its budget,<sup>40</sup> USH 3.949 billion.<sup>41</sup> The impact of this is detrimentally felt with delays in adjudication of complaints. For example in FY 2022, URBRA carried over 40 complaints from Q1 FY 2022/23 and with 14 new complaints that year, had a backlog of 54 complaints.<sup>42</sup> It had only resolved 7 by end of the second quarter of FY 2022/23.<sup>43</sup>

<sup>37</sup> <https://ulii.org/akn/ug/act/2011/15/eng@2011-09-26/source.pdf> (last accessed 20 March 2024).

<sup>38</sup> Ministry of Finance (2022) Vote Performance Report, [https://budget.finance.go.ug/sites/default/files/Sector%20Spending%20Agency%20Budgets%20and%20Performance/Uganda%20Retirement%20Benefits%20Regulatory%20Authority\\_0.pdf](https://budget.finance.go.ug/sites/default/files/Sector%20Spending%20Agency%20Budgets%20and%20Performance/Uganda%20Retirement%20Benefits%20Regulatory%20Authority_0.pdf) (last accessed 20 March 2024).

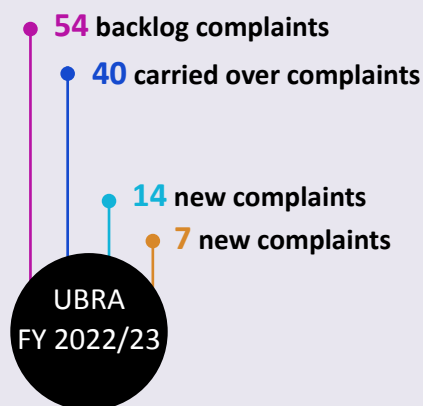
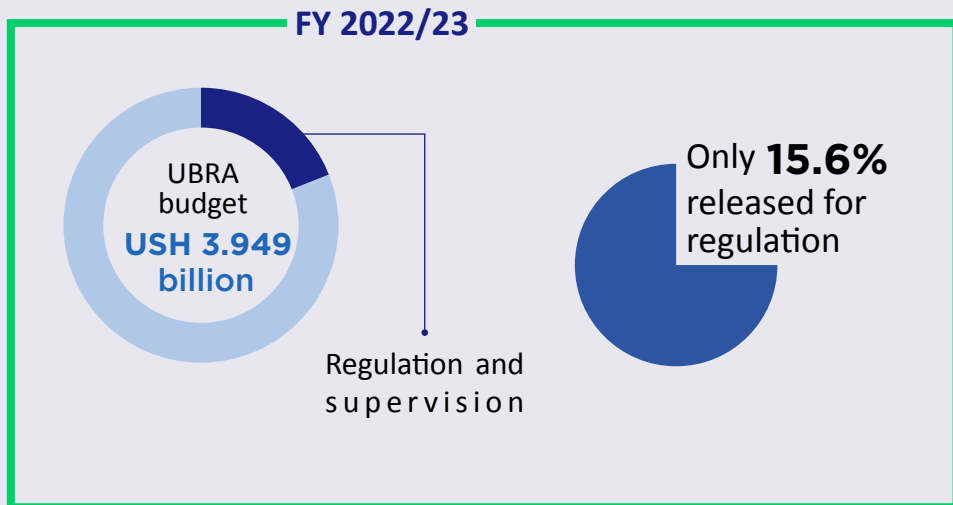
<sup>39</sup> Ministry of Finance (2022) Vote Performance Report, [https://budget.finance.go.ug/sites/default/files/Sector%20Spending%20Agency%20Budgets%20and%20Performance/Uganda%20Retirement%20Benefits%20Regulatory%20Authority\\_0.pdf](https://budget.finance.go.ug/sites/default/files/Sector%20Spending%20Agency%20Budgets%20and%20Performance/Uganda%20Retirement%20Benefits%20Regulatory%20Authority_0.pdf) (last accessed 20 March 2024).

<sup>40</sup> total budget 13,625,059.37.

<sup>41</sup> Ministry of Finance (2022) Vote Performance Report, [https://budget.finance.go.ug/sites/default/files/Sector%20Spending%20Agency%20Budgets%20and%20Performance/Uganda%20Retirement%20Benefits%20Regulatory%20Authority\\_0.pdf](https://budget.finance.go.ug/sites/default/files/Sector%20Spending%20Agency%20Budgets%20and%20Performance/Uganda%20Retirement%20Benefits%20Regulatory%20Authority_0.pdf) (last accessed 20 March 2024).

<sup>42</sup> Ministry of Finance (2022) Vote Performance Report, [https://budget.finance.go.ug/sites/default/files/Sector%20Spending%20Agency%20Budgets%20and%20Performance/Uganda%20Retirement%20Benefits%20Regulatory%20Authority\\_0.pdf](https://budget.finance.go.ug/sites/default/files/Sector%20Spending%20Agency%20Budgets%20and%20Performance/Uganda%20Retirement%20Benefits%20Regulatory%20Authority_0.pdf) (last accessed 20 March 2024).

<sup>43</sup> Ministry of Finance (2022) Vote Performance Report, [https://budget.finance.go.ug/sites/default/files/Sector%20Spending%20Agency%20Budgets%20and%20Performance/Uganda%20Retirement%20Benefits%20Regulatory%20Authority\\_0.pdf](https://budget.finance.go.ug/sites/default/files/Sector%20Spending%20Agency%20Budgets%20and%20Performance/Uganda%20Retirement%20Benefits%20Regulatory%20Authority_0.pdf) (last accessed 20 March 2024).



Aside from URBRA, and regulations passed, government has not sufficiently regulated social protection and social security actors.

On the whole, while government has made some strides in advancing social protection including enacting a policy and implementing some programs and regulation, there is still lack of a strong legal and regulatory framework. As the next chapter shows, social protection is yet to be implemented across the lifecycle.



## CHAPTER 4

### SOCIAL PROTECTION ACROSS THE LIFE CYCLE

#### 1. Women and Girls

The AU Protocol on Social Protection sets out key protections that should be afforded to women and girls to enable them to have social protection as majorly enshrined in Article 8.

#### Article 8 of the Protocol

1. Abolish Discrimination in social protection. Women should be included in their own right in social protection schemes targeting the formal, informal and rural sectors.
2. Disaggregated data on women and girls included in social protection schemes in formal, informal and rural sectors including female headed households.
3. Legislation that enables female workers to balance occupational and family obligations, equal access to employment, equal work of value.
  1. Employment Act
  2. Policies tackling caregiving
4. Public schools as provision of social protection schemes that support enrolment and retention of girls in school and other training institutions.
5. Programmes for women and girls who leave school prematurely.
6. Technical and financial assistance to women and girls who embark on agriculture and improve access to land and micro finance.

In Uganda, social security and social protection programs that target women are still inadequate. Women, who participate more in informal sector work or unpaid work, are often unsupported.<sup>44</sup> While the government has put in place

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<sup>44</sup> Madina Guloba (2019) Gender disparities in social protection in Uganda, <https://www.akinamamawaafrika.org/wp-content/uploads/2019/07/Gender-disparities-in-social-protection-in-Uganda-.pdf> (last accessed 27 March 2024)

empowerment programs like Uganda Women Entrepreneurship Program, it is not a predictable nor regular forms of support. It is essentially credit although commendably interest free.

Other broader social protection interventions that focus either on improving human development and human capital outcomes (such as maternity care, nutrition and reducing violence among women and girls) or production inclusion (such as sustainable livelihoods) are often limited in scope in part due to financing. There is no legislation in place that enables female workers to juggle their occupational and family responsibilities. The Employment Act provides for maternity benefits of 60 paid days for women in formal employment and women in informal employment are unable to access these benefits.

For girls, the gaps in the public education system make education inaccessible for many. The Girls Empowering Girls Program<sup>45</sup> set up to assist girls who risk failing to transition from primary to secondary schools and for adolescent girls out of school is donor funded so takes very limited numbers and is only restricted to Kampala.

The limited social protection for women resulted in a gendered impact of the covid 19 pandemic on women. Covid 19 heightened the vulnerability of women given that many work in the informal sector that suffered increased vulnerability during this time and teenage pregnancies increased.<sup>46</sup>

## 2. Older Persons

### 2.1. The right to social protection for older persons

Article 10 of the Protocol sets out obligations for states to provide social protection for older persons. This includes policies and legislation to ensure that all older persons have access to adequate pensions and other forms of social security, including health services and disability benefits. It also emphasizes the importance of ensuring access to income security for those who have not been able to contribute

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<sup>45</sup> Doyle, A., Hudda, N., and Marzi, M. (2021) Towards shock-responsive social protection: lessons from the COVID-19 response in Uganda, Oxford Policy Management, Oxford.

<sup>46</sup> ICRW, Expanding social protection to informal women workers for better COVID-19 recovery in Uganda, <https://reliefweb.int/report/uganda/expanding-social-protection-informal-women-workers-better-covid-19-recovery-uganda> (last accessed 27 March 2024).

to a pension scheme. As such, the Protocol emphasizes that it is the obligation of the state to ensure that all older people have access to income security, either through a contributory social insurance pension scheme, or through a non-contributory, tax-financed, programme for those who are not part of the contributory system.

In addition to these obligations, Article 10 includes obligations to provide social services to older persons to promote independent living and support institutional, residential, family, community and home-based care for older persons and to put in place national long-term care policies. Finally, it includes obligations to ensure that older workers are not discriminated against, and to recognize the right of organisations representing older persons to participate in decision making.

It is worth making a note here on terminology: in the Protocol, the word ‘pension’ refers only to the contributory system, referring to non-contributory transfers to older persons as ‘social assistance’. In other countries, as well as in the international social protection discourse, the word ‘pension’ can refer to both contributory and non-contributory benefits paid to older persons.<sup>47</sup> In Uganda, the National Social Protection Policy defines a pension as “ regular, predictable income provided by the state or authorized agency to retired individuals or older persons. It may be a regular payment made to an individual during retirement from the contribution made by the person and their employers during their working life or a grant given by Government to old persons in recognition of their diminished productivity.”

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<sup>47</sup> <https://www.ilo.org/secsoc/areas-of-work/policy-development-and-applied-research/pensions/lang--en/index.htm>



## ARTICLE 10 OLDER PERSONS

### States Parties shall:

1. Develop policies and legislation that ensure that older persons are provided with adequate pensions and other forms of social security, including post-retirement health cover and disability benefits;
2. Adopt mechanisms for the transfer of social assistance or social security mechanisms in order to ensure security of income for older persons who did not have the possibility of subscribing to a pension scheme;
3. Promote independent living and support institutional, residential, family, community and home-based care for older persons;
4. Establish, operationalise and implement national long-term care policies or strategies, including through appropriate complaint mechanisms and redress for care recipients;
5. Promote policies to encourage productive and dignified ageing and ensure that employment undertaken after retirement does not entail discrimination against older workers in relation to labour standards, conditions of employment and rates of remuneration;
6. Recognise and encourage the participation of organisations representing older persons, and national consultative councils of older persons according to relevant national laws.

Globally, the concept of a ‘social pension’ has been propagated by the international NGO HelpAge International to describe a tax-financed old age benefit. This type of benefit is particularly important in low- and middle-income countries, including most African countries, where coverage of the social insurance system is limited. In general, most countries with comprehensive income security for older persons

have pension systems which combine: a) a tax-financed ‘social pension’, b) a social insurance pension system, c) private pension schemes. In the following, we use the terms ‘contributory’ and ‘tax-financed’ pensions to distinguish between these different types of schemes.

## **2.2. Social protection for older persons in Uganda**

In recent years, government investments in health, social security and other social services for older persons has stagnating or even been declining.<sup>48</sup> In addition, the 2020 State of Older Persons in Uganda report published by the Ministry of Labour, Gender and Social Protection found age-based discrimination by service providers to be an issue. In general, the report found a lack of appropriate social services for older persons. This includes limited access to healthcare and the lack of a social care system in the country.<sup>49</sup> The establishment of the National Council of Older Persons in 2013 marked a positive step towards fulfilling article 10.6 on the participation of older persons, but the implementation of the National Council of Older Person’s Act is also hampered by a lack of funds and awareness about the role of the Council.

The National Social Protection Policy 2015 includes provision for social security benefits for older persons in the form of both social assistance and social insurance. However, the combined social assistance and social insurance systems are still characterized by several deficits which means that both the coverage and adequacy of benefits are currently inadequate to provide most persons in Uganda with income security in old age. The NLFS 2021 assessing persons’ well being found two in 3 older persons reported they are not well off.<sup>50</sup>

The Senior Citizen Grant (SCG) provides the main form of tax-financed social assistance for older persons in Uganda. While the adoption of the SCG, and the

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<sup>48</sup> Ministry of Gender, Labour and Social Development (2020). The State of Older Persons in Uganda: Situational Analysis Report. Expanding Social Protection Programme, Ministry of Gender, Labour and Social Development.

<sup>49</sup> Ministry of Gender, Labour and Social Development (2020). The State of Older Persons in Uganda: Situational Analysis Report. Expanding Social Protection Programme, Ministry of Gender, Labour and Social Development.

<sup>50</sup> Uganda Bureau of Statistics (2021) National Labour Force Survey at p.197., [https://www.ubos.org/wp-content/uploads/publications/11\\_2022NLFS\\_2021\\_main\\_report.pdf](https://www.ubos.org/wp-content/uploads/publications/11_2022NLFS_2021_main_report.pdf) (last accessed 18 March 2024).

gradual phasing in of national budget funding for the programme, has been a landmark for social protection in Uganda, funding for the programme remains inadequate. In 2018 a decision was made to roll out the SCG to all 135 districts, starting from FY 2019/20. In order to achieve this, it was decided to start by covering only those aged 80 and above, although the intention has from the beginning been to gradually expand eligibility down to all older persons above the age of 65 (60 in Karamoja). However, at the moment, the majority of older persons (defined as those aged 65 and above) are not covered by social protection. The SCG currently provides benefits to about 306,796 older persons above the age of 80, leaving many without access to any tax-financed social protection programme.<sup>51</sup> The National Development Plan III envisaged to extend SCG benefits to 977,000 older persons in 2022/23.

SCG Provides benefits to  
**306,796** older persons  
above the **age of 80**

**National Development  
Plan III**

envisaged to extend SCG  
benefits to **977,000**  
**older persons** in 2022/23

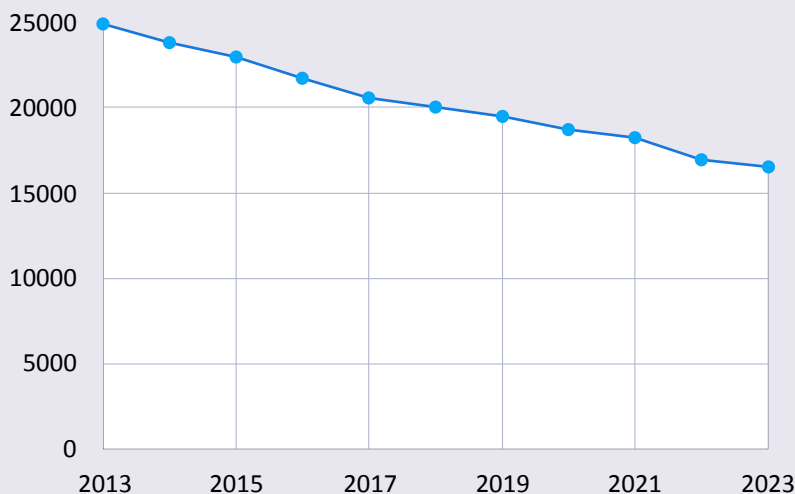
Making the SCG into a truly universal tax-financed pension by achieving the goal of expanding it to everybody aged 65 and above would be a big step towards providing income security in old age in Uganda. However, it would not be sufficient without also improving the adequacy of the benefit provided. At the moment the SCG still provides a relatively low value of UGX 25,000 a month. This is not sufficient for the programme to provide income replacement, which is to be expected by a social protection programme for older persons. Instead, the programme only provides a small income supplement. Further, the value of the benefit has remained fixed at UGX 25,000 since 2013, with the consequence that the real value of the benefit has been significantly reduced over time. As Figure 1 shows, when taking into account inflation, the purchasing power of the SCG benefit has been reduced by 34 percent, so that the real value today corresponds to UGX 16,500 instead of the original UGX 25,000.

**SCG Provides low value of  
UGX 25,000** a month  
since **2013**

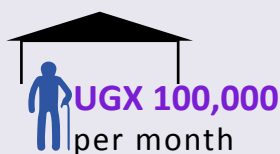
**34%** from UGX 25,000  
to **UGX 16,500**

<sup>51</sup> See also UNDESA World Population Prospects 2022

**Figure 1: The real value of the SCG 2013-23**



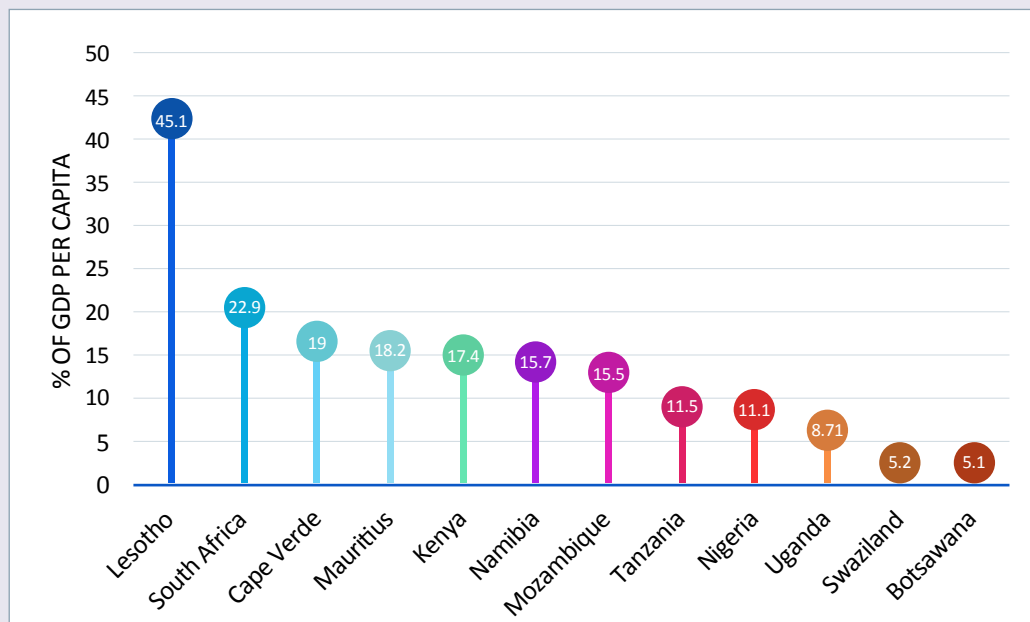
It is difficult to determine what an adequate income would be, since this varies widely between regions and individuals. One way to determine the necessary income to cover basic expenses is the Minimum Expenditure Basket calculations done by humanitarian aid agencies. In Uganda the latest MEB showed that a household of five needs around UGX 500,000 per month to cover their most basic needs for survival.<sup>52</sup> This would mean that an older person living alone would need at least UGX 100,000 to cover just the most basic needs.



Another way to illustrate the adequacy of the benefit is to compare with other similar programmes in other countries. For this purpose benefit levels are usually calculated as a percentage of GDP per capita. As Figure 2 shows, countries in Sub-Saharan Africa generally provide low benefit levels, when compared to GDP per capita, although most countries provide higher benefit levels than Uganda's SCG.

<sup>52</sup> CWG Uganda (2020). Minimum Expenditure Baskets for Cash-Based Programming in Uganda: Updated Guidance for Uganda Cash Working Group in 2020. Cash Working Group Uganda.

**Figure 2: Social pension benefits in Sub-Saharan African countries (% of GDP/capita)**



Source: <http://www.pension-watch.net/social-pensions-database/social-pensions-database--/>

Our interactions with older persons found they were concerned about the adequacy of benefits.<sup>53</sup>

Previous studies estimated that providing the current benefit of UGX 25,000 per person to everyone aged 65 and above would reduce the poverty rate among older persons with 20 percent, whereas providing a higher benefit of UGX 40,000 would lead to a reduction in the poverty rate of 35 percent.<sup>54</sup>

<sup>53</sup> ISER, RAISE, You Do not Qualify! <https://iser-uganda.org/publication/you-do-not-qualify-experiences-of-older-persons-access-to-social-protection-in-uganda/> (last accessed 18 March 2024)

<sup>54</sup> Ministry of Gender, Labour and Social Development (2020). The State of Older Persons in Uganda: Situational Analysis Report. Expanding Social Protection Programme, Ministry of Gender, Labour and Social Development.



Moreover, the insistence on the sole use of national ID as an identify marker before receiving social protection has resulted in exclusion of those who would otherwise qualify for SCG who lack national ID or whose ID has wrong details. Many older persons have their date of birth registered inaccurately or their fingerprints failed to be captured for biometric verification given the fingerprint scanners could not capture their fingerprints which have over the years worn away especially for those who carried out a lot of manual labour.<sup>55</sup> In the course of this project, ISER interviewed twins where one does not receive SAGE benefits because she lacks a national ID while the other does.<sup>56</sup>

The only other non-contributory social protection benefit for older persons in Uganda is the Public Service Pension Scheme (PSPS) provides benefits to pensioners, with monthly transfer values ranging from UGX 100,000 per month for higher level officials to less than UGX 10,000 for lower tier staff.<sup>57</sup> Turning to the social insurance system, this also suffers from both limited coverage and inadequate benefits. The 2020 State of Older Persons report found, based on household survey data, that less than two percent of persons in wage employment are covered by the social insurance system. The National Social Security Fund (NSSF) includes only the relatively small number of Ugandans in formal private employment. In addition, the NSSF does not provide actual social insurance, but functions as a provident fund, with pension savings paid out in lump sum upon retirement, and rarely providing sufficient funds to provide income security throughout retirement for participants.

<sup>55</sup> ISER et al., (2021) Chased Away and Left to Die, <https://iser-uganda.org/publication/chased-away-and-left-to-die/> (last accessed 27 March 2023)

<sup>56</sup> ISER, RAISE, You Do not Qualify! <https://iser-uganda.org/publication/you-do-not-qualify-experiences-of-older-persons-access-to-social-protection-in-uganda/> (last accessed 18 March 2024)

<sup>57</sup> Ministry of Gender, Labour and Social Development (2020). The State of Older Persons in Uganda: Situational Analysis Report. Expanding Social Protection Programme, Ministry of Gender, Labour and Social Development.

## Social Protection for Older Persons in Africa

There has been progress towards providing income security for older persons in several countries in East Africa. The first universal social pension in East Africa was launched in Zanzibar in 2016. It provides all residents aged 70 years and above a monthly benefit of TSh 20,000 (UGX 30,300). In 2018, Kenya introduced a universal social pension for all persons over the age of 70 as a part of the 'Inua Jamii Senior Citizen's Scheme'. The new programme provides both a monthly income transfer and health insurance coverage through the National Health Insurance Fund. As of 2022, the programme covered 762,947 older persons, corresponding to about 50 percent of the estimated population aged 65 and above. The programme provides a benefit of 2,000 Kenya Shilling, at the time of writing corresponding to about UGX 50,000, or about 10 percent of GDP per capita.

Looking across Sub-Saharan Africa, South Africa is one of the countries that have made the most progress towards providing income security for older persons. South Africa's Old Age Grant (also known as the Old Age Pension) provides income transfers to all older persons aged 60 and above and with an income and assets below a certain threshold. Despite being means-tested, the grant reached 3.9 million beneficiaries in 2022, or about 75 percent of older persons aged 60 and above. The benefit is currently R 2090 per month for those aged 60-74 and R 2110 for those aged 75 and above (corresponding to UGX 420,000, or about 23% of GDP per capita).

Source: <https://www.socialprotection.go.ke/node/257>, UNDESA World Population Prospects 2022

### 2.3. Conclusions

In order to comply with the obligations described in the Protocol, Uganda would have to invest much more in social protection and social services for older persons. There should be a long-term gradual expansion of both social benefits and social services in order to put in place a multi-tiered pension system, comprising a

universal, tax-financed, social pension and a proper social insurance system, complemented by private pensions. This should be accompanied by greater investment in healthcare, with attention to the needs of older persons, as well as the development of a social care system appropriate to the Ugandan context.

### 3. Children

#### 3.1. The right to social protection for children

The Protocol contains two articles of particular importance for children: Article 9, which sets out state obligations to support families, and Article 11, which focuses specifically on support to children and youth. Article 9.1. describes the obligation of the state to ‘promote the legal, economic and social protection of family life’ in general. Article 9 goes on to highlight the importance of social protection for empowering families to meet their socio-economic needs, including by providing a ‘framework for the extension of appropriate family benefits.’ It describes specifically the obligation to put in place effective social policies for supporting families that find themselves in vulnerable or crisis situations. The Article emphasizes the importance of the extended family in the African context, as well as the community associations or networks which support families in times of need. As such, the Protocol makes it clear that social protection should not be seen as replacing traditional family and community support systems, but complementary, empowering these to protect their members, including children.



## ARTICLE 9 FAMILY

### States Parties shall:

1. Ensure that the family, as a fundamental unit of society and the natural environment for the growth and well-being of all its members and particularly children, is appropriately assisted and protected. Member States should promote the legal, economic and social protection of family life;
2. Empower the family and enhance its capacity to enable it to meet its socio-economic needs through appropriate social protection in interventions;
3. Ensure that social protection systems and programmes reflect the reality and importance of the extended family, as understood in the national context;
4. Develop, integrate and implement effective social policies, programmes and strategies to address the social protection needs of families in vulnerable and crisis situations;
5. Adopt measures to promote and support community associations or networks which support families in times of need;
6. Provide a framework for the extension of appropriate family benefits;
7. Promote family reunification.

Article 11 then sets out specific obligations of the state to support children, adolescents and youth. This includes the obligation to ensure that social protection programmes are child-sensitive, which means that programmes should support children's 'right to registration at birth, nationality and a standard of living adequate for the child's physical, mental, spiritual, moral and social development.'

**As a means to achieving this, governments should provide social services and social protection transfers in cash and in kind to meet the basic needs of children.**

As stated in article 11.7, these programmes should also ensure early childhood development.

Article 11 further highlights the importance of ensuring that social insurance systems also take into account the needs of children. Article 11.4 describes the obligation of the state to provide social protection to particularly vulnerable groups of children, including children in conflict situations, orphans, children of mothers in prison and other vulnerable children. Further, articles 11.6 and 11.9 deals with children in conflict with the law and child-headed households respectively. Article 11.11 describes the obligation of the state to put in place social protection systems to prevent child labour, exploitation, neglect and violence, child marriages, trafficking in persons, including child trafficking, and child soldiering.

Articles 11.5 and 11.10 describes obligations to protect children in employment and to provide free primary and secondary education. Finally, article 11.12 describes the obligation to facilitate participation of children and youth in the development of social protection policies.

## ARTICLE 11 CHILDREN, ADOLESCENTS AND YOUTH

### States Parties shall:

1. Ensure that social protection programmes are sensitive to the needs of children and contribute to the fulfilment of their right to registration at birth, nationality and a standard of living adequate for the child's physical, mental, spiritual, moral and social development in accordance with relevant national laws;
2. Provide social protection services and transfers in cash and in kind to ensure that the basic needs of children are met;
3. Recognise the right for every child to benefit from social security, including social insurance, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child as appropriate;
4. Adopt measures to provide social protection schemes aimed at protecting children in conflict situations, orphans, children of mothers in prison and other vulnerable children;
5. Adopt specific protection measures in relation to the employment of children, including minimum age for admission to employment, and appropriate regulation of the hours and conditions of employment;
6. Support measures to protect, reintegrate and rehabilitate children in conflict with the law;
7. Invest in social protection schemes that contribute to early childhood development, including attention to adequate nutrition, good health, safety and protection, opportunities for early learning and responsive caregiving;

8. Put in place effective measures and provision for adequate care of children, among others through kinship care, care under the kafala system, foster-care and adoption arrangements in accordance with relevant national laws;
9. Facilitate mentoring and support of child-headed households;
10. Ensure free primary and secondary education and institute clear steps to progressively extend access to free education beyond primary and secondary schooling, including pre-primary education;
11. Adopt social protection measures that contribute to ending child labour, exploitation, neglect and violence, child marriages, trafficking in persons, including child trafficking, and child soldiering;
12. Ensure that children and the youth participate in developing social protection programmes.

### **3.2. Social protection for children in Uganda**

Uganda is signatory to the UN Convention on the Rights of the Child (UNCRC), which describes the obligation of the state to provide social protection. This is also stated in the Ugandan Constitution, which establishes the right to social protection for all citizens. Significantly, the 2020 National Child Policy describes explicitly the need to put in place a comprehensive package of child-sensitive social protection services. Uganda's new draft Vision for Social Security also includes costed proposals for the provision of a child disability benefit and a child benefit to be gradually rolled out over the course of a decade. The modelling shows how it would be fiscally feasible to implement the child disability benefit immediately, with an initial cost of only 0.05 per cent of GDP and a peak cost of 0.15 per cent of GDP when fully implemented.<sup>58</sup>

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<sup>58</sup> Save the Children Uganda (2021). Child-Sensitive Social Protection in Uganda. Save the Children Uganda.

However, despite these commitments, children are currently almost completely left out of the national social protection system in Uganda. There are no national social protection programmes in place focused particularly on children, and social care and support services are still nascent.<sup>59</sup> The main child-focused social protection programmes are currently NGO-run programmes with limited coverage: the Child-Sensitive Social Protection (CSSP) programme is a five-year programme implemented jointly in West Nile by UNICEF and WFP with funding from SIDA. The programme provides pregnant women with a transfer of UGX 48,000 per month until the child reaches two years. The ‘Girls Empowering Girls Social Protection Programme for Adolescent Girls provides benefits to 1,500 adolescent girls in Kampala with support from UNICEF.<sup>60</sup> In addition, WFP is implementing a Mother and Child Health and Nutrition programme in refugee hosting districts, providing monthly in-kind transfers of nutritious food to pregnant and lactating mothers, as well as children between 6 months and 2 years. However, all of these programmes have very limited coverage.

Overall, an analysis of the coverage of social protection for children in Uganda estimated that only 6.5 percent of children below the age of 18 live in a household that receives some form of social protection transfer, meaning that more than 93 percent of children are left without any income support.<sup>61</sup>



**6.5%**

of children below the age of 18 live in a household that receives some form of social protection transfer

meaning that more than 93 percent of children are left without any income support



**93%**

For children with disabilities, the situation is even more dire. The Ministry of Gender’s data finds that families of children with disabilities spend 29% more on

<sup>59</sup> Save the Children Uganda (2021). Child-Sensitive Social Protection in Uganda. Save the Children Uganda.

<sup>60</sup> Save the Children Uganda (2021). Child-Sensitive Social Protection in Uganda. Save the Children Uganda.

<sup>61</sup> Save the Children Uganda (2021). Child-Sensitive Social Protection in Uganda. Save the Children Uganda.

household expenses and 31% more on education expenses than children without disabilities.<sup>62</sup>



families of children with disabilities spend **29%** more on household expenses



**31%** more on education expenses than children without disabilities.

### Social Protection for children in Africa

Kenya has implemented a dedicated social protection programme for children since 2004. The Cash Transfer for Orphans and Vulnerable Children (CT-OVC) provides regular income transfers to households with orphans and vulnerable children, defined as households with children aged 0-17, with at least one deceased or chronically ill parent. The programme is targeted at households defined as 'ultra-poor'. In 2018/19 the programme reached more than 350,000 households across the country. The benefit provides KES 2,000 per household per month (UGX 50,000, or about 10 percent of GDP per capita).

South Africa's Child Support Grant is one of the largest social protection programmes in Africa. Its coverage has been gradually expanded over time and it now reaches more than 13 million children each month, corresponding to about 65 percent of the population aged 0-18. Since it was first introduced in 1998 the eligibility age has been increased from seven to 18 years old, and coverage has also expanded by increasing the income threshold of the means-test. The value of the grant has also increased over the years, from an initial R100 to R480 per month (UGX 100,000, corresponding to about 5% of GDP/capita) as of January 2023.

Source: <https://www.issa.int/gp/240016>, World Bank data on GDP/capita, UNDESA Population Prospects 2022

<sup>62</sup> Ministry of Gender, Social Protection and Persons with Disabilities: Making a Case for a Child Disability Grant, Powerpoint presentation; See also UNICEF Uganda: Investing in Social Protection in Uganda: The case for the Disability Grant, <https://www.unicef.org/uganda/media/1736/-file/The%20case%20for%20the%20Disability%20Grant.pdf>

### 3.3. Conclusions

Children are currently neglected by the national social protection system in Uganda, and there is a pressing need to start remedying this situation by expanding social protection programmes to children and families. Similarly, children in Uganda currently have limited access to the necessary care and support, as set out in the Protocol, with most social services provided by non-state actors which is not sustainable. Proposals already developed by the Ministry of Gender Labour and Social Development to gradually put in place a child disability benefit and a universal child benefit would be important for closing the gap and provide the necessary income support to children and their families, ensuring that children have access to nutritious food, education and health.

## 4. Persons with Disability

### 4.1. The right to social protection for persons with disabilities

Article 12 of the Protocol describes the obligations of the states to provide social protection for persons with disabilities. This entails adopting the necessary legislation and policies to extend social protection to allow all persons with disabilities to ‘enjoy an adequate standard of living for themselves and their families, as well as care and support.’ The Protocol emphasizes the importance of inclusion of persons with disabilities, both in society and in the labour market. In order to achieve this, states need to ensure that persons with disabilities have access to rehabilitation, vocational training, assistive devices, and that educational institutions and work places are accessible and inclusive.

Both disability-specific social protection schemes and mainstream benefits and social services need to be designed in ways that make them accessible for persons with disabilities. As the Protocol article 12.1 states, in order to facilitate the full participation of persons with disabilities in society and for them to be able to live independently, it is also necessary to facilitate access to personal assistance. Finally, the Protocol also emphasizes the importance of involving persons with disabilities, their families and the organisations representing them in the design of national social protection strategies.

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<sup>63</sup> See an overview here: <https://www.unicef.org/reports/universal-child-benefits-2020>

## ARTICLE 12 PERSONS WITH DISABILITIES

### States Parties shall:

1. Adopt legislative policy and other measures and implement measures that will ensure the extension of social protection to all persons with disabilities so that they enjoy an adequate standard of living for themselves and their families, as well as care and support;
2. Ensure that social protection schemes provided to persons with disabilities improve their social and professional inclusion, including through measures such as habilitation, rehabilitation, vocational training, accessibility and mobility, provision of assistive devices and technologies, means of transport and housing and the appropriate organisation of work and the working environment;
3. Ensure that social protection schemes guarantee equality of access and coverage to and reasonable accommodation of persons with disabilities;
4. Mainstream access to social services for persons with disabilities;
5. Facilitate personal assistance to persons with disabilities to live independently and participate in the community;
6. Involve persons with disabilities, their families and their representative organisations in the revision, planning and design of national social protection strategies;
7. Initiate legal and policy reforms to promote adequate and flexible combination of income and disability related support for economic empowerment;
8. Raise awareness to persons with disabilities and their families on the existence of social protection programmes to ensure their participation.



## 4.2. Social protection for persons with disabilities in Uganda

One of the aims of the comprehensive Situational Analysis of Persons with Disabilities in Uganda published in 2020 by the Ministry of Gender, Labour and Social Development, was to inform the design of a new disability-specific social protection programme.<sup>64</sup> However, there has still been no progress on this, and there is still no disability-specific social protection scheme in Uganda.

Uganda is a signatory to the UN Convention on the Rights of Persons with Disabilities (UNCRPD), which also includes obligations to provide social protection. The commitment to equal rights and opportunities for persons with disabilities is set out in the Ugandan constitution and the obligations of the state are furthermore specified in a range of national legislations and policies. This includes the revised 2020 Persons with Disabilities Act. Other relevant legislations include the Uganda National Employment Policy (2011), the National Policy for Older Persons (2009), the Uganda Gender Policy (2007), the Equal Opportunities Commission Act (2006) and the National Social Protection Policy (2015). Persons with disabilities are also mentioned in the Uganda Vision 2040 national development agenda, which emphasizes the importance of social protection for persons with disabilities.

There have been efforts to ensure participation of persons with disabilities in the policy making process, including through the introduction of quotas for representatives of persons with disabilities at all levels of governance, including five elected parliamentary representatives of persons with disabilities, as well as the National Council for Persons with Disabilities.<sup>65</sup>



**13%** of Persons with Disabilities reporting using assistive devices

In terms of access to social services, there is no specific policy on inclusive health, and persons with disabilities face barriers to equally access healthcare.<sup>66</sup> There is very limited access to

<sup>64</sup> Ministry of Gender, Labour and Social Development (2020). Situational Analysis of Persons with Disabilities in Uganda. Ministry of Gender, Labour and Social Development.

<sup>65</sup> Ministry of Gender, Labour and Social Development (2020). Situational Analysis of Persons with Disabilities in Uganda. Ministry of Gender, Labour and Social Development.

<sup>66</sup> Initiative for Social and Economic Rights (ISER) and 3 Others v Attorney General (Constitutional Petition No. 29 of 2017) [2023] UGCC 9 (20 February 2023), <https://ulii.org/akn/ug/judgment/uqcc/2023/9/enq@2023-02-20>

assistive devices, with only 13 percent of persons with severe disabilities reporting using assistive devices.<sup>67</sup> The Ministry of Education and Sports has an objective of ensuring inclusive education, but have limited resources to ensure access to education for persons with disabilities. There are 113 Special Needs Education schools across the country, although most of these are run by NGOs and faith-based organisations.<sup>68</sup> In practice, the vast majority of social services for persons with disabilities are provided by non-state actors, since very limited government resources are allocated.

There is also very limited access to social protection for persons with disabilities. The only disability-specific programme is the Special Grant for Persons with Disabilities. This provides one-off grants to groups of persons with disabilities and their caregivers to support income generation activities. The programme does not provide regular social protection transfers, it only reaches a very small proportion of persons with disabilities in the country, and the benefits provided are very limited. There have in the past been very positive experiences with Community Based Rehabilitation (CBR) in Uganda, but the programme's funding has been cut to such an extent that it is in practice no longer operational.

Besides the Special Grant for Persons with Disabilities, persons with disabilities in principle have access to livelihood support programmes for groups of women (Uganda Women's Entrepreneurship Programme) and youth (Youth Livelihood Programme). However there are several barriers for persons with disabilities to access these programmes and persons with disabilities find it difficult to join mainstream groups, as well as applying through their own groups.<sup>69</sup>

Arguably the most important mainstream social protection programme for persons with disabilities is the Senior Citizen Grant, since most of the older persons benefitting from the programme have a severe disability. However, as mentioned above, the programme still leaves out the many older persons with disabilities

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<sup>67</sup> Ministry of Gender, Labour and Social Development (2020). Situational Analysis of Persons with Disabilities in Uganda. Ministry of Gender, Labour and Social Development.

<sup>68</sup> Ministry of Gender, Labour and Social Development (2020). Situational Analysis of Persons with Disabilities in Uganda. Ministry of Gender, Labour and Social Development.

<sup>69</sup> Ministry of Gender, Labour and Social Development (2019). Inclusion of persons with disabilities in social protection in Uganda: Diagnostics of social protection programmes. Ministry of Gender, Labour and Social Development.

aged 65-80. In addition, the benefit level is not sufficient to cover the costs associated with disability, and access to payments can be difficult for persons with disabilities.<sup>70</sup>

Overall, the diagnostics of access to social protection for persons with disabilities carried out as part of the 2020 situational analysis, estimated that about 90 percent of persons with disabilities in Uganda are left without any income support from social protection programmes.<sup>71</sup>

### **Social Protection for persons with disabilities in Africa**

Kenya has implemented a disability-specific social protection programme since 2011. The 'Persons with Severe Disability Cash Transfer (PWSD-CT)' provides social assistance benefits to approximately 50,000 persons with severe disability. It targets adults and children with severe disabilities who require full time support of a caregiver. Similarly to Kenya's universal social pension, the programme provides a benefit of KES 2,000 (equivalent to about 10 percent of GDP).

South Africa has probably the most comprehensive social protection system for persons with disabilities in Sub-Saharan Africa. The system includes a Care Dependency Grant for carers of children with disabilities aged 0-18, a dedicated Disability Grant to those aged between 18 and 59 years, and an old age pension for those aged 60 and above. Overall, 65 per cent of persons with severe functional limitation receive some form of social protection benefit.

Source: <https://www.developmentpathways.co.uk/wp-content/uploads/2018/07/Social-protection-and-disability-in-South-Africa-July-2018.pdf>

<sup>70</sup> Ministry of Gender, Labour and Social Development (2019). Inclusion of persons with disabilities in social protection in Uganda: Diagnostics of social protection programmes. Ministry of Gender, Labour and Social Development.

<sup>71</sup> Ministry of Gender, Labour and Social Development (2019). Inclusion of persons with disabilities in social protection in Uganda: Diagnostics of social protection programmes. Ministry of Gender, Labour and Social Development.

### 4.3. Conclusions

Despite an extensive range of relevant legislation and policies, there is currently very limited access to social protection for persons with disabilities in Uganda. This is a result of very limited funding for disability-specific programmes, limited overall funding for social protection, and limited access to mainstream social protection programmes for persons with disabilities. In order to live up to the obligations defined in the Protocol, Uganda need to devote more resources to ensure inclusion of persons with disabilities in mainstream services, as well as introducing new disability-specific social services and social protection benefits.

As this chapter shows, on balance, while government has commendably made efforts to roll out social protection to different groups notably for older persons, it is yet to ensure coverage across the lifecycle, particularly for children, women and persons with disabilities. A large number of the population remains excluded. While financing may be a major barrier, and this is more extensively discussed in chapter 6, other barriers are in policy implementation, for example challenges with using digital ID which many Ugandans still lack. The adequacy of benefits provided is also not yet in tandem with the cost of living standards which impairs people from living in dignity.



## CHAPTER 5

### SCHOOL FEEDING

The Protocol requires the provision of school feeding programs to all primary school children. Article 18 (1) (iii) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security requires state parties to act within their capacities and national laws to implement school feeding programmes to all primary school children.

In Uganda, this has not been done. The Education Act, of 2008 outlines the obligations of each stakeholder in the provision of education to children, specifically on school feeding, under section 5 (2) (c) of the Act, it is the obligation of parents to provide food for their children while at school. The Ministry of Education and Sports issued the “Guidelines on School Feeding and Nutrition Intervention Programme: For use in Universal Primary Education (UPE) and Universal Post Primary Education and Training (UPPET) School Systems.”<sup>72</sup> The guidelines place the obligation for school feeding on parents who should make contributions both in cash and kind.<sup>73</sup> Such as the agreed quantity of good quality beans and seed maize in kind and the cash equivalent of the agreed food staples at the parent’s option. The guidelines provide for a School Food Committee (SFC) as a sub-committee of the school governing body that is composed of members of the School Finance and Development Sub-committee as stipulated in the Education Act, 2008.<sup>74</sup> For the Contribution for feeding teachers, support staff, orphans and vulnerable children (OVC), it is computed and added pro rata to each (non-OVC) child’s contribution over and above his or her recommended daily calorie allowance. The School Food Committee has the power to determine the form in which resources are contributed.<sup>75</sup> This is after consulting all stakeholders, especially the School governing bodies and Foundation Bodies.<sup>76</sup> The Guidelines

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<sup>72</sup> Ministry of Education and Sports, Guidelines on School Feeding and Nutrition Intervention Programme: For use in Universal Primary Education (UPE) and Universal Post Primary Education and Training (UPPET) School Systems.

<sup>73</sup> Ibid, p. 11 and 12.

<sup>74</sup> Ibid, p. 10.

<sup>75</sup> Ibid, p. 11.

<sup>76</sup> Ibid.

prohibit excluding any child from class or otherwise punished because of the parent's failure or refusal to contribute to school meals.

In its 2021 – 2026, Campaign manifesto, the National Resistance Movement Party promised in its manifesto that upon reelection, it would provide free school feeding and scrap school fees in all UPE schools.<sup>77</sup> This was based on the rationale that the school feeding program does not only improve the nutrition and health of the children, but it also has the potential to spur demand and create a market for our agricultural produce.<sup>78</sup> But to date, the promises are yet to be fulfilled.

Indeed, the high poverty levels and the increasing inability of the majority population to meet the necessities such as food and education due to cost of living crisis and climate change underscores why school feeding should be prioritized. In absolute terms, the number of poor persons insignificantly increased from 8.0 million to 8.3 million.<sup>79</sup> Currently, at least 70% of the population earns their income from agriculture,<sup>80</sup> however, the sector is largely subsistence, with 43% of the farmers engaged in subsistence farming which implies a hand-to-mouth mode of production.<sup>81</sup> This is attributed to the high level of the sector's dependence on nature<sup>82</sup> with any slight change in climate leading to a catastrophe and hunger in most communities as has been seen in Karamoja. Over the last five years, government's own data shows 77% of people were affected by drought, 62% by sharp price changes, and 15% by floods.<sup>83</sup> Children of school going age have highest rates of multi-dimensional poverty at 56% and even rises in

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<sup>77</sup> National Resistance Movement, Manifesto 2021 – 2026: Securing Your Future, p. 217.

<sup>78</sup> Ibid.

<sup>79</sup> Uganda Bureau of Statistics (UBOS), 2021. Uganda National Household Survey 2019/2020. Kampala, Uganda; UBOS, P. 115 at [https://www.ubos.org/wp-content/uploads/publications/09\\_2021Uganda-National-Survey-Report-2019-2020.pdf](https://www.ubos.org/wp-content/uploads/publications/09_2021Uganda-National-Survey-Report-2019-2020.pdf) accessed on February 21, 2024.

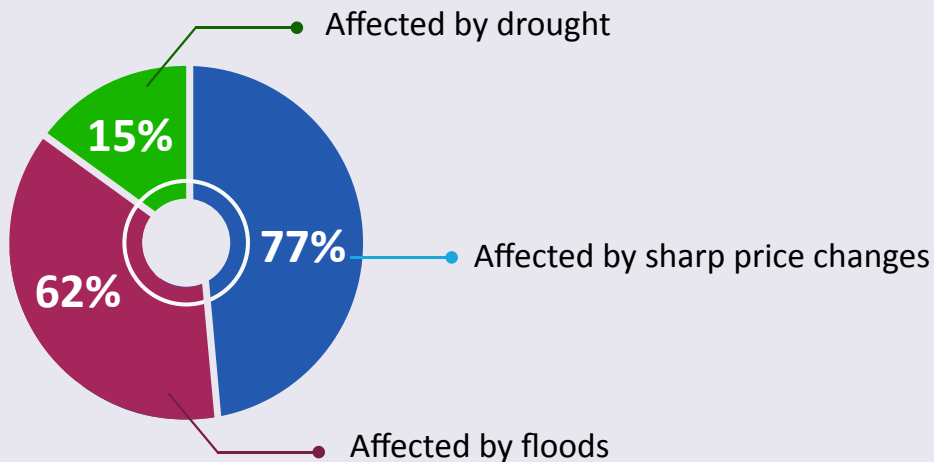
<sup>80</sup> Agriculture Sector Budget Framework Paper FY2018/19 – FY2022/23 <http://budget.go.ug/budget/sites/default/files/Sector%20Budget%20Docs/01%20Agriculture.pdf>

<sup>81</sup> Minister of Finance, Planning and Economic Development, Budget Speech FY2018/19, P. 3.

<sup>82</sup> Ibid, p. 4.

<sup>83</sup> UNHS Report 2019/2020.

households of 3 or more children at 62%.<sup>84</sup> When there is scarcity of food, it is children that fail to eat. School feeding also contributes to better learning outcomes.



Poor persons increased from **8.0 million** to **8.3 million**



<sup>84</sup> <https://www.unicef.org/esa/sites/unicef.org/esa/files/2019-10/UNICEF-Uganda-2019-Child-Poverty-Report-Vol1.pdf>; see also UBOS et al. (2022) Multi-Dimensional Poverty Index Report, [https://www.ubos.org/wp-content/uploads/publications/08\\_2022Multi\\_Poverty\\_Dimensional\\_Index\\_Report\\_2022.pdf](https://www.ubos.org/wp-content/uploads/publications/08_2022Multi_Poverty_Dimensional_Index_Report_2022.pdf) (last accessed 26 March 2024);





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## CHAPTER 6

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### FINANCING FOR SOCIAL PROTECTION IN UGANDA

This chapter delves into the broad issues around financing for social protection in Uganda and assesses the extent to which the government is complying with the protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security. In this chapter, we begin by highlighting why this protocol is important specifically for the financing of social protection in Uganda. We then move on to provide an overall picture of social protection financing in Uganda and how it has evolved over time. We provide a breakdown of the funding sources and further assess their sustainability. We then head into an assessment of Uganda's adherence to the Protocol's article on financing and, lastly, close off the chapter by summarizing key observations.

#### **1. Why is the protocol important to the financing of social protection?**

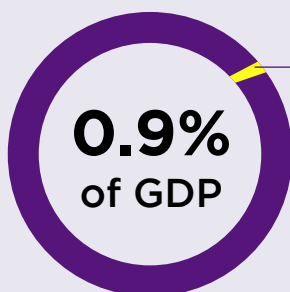
The Protocol acts as a valuable tool and a reference point for social protection financing in Uganda. It was intended to guide and support governments and other stakeholders in designing, delivering, and improving their social protection systems in a way that is responsive, inclusive, and effective for their people. The Protocol sets out the obligations and responsibilities of the States Parties to ensure the adequate funding, implementation, and monitoring of social protection systems and programmes, through domestic and external sources, contributory and non-contributory modalities, and transparent and accountable mechanisms. The financing obligations are mostly set out in article 24, although some other articles of the Protocol have implications on financing.

## ARTICLE 24 FINANCING

States Parties shall, in accordance with their capacities and national laws:

1. Conduct periodic actuarial assessments to ensure the adequate funding of social protection systems through domestic financing by allocating specific and transparent budget lines and taking into account contributory capacities of different population groups;
2. Develop and operationalise costed national plans for social protection to guarantee the provision of services and benefits;
3. Develop flexible feasibility, costing and sustainable funding strategies, combining contributory and non-contributory funding modalities for nationally defined programmes, to ensure sufficient funding for social protection programmes;
4. Commit themselves to progressively allocate a minimum percentage of public resources to social protection expenditure, in particular expenditure that will ensure universal access;
5. Ensure coordination and strengthening of development partner support for sustainable financing of social protection;
6. Take measures to avoid excessive administrative costs, and prevent fraud, illicit financial flows, tax evasion, non-payment of contributions and misuse of social protection funds.

### 2. An overview of Uganda's social protection expenditure.



Government reports reveal that Social protection spending accounted for 0.9 percent of GDP in the 2019/20 fiscal year. When conforming to Uganda's National Social Protection Policy (NSSP) (2015) definition when assessing social protection expenditures, the amount is less.

## Key Observations

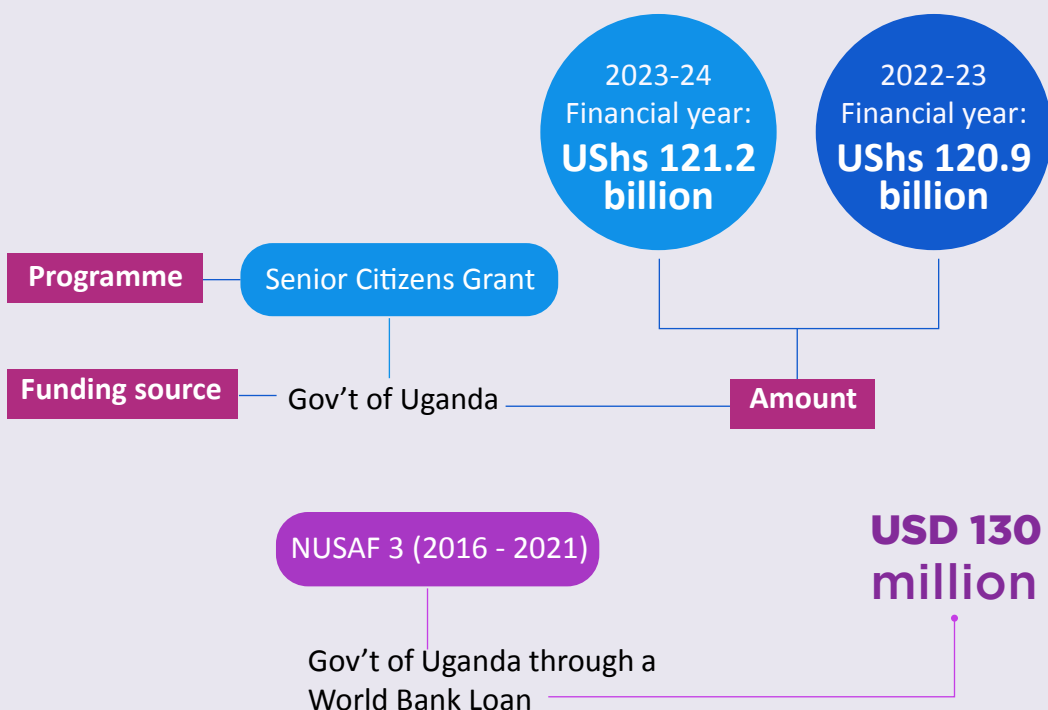
1. There is a mix of government, donor, and loan-funded programs, with a heavy reliance on external funding for some key initiatives. Incremental increases in funding for certain programs may not match the rate of inflation or the increasing demand for services, potentially leading to gaps in coverage and adequacy.
2. Several programs, particularly those targeting specific vulnerable groups like refugees (DRDIP), rely heavily on donor funding. This raises concerns about program sustainability once external support dries up. This is precarious given the dwindling donor support as countries grapple with cost of living crisis and conflicts like Russia/Ukraine.
3. Administrative costs seem to consume a significant portion of the budget for some programs, which could be at the expense of direct service delivery.
4. Article 24 of the protocol requires periodic actuarial assessments and costed national plans. To some extent this is done. However, aggregated data on government spending on social care and support is not available.
5. Government spending on institutional care is not available from budget documentation. For example, costs for providing residential services have not been estimated, and there are no specific budget lines for providing these services at the central or local government level. The same is true for the provision of family strengthening services, as there are no budget lines for providing these services at the central and local government levels.
6. MGLSD acknowledges that investments in social care and support are under-funded and there is a heavy reliance on donor resources for local service delivery.
7. Additionally, this funding is largely off-budget and thus not on record. The government is not adequately keeping track of the financial contributions of private sector and development partners to family strengthening services, social care, and support more generally. It needs to more closely monitor donor spending in the context of wider spending on social care and support.
8. There is a Social Protection development partners group which tries to coordinate and align development partners interventions under social protection. ISER was for example invited by them to present on social protection assessment during covid 19. Development partners also sit on the Government's Social Protection Thematic Committee. The mechanisms in place to facilitate the coordination and alignment of development partner interventions under social protection can be further strengthened.

### 3. Sources, Composition, And Sustainability of Funding for Social Protection:

The NSSP identifies three sub-pillars of social protection: direct income support, social insurance, and social care & support services, each with targeted programs for vulnerable populations.

The spending figures under each sub-pillar are detailed below.

**Direct Income support/non-contributory transfers:** The NSSP defines direct income support as non-contributory regular, predictable cash and in-kind transfers that provide relief from deprivation to the most vulnerable individuals and households in society.



**Development Response to  
Displacement Impacts Project  
– DRDIP (2017 – 2021)**

Gov't of Uganda through a  
World Bank Loan

**USD 150  
million  
in grants**

**USD 50  
million  
in loans**

**Labor Intensive Public  
Works Programme - LIPW**

Labour Intensive Public Works (LIPW) Programme were provided by NUSAF, Karamoja Livelihoods Improvement Programme (KALIP) and the Agricultural Livelihoods Recovery Programme (ALREP) in all benefiting around half a million people. However, these programmes ended in 2021 as no public funds were made available to continue with them.

**USD 150  
million  
in grants**

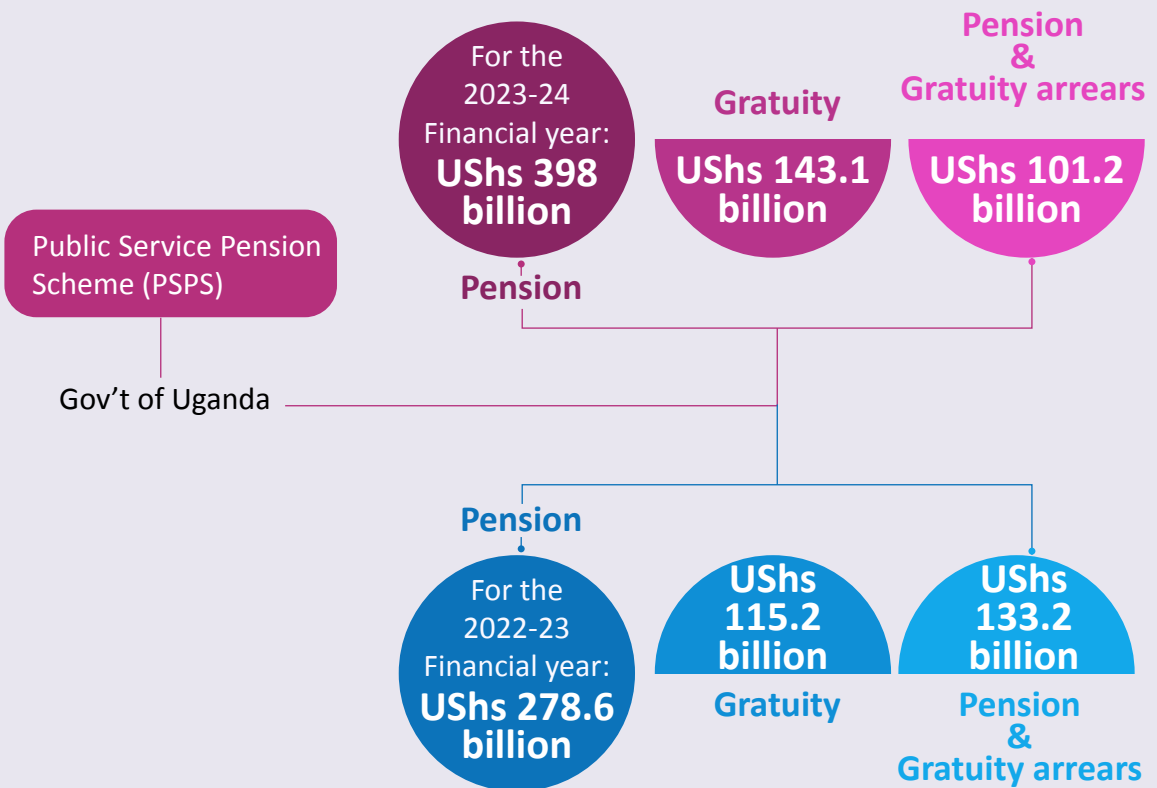
**USD 50  
million  
in loans**

**Girls-Empowering-Girls**

UNICEF through funding from the Belgian government. The program is implemented in partnership the Gov't of Uganda through KCCA

**Euro 4.2  
million**  
(approximately  
US\$ 16 billion )

**Social Insurance/Contributory Schemes:** These target the working population in both formal and informal sectors. They include but are not limited to; pension schemes for public servants, workers in the private sector, health insurance schemes among others.



National Social Security  
Fund (NSSF)

Contributions by employers  
and employees

Information from the Fund shows that contributions increased from only **Ushs 688 billion** in 2015 to **Ushs 1.27 trillion** in 2020 and hit **Ushs 1.72 trillion** in 2023.

Benefits paid to qualifying members increased from **Ugx 1.189 trillion** in the Financial Year 2021/22 to **Ugx 1.99 trillion** in the Financial Year 2022/23.

**Social care and support services:** This encompasses non-contributory services that provide care, support, protection, and empowerment to vulnerable individuals who are unable to fully care for themselves i.e. vulnerable children; the elderly and disabled; women and those impacted by gender based violence, among others.

Support to street children interventions i.e. withdrawal, rehabilitation, and resettlement programme for street children

Gov't of Uganda

Financial  
year 2022-23:  
**UShs 120  
million**

Financial  
year 2023-24:  
**UShs 24  
million**



Care and protection of children  
in conflict with the law

Gov't of Uganda

Budget allocation for  
remand homes

2022-23 FY: **UShs 416.6 million**

2023-24 FY: **UShs 83.3 million**

Provision of food and  
non-food items to PWDs in  
rehabilitation centers and  
Jinja home of the elderly.

Gov't of Uganda

FY 2022-23  
**UShs 332  
million**

FY 2023-24  
**UShs 115  
million**

Response to gender  
based violence

Gov't of Uganda

FY 2023-24 budget  
**UShs 161 million**

Care and support to  
GBV survivors:

Gov't of Uganda, DFID,  
Governments of Sweden  
and Norway, UN Women,  
European Union, UNDP

**Over 20 shelters**  
established providing  
support to **over  
15,000 survivors**

Source: 2023/24 Approved Budget Estimates

Upon examining the data, it becomes apparent that while reports suggest social protection spending in Uganda is at 0.9 percent of GDP, the government-funded portion constitutes only a fraction of this, representing a mere **0.4** percent of GDP,<sup>85</sup> falling below the Sub-Saharan Africa average of **2.1** percent.<sup>86</sup> Uganda has struggled to fund basic building blocks of social protection floors which requires at least 1% of GDP.<sup>87</sup>

**Direct Income Support/Non-contributory Transfers:** Several programs under direct income support/non-contributory transfers, such as the Senior Citizens Grant and NUSAF 3, primarily receive funding from the Ugandan government or external donors. However, challenges such as the discontinuation of programs like the Labor Intensive Public Works Programme due to insufficient public funding persist. Additionally, programs like Girls-Empowering-Girls, reliant on external funding, face sustainability concerns. Similarly, the NUSAF 3 program, funded by loans and grants from the World Bank, faces uncertain long-term sustainability.

Whereas the Senior Citizen Grant saw an increase in funding from the Ugandan government in Financial Year FY2023-24 at US\$ 121.2 billion from US\$ 120.9 billion in FY 2023-24, the increment was marginal, which raises questions about the adequacy of funding for this growing demographic.<sup>88</sup>



Notably the government provided one off COVID-19 cash transfers during the pandemic which is commendable despite being marred in a number of scandals of funds misuse.<sup>89</sup>

<sup>85</sup> Author calculations

<sup>86</sup> ILO (2022) World Social Protection Report 2020-2022, <https://www.ilo.org/global/research/global-reports/world-social-security-report/2020-22/lang-en/index.htm>

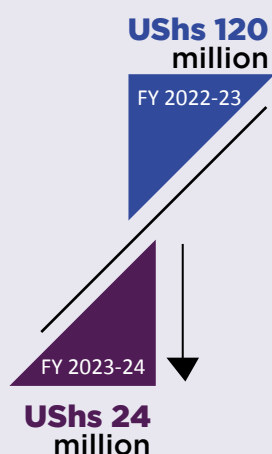
<sup>87</sup> <https://www.developmentpathways.co.uk/publications/inclusive-lifecycle-social-security-an-option-for-uganda/>

<sup>88</sup> Ministerial Policy Statements FY 2023/24

<sup>89</sup> Parliament (2021), Report of the Parliamentary Taskforce on the National Covid 19 Response; Initiative for Social and Economic Rights, ISER (2021) A Drop in the Ocean: Uganda's Covid 19 Cash Transfer, <https://iser-uganda.org/publications/policy-andadvocacy-briefs/505-a-drop-in-the-ocean-uganda%E2%80%99s-covid-19-cash-transfer>

**In the realm of social insurance/contributory schemes,** programs like the Public Service Pension Scheme and the National Social Security Fund (NSSF) are being implemented aside from other private and voluntary provident schemes that have been left out of this report. The Public Service Pension Scheme shows a notable increase in allocations for pensions and gratuities, reflecting the government's response to the needs of retired public servants. However, the presence of arrears points to potential systemic issues in timely disbursement.

**Social Care and Support Services:** Initiatives under this sub-pillar aim to provide care, support, and protection to vulnerable individuals. However, the social care and support system remains inadequately defined and largely non-existent beyond fragmented development partner projects. Only limited and incomplete data are available on the current coverage of services. A few of the programs funded by the government of Uganda address critical issues such as support to street children, care and protection of children in conflict with the law, and support to gender-based violence (GBV) survivors. Yet funding for interventions for street children and children in conflict with the law, although present, is minimal when considering the scale of need, suggesting a gap in addressing the needs of vulnerable children. The funding was slashed by a large margin from US\$ 120 million in 2022-23 FY to a mere US\$ 24 million in 2023-24.<sup>90</sup>



Similarly, the allocation for PWDs in rehabilitation centers and the elderly home in Jinja shows a decrease in the latest financial year, which could impact the quality and reach of services provided. Whereas the establishment of GBV safe shelters demonstrates progress in addressing gender-based violence, the budget for GBV response appears to be misaligned with the actual needs of survivors, as the entire amount is earmarked for operational expenses rather than direct support services. Whereas

<sup>90</sup> Ministerial Policy Statements FY 2023/24

## UShs 161.1 million



is budgeted for response to gender based violence in the 2023-24 financial year,

if broken down the entire amount goes to staff's allowances; workshops, meetings, and seminars; welfare and entertainment; printing, stationary, and photocopying, and travel inland.<sup>91</sup> This misallocation could severely limit the effectiveness of GBV interventions.

These observations suggest that while Uganda is making efforts to finance social protection, there are areas where efficiency, adequacy, and sustainability could be improved. The government's approach to social protection financing will need to be more strategic, ensuring that funds are not only increased but also effectively allocated and utilized to meet the needs of the most vulnerable populations.

To augment its financing for social protection, government is already obligated under the international covenant on economic social and cultural rights which it ratified in 1987 to devote maximum available resources. This requirement is also enshrined in the AU Protocol on the right to social protection and social security. To meet this, government must not only requires domestic resource mobilization where the wealthy pay their fair share of tax, it should curb leakages like illicit financial flows and corruption.<sup>92</sup>

As outlined in the Protocol's article 24, reduced tax earnings detrimentally impact access to social protection by limiting fiscal space for government to act. Government should leverage progressive taxation to fund social protection.<sup>93</sup> 6 in 10 people are paying indirect taxes like Value Added Tax (VAT), often considered regressive.<sup>94</sup> Introducing wealth tax could help fund necessary programs and would not necessarily dissuade wealthy from living and investing in a country, see for example Switzerland and Norway.

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<sup>91</sup> Ministerial Policy Statements FY 2023/24

<sup>92</sup> ISER (2022) Curb Illicit Financial Flows to Fund Public Services, [https://iser-uganda.org/wp-content/uploads/2022/07/Curb\\_Illicit\\_Financial\\_Flows.pdf](https://iser-uganda.org/wp-content/uploads/2022/07/Curb_Illicit_Financial_Flows.pdf)

<sup>93</sup> ISER (2022) Leveraging Progressive Taxation to Fund Public Services.

<sup>94</sup> OXFAM (2021) Fair Tax Monitor Uganda: A Gender Perspective, retrieved from: <https://uganda.oxfam.org/latest/policypaper/fair-tax-monitor-uganda-gender-perspective>

As this chapter reveals, Uganda is yet to adequately finance social protection, falling behind on its own policy targets. This has implications affecting the coverage and adequacy of the various initiatives by government to provide social protection. Yet investing in social protection has ripple effects on the economy. Comprehensive periodic actuarial assessment of the financing needed is necessary to strengthen planning and mobilization of resources. Government, in addition, must also double down on curbing leakages and corruption which deprive us of the resources needed to finance social protection.



## CHAPTER 7

### COMPLAINTS AND APPEALS MECHANISMS

#### **Article 26 complaint and appeal mechanisms)**

- 1 . Right to complain and right to appeal to independent institution.
2. Appeal and complaint mechanisms that are impartial, transparent, effective, simple, rapid, accessible and inexpensive, are completed within reasonable time limits, and ensure timely feedback to affected parties; Independent adjudication institutions
4. Legal aid
5. Compliance with final decisions of adjudicating bodies.

A right without a remedy only exists on paper. In addition to existing formal redress mechanisms through the courts, the ombudsman, government has set up simple appeal mechanisms, for example redress mechanisms within SAGE, DDRIP have been established to enable those with complaints to access remedy.

Special attention should be paid to timely resolution of complaints since courts and quasi-judicial mechanisms have had backlog. The lack of legal aid continues to be a challenge given the legal aid bill that would entitle someone to legal aid for civil issues has stalled. Finally, ensuring the beneficiaries are provided information with how and when to use these internal remedial mechanisms is key.





## CHAPTER 8

### CONCLUSIONS AND RECOMMENDATIONS

Uganda while having made some commendable strides on social protection including having a policy and strategy still lacks a strong legal framework and implements social protection in a limited manner that is yet to cover people across the lifecycle. The financing for social protection is still heavily dependent on donor support and the Protocol identifies certain measures Uganda could undertake to further strengthen its financing, particularly from domestic revenue mobilisation. Investing in social protection has ripple benefits on the economy and development of the country.

#### RECOMMENDATIONS

- 1 Ratify and domesticate the AU Protocol on the Rights of Citizens to Social Protection.
- 2 Increase financing for social protection, including by curbing illicit financial flows and implementing progressive tax reforms.
- 3 Implement a human rights based and lifecycle approach to social protection.
- 4 Identify and ameliorate barriers to accessing social protection.
- 5 Allow other forms of ID to access social protection as the government further strengthens the roll out of national ID.
- 6 Ringfence financing of public services to ensure there are no budget cuts to vital services and benefits when undertaking fiscal consolidation and austerity measures.
- 7 Curb unnecessary debt and conduct a human rights impact assessment before undertaking further debt.



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