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71st Ordinary Session of the African Commission on Human and Peoples' Rights, 21 April – 13 May 2022

Agenda Item 6(i): Activity Report of the Chairperson of the Working Group on Indigenous Populations/Communities and Minorities in Africa

Honourable Chairperson,

Amnesty International welcomes this opportunity to address the African Commission on Human and Peoples' Rights (African Commission) on the occasion of its 69th ordinary session.

For decades now, Amnesty International has worked to defend the rights of Indigenous peoples in all regions of the world. In Africa, as elsewhere, Indigenous peoples face the same harsh realities: eviction from their ancestral lands, being denied the opportunity to express their culture, physical attacks and treatment as second-class citizens. This is the reality depicted in two recent reports published by Amnesty International regarding the rights of the San peoples of Namibia and the Benet people of Mount Elgon in Uganda.

The first report, titled *"We don't feel well treated: Tuberculosis and the indigenous San peoples of Namibia"*, reveals that rampant discrimination against the San people is denying them access to healthcare. This leaves them vulnerable to deadly diseases such as tuberculosis (TB) and its multi-drug resistant strain (MDR-TB), which is ravaging their communities in the Omaheke and Otjozondjupa regions.

Namibia carries one of the highest burdens of TB in the world. This burden is disproportionately borne by the San peoples. Studies indicate that the burden of TB among the San peoples is almost 40% higher than the national average. This is primarily because the Namibian government has failed to address various structural factors and social determinants that contribute to the San's disproportionate vulnerability to TB and MDR-TB. In particular, there are significant barriers related to the availability and accessibility of healthcare for the San generally, and to TB treatment specifically. The barriers include long distances to healthcare facilities, lack of access to information, and low quality care.

Amnesty International calls on the African Commission to urge the Namibian government to:

- Develop targeted programmes aimed at the health needs of San peoples including TB and MDR-TB initiatives by expanding and strengthening community-based healthcare services and ensuring that mobile clinics and health extension workers visit San communities regularly and remove healthcare user-fees for San peoples to ensure affordable access to healthcare.
- Improve access to culturally appropriate information in San communities about their



- health rights and the grievances processes available to them.
- Undertake capacity development initiatives to train and capacitate persons with knowledge of local San languages to work as interpreters at healthcare facilities; and
- undertake capacity development initiatives to train and capacitate members of San peoples with the skills to be healthcare providers.

The second report, titled *“13 years in Limbo: Forced evictions of the Benet in the name of conservation”*, highlights the plight of the Benet Indigenous people who were forcibly evicted in 2008 from their ancestral lands in Mount Elgon in eastern Uganda. The eviction was carried out by authorities, including the Uganda Wildlife Authority (UWA) and the Uganda People’s Defence Force (UPDF). Over a decade later, members of the Indigenous Benet community still live in temporary resettlement camps, a situation that has further marginalized the Benet in terms of fair and equitable access to water and sanitation, healthcare, and education.

The wildlife authority has denied Benet people access to their ancestral lands in Mount Elgon Forest. This restriction has impacted the Benet peoples’ agropastoral lifestyle and other economic, social, and cultural practices such as the right to access cultural sites for rituals, fruit gathering, bee keeping, and hunting. The government has not compensated them for the loss of their lands, destruction of property or loss of livelihoods.

In November 2018, the African Commission organized a national dialogue on the rights of Indigenous peoples and extractive industries in Kampala, Uganda. In its final communique, the African Commission made several recommendations aimed at strengthening the promotion and protection of the rights of Indigenous people in Uganda. Amnesty International calls on the African Commission to follow-up on those recommendations to ensure their implementation in the specific case of the Benet. Amnesty International calls on the African Commission to urge the Uganda government to:

- Ensure that all Benet people who were subject to forcible evictions have access to effective remedy and reparations, including restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition.
- Prioritize the provision of permanent housing to all those who were rendered homeless by all the past forced evictions in Mount Elgon.
- Ensure that all those forcibly evicted from Mount Elgon can continue with their way of life including practice their traditional livelihoods. For this, they must have access to the forest, including grazing areas and sites which are of cultural and spiritual significance, as well as for non-timber forest produce.

Thank you.