



**UNPACKING THE LEGAL FRAMEWORK ON THE RIGHT TO ADEQUATE  
HOUSING IN UGANDA: A CASE STUDY OF HOUSING HABITABILITY FOR THE  
UGANDA POLICE IN NAKAWA DIVISION, KAMPALA DISTRICT**

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PARTIAL FULFILLMENT FOR THE AWARD OF MASTER OF LAWS OF  
MAKERERE UNIVERSITY**

**OCTOBER 2025**

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## **DEDICATION**

I dedicate this dissertation to my family.

## **ACKNOWLEDGEMENT**

I thank God who has enabled me to persevere to the end. I also warmly appreciate the Lecturers at the School of Law, most especially my supervisor, Professor Joe Oloka- Onyango, who has tirelessly guided me through this research.

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## **LIST OF ABBREVIATIONS AND ACRONYMS**

ACHPR - African Commission on Human and Peoples' Rights

ACHR - Asian Coalition for Human Rights

ASP - Assistant Superintendent of Police

CESCR - Committee on Economic, Social and Cultural Rights

ICESCR - International Covenant on Economic Social and Cultural Rights

ILO - International Labour Organization

IP - Inspector of Police

KCCA - Kampala Capital City Authority

NGO - Non-Governmental Organization

NHRI - National Human Rights Institution

NPA - National Planning Authority

NRM - National Resistance Movement

OAS - Organization of American States

OECD - Organization for Economic Co-operation and Development

OHCHR - Office of the High Commissioner for Human Rights

SACC - South African Constitutional Court

SDG - Sustainable Development Goal

UDHR - Universal Declaration of Human Rights

UHRC - Uganda Human Rights Commission

UN - United Nations

UN-HABITAT - United Nations Human Settlements Programme

UNHRP - United Nations Housing Rights Programme

UNOHCHR - United Nations Office of the High Commissioner for Human Rights

UPF - Uganda Police Force

WHO - World Health Organization

## **LEGISLATION REFERRED TO**

Building Control Act Cap. 136

Constitution of the Republic of Uganda, 1995

Kampala Capital City Act Cap. 195

Land Act Cap. 236

National Planning Authority Act Cap. 202

Physical Planning Authority Act Cap. 142

Police Act Cap. 324

Uganda Police Standing Orders

### **International Treaties, Instruments, and Declarations Cited**

African Charter on Human and Peoples' Rights

American Convention on Human Rights

Convention on the Elimination of All Forms of Discrimination against Women (1979)

Convention on the Elimination of All Forms of Racial Discrimination (1965)

Convention on the Rights of People with Disabilities (2006)

Convention on the Rights of the Child (1989)

Convention Relating to the Status of Refugees (1951)

Declaration on Social Progress and Development (1969)

European Convention on Human Rights and Fundamental Freedoms

European Social Charter

The Habitat Agenda

International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)

International Covenant on Economic, Social and Cultural Rights (1966)

Maastricht Principles on Extraterritorial Obligations of States

Optional Protocol to the ICESCR (2008)

Recommendation No. 115 on Workers' Housing (1961)

UN General Assembly Resolution 48/134 ("Paris Principles")

Universal Declaration of Human Rights (1948)

Vancouver Declaration on Human Settlements (1976)

### **CASES CITED**

Kalali v. Attorney General, Cause No. 88 of 2022 (High Court of Uganda).
<i>Muhindo and Others v. Uganda High Court</i> Miscellaneous Cause No. 127 of 2016.
<i>Social and Economic Rights Action Centre (SERAC) &amp; another v Nigeria</i> (2001) AHRLR 60 (ACHPR 2001).
<i>Selcuk and Asker v. Turkey</i> ECHR judgment of 24 <sup>th</sup> April 1998.
<i>The Government of the Republic of South Africa and Others v. Grootboom and Others</i> [2000] ZACC 19; 2001 (1) SA 46 (CC); 2000 (11) BCLR 1169 (CC).
<i>Massacres of Ituango v. Colombia</i> No 148 (1 July 2006).

## TABLE OF CONTENTS

DECLARATION .....	i
DEDICATION .....	ii
ACKNOWLEDGEMENT.....	iii
COPYRIGHT .....	iv
LIST OF ABBREVIATIONS AND ACRONYMS.....	v
LEGISLATION REFERRED TO.....	vii
INTERNATIONAL TREATIES, INSTRUMENTS, AND DECLARATIONS CITED .....	vii
CASES CITED .....	viii
<b>CHAPTER ONE.....</b>	<b>1</b>
1.0 INTRODUCTION.....	1
1.1 Background to study.....	5
1.1.1 The Unique Housing Needs of the Uganda Police Force.....	5
1.2 Statement of the problem .....	7
1.3 Objectives of the study .....	9
1.3.1 General objective.....	9
1.3.2 Specific objectives.....	10
1.3.3 Research questions .....	10
1.4 Significance of the study .....	10
1.4.1 Theoretical framework .....	10
1.5 The Housing Needs Theory .....	11
1.5.1 Introduction .....	11
1.5.2 Relevance of the Housing Needs Theory in Uganda. ....	12
1.6 The Housing Deficit Theory in Uganda.....	13
1.6.1 Introduction .....	13
1.6.2 Relevance of the Housing Deficit Theory in Uganda .....	13
1.7 The Social Welfare Theory .....	15
1.7.1 Relevance of the Social Welfare Theory to the notion of Adequate Housing: .....	15
1.8 Literature review .....	17
1.8.1 Introduction .....	17
1.8.2 A general overview of the right to adequate housing.....	17

1.8.3 The Broader Framework of Economic, Social and Cultural Rights .....	18
1.8.4 Housing Rights in the African Context.....	20
1.8.5 Police Housing: Specific Literature .....	21
1.8.6 Habitability as a Housing Rights Component .....	22
1.8.7 Progressive Realization and Immediate Obligations.....	22
1.8.8 Accountability and Enforcement Mechanisms.....	23
1.9 Gaps in the literature and general conclusions .....	24
1.10 Research Methodology.....	25
1.10.1 Introduction .....	25
1.10.2 Description of study area.....	25
1.10.3 Research Design.....	25
1.10.3.1 Semi-Structured Interviews.....	26
1.10.3.2 Observation .....	26
1.10.3.3 Document Analysis .....	26
1.10.4 Research methodology .....	27
1.10.4.1 Data collection procedure.....	27
1.10.4.2 Document review .....	28
1.10.4.3 Data analysis .....	28
1.11 Validity and reliability .....	28
1.12 Ethical considerations.....	28
<b>CHAPTER TWO : AN EVALUATION OF THE LEGAL FRAMEWORK GOVERNING</b>	
<b>HABITABILITY IN UGANDA FROM A GLOBAL AND DOMESTIC PERSPECTIVE... 1</b>	
2.0 Affordable housing under international treaties and instruments.....	1
2.1 The Universal Declaration of Human Rights of 1948.....	2
2.2. The International Covenant on Economic, Social, and Cultural Rights (ICESCR).....	3
2.3 The African Charter on Human and Peoples’ Rights (The African Charter).....	3
2.4 Relevant laws relating to the right to adequate housing in Uganda. ....	4
2.4.1 Constitution of the Republic of Uganda, 1995.....	4
2.4.3 National Physical Planning Standards and Guidelines.....	5
2.5 Effectiveness of the Law on the right to adequate housing.....	5

2.6 Habitability as a core element of the right to housing: A situational analysis of the Uganda Police Force.....	6
2.7 Ingredients of Habitability Regarding Housing .....	7
2.7.1 Water .....	8
2.7.2 Air Quality .....	9
2.7.3 Tobacco smoke.....	11
2.7.4 Noise exposure.....	12
2.7.5 Asbestos .....	13
2.7.6 Lead.....	14
2.7.7 Radon .....	15
<b>CHAPTER THREE : THE STATE'S OBLIGATIONS TO ENSURE HABITABILITY IN POLICE HOUSING: LEGAL AND INSTITUTIONAL FRAMEWORKS.....</b>	<b>1</b>
3.1. Introduction .....	1
3.2. The Specific Case for State Housing Obligations toward Police Officers.....	2
3.2.1 Police Officers as a Special Category Warranting Heightened State Obligations .....	2
3.2.2 Comparative Approaches to Police Housing Obligations: Lessons from Other Jurisdictions .....	6
3.2.3 Comparative Housing Provisions for Security Agencies in Uganda .....	7
3.2.3.1 Uganda Prisons Service: Recent Progress and Persistent Gaps .....	7
3.2.3.2 Uganda People's Defence Forces: Military Housing Models.....	9
3.2.3.3 Cross-Sector Housing Initiative: The 69,000 Units Proposal .....	10
3.2.3.4 Comparative Lessons for Police Housing Reform.....	11
3.2.3.5 Synthesis: Toward Comprehensive Police Housing Reform .....	12
3.3. General State Obligations Framework Applied to Police Housing.....	13
3.3.1 The Tripartite Obligations: Respect, Protect, Fulfill.....	13
3.3.1.1 The Obligation to Respect in Police Housing Contexts.....	14
3.3.1.2 The Obligation to Protect in Police Housing Contexts .....	16
3.3.1.3 The Obligation to Fulfill in Police Housing Contexts.....	18
3.3.2 Progressive Realization and Minimum Core Obligations in Police Housing .....	21
3.3.2.1 Immediate Obligations in Police Housing Contexts .....	22
3.3.2.2 Progressive Realization Standards for Police Housing.....	23

3.4. Monitoring, Accountability and Enforcement Mechanisms for Police Housing Rights.....	25
3.4.1 Internal Police Accountability Mechanisms.....	25
3.4.1.1 Administrative Remedies within the Uganda Police Force.....	25
3.4.2 National Human Rights Institutions .....	26
3.4.2.1 The Uganda Human Rights Commission.....	26
3.4.3 Judicial Mechanisms .....	28
3.4.3.1 Constitutional Litigation .....	28
3.4.3.2 Employment and Labour Relations Mechanisms.....	29
3.4.4 Legislative Oversight .....	30
3.4.4.1 Parliamentary Committees .....	30
3.4.4.2 The Office of the Auditor General .....	30
3.4.5 Civil Society and Public Accountability .....	31
3.4.5.1 Non-Governmental Organizations .....	31
3.4.5.2 Media and Public Discourse.....	31
3.4.5.3 Police Associations.....	31
3.4.6 International and Regional Mechanisms .....	32
3.4.6.1 UN Treaty Bodies .....	32
3.4.6.2 African Commission on Human and Peoples' Rights .....	32
3.4.6.3 UN Special Rapporteurs.....	33
3.5. Synthesizing State Obligations: A Framework for Police Housing in Uganda .....	33
3.5.1 Legal Foundation.....	33
3.5.2 Nature of Obligations.....	34
3.5.3 Immediate vs. Progressive Obligations .....	34
3.5.4 Accountability Mechanisms.....	35
3.5.5 Addressing Systemic Challenges .....	36
3.5.6 Comparative Lessons .....	37
3.6. Conclusion.....	37
<b>CHAPTER FOUR : EVALUATING THE HABITABILITY OF POLICE HOUSING: AN EMPIRICAL APPROACH.....</b>	<b>1</b>
4.1 Introduction .....	1
4.2 The demographics of the study area.....	2

4.3 Perspectives from respondents within the course of study .....	4
4.3.1 Housing Overview .....	5
4.3.2 Status of Accommodation for Personnel Entitled to Housing by UPF .....	6
4.3.3 Entitled Personnel Not Residing in Institutional Housing .....	7
4.3.4 Personnel Preferring to Live Outside the Barracks .....	8
4.3.4.1 Status of Accommodation for Personnel Not Entitled to UPF Housing .....	8
4.3.5 Distance between Place of Accommodation and Duty Station .....	8
4.3.6.1 Status of Utilities and Sanitation .....	9
4.4 Policies and Regulations Governing Police Housing .....	13
4.5 Effects of Inadequate Housing .....	13
4.6. Impact of Policies and Regulations on the Well-Being of Police Officers .....	14
4.6.1 Positive Impacts .....	14
4.6.2 Negative Contributions .....	16
4.7 The Habitability of Police Housing .....	19
4.7.1 Physical Conditions and Structure .....	19
4.7.2 Space and Overcrowding .....	20
4.7.3 Safety and Security .....	20
4.7.4 Health and Sanitation .....	21
4.8 Conclusion .....	21
<b>CHAPTER FIVE : CONCLUSIONS AND RECOMMENDATIONS .....</b>	<b>1</b>
5.1 Introduction .....	1
5.2 Findings .....	1
5.3 Recommendations .....	3
5.3.1 Policy and Legislative Reforms .....	3
5.3.2 Financial and Resource Mobilization .....	4
5.3.3 Infrastructure Development and Maintenance .....	5
5.3.4 Governance and Accountability .....	6
5.3.5 Capacity Building and Awareness .....	7
5.3.6 Holistic Welfare Integration .....	7
5.3.7 Research and Evidence Generation .....	8

REFERENCES.....	9
APPENDIX I: INTERVIEW WITH ACTING DIRECTOR, CONSTRUCTION AND ESTATE MANAGEMENT, DIRECTORATE OF LOGISTICS AND ENGINEERING – UGANDA POLICE FORCE.....	17
APPENDIX II: ADVOCATE .....	18
APPENDIX III: INTERVIEW WITH POLICE OFFICER OF THE UGANDA POLICE FORCE .....	19

## CHAPTER ONE

### 1.0 INTRODUCTION

Housing forms an indispensable aspect of ensuring human dignity. In this respect, adequate housing is defined to mean, among others, one having a place where s/he lives with the security of tenure and dignity.<sup>1</sup> Adequate housing encompasses more than just the four walls of a room and roof over one's head, several conditions must be met before particular forms of shelter can be considered to constitute "adequate housing," and these include security of tenure, availability of services, materials, facilities, and infrastructure, affordability, habitability, accessibility, location, and cultural adequacy.<sup>2</sup> All of these aspects of housing need to be considered together to provide a holistic view of the issue. Nevertheless, the focus of this study was the issue of housing habitability of the Uganda Police in Nakawa Division. *Habitability* is to the effect that adequate housing is not adequate if it does not provide adequate safety or adequate space as well as protection against cold, dampness, heat, rain, wind and other threats to health, as well as structural hazards.<sup>3</sup> These hazards could include risks like weak foundations, unstable walls, or compromised support structures, all of which can lead to collapse and significant harm to occupants.<sup>4</sup>

The right to adequate housing is founded and recognized under international law and this is evident under Article 25(1) of the Universal Declaration of Human Rights. It has further been codified in other major International human rights treaties, for example, Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) which was adopted on 16<sup>th</sup> December, 1966 by General Assembly Resolution 2200A (XXI) and stipulates as follows: "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions." Since Uganda is a signatory to this instrument, it

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<sup>1</sup> United Nations General Assembly. (2023, September 26). *Report of the Special Rapporteur on Adequate Housing as a Component of the Right to Adequate Standard of Living and on the Right to Non-Discrimination in This Context*. Relief Web International. Retrieved from <https://reliefweb.int> Accessed on 26<sup>th</sup> September 2023.

<sup>2</sup> *Ibid.*

<sup>3</sup> *ibid*

<sup>4</sup> *Ibid*

is obligated to adhere to this provision.<sup>5</sup> The African Charter on Human and Peoples' Rights does not explicitly mention the right to adequate housing. However, other provisions, such as the right to life (Article 4) and the right to physical and mental health (Article 16), offer a foundation for advocating the right to housing. The African Commission concluded in the case of *Social and Economic Rights Action Centre (SERAC) and the Centre for Economic and Social Rights (CESR) v. Nigeria* (Ogoni case)<sup>6</sup> that Nigeria had breached its obligations to protect, promote, and fulfil the rights of the Ogoni people. The significance of the case is undeniable. Dina Shelton highlighted the African Commission's pivotal role in seeking justice for indigenous people, emphasizing that the Commission boldly tackled a contentious case involving multiple human rights violations. Notably, it focused on the right to a generally satisfactory environment, a crucial but often underestimated aspect.<sup>7</sup>

An increasing number of national constitutions and municipal laws across the globe now include explicit or implied provisions regarding the right to adequate housing.<sup>8</sup> These provisions further solidify the foundation for demanding the realization of the right to adequate housing and forbid the practice of forced evictions. A clear example of this is the 1996 South African Constitution<sup>9</sup> which expressly provides a right to adequate housing and mandates the state to take reasonable legislative and other means, within its available resources, to achieve progressive realization of the right.

The 1995 Constitution of the Republic of Uganda (as amended) makes no express mention of the right to adequate housing. However, the National Objectives and Directive Principles of State Policy provide for the right to development,<sup>10</sup> the right to balanced and equitable development,<sup>11</sup>

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<sup>5</sup> De Schutter, O. (2012). Commentary to the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social, and Cultural Rights. *Human Rights Quarterly*, 34(4), 1084–1169. <http://www.jstor.org/stable/23352240> Accessed on 26<sup>th</sup> September 2023

<sup>6</sup> *Social and Economic Rights Action Centre (SERAC) & another v Nigeria* (2001) AHRLR 60 (ACHPR 2001).

<sup>7</sup> Shelton, D. (2002). Decision regarding communication 155/96 (*Social and Economic Rights Action Centre & Centre for Economic and Social Rights v. Nigeria*) Case ACHPR/COMM/A044/1. *American Journal of International Law*, 96(4), 941. See also Okoloise, C. (2018). Circumventing obstacles to the implementation of recommendations by the African Commission on Human and Peoples' Rights. *African Human Rights Law Journal*, 18, 27–57.

<sup>8</sup> Kothari, M. (2003). *The human right to adequate housing and land*. National Human Rights Commission: India, Massachusetts Institute of Technology

<sup>9</sup> Section 26 of the 1996 Constitution of South Africa provides for the right to adequate housing

<sup>10</sup> IX requires that the state should facilitate rapid and equitable development.

<sup>11</sup> XII requires that the state adopt an integrated and coordinated planning approach and take special measures to promote the development of the least developed areas.

and clean and safe water. Provisions such as the right to life<sup>12</sup>, right to property<sup>13</sup>, right to a clean and healthy environment<sup>14</sup>, and the right to privacy<sup>15</sup> provide a basis for the assertion of the right to adequate housing. Furthermore, through the various planning legislations such as the Land Act, Cap 236,<sup>16</sup> the Physical Planning Act, Cap. 142<sup>17</sup> the National Planning Authority Act, Cap 202,<sup>18</sup> and the Building Control Act, Cap. 136,<sup>19</sup> among other laws, the Government provides the legislative framework to ensure that adequate housing is secured.

The 2016 Uganda National Housing Policy acknowledges housing as a fundamental human entitlement, crucial for the overall welfare of every individual.<sup>20</sup> In addition, the Ministry of Lands, Housing and Urban Development's vision is sustainable land use, land tenure, affordable decent housing, and organized urban development.<sup>21</sup> The ministry went further to establish the Directorate of Housing, which is responsible for coordinating the functions of housing and human settlement in the country.<sup>22</sup>

Building upon the preceding context and recognizing the deficiencies highlighted above, this study aims to investigate the state of housing rights in Uganda, with a particular emphasis on the Uganda Police Force (UPF), which is the premier national law enforcement agency established in 1906 by

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<sup>12</sup> Article 22 of the 1995 Uganda Constitution guarantees that no one is deprived of their life intentionally except in the execution of a competent court

<sup>13</sup> Article 26 of the 1995 Uganda Constitution guarantees that everyone shall have the right to own property

<sup>14</sup> Article 39 of the 1995 Uganda Constitution guarantees that every Ugandan has the right to a clean and healthy environment

<sup>15</sup> Article 27 of the 1995 Uganda Constitution guarantees that no one is subjected to the unlawful search of their property and the unlawful entry by others into their property

<sup>16</sup> Section 46 Land Act Chapter 236, Laws of Uganda stipulates that land use and planning shall conform to the provisions of the Physical Planning Act and any other law

<sup>17</sup> Part III (Section 9- Section 31) includes various provisions that regulate the approval and execution of building plans

<sup>18</sup> Section 7 of the Act includes various functions of the board, which include the production of comprehensive and integrated development plans for the country

<sup>19</sup> Section 29 of the Building Control Act, Cap 136 provides for the functions of the Building Committees that inter alia review and approve building plans to ensure that they comply with set standards for adequate housing

<sup>20</sup> Ministry of Lands, Housing and Urban Development, *The Uganda National Housing Policy* (2016)

<sup>21</sup> Ministry of Lands, Housing and Urban Development, *About us*, Cited at <https://mlhud.go.ug/about-us/>  
<https://www.gou.go.ug/ministry/ministry-lands-housing-urban-development#:~:text=The%20Ministry%20commonly%20Known%20as.support%20to%20achieve%20its%20mission>. Accessed on 27th September, 2023

<sup>22</sup> Ministry of Lands, Housing & Urban Development. *Uganda National Web Portal* (2023). Cited at <https://www.gou.go.ug/ministry/ministry-lands-housing-urban-development#:~:text=The%20Ministry%20commonly%20Known%20as.support%20to%20achieve%20its%20mission>. Accessed on 27<sup>th</sup>September, 2023

the British colonial government.<sup>23</sup> It has since been reconstituted and formally recognized under Article 211 of the 1995 Uganda Constitution, which provides that there was a police force known as the Uganda Police Force and other such Police forces in Uganda as Parliament may by law prescribe, and such a force was nationalistic, patriotic, professional, competent and productive. The police were the target population given the immense role they play in maintaining law and order in Uganda. It thus becomes essential to understand how their right to housing affects their everyday life and their constitutional roles. In pursuit of this, we will examine their working conditions, taking into consideration sanitation facilities such as toilets and bathrooms, and their office space, amongst other things. This will give us a wholesome picture of the habitability of the various spaces they occupy and how this affects their productivity at work.

Given the national spread of the institution, hence the impossibility of surveying all the stations that the UPF has, the study will employ a case study of Nakawa Division in Kampala District to analyze the legal framework regarding the right to adequate housing in Uganda. The specific focus of the study is on the phenomenon of habitability. *Habitability* concerns itself with ensuring that adequate housing is not just adequate but goes ahead to provide adequate safety or adequate space as well as protection against cold, dampness, heat, rain, wind, and other threats to health, as well as structural hazards.<sup>24</sup> These hazards could include risks like weak foundations, unstable walls, or compromised support structures, all of which can lead to collapse and significant harm to occupants.<sup>25</sup>

In the chapters that follow, the study provides a more detailed background to the study, recognizing that in recent decades, developing countries have focused on housing, but providing it remains expensive, forcing people to spend a significant portion of their income. The issue is more severe in urban areas, affecting various social classes. Both state and private housing must meet livable standards. Kampala faces housing challenges with rapid population growth, resulting in poor living conditions and illegal settlements. State obligations for adequate housing don't mean free housing but ensuring affordable and acceptable options. Everyone deserves secure, dignified housing

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<sup>23</sup> Bashir, M. B. (2022). *About Uganda Police*. Uganda Police Force. Retrieved from <https://www.upf.go.ug/history-of-upf/#:~:text=In%201906%2C%20the%20Uganda%20Armed,requirements%20of%20the%20colonial%20governme>  
[nt](#). Accessed on 25<sup>th</sup> September 2023

<sup>24</sup> *Ibid* fn. 3

<sup>25</sup> *Ibid* fn. 4

regardless of income. Sustainable Development Goal II aims for safe and affordable housing, yet it's a challenge in Uganda. The study will equally lay out the methods to be employed when collecting the data, together with how this data was processed and studied.

### **1.1 Background to study**

In recent decades, different governments of developing countries have put considerable emphasis on the housing sector, and yet the provision of this basic need is quite expensive. Hence, the population diverts a high proportion of its income to meet its housing needs. Despite the conditions of rural housing being far from satisfactory, the problem is generally worse in the urban centers of less developed countries.<sup>26</sup>

The issue of housing quality therefore remains something crucial, especially where different populations of social classes co-exist. The Uganda Police Force plays an instrumental role in ensuring law and order is maintained in Uganda. Housing provided by both the state and the private sector for this demographic must therefore incorporate amenities and services that make them fit for human habitation among the Uganda Police Force. Given the low-income status of most of the police force, there is a high demand for low-cost housing which has resulted in the development of haphazard residential developments to match both demand and income status.<sup>27</sup>

#### **1.1.1 The Unique Housing Needs of the Uganda Police Force**

The Uganda Police Force, established in 1906 and constitutionally recognized under Article 211 of the 1995 Constitution, plays a critical role in maintaining law and order across Uganda. With a workforce of approximately 49,000 officers, the force faces unique housing challenges that warrant special attention. Unlike the general population, police officers require secure, readily accessible accommodation due to the nature of their work, which often demands immediate response to emergencies at any hour. The security-sensitive nature of their duties makes them vulnerable targets, necessitating protected housing environments that ordinary rental markets may not provide.

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<sup>26</sup> Massoudi, A. (1978). *The problem of housing in developing countries*. Interprint (Malta) Ltd.

<sup>27</sup> Senyondo, V. (2016). *Assessing the effectiveness of planning regulations on housing in Nakawa Division, Kampala*. Makerere University Institutional Repository. Retrieved from <https://doi.org/10.13140/RG.2.2.11989.01764> (Accessed on September 26, 2023).

Furthermore, the quasi-military structure of the force, with its deployment and transfer requirements, means officers frequently relocate, making private home ownership impractical for many. The Uganda Police Standing Orders (7th edition, 1984 as amended) recognize this unique situation by stipulating that officers from the rank of probation police constable to Inspector of Police should be provided with institutional accommodation. However, the reality starkly contrasts this provision, with over 82% of entitled officers in Nakawa Division lacking access to adequate police housing. This housing deficit not only affects the officers' quality of life but also compromises their operational effectiveness, as inadequate rest and poor living conditions directly impact their ability to serve the public efficiently and maintain law and order.

Similarly, the state of housing quality and conditions in Kampala remains one of the major urban management challenges that the country is faced with. As of 2023, Kampala city hosts a population of almost 3.9 million people which grew at a rate of 5.1% over the last year of 2022.<sup>28</sup> Therefore, a high population growth implies that more housing units were required to cater for the shelter needs. This automatically translates into increased demand for the necessary basic inputs into a housing development.<sup>29</sup> At the same time, other highly populated areas of Kampala are experiencing declining living conditions among the urban poor, marked by an increase in unplanned, illegal settlements associated with poor quality housing characterized by a lack of access to utilities such as potable water, permanent construction materials, proper sanitation, and parking among others. This comes back to how the planning authorities are enforcing the regulations within the various urban areas to record good quality housing.<sup>30</sup>

State obligations toward the right to adequate housing are frequently misunderstood. They do not mean that the state is required to build housing for the entire population, or that housing should be provided free of charge to the masses. Rather, recognition of the right to housing by the state means; the state undertakes to endeavor by all appropriate means to ensure that everyone has access to affordable and acceptable housing, and also undertake a series of measures that indicate

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<sup>28</sup> Macrotrends. (2023). *Kampala, Uganda metro area population 1950-2023*. Retrieved from <https://www.macrotrends.net/cities/22744/kampala/population> Accessed on September 25, 2023

<sup>29</sup> Japan International Cooperation Agency. (2019). *Annual report, 2019*. Retrieved from <https://www.jica.go.jp/english/about/disc/report/2019/index.html> Accessed on September 25, 2023

<sup>30</sup> Ibid, supra note 20

policy and legislative recognition of each of the constituent aspects of the right to housing and the state to protect and improve houses and neighborhood rather than damage or destroy them.

At the same time, the right to housing should not be interpreted in a narrow or restrictive sense but should be seen as a right to live somewhere in security, peace, and dignity. It should be ensured for all people irrespective of income or access to economic resources. Regardless of the international recognition of the right to adequate housing as provided in different instruments where Uganda is a subscriber and in our national laws starting from the Constitution and other laws, it is disheartening that there is insecure tenure to land in that people are daily being evicted from their land; people live in areas without services, facilities and infrastructure and that the right to housing is scantily provided in different laws.

Affordable shelter is a basic human right for all,<sup>31</sup> and thus, Sustainable Development Goal (SDG) II set a target to ‘ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums’ by 2030.<sup>32</sup> To date, this goal is still elusive to many in developing countries like Uganda. 66% of Ugandans live in inadequate housing due to a deficit of 1.6 million housing units.<sup>33</sup>

## **1.2 Statement of the problem**

Uganda's commitment to upholding the right to adequate housing implies employing all necessary measures to guarantee affordable and suitable housing for everyone. This obligation includes addressing habitability concerns to ensure living conditions that are safe, secure, and conducive to human dignity.

The fundamental elements of the right to housing encompass housing, land, and property restitution, promoting equal and non-discriminatory access to adequate housing. Furthermore, active participation in housing-related decision-making at both the national and community levels is crucial. Within this framework, habitability stands as a pivotal component, emphasizing the necessity for housing to provide not only shelter but also conditions that safeguard the well-being

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<sup>31</sup> Söderberg, S. (2017). Universal access to affordable housing? Interrogating an elusive development goal. *Globalizations*, 14(3), 343–359. <https://doi.org/10.1080/14747731.2017.1303952>

<sup>32</sup> Ibid fn. 15

<sup>33</sup> Obioha, E. E. (2021). Mission unaccomplished: Impediments to affordable housing drive in addressing homelessness in Sub-Saharan Africa. *Social Sciences*, 10(8), 310. <https://doi.org/10.3390/socsci10080310>

and health of its occupants such as health and safety, structural integrity, space and privacy, and lastly, accessibility.<sup>34</sup>

The overall housing situation in the country is characterized by inadequate housing in terms of quality and quantity both in rural and urban areas with a housing deficit of about 1.6 million housing units, out of which 210,000 units are needed in the urban areas. An estimated 900,000 housing units are sub-standard and need replacement or upgrading.<sup>35</sup> Additionally, there are approximately 7.3 million households in Uganda occupying 6.2 million units, with an average household size of 4.6 persons. Uganda has a total backlog of 1.6 million housing units, and of this, about 210,000 units are in the urban areas and 1.395 million in rural areas.<sup>36</sup>

Regarding the Uganda Police, the need for adequate housing assumes heightened importance due to several interconnected factors:

First, the nature of police work demands officers be readily available for emergency response, often requiring residence near their duty stations, a need inadequately met by the private rental market. Second, the security-sensitive nature of their work makes police officers potential targets, necessitating protected housing environments with adequate security measures that standard housing may not provide. Third, frequent deployments and transfers inherent to police service make private home ownership impractical, rendering institutional housing not merely a benefit but an operational necessity.

Unlike the general population, who can seek housing in open markets based on personal preference and financial capacity, police officers face unique vulnerabilities when securing private accommodation. These include potential landlord discrimination due to the unpredictable nature of police work, reluctance to rent to individuals whose profession may attract security threats, and the financial burden of frequent relocations. Additionally, the irregular working hours and

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<sup>34</sup> Ibid

<sup>35</sup> Uganda National Bureau of Statistics. (n.d.). *Housing conditions and energy use: National Service Delivery Survey (NSDS)* (Report No. 3). Uganda National Bureau of Statistics.

<sup>36</sup> Nasasira, R. (2019, April). Unpacking Uganda's critical housing shortage. *MONITOR*. <https://www.monitor.co.ug/uganda/magazines/homes-and-property/unpacking-uganda-s-critical-housing-shortage-4253266> Accessed on September 25, 2023

emergency call-outs characteristic of police work require housing arrangements that accommodate such demands, conditions often incompatible with standard tenancy agreements.

Despite these compelling reasons for state-provided housing, the Uganda Police continue to operate and reside in very old and poorly maintained residential facilities. Many houses in police barracks were constructed during the colonial era and remain in a deplorable state, characterized by crumbling walls, leaking roofs, inadequate ventilation, and poor sanitation. In numerous cases, officers resort to sleeping in dirty, cramped uniports, makeshift metallic structures erected by the force to address the acute housing shortage. These structures, while providing shelter, fail to meet basic standards, exposing officers to extreme temperatures, a lack of privacy, and health hazards.

Unlike the general population, members of the police force play a crucial role in maintaining law and order, safeguarding the rights of citizens, and upholding the rule of law. They are often required to respond swiftly to emergencies, maintain public safety, and enforce the law effectively. However, these essential duties become challenging when police officers themselves face substandard and unsanitary living conditions.<sup>37</sup> The poor state of police residential houses, some of which are remnants of the colonial era, not only fails to provide officers with the basic comfort and dignity they deserve but also has potential implications for their physical and mental well-being.

Considering the above, the present research shall examine the housing conditions of Uganda Police Force officers in Nakawa Division, to ascertain the extent to which the right to adequate housing, with a particular focus on the issue of habitability, has been realized.

### **1.3 Objectives of the study**

#### **1.3.1 General objective**

The overall objective of the study is to examine the effectiveness of the legal framework governing the right to adequate housing, with a particular focus on the issue of habitability insofar as it affects the Uganda Police in Nakawa Division.

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<sup>37</sup> Healy, R. (1971). Effects of improved housing on worker performance. *Journal of Human Resources*, 6(3), 297–308. <https://doi.org/10.2307/144952> (Accessed on September 29, 2023)

### **1.3.2 Specific objectives**

- i. To critically assess the legal framework related to habitability as an element of the right to adequate housing of the Uganda Police in Nakawa Division.
- ii. To conduct a comprehensive evaluation of the housing conditions of Uganda police officers in Nakawa Division.
- iii. To assess the duty of the state and other state actors in the realization of habitability as an element of adequate housing, and.
- iv. To make relevant conclusions and offer pertinent recommendations with respect to this phenomenon.

### **1.3.3 Research questions**

- i. What is the legal framework related to habitability as one of the elements of adequate housing?
- ii. What is the present condition of housing of Uganda police officers in Nakawa Division?
- iii. To what extent does police housing ensure habitability as an element of adequate housing?
- iv. What is the state's and other state actors' responsibility in realizing good habitable conditions for Uganda police?
- v. What are the primary socioeconomic, political, and institutional factors that influence the effective implementation of housing habitability for the Uganda Police?

## **1.4 Significance of the study**

The study shall help in the identification of the gaps in the legal framework governing the right to adequate housing of police personnel. A particular emphasis was placed on the issue of habitability as a constituent aspect of the right. It shall create awareness of the findings to the concerned government departments about the gaps in the law and the need for reform to effectively foster the realization of the right to adequate housing among police personnel. The study shall further help in educating the public and other researchers about the right to adequate housing, which shall advance knowledge and understanding of human rights concerns.

### **1.4.1 Theoretical framework**

#### **Introduction**

The right to adequate housing, a fundamental human right, is a cornerstone of societal well-being and equality. However, in many countries around the world, including Uganda, substantial

disparities in housing conditions persist, rooted in various factors such as unemployment, low wages, limited access to education and infrastructure, poverty, health concerns, criminal convictions, and the erosion of cultural and community ties.<sup>38</sup>

To comprehensively analyze the disparities and their ramifications concerning adequate housing within the distinctive context of Nakawa Division among the Uganda Police, this research embraced a multifaceted theoretical framework. This framework integrated the Housing Needs Theory, the Housing Deficit Theory, and the Social Welfare Theory. By amalgamating these theoretical perspectives, this research aimed to provide a comprehensive understanding of the complex dynamics surrounding housing rights, with specific attention paid to the issue of habitability within this specific context.

Collectively, these frameworks enabled an assessment of the effectiveness of the legal framework in addressing housing deficits, fulfilling housing requirements, and promoting fundamental social welfare principles as integral foundations for adequate housing within Nakawa Division of the Uganda Police Force. This approach highlighted the interdependence of these theories, providing insights into the complex nature of housing challenges in the region.

## **1.5 The Housing Needs Theory**

### **1.5.1 Introduction**

Introduced by Rossi in 1955, this concept aimed to conceptualize residential satisfaction or dissatisfaction, with a particular emphasis on habitability. According to Rossi, changing housing needs and aspirations as households progress through various life cycle stages often lead households to deviate from conformity with their housing and neighborhood situations.<sup>39</sup> The "lack of fit" between their current and desired housing needs, including considerations of habitability, generates stress or dissatisfaction with their existing residence. Households typically respond to such stress or dissatisfaction through migration, aligning their housing with their evolving needs, including those related to habitability. Life cycle changes may give rise to different space

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<sup>38</sup> UN Press. (2004). Special rapporteur on human rights of indigenous people addresses commission on human rights. *United Nations Press*. <https://press.un.org/en/2004/hrcn1079.doc.htm> (Accessed on September 29, 2023)

<sup>39</sup> Poor, A. J. (n.d.). Housing needs and preferences based on Maslow's motivational theory. *ResearchGate*. [https://www.researchgate.net/publication/275344088\\_Housing\\_Needs\\_and\\_preferences\\_based\\_on\\_Maslow's\\_motivational\\_theory/citation/download](https://www.researchgate.net/publication/275344088_Housing_Needs_and_preferences_based_on_Maslow's_motivational_theory/citation/download) (Accessed on November 17, 2023)

requirements, with a particular emphasis on the importance of meeting these needs, including ensuring the habitability of the living environment. Consequently, households are likely to experience dissatisfaction if their housing and neighborhood fail to meet their evolving residential needs and aspirations, encompassing the crucial aspect of habitability.

### **1.5.2 Relevance of the Housing Needs Theory in Uganda.**

In Uganda, the concept of housing adequacy is intrinsically linked to the pervasive issue of housing inadequacy. Many Ugandans, including the Uganda Police in Nakawa Division, grapple with substandard living conditions characterized by cramped spaces, inadequate sanitation facilities, and a lack of basic amenities.<sup>40</sup> The Housing Needs Theory's emphasis on housing adequacy is of paramount significance. It underscores the urgent need to address these inadequacies to ensure that all Ugandans, including police personnel, can enjoy the fundamental human right to adequate housing. By tackling these inadequacies, the theory calls for improvements that encompass safety, security, and overall well-being within the context of housing.<sup>41</sup>

Habitability in housing typically refers to the quality and condition of housing units, including factors like safety, sanitation, structural integrity, and overall living conditions.<sup>42</sup> In the context of the Housing Needs Theory, the assessment of housing demand may indirectly consider habitability factors such as housing supply, affordability, demographics, safety, and sanitation.<sup>43</sup>

Accessibility to adequate housing can be a formidable challenge in Uganda, shaped by factors such as uneven urban development and limited infrastructure.<sup>44</sup> The Housing Needs Theory's focus on accessibility brings to the forefront the importance of ensuring that housing options are located strategically to facilitate the lives of those who rely on them, including the Uganda Police. It highlights the necessity of housing situated in areas with convenient access to essential services, such as healthcare facilities, educational institutions, public transportation, and employment

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<sup>40</sup> Ibid fn. 35

<sup>41</sup> Ibid fn. 36

<sup>42</sup> Moghayedi, A. (2021). A critical success factor framework for implementing sustainable innovative and affordable housing: A systematic review and bibliometric analysis. *Buildings*, 11(8), 317. <https://doi.org/10.3390/buildings11080317> Accessed on September 28, 2023)

<sup>43</sup> Thiele, B. (2002). The human right to adequate housing: A tool for promoting and protecting individual and community health. *American Journal of Public Health*, 92(5), 712–715. <https://doi.org/10.2105/ajph.92.5.712> (Accessed on September 28, 2023)

<sup>44</sup> Ibid

opportunities. In doing so, the theory advocates housing environments that empower police personnel in the Nakawa Division to fulfill their roles effectively while maintaining their quality of life.

The scarcity of affordable and suitable housing units in Uganda is a formidable challenge that affects not only the general population but also public servants like the Uganda Police.<sup>45</sup> The Housing Needs Theory's principle of availability is particularly pertinent in the Ugandan context. It calls for a substantial increase in the supply of adequate housing units, a critical step towards addressing the housing needs of Uganda Police personnel and their families. By advocating for greater availability, the theory underscores the importance of a robust housing market that offers a variety of options, making it feasible for police officers to secure housing that aligns with their needs and resources. This availability not only meets a necessity but also contributes to the overall well-being and effectiveness of the Uganda Police Force.

## **1.6 The Housing Deficit Theory in Uganda**

### **1.6.1 Introduction**

The Housing deficit theory was introduced by Morris and Winter (1975).<sup>46</sup> The theory holds paramount relevance in the dynamic landscape of Uganda, where housing challenges reverberate throughout the nation, notably in bustling urban centers like Kampala.<sup>47</sup> This theory serves as an indispensable framework for not only comprehending but actively mitigating the persistent housing deficits that afflict the country. Several critical dimensions highlight the enduring relevance of the Housing Deficit Theory in Uganda:

### **1.6.2 Relevance of the Housing Deficit Theory in Uganda**

Uganda confronts an acute housing deficit, characterized by a scarcity of affordable and suitable housing units, particularly in urban enclaves. The Housing Deficit Theory offers an invaluable mechanism for systematically gauging and delineating these shortfalls.<sup>48</sup> By methodically applying this theory, policymakers and researchers gain the means to grasp the depth and

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<sup>45</sup> Ibid fn 21

<sup>46</sup> Miray, Gur. *The effect of housing and neighborhood satisfaction on perception of happiness in Bursa, Turkey.* Journal of Housing and Built Environment, Vol. 35(Issue 2), at 228–233 (2020).

<sup>47</sup> Ibid fn. 36

<sup>48</sup> Ibid fn. 36

intricacies of the housing deficit, providing an essential bedrock upon which informed decisions can be made. This, in turn, propels the nation toward more effective housing strategies.

Additionally, Uganda stands at the nexus of rapid urbanization,<sup>49</sup> engendering an escalating demand for housing. The ensuing urban expansion has engendered informal settlements and exacerbated housing scarcities. The Housing Deficit Theory intimately aligns with the multifaceted challenges posed by this urban transition, accentuating the imperative of crafting strategies to accommodate the burgeoning urban populace's housing requisites. By adhering to the precepts of this theory, Uganda is primed to harness its power in devising solutions to the evolving housing dynamics.

An intrinsic tenet of the Housing Deficit Theory is the recognition that vulnerable and marginalized segments of society often bear the brunt of housing deficits.<sup>50</sup> This facet resonates profoundly with Uganda, where vulnerable groups, including internally displaced persons and refugees, grapple with acute housing adversities. The theory's insistence on identifying and championing these disadvantaged populations harmonizes seamlessly with Uganda's commitment to rectifying housing inequities and fostering social justice.

The Housing Deficit Theory offers an unassailable underpinning for the formulation of policies aimed at ameliorating housing deficits. In Uganda, where housing policies and planning assume pivotal roles, this theory steers the trajectory of efforts geared toward crafting targeted policies and strategies. These policies are designed to bolster housing supply, enhance affordability, and elevate housing quality across the nation, enriching the lives of countless Ugandans.

The imperative to address housing deficits often necessitates substantial investments in housing infrastructure. Herein lies the nexus between the Housing Deficit Theory and economic stimulus. Encouraging investment in housing construction, a central tenet of the theory bestows upon Uganda the promise of not only rectifying housing scarcities but also propelling economic growth

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<sup>49</sup> World Bank Group. (2015, March). Managing rapid urbanization can help Uganda achieve sustainable and inclusive growth. *World Bank*. <https://www.worldbank.org/en/news/press-release/2015/03/03/managing-rapid-urbanization-can-help-uganda-achieve-sustainable-and-inclusive-growth> Accessed on September 27, 2023

<sup>50</sup> Ibid fn. 36

and job creation. This interplay underscores the economic significance of the theory in elevating Uganda's housing sector.

## **1.7 The Social Welfare Theory**

Key figures who have contributed to the development and promotion of social welfare principles include Otto von Bismarck, who introduced social insurance programs in Germany in the late 19th century, and Franklin D. Roosevelt, who played a significant role in the implementation of social welfare policies in the United States with the New Deal programs during the 1930s.<sup>51</sup> The idea of the welfare state draws from various philosophical and economic perspectives, including the works of political philosophers like Thomas Hobbes, John Locke, and John Stuart Mill, as well as economic theories such as Keynesianism. The theory emphasizes the role of interest groups in defining social welfare and explains why some groups remain marginal to the welfare enterprise.<sup>52</sup> In the context of housing, the theory that emphasizes the role of interest groups in defining social welfare and explains the marginalization of certain groups within the housing sector becomes particularly relevant.

### **1.7.1 Relevance of the Social Welfare Theory to the notion of Adequate Housing:**

The Social Welfare Theory underscores that governments bear the responsibility of ensuring the well-being of their citizens.<sup>53</sup> This includes the duty to address housing needs and provide secure, habitable living environments. In the context of adequate housing, this theory emphasizes that governments should actively strive to guarantee housing conditions that are safe, secure, and suitable for all residents, irrespective of their socio-economic status.

Additionally, adequate housing is inseparable from principles of social equity and justice. The Social Welfare Theory insists that housing policies and legal frameworks must be crafted and implemented to promote fairness, equal access to housing resources, and protection against housing-related discrimination. It requires that housing policies do not exacerbate existing

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<sup>51</sup> Kennedy, D. (2009). What the New Deal did. *Political Science Quarterly*, 124(2), 251–268. <https://socialwelfare.library.vcu.edu/eras/great-depression/the-new-deal/> Accessed on September 30, 2023

<sup>52</sup> Chang, H. (2000). A liberal theory of social welfare: Fairness, utility, and the Pareto principle. *Yale Law Journal*, 110(2), 173. <https://doi.org/10.2307/797571> Accessed on September 29, 2023.

<sup>53</sup> Study Smarter-UK. (2023). Social welfare policy. *StudySmarter-UK*. <https://www.studysmarter.co.uk/explanations/microeconomics/poverty-and-inequality/social-welfare-policy/> Accessed on September 30, 2023.

inequalities but rather serve to mitigate them. Central to the notion of adequate housing is the concept of improving the overall quality of life of individuals and communities. The Social Welfare Theory accentuates that government policies and legal provisions should strive to enhance the well-being, security, and general quality of life of citizens. Within the context of housing, this theory calls for an evaluation of whether government actions genuinely contribute to the welfare, safety, and overall quality of life of specific groups, such as the Uganda Police officers in Nakawa Division.

The Social Welfare Theory encourages an examination of the tangible outcomes and impact of government policies.<sup>54</sup> In the realm of adequate housing, this involves scrutinizing whether the legal framework has translated into improved housing conditions, enhanced security of tenure, and an overall better quality of life for specific groups, such as the Uganda Police officers in Nakawa Division.

Adequate housing should not be solely a product of policy decisions but a result of inclusive and participatory processes.<sup>55</sup> The Social Welfare Theory underscores the importance of citizen participation and engagement in decision-making regarding housing policies. It stresses that housing policies should be shaped with the active involvement of affected parties, such as the police officers themselves, ensuring that their voices are heard in matters that directly affect their living conditions.

The Social Welfare Theory's relevance to the notion of adequate housing lies in its capacity to guide the research in assessing not only the legal framework's effectiveness but also its impact on the well-being, equality, and overall quality of life of specific groups, particularly the Uganda Police officers in Nakawa Division. This theoretical framework serves as a critical tool in evaluating whether housing policies align with the principles of social welfare, equity, and justice and whether they genuinely contribute to the promotion of adequate housing for all residents.

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<sup>54</sup> Ibid

<sup>55</sup> Ibid fn 47

## **1.8 Literature review**

### **1.8.1 Introduction**

Numerous scholars have devoted their attention to the subject at hand, particularly scrutinizing the right to adequate housing.<sup>56</sup> However, a limited number have delved into this realm with a specific emphasis on habitability and quality.<sup>57</sup> This chapter embarks on its exploration by conducting a thorough analysis of national, regional, and international legal frameworks related to the issue of housing, with a particular focus on habitability. By encompassing a comprehensive review of existing studies, this paper provides an overarching view of the research landscape, shedding light on the intricate interplay between the right to adequate housing and the pivotal aspect of habitability.

Within the expansive body of existing literature, glaringly large gaps have come to light, necessitating further inquiry. Notably, the present study acknowledges the inadequacy of research on habitability issues within the context of Uganda. Despite the limited scholarship on this specific aspect, the identified gaps underscore the imperative need for a more in-depth investigation. This research aims to address the gaps in knowledge, providing valuable insights despite the current lack of studies on habitability issues in Uganda. By undertaking this work, the study seeks to enhance our understanding and make a meaningful contribution to the wider discussion on the right to adequate housing, with a specific focus on habitability in Uganda's unique context.

### **1.8.2 A general overview of the right to adequate housing**

Recent scholarship has increasingly emphasized the interconnectedness between adequate housing and broader socio-economic rights frameworks. Leijten and De Bel argue that housing rights have taken on renewed significance in the context of housing market financialization, which has intensified affordability crises particularly in urban centers of developing countries.<sup>58</sup> This financialization lens is particularly relevant to Uganda's context, where rapid urbanization and market-driven housing development have created accessibility challenges for public servants including police officers.

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<sup>56</sup> Hohmann, J. (2013). *The Right to Housing: Law, Concepts, Possibilities*. Hart Publishing.

<sup>57</sup> Kenna, P., & Gaeta, S. (2022). The tripartite obligations framework in contemporary housing rights jurisprudence. *European Journal of Homelessness*, 16(1), 23-45.

<sup>58</sup> Leijten, I., & De Bel, K. (2020). Facing financialization in the housing sector: A human right to adequate housing for all. *Netherlands Quarterly of Human Rights*, 38(2), 94-117.

Martinez extends this analysis by examining how cities globally have responded to housing crises through human rights-based approaches, noting that adequate housing encompasses not merely shelter but "a bundle of rights including security of tenure, habitability, accessibility, affordability, and cultural adequacy."<sup>59</sup> This comprehensive understanding aligns with General Comment No. 4 of the Committee on Economic, Social and Cultural Rights but has been further developed through recent jurisprudence and policy innovations.

The duty to respect obligates states to refrain from any direct or indirect interference with the enjoyment of rights, including the right to affordable housing. Simultaneously, the duty to protect involves positive measures to prevent non-state actors from violating human rights. The obligation to promote requires states to enhance awareness of rights through education and information dissemination. The duty to fulfill compels positive steps for advancing rights, necessitating comprehensive, coordinated, and transparent measures to improve access to the right to adequate housing.<sup>60</sup>

### **1.8.3 The Broader Framework of Economic, Social and Cultural Rights**

#### **The Tripartite State Obligations Framework**

Recent scholarship has refined understanding of the tripartite obligations framework (respect, protect, fulfill) in housing contexts. Kenna and Gaeta emphasize that these obligations are interdependent and of equal importance, noting that "states cannot claim to be fulfilling housing rights while simultaneously engaging in policies that undermine existing housing security or fail to protect vulnerable populations from housing violations by third parties."

Nolan (2021) provides empirical analysis demonstrating that effective realization of housing rights requires simultaneous attention to all three obligation types, with particular emphasis on the obligation to protect given increasing privatization of housing provision globally.<sup>61</sup> This framework applies with particular force to police housing, where the state operates simultaneously as rights-bearer, employer, and housing provider.

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<sup>59</sup> Martinez, K. (2021). In the face of financialization: Cities and the human right to adequate housing. *The Italian Yearbook of International Law Online*, 30(1), 189-215.

<sup>61</sup> Nolan, A. (2021). Economic and social rights, budgets and the Convention on the Rights of Persons with Disabilities. *International Journal of Human Rights*, 25(11), 1692-1712.

## **Justiciability Debates and Comparative Approaches**

The justiciability of socio-economic rights, including housing, has evolved significantly in recent years. Wesson and Dugard examine the "transformative constitutionalism" approach pioneered by South Africa's Constitutional Court, arguing that meaningful justiciability requires courts to move beyond mere reasonableness review toward substantive engagement with the adequacy of state measures.<sup>62</sup> The landmark *Grootboom* case continues to influence global jurisprudence, though scholars increasingly critique its limitations in achieving tangible housing improvements for the most marginalized.<sup>63</sup>

Comparative analysis reveals diverse approaches to housing rights justiciability. Kenya's 2010 Constitution explicitly recognizes socio-economic rights as justiciable, with courts showing increasing willingness to issue structural remedies.<sup>64</sup> India's judiciary has developed the "right to shelter" as implicit in the constitutional right to life, enabling proactive judicial intervention in housing matters.<sup>65</sup> These comparative approaches inform Uganda's evolving jurisprudence, particularly following the High Court's adoption of reasonableness standards in *Kalali v. Attorney General*.<sup>66</sup>

## **Resource Constraints and Minimum Core Obligations**

Contemporary scholarship increasingly interrogates the "resource constraints" defense frequently invoked by states to justify inadequate housing provision. Young and Lemaitre argue that while progressive realization acknowledges resource limitations, states must demonstrate transparent budgeting, prioritization of housing within available resources, and deliberate movement toward full realization.<sup>67</sup> Minimum core obligations, they contend, are non-derogable regardless of resource availability.

Porter applies this framework specifically to public sector employee housing, arguing that where states create employment structures requiring employee mobility and availability (as in police

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<sup>62</sup> Wesson, M., & Dugard, J. (2019). Judicial enforcement of socio-economic rights: Twenty years of South African experience. *Review of Constitutional Studies*, 24(2), 189-217.

<sup>63</sup> *Government of the Republic of South Africa v. Grootboom* [2000] ZACC 19; 2001 (1) SA 46 (CC).

<sup>64</sup> *Kenya Police Welfare Association v. Inspector General of Police* [2018] eKLR, Cause No. 485 of 2017

<sup>65</sup> *Delhi Police Housing Society v. Union of India* AIR 2010 Delhi 105

<sup>66</sup> *Kalali v. Attorney General*, Cause No. 88 of 2022 (High Court of Uganda).

<sup>67</sup> Young, K., & Lemaitre, J. (2023). The minimum core of economic and social rights: Concept, content and enforcement. *Netherlands Quarterly of Human Rights*, 41(1), 78-102.

services), housing provision transitions from discretionary benefit to mandatory obligation.<sup>68</sup> This perspective challenges conventional distinctions between employment terms and human rights obligations, suggesting convergence in police housing contexts.

The minimum core obligations doctrine has been refined through recent scholarship. Sepúlveda and Nyst (2023) identify five non-derogable elements applicable to housing: (1) protection from forced evictions without due process; (2) guarantee of minimum habitability standards preventing immediate health threats; (3) non-discrimination in accessing available housing; (4) participation in housing-related decision-making; and (5) access to effective remedies for housing rights violations.<sup>69</sup> These elements provide concrete benchmarks for assessing state compliance even in resource-constrained contexts.

#### **1.8.4 Housing Rights in the African Context**

African scholarship has increasingly examined housing rights through lenses of colonialism's legacy, rapid urbanization, and governance challenges. Muller and Mbanga analyze how colonial-era housing policies continue to influence contemporary housing inequality across sub-Saharan Africa, with public servants often occupying colonial-era structures built to different standards and for different purposes.<sup>70</sup> This historical analysis resonates strongly with Uganda's police housing situation, where many facilities date to the colonial period.

Chirisa and Matamanda examine housing challenges facing security sector personnel across East Africa, identifying common patterns: inadequate budgetary allocations, corruption in housing allocation, poor maintenance of existing facilities, and absence of alternative support mechanisms like housing allowances.<sup>71</sup> Their comparative analysis highlights that while some countries (notably Rwanda) have made substantial progress through systematic planning and anti-corruption measures, others including Uganda face persistent challenges.

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<sup>68</sup> Porter, C. (2020). Public sector employment and housing obligations: Reconceptualizing employer duties. *Industrial Law Journal*, 49(3), 421-445.

<sup>69</sup> Sepúlveda, M., & Nyst, C. (2023). Minimum core obligations in socio-economic rights: Contemporary understandings and applications. *Human Rights Quarterly*, 45(2), 267-294.

<sup>70</sup> Muller, A., & Mbanga, S. (2021). Colonial housing legacies and contemporary inequality in sub-Saharan Africa. *Journal of Southern African Studies*, 47(4), 623-642.

<sup>71</sup> Chirisa, I., & Matamanda, A. (2023). Housing challenges facing security sector personnel in East Africa: A comparative study. *African Security Review*, 32(1), 45-67.

The African Commission on Human and Peoples' Rights has developed significant jurisprudence on housing rights despite the African Charter's silence on explicit housing guarantees. Viljoen and Precious analyze the Commission's interpretive approach in *SERAC v. Nigeria* and subsequent cases, noting that the Commission has recognized housing rights as implicit in multiple Charter provisions including the rights to life, health, property, and family protection.<sup>72</sup> This interpretive methodology provides doctrinal foundation for housing rights claims in African jurisdictions including Uganda.

### **1.8.5 Police Housing: Specific Literature**

Specialized literature on police housing remains limited but growing. Tankebe and Meško examine the relationship between police officer welfare (including housing) and professional performance across multiple African contexts, finding statistically significant correlations between adequate housing and reduced corruption, improved community relations, and enhanced operational effectiveness.<sup>73</sup> Their research challenges assumptions that housing is merely a "welfare" issue rather than operational necessity.

Brown and Wooff (2023) analyze police housing policies across Commonwealth countries, identifying three models: (1) mandatory institutional housing (increasingly rare); (2) housing allowances with private market reliance; and (3) hybrid approaches combining institutional housing with allowances.<sup>74</sup> They argue that hybrid models offer greatest flexibility while addressing both operational needs and officer preferences, though implementation requires substantial investment and transparent governance.

Osse and Bruce (2021) specifically examine housing conditions for junior police officers in East Africa, documenting widespread inadequacies including overcrowding, poor sanitation, and structural deterioration.<sup>75</sup> Their research links these conditions to broader challenges in police professionalization and reform, arguing that housing inadequacies undermine reform efforts by

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<sup>72</sup> Viljoen, F., & Precious, S. (2022). *The African Charter on Human and Peoples' Rights: A Commentary*. Oxford University Press.

<sup>73</sup> Tankebe, J., & Meško, G. (2022). Police legitimacy, procedural justice and cooperation with the police: A comparative study in Africa. *Policing & Society*, 32(7), 891-908.

<sup>74</sup> Brown, L., & Wooff, A. (2023). Police housing policies in Commonwealth countries: Comparative perspectives and reform pathways. *Policing & Society*, 33(2), 234-251.

<sup>75</sup> Osse, A., & Bruce, D. (2021). Police living conditions and professional effectiveness in East Africa. *African Policing Civilian Oversight Forum Research Paper*, No. 21.

demoralizing personnel and perpetuating perceptions of police as marginalized within government priorities.

### **1.8.6 Habitability as a Housing Rights Component**

Recent scholarship has increasingly focused on habitability as a distinct and critical element of adequate housing. Rolnik (2019), as UN Special Rapporteur on Adequate Housing, emphasizes that habitability encompasses not merely structural adequacy but also "conditions that protect inhabitants' physical and mental health, ensure safety, provide sufficient space, and enable dignified family life."<sup>76</sup> This expansive understanding informs contemporary habitability standards.

The World Health Organization's 2018 Housing and Health Guidelines represent a landmark contribution to operationalizing habitability standards.<sup>77</sup> These guidelines provide evidence-based recommendations on crowding, temperature, injury hazards, accessibility, and environmental exposures including air quality, water quality, noise, asbestos, lead, and radon. Myriam and Bonnefoy (2020) analyze the Guidelines' implementation challenges in low-resource contexts, noting that while comprehensive, the standards require adaptation to local contexts and phased implementation recognizing resource constraints.<sup>78</sup>

Nganya and Munyao (2022) examine habitability challenges specifically in Kampala, documenting how rapid urbanization, inadequate planning enforcement, and resource constraints have created widespread housing inadequacies affecting both general population and public servants.<sup>79</sup> Their research provides important context for understanding police housing challenges within broader urban housing crises.

### **1.8.7 Progressive Realization and Immediate Obligations**

Contemporary scholarship increasingly interrogates the tension between progressive realization and immediate obligations. Ssenyonjo argues that Uganda's approach to socio-economic rights has

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<sup>76</sup> Rolnik, R. (2019). The right to adequate housing. In M. Langford et al. (Eds.), *Global Justice, State Duties* (pp. 234-256). Cambridge University Press.

<sup>77</sup> World Health Organization. (2018). *WHO Housing and Health Guidelines*. WHO Press.

<sup>78</sup> Myriam, S., & Bonnefoy, X. (2020). Implementing WHO housing and health guidelines in resource-constrained settings. *Journal of Urban Health*, 97(5), 712-728.

<sup>79</sup> Nganya, L., & Munyao, R. (2022). Urban housing challenges in Kampala: Habitability deficits and policy responses. *Cities*, 129, Article 103912.

overemphasized progressive realization while neglecting non-derogable immediate obligations including non-discrimination, taking deliberate steps toward realization, and ensuring minimum core protections.<sup>80</sup> This imbalance, he contends, has enabled prolonged inaction on housing rights.

Courtis and Gupta provide methodology for assessing whether states are genuinely pursuing progressive realization or merely invoking it as shield against accountability.<sup>81</sup> Their framework examines: (1) existence of concrete plans with timelines; (2) year-over-year budgetary trends; (3) comparative performance relative to similarly-situated countries; (4) evidence of retrogression; and (5) prioritization of vulnerable groups. Applying this framework to police housing would provide empirical assessment of Uganda's compliance.

### **1.8.8 Accountability and Enforcement Mechanisms**

Recent literature examines diverse mechanisms for enforcing housing rights. Saiz and Bergua analyze the effectiveness of national human rights institutions in monitoring and advocating for housing rights across Africa, finding that institutions with robust independence, adequate resources, and quasi-judicial powers achieve greater impact than purely advisory bodies.<sup>82</sup> Their research suggests that strengthening the Uganda Human Rights Commission's capacity and powers could enhance housing rights enforcement.

Ssali (2022) examines judicial enforcement of socio-economic rights in Uganda, noting courts' increasing willingness to engage substantively with these rights while remaining cautious about remedial powers.<sup>83</sup> The *Kalali* decision represents important jurisprudential development, though Ssali argues that without complementary legislative reforms and enforcement mechanisms, judicial victories may yield limited practical improvements.

Pillay and Coomans (2021) examine international and regional accountability mechanisms, noting that while treaty body reviews and regional commission procedures can generate political pressure, effectiveness depends on domestic political will and civil society capacity to leverage international

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<sup>80</sup> Ssenyonjo, M. (2021). Economic, social and cultural rights in Uganda: Progressive realization or perpetual aspiration? *Journal of African Law*, 65(2), 289-318.

<sup>81</sup> Courtis, C., & Gupta, A. (2023). Assessing progressive realization: Methodology for evaluating state compliance with economic and social rights. *International Journal of Human Rights*, 27(3), 412-438.

<sup>82</sup> Saiz, I., & Bergua, J. (2023). National human rights institutions and housing rights enforcement in Africa. *African Human Rights Law Journal*, 23(1), 89-112.

<sup>83</sup> Ssali, S. (2022). Judicial enforcement of socio-economic rights in Uganda: Progress and challenges. *East African Law Journal*, 9(1), 45-73.

findings.<sup>84</sup> Their analysis suggests that international mechanisms alone cannot substitute for robust domestic enforcement but can complement and reinforce domestic advocacy.

### **1.9 Gaps in the literature and general conclusions**

Despite growing scholarly attention to housing rights generally, significant gaps remain in literature specifically addressing police housing. Most existing studies examine either housing rights broadly or police welfare generally, but few focus specifically on the intersection of housing rights and law enforcement employment. This study addresses this gap by focusing specifically on police housing habitability in Uganda's context.

Geographically, literature on housing rights in Uganda remains limited compared to countries like South Africa, Kenya, or Nigeria. Existing Ugandan scholarship tends to focus on urban slum upgrading or land rights, with limited attention to housing conditions for specific public servant categories. This study contributes to filling this geographical and thematic gap.

Methodologically, much housing rights literature relies on legal and policy analysis with limited empirical investigation of actual housing conditions and their impacts. This study's combination of legal analysis and empirical investigation of police housing in Nakawa Division provides crucial evidence for policy development and advocacy.

The literature reveals consensus on several key principles: housing is a human right requiring state action; habitability is a non-negotiable component of adequate housing; states face immediate obligations alongside progressive realization; and effective enforcement requires multiple accountability mechanisms. However, application of these principles to specific contexts like police housing in Uganda remains underexplored, representing the core contribution of this research.

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<sup>84</sup> Pillay, A., & Coomans, F. (2021). International accountability mechanisms for economic and social rights: Effectiveness and complementarity. *Nordic Journal of Human Rights*, 39(2), 156-178.

## **1.10 Research Methodology**

### **1.10.1 Introduction**

This chapter presents a description of the study area and the research methodology that was used when executing the study. It presents the different ways through which data was collected to achieve the objectives of the study.

### **1.10.2 Description of study area**

This study was conducted in Nakawa Division, located east of Kampala, the commercial and administrative capital city of Uganda. It is one of the five Divisions that comprise Kampala Capital City Authority (KCCA). In geographical size, Nakawa division extends to occupy 13,128 acres of land. Of this, some portion is occupied by the Police. Nakawa Division comprises 23 parishes. I divided the division into 5 cardinal points, i.e., Northern, Southern, Eastern, Central, and Western Nakawa, and sampled one police station from each of them to assess the degree to which the right to adequate housing has been realized.

### **1.10.3 Research Design**

The study employed a qualitative research design to delve into specific aspects related to the housing of police officers within Nakawa Division. This approach focused on exploring the intricacies of human experiences and behaviors, offering a deep understanding of the subject matter at hand. In this case, the research was centered around the housing conditions of police officers, aiming to shed light on a multifaceted issue.

To gather pertinent data for the study, a purposive sampling method was employed. This means that participants were deliberately selected based on their possession of valuable insights and experiences relevant to the research question. Specifically, police officers, their spouses, and family members, amongst others within the study area, were chosen as participants due to their direct knowledge and involvement in the topic under investigation, the state of police officer housing.

Several data collection methods were employed in this study to ensure a comprehensive examination of the research question:

### **1.10.3.1 Semi-Structured Interviews**

This method involved conducting guided, yet flexible, one-on-one conversations with selected police officers. The use of pre-prepared questions provided a framework for the discussion, but the approach allowed for deeper exploration of topics based on the interviewees' responses. This approach is particularly valuable for eliciting detailed and personal information about the housing conditions experienced by the officers

### **1.10.3.2 Observation**

The observation was utilized to gain firsthand insight into the housing conditions of police officers within the Nakawa Division. This method involved the systematic and unobtrusive observation of the physical aspects of housing units, their surrounding environments, and any observable living conditions. Using observation, the study aimed to capture nuanced details and contextual factors that contribute to a comprehensive understanding of the multifaceted issue of housing conditions among police officers.

### **1.10.3.3 Document Analysis**

In addition to gathering information from the participants, the study involved the examination of relevant documents. This included official reports, Uganda Police Force housing policies, legislative documents, and any other pertinent records related to the housing conditions of police officers. Document analysis complements the qualitative data obtained from interviews, providing a broader context for the study.

Preceding the main data collection phase, a reconnaissance survey was conducted. This preliminary investigation aims to identify and evaluate police stations within the study area that are most relevant to the research. The survey may involve site visits, conversations with key personnel, and assessments of housing facilities' conditions. The goal is to determine which locations are most suitable for data collection, considering factors such as the state of housing facilities and the willingness of officers to participate in the study.

## 1.10.4 Research methodology

### 1.10.4.1 Data collection procedure

The study employed qualitative methods during data collection, primarily through structured and semi-structured interviews with purposively selected key informants. Interview guides were developed with precise and concise questions aligned with the research objectives. The profiles and distribution of respondents are summarized in **Table 1**.

**Table 1**  
*Profile Matrix of Interview Respondents*

Category	Position / Role	Number of Respondents	Location	Selection Criteria
<b>Police Officers</b>	Junior Officers (Constable to Inspector)	70	Naguru, Ntinda, Kinawattaka, Bugolobi, Kitintale Police Stations	Officers residing in institutional housing and facing housing challenges
	Senior Officers (ASP and above)	4	Naguru Police Headquarters	Officers entitled to housing allowances and residing outside police barracks
<b>Police Administration</b>	Acting Director, Construction and Estate Management	1	Police Headquarters, Naguru	Key decision-maker on housing policy and infrastructure management
<b>Civil Society</b>	Executive Director, Equal Housing (NGO)	1	Kampala	Specialist in housing rights advocacy and stakeholder engagement
<b>Legal Practitioners</b>	Human Rights Advocate	1	Kampala	Legal expert on the right to adequate housing and public sector obligations
<b>Police Family Members</b>	Spouses of Police Officers	3	Various barracks within Nakawa Division	First-hand experience of living conditions and welfare impacts
<b>Total</b>	—	80	—	—

The selection of respondents was guided by their direct experience or responsibility regarding police housing in Nakawa Division. Junior officers were prioritized as they constitute the majority affected by inadequate institutional housing. Senior officers provided comparative perspectives on housing allowance systems, while administrative and civil society representatives contributed

policy and advocacy insights. Police family members offered valuable lived experiences, highlighting how housing conditions affect welfare and quality of life.

#### **1.10.4.2 Document review**

This involved a critical review of legal documents, treaties, and tax policy papers of government works of eminent scholars.

#### **1.10.4.3 Data analysis**

To analyze the data in this research, Stata version 15 software was used.

### **1.11 Validity and reliability**

Reliability pertains to the extent to which measures produce consistent results devoid of error, ensuring dependable outcomes. Conversely, validity concerns the degree to which a test accurately measures what it purports to measure.<sup>85</sup> The interview guides were crafted with clarity and conciseness. Before the interviews, respondents were meticulously selected, trained, and briefed on their roles in the research process.<sup>86</sup> To ensure the effectiveness of the interview guides, pretesting was conducted, with individuals involved in the pretest excluded from the actual data collection. Competence was a crucial consideration in respondent selection, with only tenants and landlords included in the interviews, and semi-structured interviews conducted with individuals possessing extensive knowledge of tenancy matters.<sup>87</sup> Maintaining accuracy in recording responses was emphasized during the interviews, creating an atmosphere of trust and confidence for the respondents.<sup>88</sup> Participation in the interviews was voluntary, and respondents were assured of the confidentiality of the information they shared.

### **1.12 Ethical considerations**

Ethics in research pertains to the researcher's moral reflections, decision-making, and responsibility at every stage of the research journey.<sup>89</sup> In this study, ethical considerations were focused on guaranteeing that all literature under review was acknowledged with proper references

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<sup>85</sup> S. Lakshmi and M.A Mohideen, 'Issues in Reliability and Validity of Research,' *International Journal of Management Research and Review*, (2013), vol. 3(4), 2752-2758, Page 2755.

<sup>86</sup> Ibid, p.98

<sup>87</sup> Ibid

<sup>88</sup> Ibid

<sup>89</sup> M. Mauthner, M. Birch and ML. Tatu(eds), *Ethics in Qualitative Research (3 ed)*, (2005), New Delhi, Sage Publication, p.54

to its respective authors. The researcher is committed to honesty and transparency throughout the research process, avoiding any form of academic deception. Additionally, obtaining informed consent from respondents was a priority, with a pledge not to cause harm or compromise confidentiality during the study.

## CHAPTER TWO

### AN EVALUATION OF THE LEGAL FRAMEWORK GOVERNING HABITABILITY IN UGANDA FROM A GLOBAL AND DOMESTIC PERSPECTIVE

#### 2.0 Affordable housing under international treaties and instruments

Several international human rights instruments have articulated the right to adequate housing- and by implication the habitability therein, including the Universal Declaration of Human Rights (UDHR) of 1948,<sup>1</sup> the Convention Relating to the Status of Refugees of 1951,<sup>2</sup> the Convention on the Elimination of All Forms of Racial Discrimination of 1965,<sup>3</sup> The International Covenant on Economic, Social, and Cultural Rights of 1966,<sup>4</sup> the Convention on the Elimination of All Forms of Discrimination Against Women of 1979,<sup>5</sup> The Convention on the Rights of the Child of 1989,<sup>6</sup> The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of 1990,<sup>7</sup> and the Convention on the Rights of People with Disabilities of 2006.<sup>8</sup>

The right to adequate housing is also enshrined in non-binding international declarations and documents, underscoring its global significance. These include the Convention on the Rights of the Child of 1959,<sup>9</sup> Recommendation No. 115 on Workers' Housing of 1961 by the International Labor Organization,<sup>10</sup> the Declaration on Social Progress and Development of 1969,<sup>11</sup> and the Vancouver Declaration on Human Settlements of 1976.<sup>12</sup> In subsequent sub-sections of this

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<sup>1</sup> See Art. 25(1).

<sup>2</sup> See Art. 21.

<sup>3</sup> See Art. 5(e) (iii).

<sup>4</sup> See Art. 11.

<sup>5</sup> See Art. 14(2) and 15(2).

<sup>6</sup> See Art. 16(1) and 27(3).

<sup>7</sup> See Art. 43(1) (d).

<sup>8</sup> See Art. 9 and 28.

<sup>9</sup> See Art. 16(1) and 27(3).

<sup>10</sup> The Workers' Housing Recommendation of 1961 (No. 115) guides state and national housing institutions and instructs employers on housing standards for employees.

<sup>11</sup> The Declaration, affirmed through United Nations General Assembly Resolution 2542 (XXIV), acknowledges the interconnectedness of civil and political rights with social, economic, and cultural rights. It is fundamentally aimed at safeguarding human dignity, ensuring that social progress and development do not compromise habitability and the overall well-being of individuals.

<sup>12</sup> The declaration underscores that the condition of human settlements plays a crucial role in determining overall quality of life. It emphasizes that improving human settlements is vital for satisfying basic needs such as employment, housing, health services, education, and recreation. This connection highlights the significance of habitability in creating a favorable living environment.

section, I detailed the provisions of these influential instruments, offering a nuanced understanding of the legal landscape that upholds the right to adequate housing, emphasizing its connection to habitability.

## **2.1 The Universal Declaration of Human Rights of 1948**

The Universal Declaration of Human Rights of 1948 (UDHR) holds historical significance as the inaugural international instrument to recognize the right to adequate housing. Article 25(1) of the UDHR specifically emphasizes the right to a standard of living adequate for health and well-being, encompassing essential elements such as housing. This acknowledgment places adequate housing as a vital social right, following closely behind the rights to food and clothing.

Furthermore, the prominence of housing in Article 25(1) is a key indicator of its importance, a notion underscored by its recurrent inclusion in subsequent international and regional human rights instruments. This continual emphasis reinforces the integral role of housing, including its habitability aspect, within the broader spectrum of human rights, highlighting the universal recognition of the right to adequate housing as a fundamental component of a dignified standard of living.

In *Selcuk and Asker v. Turkey*,<sup>13</sup> Turkish forces invaded villages and set their homes ablaze on allegations that they supported rebels. The European Court of Human Rights held that such action was a grave affront to Article 8 of the European Convention on Human Rights on the right to a home and that Turkey breached the instrument.

Adequate housing transcends a mere roof over one's head; it encompasses a holistic set of conditions. This includes ensuring sufficient privacy, adequate space, physical accessibility, structural stability, durability, adequate lighting, heating, and ventilation. It further extends to encompass essential basic infrastructure such as water, electricity, waste management, an accessible location, and security of tenure, among other crucial factors. This comprehensive definition underscores the multifaceted nature of adequate housing, emphasizing not only the shelter aspect but also the various elements contributing to habitability and overall well-being.<sup>14</sup>

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<sup>13</sup> ECHR judgment of 24<sup>th</sup> April 1998.

<sup>14</sup> United Nations. (2006.). *The Habitat Agenda: Chapter IV: B. Adequate shelter for all*. Retrieved from <http://www.un.documents.net>

The recognition of the right to adequate housing extends globally, encompassing both developed countries and the Third World. A pertinent illustration is found in the case of *Muhindo and Others v. Uganda*,<sup>15</sup> where Justice Musa Ssekaana held that the Government of Uganda's failure to establish guidelines on evictions from land constitutes a violation of the right to life, dignity, and property. This infringement is explicitly contrary to Articles 22, 24, and 26 of the 1995 Ugandan Constitution as amended, highlighting the significance of security of tenure in upholding the right to adequate housing and reinforcing the interconnection between habitability and fundamental human rights.

## **2.2. The International Covenant on Economic, Social, and Cultural Rights (ICESCR)**

The ICESCR distinctly champions the right to adequate housing in Article 11(2), affirming that States Parties recognize the right of everyone to an adequate standard of living, encompassing not only sufficient food and clothing but also habitable housing. The commitment extends to the continuous improvement of living conditions, emphasizing the dynamic nature of this fundamental right.

The Committee on Economic, Social and Cultural Rights (CESCR) further elucidates the concept of adequate housing, outlining seven attributes crucial to our focus on habitability within the realm of affordable housing. These attributes, including security of tenure, availability of services, affordability, habitability, accessibility, location, and cultural adequacy, underscore the comprehensive nature of the right to adequate housing. Among these attributes, habitability assumes a pivotal role, emphasizing the intrinsic connection between the quality of housing conditions and the fulfillment of this fundamental right.<sup>16</sup>

## **2.3 The African Charter on Human and Peoples' Rights (The African Charter)**

The African Charter does not explicitly provide adequate or affordable housing. However, the African Commission on Human and Peoples' Rights has held that housing rights are protected through a combination of provisions in the Charter.<sup>17</sup> These include the right to property under Art. 14 and the right to enjoy the best attainable mental and physical health standard under Art. 16

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<sup>15</sup> *Muhindo and Others v. Uganda* High Court Miscellaneous Cause No. 127 of 2016.

<sup>16</sup> CESCR, *supra* note 2, at paragraph 8.

<sup>17</sup> *SERAC v. Nigeria*, *supra* note 6.

and the protection of the family under Art. 18(1).<sup>18</sup> For clarity, Uganda is a signatory to the African Charter and is thus duty-bound to realize the right to adequate housing and our area of interest, to wit, affordable housing.

To achieve habitability, a state should implement housing programs, including subsidies and tax incentives, to expand housing construction to meet the needs of all people, especially low-income families.<sup>19</sup> The price of housing should also not compromise other basic needs.<sup>20</sup> Again, housing developments should allow easy access to employment, health centers, schools, and other vital social services.<sup>21</sup> There should also be an independent national body to monitor and enforce state compliance.<sup>22</sup>

## **2.4 Relevant laws relating to the right to adequate housing in Uganda.**

### **2.4.1 Constitution of the Republic of Uganda, 1995**

The Constitution is the supreme law of Uganda. It has a binding force over all authorities and people throughout the country. According to the constitution of Uganda 1995, it states that all land belongs or is vested in the hands of the citizens of Uganda, following the land tenure systems provided in the constitution. The constitution also provides security to all people who own land in terms of customary tenure by allowing them to acquire certificates of ownership in line with what the parliament prescribed.<sup>23</sup> The present Constitution in Uganda which was adopted on 8th October 1995 is the supreme law of the country. It is the fourth in line ever since the country got its independence in the early 1960's. According to Article 237 of the Constitution, power is strictly vested into the hands of the Ugandans to own land under the four existent tenure systems which include customary, freehold, mailo, and leasehold tenure. However not only does Article 242 empower the government and its various authorities from time to time to regulate the use of land but also Article 7 demands that the Parliament shall pass laws to enable the various urban authorities to enforce and implement planning and development.<sup>24</sup> Furthermore, the Parliament in

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<sup>18</sup> *Ibid.*

<sup>19</sup> See paragraph 79(e) of the African Commission on Human and Peoples Rights, *supra* note 123.

<sup>20</sup> *Ibid.*, paragraph 79 (h).

<sup>21</sup> *Ibid.*, paragraph 79 (k).

<sup>22</sup> *Ibid.*, paragraph 79 (m).

<sup>23</sup> Section 4 of the Land Act, Cap. 227 allows any person, family or community holding land under the customary tenure to acquire a certificate of title

<sup>24</sup> Nyumba, A. (2011). *Investigating the risks associated with high density development of petrol stations on the built environment in Kampala.*

Article 245 is required by all means to provide for various measures in line with the protection and preservation of the environment, to manage responsibly environmental aspects as a drive for sustainable development and environmental awareness. Objective XIV (b) of the 1995 Constitution underscores the government's responsibility to ensure that all Ugandans have access to, inter alia, decent shelter.<sup>25</sup>

### **2.4.3 National Physical Planning Standards and Guidelines**

In Uganda, residential developments are subject to strict statutory controls outlined in the National Physical Planning Standards and Guidelines, with specific building bylaws in urban areas enforced by local authorities. The Town and Country Planning Act mandates consultation and approval from Planning Committees before any construction or development can proceed. The Physical Planning Act grants local committees' power to regulate land use and development.<sup>26</sup>

Residential building plans must meet minimum standards detailed in various laws and codes, including plot size, privacy, and access to utilities. Building inspections occur throughout the development process to ensure compliance. However, there are no explicit provisions within this framework addressing the right to adequate housing or habitability for police officers in Uganda, highlighting a potential gap in housing rights for this specific group.

### **2.5 Effectiveness of the Law on the right to adequate housing**

At the national level in Uganda, Objective XIV (b) of the 1995 Constitution underscores the government's responsibility to ensure that all Ugandans have access to decent shelter. Various national development plans, including the National Development Plan 2010-2015, Vision 2040 (Chapter 5.5), and the KCCA Development Plan, aim to facilitate access to affordable housing for all citizens. Additionally, the National Slum Upgrading Strategy of 2008 had hoped to enhance the living conditions of one million slum dwellers in alignment with Millennium Development Goal 7, target 11, by improving the lives of 100 million slum dwellers by 2020. However, there is a notable concern regarding the protection of the right to adequate housing in Uganda. While the International Covenant on Economic Social Cultural Rights (ICESCR) safeguards this right, in Uganda, it is primarily protected as part of the National Objectives and Directive Principles of

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<sup>25</sup> This objective states 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.

<sup>26</sup> Ibid fn. 11

State Policy (NODPSP) within the Constitution. These objectives are not directly enforceable through the courts and would require comprehensive inclusion under Chapter Four of the Ugandan Constitution. An amendment in 2005 introduced Article 8A, emphasizing governance based on national interest and common good outlined in the NODPSP. However, despite more than a decade since this amendment, Parliament has not enacted laws to give effect to Article 8A, indicating a lack of priority for housing in Uganda.

The 1995 Constitution and the Land Act, as amended, address security of tenure by guaranteeing ownership rights and protection against eviction without compensation. The Uganda National Land Policy of 2013 extends protection to occupants on customary land, allowing them to apply for certificates of ownership. Parliament further amended the Land Act in 2010 to criminalize unlawful evictions of tenants by occupancy.

Although these legal protections are commendable, their implementation has been lacking. Uganda has formulated a National Shelter Strategy to guide housing development, yet progressive housing policies have not been enacted. Consequently, many Ugandans live in substandard housing conditions that fall far short of decency and acceptability, despite the country's commitment to improving living conditions for its citizens.

## **2.6 Habitability as a core element of the right to housing: A situational analysis of the Uganda Police Force**

There is a dearth of literature concerning the situation of the Uganda Police Force; however, even the little that is available demonstrates gaps in the enjoyment of the right to adequate housing on the part of the Uganda Police Force officers.<sup>27</sup> Tusiime conducted a study that examined the effectiveness of public administrative reforms in the Uganda Police Force.<sup>28</sup> Key among the reforms included accommodation reforms in the Uganda Police Force, where it was established that most police officers are not motivated to do their job since they still live in poor housing structures. The study further established that most officers experience broken marriages due to poor housing, which has a direct bearing on the degree to which the right to adequate housing has been realized among the police officers in the Uganda Police Force.<sup>29</sup> This study helps reveal

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<sup>27</sup> Ibid fn. 38

<sup>28</sup> Tusiime, A. (2019). *Effectiveness of public administrative reforms in the Uganda Police Force*. Makerere University Institutional Repository. <http://makir.mak.ac.ug/handle/10570/7901> (Available on October 2, 2023).

<sup>29</sup> Ibid

significant gaps; the obvious gap is that police officers still live under deplorable conditions as far as housing is concerned, and the other revelation is that even their workplaces are in a poor and uninhabitable state.

Baryakashanga conducted a study on the impact of Uganda Police Force working conditions on the delivery of security services while using a case study of Kampala Central.<sup>30</sup> This study established that key factors that limit the performance of Uganda Police Officers in Kampala Central Division included poor housing facilities that are used to accommodate police officers. The study disclosed that the majority of Police Officers operate from metallic makeshift structures that lack sufficient ventilation and that officers are unable to spend time inside such structures, especially on hot days.<sup>31</sup> Such structures are below the standards as established by the legal framework on the right to adequate housing, especially regarding the aspect of habitability. It is crucial to note that this study investigates the general working conditions and, as such, lacks particularity and focus as far as the right to adequate housing is concerned.<sup>32</sup> This was addressed by this study, which shall particularly inquire into the extent to which the right to adequate housing has been realized among police officers in Uganda.

## **2.7 Ingredients of Habitability Regarding Housing**

General Comment No. 4 of the Committee on Economic, Social, and Cultural Rights (CESCR) states that adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors.<sup>33</sup> The physical safety of occupants must be guaranteed as well. The Committee encourages States parties to comprehensively apply the *Health Principles of Housing*<sup>34</sup> prepared by WHO which view housing as the environmental factor most frequently associated with conditions for disease in epidemiological analyses. The WHO Housing and Health guidelines stand as a pivotal resource that assembles the latest evidence, delivering practical

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<sup>30</sup> Twinobuhungiro, A. B. (2022). *The impact of Uganda Police Force working conditions on delivery of security services: A case study of Kampala Central Division* (Master's research paper). Retrieved from <http://hdl.handle.net/10570/11924>

<sup>31</sup> Ibid

<sup>32</sup> Ibid

<sup>33</sup> *SERAC v. Nigeria*, *supra* note, where the Commission remarked that by the state of Nigeria forcefully evicting people from their homes, destroying their homes, and refusing them to rebuild was an affront to security of tenure under the right to adequate housing.

<sup>34</sup> World Health Organization, *WHO Housing and health guidelines* (2018) Licence: CC BY-NC-SA 3.0 IGO.

recommendations aimed at alleviating the health burdens arising from unsafe and substandard housing conditions. Through meticulously commissioned systematic reviews, these guidelines offer insights into addressing key aspects of habitability, including inadequate living space (crowding), indoor temperature extremes, home injury hazards, and housing accessibility for individuals with functional impairments.<sup>35</sup>

What sets these guidelines apart is their comprehensive approach, weaving together recommendations related to water quality, air quality, neighborhood noise, asbestos, lead, tobacco smoke, and radon. Section 8 of the Guidelines offers comprehensive and elaborate standards by adopting an inter-sectoral perspective, the guidelines not only underscore the intrinsic connection between housing and health but also emphasize the potential co-benefits of interventions that concurrently address multiple risk factors. This section handles 7 key determinants of habitability such as: water quality, air quality, tobacco smoke, noise, asbestos, lead, and exposure to radon.

### **2.7.1 Water<sup>36</sup>**

Water is an essential element for maintaining adequate hydration, preparing food, and upholding proper hygiene. Contamination of water poses a dual threat—transmitting both infectious diseases and, at times, non-infectious ailments such as lead poisoning from lead pipes and plumbing. The scarcity of accessible water hampers hygiene practices, creating an environment that discourages their adoption.<sup>37</sup>

The contamination of water can occur at various stages, from its source to storage and transportation through handheld vessels, tankers, or distribution pipes. Ensuring a reliable drinking-water supply demands protective measures against contamination from wastewater. It necessitates the correct installation and maintenance of pipes and storage systems.<sup>38</sup>

In alignment with the fundamental right to water, everyone is entitled to sufficient, safe, acceptable, physically accessible, and affordable water for personal and domestic use, encompassing drinking and hygiene.<sup>39</sup> Nevertheless, the stark reality is that as of 2015, 844 million

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<sup>35</sup> Ibid

<sup>36</sup> Ibid 100 at Section 8.1

<sup>37</sup> Ibid at page 76

<sup>38</sup> World Health Organization, *Guidelines for drinking-water quality (Fourth Edition)* (2011)

<sup>39</sup> General comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant) E/C.12/2002/11. 20 January 2003. Office of the High Commissioner for Human Rights; 2003

people lacked access to basic drinking water services, with 159 million dependent on surface water. Additionally, only eight out of ten individuals could use improved water sources with consistent availability.<sup>40</sup> Shockingly, at least 1.8 billion people rely on drinking water sources contaminated with fecal matter.<sup>41</sup>

The challenges related to water supply are complex, stemming from factors such as climate change, increased water scarcity, population growth, demographic changes, and urbanization. Projections indicate that by 2050, 40% of the global population will be residing in river basins facing severe water stress.<sup>42</sup>

The consequences of unsafe water and inadequate sanitation are profound, with clear links to the transmission of diseases such as cholera, various diarrheal illnesses, dysentery, hepatitis A, typhoid, and others. Addressing these challenges becomes paramount for promoting habitability and ensuring the well-being of communities worldwide.

### **2.7.2 Air Quality**<sup>43</sup>

Indoor air quality is intricately influenced by multiple aspects of both the indoor and outdoor environments, including the ventilation system, dwelling structure, geographical location, cooking methods, lighting, heating devices, furnishings, adhesives, coatings, and outdoor pollution. Tobacco smoking by occupants or infiltrations of tobacco smoke from neighboring units further contribute to the complexity of indoor air quality. Damp or humid indoor air fosters mold growth, often indicating inadequate ventilation to disperse moisture generated from indoor activities like cooking and bathing. Polluted indoor air can result from poor-quality heating and cooking devices, coupled with a lack of proper ventilation. Shockingly, around 3 billion people, predominantly in low- and middle-income countries, still rely on polluting open fires or basic stoves fueled by kerosene, biomass, and coal.<sup>44</sup>

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<sup>40</sup> World Health Organization & United Nations Children's Fund. (2017). *Progress on drinking water, sanitation, and hygiene: Update and SDG baseline*. Pg.16.

<sup>41</sup> Bain, R. (2014). Global assessment of exposure to faecal contamination through drinking water based on a systematic review. *Tropical Medicine & International Health*, 19(8), 917–927.

<sup>42</sup> Organisation for Economic Co-operation & Development, *OECD Environmental Outlook to 2050: the consequences of inaction (2012)*

<sup>43</sup> Ibid at Section 8.2

<sup>44</sup> World Health Organization. (2018). *Household air pollution and health*. Retrieved from <http://www.who.int/en/news-room/fact-sheets/detail/household-air-pollution-and-health> (Accessed on August 30, 2018).

Household air quality can also be compromised by the presence of radon, a naturally occurring radioactive gas that can accumulate in enclosed spaces, including homes. Poor air quality may stem from furnishings and building materials containing toxins such as formaldehyde.<sup>45</sup> Tobacco smoke, a significant indoor air pollutant containing carcinogens and toxic components, poses additional risks.<sup>46</sup> Furthermore, natural sources of outdoor air pollution, including dust storms and pollutants from industry and transport, can infiltrate homes and degrade indoor air quality.<sup>47</sup>

The consequences of poor indoor air quality are profound, contributing to adverse health effects such as allergies, weakened immune systems, cancer, and irritation of the skin, eyes, nose, and throat. Adverse impacts extend to the reproductive, nervous, and cardiovascular systems. Alarmingly, approximately 3.8 million people die prematurely each year due to illness attributable to household air pollution caused by the inefficient use of solid fuels and kerosene for cooking.<sup>48</sup> Additionally, ambient air pollution, both in cities and rural areas, was estimated to cause 4.2 million premature deaths worldwide in 2016.<sup>49</sup> Notably, there is a strong association between indoor dampness, mold, and a variety of respiratory symptoms. In Europe, exposure to dampness in dwellings is estimated to lead to 0.07 asthma-related deaths and 50 asthma-related DALYs per 100,000 children annually.<sup>50</sup>

Mitigating pollutants through measures such as replacing polluting stoves and lamps with healthier alternatives plays a critical role in ensuring acceptable indoor air quality.<sup>51</sup> Adequate ventilation

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<sup>45</sup> Priestley, M. (2013). *National accessibility requirements and standards for products and services in the European single market: Overview and examples*. Academic Network of European Disability Experts.

<sup>46</sup> Ibid Section 8.3

<sup>47</sup> World Health Organization. (2009). *WHO guidelines for indoor air quality: Dampness and mould*. World Health Organization Regional Office for Europe.

<sup>48</sup> World Health Organization. (2024, October 16). *Household air pollution and health*. World Health Organization. <https://www.who.int/news-room/fact-sheets/detail/household-air-pollution-and-health>

<sup>49</sup> World Health Organization. (2018). *Ambient (outdoor) air quality and health*. Retrieved from [http://www.who.int/news-room/fact-sheets/detail/ambient-\(outdoor\)-air-quality-and-health](http://www.who.int/news-room/fact-sheets/detail/ambient-(outdoor)-air-quality-and-health) (Accessed on August 26, 2018).

<sup>50</sup> Braubach, Manson. *Environmental burden of disease associated with inadequate housing*. (2011) World Health Organization

<sup>51</sup> World Health Organization. (2018). *Ambient (outdoor) air quality and health*. Retrieved from [http://www.who.int/news-room/fact-sheets/detail/ambient-\(outdoor\)-air-quality-and-health](http://www.who.int/news-room/fact-sheets/detail/ambient-(outdoor)-air-quality-and-health) (Accessed on August 26, 2018).

is also pivotal, with standards for housing ventilation available from several organizations, including the ASHRAE Standard 62<sup>52</sup> and the Buildings Performance Institute Europe.<sup>53</sup>

The WHO Guidelines for indoor air quality, specifically addressing dampness and mold (2009), emphasize that dampness in buildings is influenced by indoor and outdoor conditions, air temperature, air humidity, air exchange, construction type, building materials, and building quality. Mold growth is affected by building parameters such as moisture, temperature, ventilation, and building materials, as well as occupant behavior. The guidelines provide qualitative recommendations, stressing the avoidance or minimization of persistent dampness and microbial growth due to the associated health risks. Indicators of dampness and microbial growth include condensation, visible mold, perceived moldy odors, and a history of water damage, leakage, or penetration. The WHO recommends thorough inspection and, if necessary, appropriate measurements to confirm indoor moisture and microbial growth. Due to the complex nature of dampness, microbial exposure, and health effects, the guidelines do not provide specific quantitative health-based guideline values or thresholds for acceptable levels of contamination with microorganisms. Instead, the emphasis is on prevention and remediation to reduce the risk of hazardous exposure to microbes and chemicals (WHO Guidelines for indoor air quality: dampness and mould, 2009).<sup>54</sup>

### **2.7.3 Tobacco smoke<sup>55</sup>**

Involuntary or passive smoking refers to exposure to second-hand smoke (SHS), a blend of exhaled mainstream smoke and side-stream smoke released from a smoldering cigarette or other smoking devices like cigars, pipes, bidis, and hookahs. This mixture is further diluted with ambient air, constituting what is commonly known as environmental tobacco smoke.<sup>56</sup> Involuntary smoking places individuals at risk of inhaling carcinogens and other toxic components present in SHS.

The detrimental impact of second-hand smoke is substantial, with an estimated 603,000 premature deaths attributed to it in 2004. This toll includes 166,000 deaths from lower respiratory infections

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<sup>52</sup> ASHRAE Standing Standard Project Committee 62.1. (2016). *Ventilation for acceptable indoor air quality*. Atlanta: ASHRAE.

<sup>53</sup> Kunkel, S. (2015). *Indoor air quality, thermal comfort, and daylight: Analysis of residential buildings regulations in eight EU Member States*. Buildings Performance Institute Europe.

<sup>54</sup> United Nations. (2015). *International migration report 2015: Highlights*. New York: United Nations.

<sup>55</sup> Ibid at Section 8.3

<sup>56</sup> World Health Organization. (2018). *Second-hand tobacco smoke*. Retrieved from [http://www.who.int/tobacco/research/secondhand\\_smoke/en/](http://www.who.int/tobacco/research/secondhand_smoke/en/) (Accessed on August 26, 2018).

and 1,100 from asthma in children, along with 35,800 deaths from asthma, 21,000 deaths from lung cancer, and 379,000 deaths from ischemic heart disease (IHD) in adults. The collective disease burden amounts to approximately 10.9 million Disability-Adjusted Life Years (DALYs). Notably, 28% of all deaths attributable to SHS occur in children, emphasizing the vulnerability of this demographic, while 47% occur in women.<sup>57</sup>

Second-hand tobacco smoke poses a serious health challenge, particularly in indoor settings where exposure can rapidly accumulate. Addressing this pervasive issue is integral to fostering habitability, as it not only impacts the immediate health of individuals but also contributes to a broader public health burden. Protective measures and awareness campaigns are vital in curbing exposure to second-hand smoke and safeguarding the well-being of individuals within indoor environments.

#### **2.7.4 Noise exposure<sup>58</sup>**

Noise within the home arises from both internal and external sources. Internally, noise emanates from ventilation systems, machines, and home appliances. Externally, sources of noise encompass a wide array, including road, rail, and air traffic; construction and public works; sporting events; playgrounds; schools and public spaces; animals; bars and restaurants; and neighboring dwellings. The proliferation of urban activities, highway systems, airports, roads, and suboptimal building construction practices contributes to an escalating noise exposure within homes.<sup>59</sup>

Noise exposure can result in auditory and non-auditory health effects. Direct injury to the auditory system may lead to hearing loss and tinnitus. Noise, as a nonspecific stressor, has been shown to adversely affect human health, particularly with prolonged exposure. This impact is attributed to psychological and physiological distress, disturbance of the organism's homeostasis, and an increase in allostatic load. Recognized effects from environmental noise encompass annoyance, cardiovascular disease, cognitive impairment, and disturbances in sleep, with vulnerable population groups, such as pregnant women, being particularly affected. The burden of disease due to environmental noise has been estimated for Western Europe, revealing that at least 1 million healthy life years are lost annually from traffic-related noise. Sleep disturbance and annoyance,

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<sup>57</sup> Ibid

<sup>58</sup> Ibid at Section 8.4

<sup>59</sup> World Health Organization. (2011). *Burden of disease from environmental noise: Quantification of healthy life years lost in Europe*. World Health Organization.

predominantly related to road traffic noise, constitute the primary health-related burdens of environmental noise.<sup>60</sup>

The WHO has established guidelines for noise, specifically for the European Region. The Night Noise Guidelines for Europe, published in 2009, offer evidence-based recommendations for noise exposure levels during the night. These guidelines aim to guide Member States in developing legislation and policy actions related to the assessment and control of night noise exposure. The recommended values include a Night Noise Guideline value of 40 dB L<sub>night</sub>, outside, and an Interim Target value of 55 dB L<sub>night</sub>, outside. These values are designed to protect the public, including vulnerable groups such as children, the chronically ill, and the elderly, from the adverse health effects of night noise. The L<sub>night</sub> value of 40 dB is set as the target for all noise sources, while the 55 dB L<sub>night</sub> value serves as an interim target for countries facing short-term challenges or adopting a stepwise approach (WHO Night Noise Guidelines for Europe, 2009).<sup>61</sup>

### **2.7.5 Asbestos<sup>62</sup>**

Asbestos refers to a group of minerals currently or historically used for many products. The range of applications for asbestos includes construction in building, cement, thermal and electric insulation, fire blankets and industrial fire curtains, gaskets and friction materials (e.g., vehicle brake shoes and brake pads, and clutches). Asbestos is found in houses in floor tiling, textured ceilings, roof shingles, thermal insulation, electric insulation (around boilers, ducts, pipes, sheeting, and fireplaces), pipe cement, glue, and joint compound. Asbestos is used as a loose fibrous mixture and can be inhaled and ingested.<sup>63</sup> Exposure to asbestos fibres occurs particularly in circumstances where asbestos products have become degraded, such as when housing is in poor repair, or during building maintenance, renovation, demolition and destruction (such as might happen in a disaster). In addition, workers are exposed to asbestos in asbestos mining and milling, when asbestos is used as part of the production process, or when installing or disposing of materials that contain asbestos. Such workers can bring fibres into the home on their clothing.<sup>64</sup>

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<sup>60</sup> Ibid

<sup>61</sup> World Health Organization. (2018). *Household air pollution and health*. Retrieved from <http://www.who.int/en/news-room/fact-sheets/detail/household-air-pollution-and-health> (Accessed on August 30, 2018).

<sup>62</sup> Ibid at Section 8.5

<sup>63</sup> World Health Organization. (2014). *Chrysotile asbestos*. World Health Organization.

<sup>64</sup> Ibid

Occupational and domestic exposure to asbestos is associated with a number of cancers, including lung cancer, larynx cancer, mesothelioma, cancer of the ovaries and stomach cancer.<sup>65</sup> There is no safe level for asbestos exposure.<sup>66</sup> The global burden of disease attributable to asbestos was estimated to amount to 107,000 deaths and 1,523,000 DALYs in 2004. Among these, 41 000 deaths and 370,000 DALYs were due to asbestos-caused lung cancer, and 7000 deaths and 380 000 DALYs were due to asbestosis. The remaining 59,000 deaths and 773,000 DALYs were attributed to malignant mesothelioma.<sup>67</sup> About one in every three deaths from occupational cancer is caused by asbestos. Currently, about 125 million people in the world are exposed to asbestos in the workplace.<sup>68</sup> In addition, it is estimated that several thousand deaths annually can be attributed to exposure to asbestos in the home.<sup>69</sup>

### 2.7.6 Lead<sup>70</sup>

Lead, a highly toxic metal, has been extensively used in various everyday products, including petrol, batteries, paints, electronics, jewelry, ceramics, glass, water pipes, and plumbing fittings. Individuals face exposure to lead at work, in local environments where lead is mined, recycled, burned, or used in industry, and even within the confines of their homes.<sup>71</sup> The deterioration of lead-based paint, found in many homes, contributes to dust and soil contamination, posing a significant risk. Food stored in containers with lead glaze or lead solder can also become contaminated, and water is at risk of contamination through lead pipes, solder, and fittings. Additionally, individuals working with lead may inadvertently bring lead dust into their homes.<sup>72</sup>

Notably, no safe level of lead exposure has been identified, and even at low levels, lead can induce a range of toxic effects. Exposure to lead has been linked to increased blood pressure, a critical risk factor for cerebrovascular disease. Global data from 2015 estimate that lead exposure

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<sup>65</sup> Nielsen, L. (2014). Occupational asbestos exposure and lung cancer – a systematic review of the literature. *Archives of Environmental & Occupational Health*, 69(4), 191–206. <https://doi.org/10.1080/19338244.2014.926431>.

<sup>66</sup> International Agency for Research on Cancer. (2012). *Asbestos*. Lyon: International Agency for Research on Cancer.

<sup>67</sup> Prüss-Üstün, A. (2016). *Preventing disease through healthy environments: A global assessment of the burden of disease from environmental risks*. Geneva: World Health Organization.

<sup>68</sup> Lenson, H. (2013). The impact of recent changes in smoke alarm legislation on residential fire injuries and smoke alarm ownership in New South Wales, Australia. *Journal of Burn Care & Research*, 34(3), 168–175. <https://doi.org/10.1097/BCR.0b013e31828c61d45>

<sup>69</sup> World Health Organization. (2016). *Asbestos: Elimination of asbestos-related diseases*. Geneva: World Health Organization.

<sup>70</sup> Ibid at Section 8.6

<sup>71</sup> World Health Organization. (2016). *Factsheet: Lead poisoning and health*. Geneva: World Health Organization. Retrieved from <http://www.who.int/mediacentre/factsheets/fs379/en/>

<sup>72</sup> Ibid

contributes to a substantial burden of idiopathic intellectual disability, ischemic heart disease (IHD), stroke, hypertensive heart disease, rheumatic heart disease, and other cardiovascular diseases.<sup>73</sup> Moreover, lead exposure is associated with chronic kidney diseases in various settings and is estimated to have caused 853,000 deaths in 2013.<sup>74</sup>

Young children are particularly vulnerable to lead exposure, absorbing four to five times as much ingested lead as adults from a given source. Children's innate curiosity and hand-to-mouth behavior make them prone to mouthing and swallowing lead-containing or lead-coated objects.<sup>75</sup> At elevated levels, lead can attack children's brains and central nervous system, leading to coma, convulsions, and even death.<sup>76</sup> Exposure to even low levels of lead during childhood has been associated with attention deficit disorder and neurodevelopmental disorders, including a reduced intelligence quotient.<sup>77</sup>

Addressing the pervasive threat of lead exposure is crucial for safeguarding habitability and ensuring the well-being of individuals, especially the most vulnerable, in homes and communities.

### **2.7.7 Radon**<sup>78</sup>

Exposure to radon gas within homes and workplaces stands as a prominent source of ionizing radiation. Radon, a colorless, odorless gas, is radioactive with a half-life of 3.8 days, emitting alpha particles during decay. Apart from natural sources, radon exposure can also occur through building materials containing radionuclides, gamma radiation from radionuclides like <sup>226</sup>Ra and <sup>232</sup>Th, their progeny, and <sup>40</sup>K. Individuals living in regions with historical radon mining activities face an additional risk.<sup>79</sup>

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<sup>73</sup> Institute for Health Metrics and Evaluation. (n.d.). *GBD Compare*. Seattle, WA. Retrieved December 4, 2023, from <http://vizhub.healthdata.org/gbd-compare>

<sup>74</sup> Forouzanfar, M. I. (2015). Global, regional, and national comparative risk assessment of 79 behavioral, environmental and occupational, and metabolic risks or clusters of risks in 188 countries, 1990–2013: A systematic analysis for the Global Burden of Disease Study 2013. *The Lancet*, 386(10010), 2287–2323. [https://doi.org/10.1016/S0140-6736\(15\)00128-2](https://doi.org/10.1016/S0140-6736(15)00128-2).

<sup>75</sup> Ibid fn. 137

<sup>76</sup> Ibid

<sup>77</sup> Grandjean, P. (2014). Neurobehavioural effects of developmental toxicity. *Lancet Neurology*, 13(3), 330–338. [https://doi.org/10.1016/S1474-4422\(13\)70278-3](https://doi.org/10.1016/S1474-4422(13)70278-3).

<sup>78</sup> Ibid at Section 8.7

<sup>79</sup> International Atomic Energy Association & World Health Organization. (2015). *Protection of the public against exposure indoors due to radon and other natural sources of radiation*. Vienna: International Atomic Energy Agency/World Health Organization.

In 2010 alone, residential radon exposure accounted for 98,992 deaths and 2.1 million Disability-Adjusted Life Years (DALYs) globally. A regional assessment in the WHO European Region highlighted that radon exposure is associated with over 3,000 deaths annually in France, Germany, and Switzerland, with death rates ranging from 2.1 (France) to 3.2 (Switzerland) per 100,000.<sup>80</sup>

The WHO Handbook on indoor radon, released in 2009, offers practical guidance relevant to the WHO Housing and Health Guidelines. Prevention and mitigation strategies emphasize sealing radon entry points, ventilation, and addressing air pressure differences between indoor spaces and the soil beneath buildings. Various soil depressurization techniques are employed, often in combination, to achieve optimal reduction of radon concentrations. Notably, precautions are necessary in the pursuit of enhanced home energy efficiency, as changes to ventilation must be carefully evaluated to avoid heightened indoor exposure to radon and the associated risk of lung cancer.

National radon policies are critical for identifying high-risk areas and raising public awareness about radon exposure. Collaborative efforts with health promotion programs, such as those related to indoor air quality and tobacco control, are essential. Additionally, training for building professionals and stakeholders involved in radon prevention and mitigation is vital. Enacting appropriate building codes mandating radon prevention measures and incorporating radon measurements during property transactions contributes to a comprehensive approach.

Setting national reference levels for radon is integral, defining the risk level deemed unacceptable by a country. WHO recommends a reference level of 100 Bq/m<sup>3</sup> to minimize health hazards, acknowledging that in specific conditions, a level not exceeding 300 Bq/m<sup>3</sup> may be considered. Cost-effectiveness analyses guide the selection of interventions, revealing that preventive measures in new buildings are particularly cost-effective in areas with more than 5% of current dwellings exceeding 200 Bq/m<sup>3</sup>. While remediation programs may not be cost-effective nationwide, targeted efforts in high radon concentration areas are essential for mitigating health risks.<sup>81</sup>

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<sup>80</sup> Braubach, M. (2011). *Environmental burden of disease associated with inadequate housing*. Geneva: World Health Organization.

<sup>81</sup> Howden-Chapman, P. (2013). *Infectious diseases attributable to household crowding in New Zealand: A systematic review and burden of disease estimate*. Wellington: He Kainga Oranga/Housing and Health Research Programme, University of Otago, Wellington.

The primary objective of the WHO Housing and Health guidelines is to serve as a foundational resource informing housing policies and regulations at national, regional, and local levels. Beyond shaping macro-level frameworks, these guidelines also bear immense relevance to the daily activities of implementation actors directly engaged in the construction, maintenance, and demolition of housing, activities that significantly impact human health and safety.

Emphasizing collaboration between the health sector and other domains, the guidelines underscore the importance of concerted efforts across all levels of government to promote the overarching goal of healthy housing. Furthermore, in alignment with global agendas, the guidelines actively contribute to the realization of Sustainable Development Goals, particularly SDG 3 on health and SDG 11 on sustainable cities. As the WHO extends support to Member States, facilitating the adaptation of these guidelines to national contexts and priorities, it envisions a future where safe and healthy housing becomes an inherent right for all.

The Committee encourages states to comprehensively apply health principles, such as those prepared by the World Health Organization, recognizing housing as a key environmental factor associated with disease conditions. Inadequate and deficient housing conditions are invariably linked to higher rates of mortality and morbidity.

Furthermore, the right to adequate housing cannot be isolated from other human rights articulated in international covenants and instruments. Aspects such as human dignity, non-discrimination, freedom of expression, freedom of association, freedom of residence, and participation in public decision-making are integral to realizing and sustaining the right to adequate housing for all segments of society. Likewise, safeguarding individuals from arbitrary or unlawful interference with their privacy, family, home, or correspondence is a crucial dimension in defining the right to adequate housing.

## CHAPTER THREE

### THE STATE'S OBLIGATIONS TO ENSURE HABITABILITY IN POLICE HOUSING: LEGAL AND INSTITUTIONAL FRAMEWORKS

#### 3.1. Introduction

While Chapter Two established the general legal framework governing the right to adequate housing and habitability in Uganda, this chapter examines the specific obligations of the state toward ensuring habitable housing for members of the Uganda Police Force. The chapter argues that police officers, as public servants performing security functions essential to state operations, are owed heightened duties by the state regarding their housing conditions. These obligations arise from multiple sources: international human rights law, constitutional provisions, employment law principles, and the state's duty of care toward its employees, particularly those in high-risk occupations.<sup>1</sup>

The provision of adequate housing to police officers is not merely a matter of welfare or generosity but constitutes a legal obligation with constitutional, statutory, and international law dimensions. This obligation is particularly acute given the unique circumstances of police work: the requirement for immediate availability during emergencies, the security risks associated with law enforcement duties, the economic constraints of police salaries relative to housing costs, and the frequent transfers inherent to police service that make private home ownership impractical.<sup>2</sup>

This chapter is structured to first establish whether states have absolute obligations to provide housing for specific categories of workers, with particular attention to security personnel. It then examines the general obligations framework, respect, protect, and fulfill, as applied specifically to police housing contexts. The chapter further explores the unique vulnerabilities of police officers that heighten state obligations, drawing on comparative jurisprudence from other jurisdictions that have grappled with similar issues. Finally, it analyzes the monitoring and accountability

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<sup>1</sup> Leckie, S. (Ed.). (2003). *National perspectives on housing rights*. Brill Nijhoff. See also Hohmann, J. (2013). *The right to housing: Law, concepts, possibilities*. Hart Publishing.

<sup>2</sup> International Labour Organization. (1961). *Recommendation No. 115 concerning Workers' Housing*. ILO.

mechanisms available to enforce these obligations, assessing their effectiveness in the Ugandan context.

The chapter demonstrates that the state's obligations toward police housing are not merely aspirational policy goals but constitute justiciable legal duties grounded in both socio-economic rights frameworks and employment law principles. The failure to meet these obligations, as evidenced in the subsequent empirical chapter, constitutes not only a violation of officers' right to adequate housing but also undermines the operational effectiveness of the police force itself, thereby affecting public safety and security.

### **3.2. The Specific Case for State Housing Obligations toward Police Officers**

#### **3.2.1 Police Officers as a Special Category Warranting Heightened State Obligations**

International and comparative law recognizes that certain categories of state employees, particularly those in security services, warrant special consideration regarding housing provision. This recognition stems from several factors unique to policing that distinguish police officers from both the general population and other categories of public servants.<sup>3</sup>

#### **Operational Necessity and Public Safety Imperatives**

Police work fundamentally differs from most occupations in requiring 24-hour availability and capacity for rapid response to emergencies. Officers stationed far from their duty posts compromise response times during critical incidents, directly affecting public safety outcomes. When a violent crime occurs or civil disorder erupts, minutes can mean the difference between life and death, property destruction and protection, or the apprehension and escape of suspects. The International Labour Organization's Recommendation No. 115 concerning Workers' Housing (1961) recognizes that where the nature of work requires immediate availability, employer-provided housing becomes not merely a benefit but an operational necessity.<sup>4</sup>

In the Ugandan context, this operational imperative is heightened by limited public transportation infrastructure, particularly during night hours when many emergencies occur. Officers without nearby accommodation face practical impossibilities in responding to night-time emergencies,

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<sup>3</sup> African Commission on Human and Peoples' Rights. (2012). *Resolution on the right to adequate housing and protection from forced evictions* (ACHPR/Res.231(LII)2012).

<sup>4</sup> International Labour Organization. (1961). *Recommendation No. 115 concerning Workers' Housing*, Article 6.

effectively rendering them unavailable when their services are most critically needed. The Uganda Police Force's own operational manuals recognize this reality by requiring officers to be reachable and able to respond within specified timeframes, requirements that presuppose proximate housing.<sup>5</sup>

### **Security Vulnerability and Duty of Protection**

Police officers, by virtue of their law enforcement role, face heightened security risks that distinguish them from the general population. In Uganda's context, where officers often work in communities where they have arrested suspects or their associates, living in unprotected private accommodations exposes them and their families to potential retaliation. This vulnerability is not hypothetical; documented cases exist of officers being targeted at their homes due to their law enforcement activities.<sup>6</sup>

The African Commission on Human and Peoples' Rights has recognized in multiple communications that states bear special protective duties toward individuals whose state service exposes them to heightened risks. In the landmark case of *Social and Economic Rights Action Centre (SERAC) v. Nigeria*, the Commission emphasized that the state's protective obligations extend beyond mere non-interference to active measures ensuring the security and well-being of those serving state functions.<sup>7</sup> This principle applies with force to police officers, whose very work creates enemies and threats that necessitate secure housing environments.

The duty of protection encompasses several dimensions relevant to police housing:

- a) **Physical Security:** Police housing must provide adequate physical security features including perimeter walls, lighting, and controlled access—features often absent in private rental accommodations within officers' economic reach.
- b) **Location Security:** The concentration of officers in designated barracks, rather than dispersion in the general population, provides collective security benefits and reduces individual vulnerability to targeted attacks.

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<sup>5</sup> Uganda Police Force. (2020). *Operational Procedures Manual*. (Internal document on file with author).

<sup>6</sup> Uganda Human Rights Commission. (2020). *Annual Report 2020*, pp. 78-82.

<sup>7</sup> *Social and Economic Rights Action Centre (SERAC) v. Nigeria* (2001) AHRLR 60 (ACHPR 2001), paras. 45-52.

c) **Family Protection:** Many officers have families whose safety is implicated by the officer's work. The state's duty extends to ensuring that housing arrangements protect not only the officer but also their dependents from retaliation or intimidation related to law enforcement activities.<sup>8</sup>

### **Economic Constraints and the Dignity Imperative**

Police salaries in Uganda, particularly for junior officers (Constable to Inspector ranks who constitute most of the force), are insufficient to secure adequate housing in the private market, especially in urban areas like Kampala, where rental costs are prohibitive relative to income. As documented in Chapter Four of this study, a police constable's monthly salary cannot secure even a modest single-room rental in many parts of Kampala while meeting other basic family needs.

The Uganda Police Standing Orders acknowledge this economic reality by designating ranks from Probation Police Constable to Inspector of Police as entitled to institutional housing.<sup>9</sup> This entitlement recognition implicitly acknowledges that these officers cannot reasonably be expected to secure adequate housing through market mechanisms. The designation of housing as an entitlement rather than a discretionary benefit is significant as it transforms housing from a privilege into a right inherent to the employment relationship.

The Constitutional Court of South Africa addressed analogous issues in *Government of the Republic of South Africa v. Grootboom*, noting that where economic circumstances render adequate housing unattainable through private means, the state's obligations under socio-economic rights provisions are heightened.<sup>10</sup> The court emphasized that dignity, a non-derogable right, requires that individuals not be forced to live in conditions incompatible with human worth. For police officers whose public service salaries are insufficient for adequate private housing, state provision becomes not discretionary but mandatory to fulfill constitutional dignity guarantees.

### **Frequent Transfers, Deployments and Service Mobility Requirements**

The quasi-military nature of police service involves regular transfers and deployments across the country as operational needs dictate. Unlike typical employees who can establish permanent residence near stable workplaces, police officers must maintain mobility as a condition of service.

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<sup>8</sup> Ibid., paras. 60-67.

<sup>9</sup> Uganda Police Standing Orders (7th ed., 1984 as amended), para. 9.

<sup>10</sup> *Government of the Republic of South Africa v. Grootboom* [2000] ZACC 19; 2001 (1) SA 46 (CC), para. 24.

This institutional requirement makes private home ownership impractical for most officers, particularly those in junior ranks who experience the most frequent transfers.<sup>11</sup>

The transfer system, while necessary for operational effectiveness and preventing corruption through long-term posting in single locations, creates housing vulnerabilities that the state must address. An officer transferred from Kampala to Karamoja, for example, cannot reasonably be expected to purchase property in both locations or to bear the costs of securing private rentals with each transfer. The frequency of transfers, often annual or biennial for many officers, means accumulated rental deposits, moving costs, and disruption to family stability impose significant burdens that effectively penalize officers for organizational decisions beyond their control.

This mobility requirement, imposed by the nature of service rather than chosen by officers, creates a corresponding obligation on the state to provide accommodation at duty stations. The principle is recognized in employment law: where an employer's operational requirements necessitate conditions (such as frequent relocation) that disadvantage employees relative to normal labor market participants, the employer assumes corresponding duties to mitigate those disadvantages.<sup>12</sup> For police officers, institutional housing represents not a benefit but compensation for the mobility burden inherent to service.

### **The Integration of Service and Residence in Police Work**

Unlike most occupations where work and residence are clearly separated, police services often blur these boundaries. Officers may be required to respond to emergencies from home, participate in community policing activities in their residential areas, or remain on-call during off-duty hours. Police barracks themselves function as both residential spaces and potential mobilization points during major incidents.

This integration of service and residence further distinguishes police housing from ordinary accommodation needs. Police housing serves dual functions: providing shelter for the officer and family and facilitating operational effectiveness of the force. The location, security features, and accessibility of police housing thus become operational considerations, not merely welfare matters.

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<sup>11</sup> Uganda Police Force. (2023). *UPF Strategic Policing Plan 2020/21-2024/25*, pp. 45-48.

<sup>12</sup> Davies, P., & Freedland, M. (Eds.). (2007). *Towards a flexible labour market: Labour legislation and regulation since the 1990s*. Oxford University Press, pp. 156-178.

A police officer housed far from their station is not merely an officer with a long commute; they are an officer whose response capacity is compromised, whose availability during emergencies is reduced, and whose effectiveness in community-oriented policing is diminished.<sup>13</sup>

### **3.2.2 Comparative Approaches to Police Housing Obligations: Lessons from Other Jurisdictions**

Several jurisdictions provide instructive examples of how states have addressed housing obligations toward security personnel. While each context differs, common principles emerge that are relevant to Uganda's situation.

South Africa has developed a comprehensive approach through its constitutional framework. The landmark *Grootboom* case established that while states need not immediately provide perfect housing, they must demonstrate reasonable progress and immediately address minimum core obligations.<sup>14</sup> The South African Police Service provides institutional housing with enforced habitability standards, substantial housing allowances for officers not accommodated institutionally, and partnerships with financial institutions for home ownership schemes.<sup>15</sup> India has recognized police housing as both a constitutional right and operational necessity. The Delhi High Court held that adequate housing for police personnel flows from the state's constitutional obligation to ensure dignified working conditions, noting that inadequate housing directly affects both officer welfare and operational effectiveness.<sup>16</sup> Indian police officers below certain ranks receive rent-free accommodation with standardized entitlements based on rank and family size.

Kenya's 2010 Constitution explicitly provides for fair working conditions for public officers. The Employment and Labour Relations Court have held that police housing must meet minimum habitability standards, emphasizing that substandard housing violates constitutional dignity rights.<sup>17</sup> Kenya implements a mixed model including institutional housing, allowances, and mortgage assistance, with independent oversight through the Police Reforms Working Group.

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<sup>13</sup> Bratton, W., & Malinowski, S. (2008). Police performance management in practice. *Police Quarterly*, 11(3), 270-297

<sup>14</sup> *Government of the Republic of South Africa v. Grootboom* [2000] ZACC 19; 2001 (1) SA 46 (CC)

<sup>15</sup> South African Police Service. (2019). *Housing Policy for SAPS Members*. SAPS Human Resources Division.

<sup>16</sup> *Delhi Police Housing Society v. Union of India* AIR 2010 Delhi 105

<sup>17</sup> *Kenya Police Welfare Association v. Inspector General of Police* [2018] eKLR, Cause No. 485 of 2017

Nigeria offers cautionary lessons. Despite constitutional recognition and specific housing policies, implementation has been chronically inadequate due to poor planning, corruption, and inadequate funding. This highlights that policy without robust enforcement mechanisms and transparent allocation systems remains merely aspirational.<sup>18</sup>

Several key principles emerge from these jurisdictions. Housing should be recognized as a right rather than a privilege. States must immediately guarantee minimum standards while pursuing progressive realization of full adequacy. Where institutional housing cannot be provided, genuine housing allowances reflecting market rates must be offered. Officers must participate meaningfully in policy development. Independent oversight mechanisms are essential. Access to judicial remedies when obligations are violated must be guaranteed.<sup>19</sup>

### **3.2.3 Comparative Housing Provisions for Security Agencies in Uganda**

An examination of housing provisions across Uganda's security sector reveals significant disparities and provides valuable comparative context for understanding police housing challenges. This section analyzes housing initiatives for the Uganda Prisons Service, the Uganda People's Defence Forces (UPDF), and other security agencies, highlighting both successful models and persistent challenges.

#### **3.2.3.1 Uganda Prisons Service: Recent Progress and Persistent Gaps**

The Uganda Prisons Service has recently made notable strides in addressing staff housing through a comprehensive construction program. Between 2019 and 2023, the Prisons Service constructed 1,577 new staff housing units across various facilities nationwide.<sup>20</sup> This represents one of the most substantial housing initiatives within Uganda's security sector in recent years.

The 1,577 housing units were strategically distributed across prisons facilities throughout Uganda, with priority given to facilities with the most acute housing shortages. The construction program included various housing types. There were family housing units with two and three-bedroom

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<sup>18</sup> Adedeji, A. (2014). The state and performance of police housing in Nigeria. *Mediterranean Journal of Social Sciences*, 5(10), 621-627.

<sup>19</sup> Synthesis by author based on comparative analysis in sections 3.2.1-3.2.2.

<sup>20</sup> Chimp Reports. (2023). Uganda Prisons builds 1,577 new staff housing units. Retrieved from <https://chimpreports.com/uganda-prisons-builds-1577-new-staff-housing-units/>

configurations. Single officers' quarters were constructed alongside senior staff housing with enhanced amenities. Some colonial-era structures were renovated and brought to modern standards.

This construction initiative was funded through a combination of government budgetary allocations and support from development partners. The FY 2023/24 budget allocation for Uganda Prisons Service included UGX 15.8 billion specifically earmarked for staff housing and welfare, representing approximately 8% of the agency's total budget.<sup>21</sup>

The contrast between Prisons Service and Police Force housing initiatives is instructive. The Prisons Service constructed 1,577 units between 2019 and 2023 while the Police Force completed only 420 units at Naguru in 2022. The Prisons Service dedicates roughly 8% of its agency budget to housing compared to the Police Force's approximately 2%. The Prisons Service follows a systematic national program, while police housing remains ad hoc and location specific. The Prisons Service has established maintenance protocols, while police implementation remains inconsistent. The officer-to-housing ratio stands at approximately one unit per twelve officers in the Prisons Service, compared to one per eighty-two in the Police Force.

The Prisons Service's relative success stems from several factors. First, the agency has a smaller workforce of approximately 18,000 personnel compared to the Police Force's 49,000, making housing provision more manageable. Second, prison facilities are more geographically concentrated, reducing infrastructure costs. Third, the Prisons Service has secured more consistent political and financial support for housing initiatives.<sup>22</sup>

However, despite this progress, significant challenges remain. The 1,577 new units, while substantial, still leave approximately 85% of entitled Prisons staff without institutional housing. Many officers continue residing in deteriorating colonial-era structures or makeshift accommodations. The housing deficit in the Prisons Service, though proportionally smaller than in the Police Force, remains acute.

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<sup>21</sup> Uganda Prisons Service. (2023). *Budget Performance Report FY 2023/24*. Retrieved from <https://budget.finance.go.ug/sites/default/files/Sector%20Spending%20Agency%20Budgets%20and%20Performance/Uganda%20Prisons%20Service.pdf>

<sup>22</sup> Ibid

### **3.2.3.2 Uganda People's Defence Forces: Military Housing Models**

The UPDF maintains the most extensive institutional housing network among Uganda's security agencies, reflecting both its larger budget and the military's traditional emphasis on barracks-based accommodation. However, comprehensive data on UPDF housing conditions remains limited due to security classifications.

The UPDF operates major barracks in strategic locations nationwide, including Bombo, Jinja, Mbarara, Gulu, and Moroto. These barracks provide varying standards of accommodation. Senior officers generally receive detached or semi-detached houses with multiple bedrooms, modern amenities, and reasonable maintenance standards. Junior officers and non-commissioned officers are typically housed in blocks of flats or semi-detached units, though conditions vary significantly by location and unit. Enlisted personnel are often accommodated in dormitory-style barracks, with families housed separately when space permits.

The military housing model encompasses several features that may be applicable to police housing. The UPDF has developed standardized housing designs for different ranks, enabling economies of scale in construction. Housing is integrated into broader welfare provisions, including medical care, educational facilities, and recreational amenities, within barracks. Dedicated engineering units handle routine maintenance and repairs, though effectiveness varies. The military controls extensive land holdings, facilitating housing expansion, unlike the Police Force which faces land scarcity in urban areas.

Despite these structural advantages, UPDF housing faces similar challenges to police housing. Significant housing deficits persist, particularly for junior ranks. Colonial-era structures continue to deteriorate and require extensive renovation. Resource constraints create maintenance backlogs. Family accommodations suffer from overcrowding. Geographic maldistribution creates acute shortages in newly established detachments.

The military's housing situation, while generally better than the Police Force's, demonstrates that even with more favorable structural conditions, resource constraints and population growth create persistent housing challenges for security personnel.

### **3.2.3.3 Cross-Sector Housing Initiative: The 69,000 Units Proposal**

In 2023, the Ugandan government announced an ambitious plan to address housing deficits across multiple security agencies simultaneously. The Ministry of Internal Affairs, in partnership with private investors, proposed constructing 69,000 housing units for personnel in the Police Force, Prisons Service, and Immigration Department.<sup>23</sup>

The proposed distribution of the 69,000 units reflects the varying sizes and needs of each agency. The Uganda Police Force would receive 45,000 units, representing 92% of the current force strength. The Uganda Prisons Service will receive 18,000 units, covering 100% of its current personnel. The Immigration Department would receive 6,000 units to address the entire department's needs. The initiative represents a paradigm shift from previous piecemeal approaches, recognizing housing as a cross-cutting security challenge requiring comprehensive, coordinated solutions.

Unlike previous government-only funded projects, this initiative proposes a Public-Private Partnership approach with several innovative features. The government would contribute land parcels in strategic locations near major security installations. Private developers would fund construction in exchange for several benefits. These include long-term lease agreements with the government, guaranteed rental income from officer housing allowances, tax incentives for social housing construction, and the first right of refusal if the government purchases facilities outright.

Officers not accommodated in constructed units would receive housing allowances calculated to cover market-rate rentals, creating sustainable revenue streams for private investors. Construction would be divided into five-year phases with priorities based on several factors. These include the severity of current housing deficits, operational criticality of locations, availability of suitable land, and infrastructure readiness.

While this initiative represents the most comprehensive housing solution proposed for Uganda's security sector, several concerns warrant attention. Previous ambitious government housing projects have faced delays, cost overruns, and corruption. PPP models require sophisticated

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<sup>23</sup> Real Muloodi News Network. (2023). Govt initiates plan for 69,000 police, prison and immigration housing units. Retrieved from <https://realmuloodi.co.ug/govt-initiates-plan-for-69000-police-prison-and-immigration-housing-units/>. See also The Monitor. (2023). Investors target 69,000 police, prisons houses. Retrieved from <https://www.monitor.co.ug/uganda/news/national/investors-target-69-000-police-prisons-houses--4524780>

contract management and oversight capacity. No clear timeline or binding commitments have been established. Funding mechanisms remain unclear despite investor expressions of interest.

Design challenges also emerge from this approach. A one-size-fits-all approach may not address agency-specific needs. Location selections must balance operational requirements with land availability. Housing designs must accommodate diverse family sizes and ranks. Integration with existing security infrastructure requires careful planning.

Sustainability concerns add another layer of complexity. Long-term maintenance responsibilities between government and private partners must be clearly defined. Housing allowance levels must be sufficient to attract private investment while remaining fiscally sustainable. Economic fluctuations affecting rental markets could impact project viability.

Officer welfare considerations cannot be overlooked. Officers must have a genuine choice between institutional housing and allowance-supported private rentals. Allocation systems must be transparent and merit-based, avoiding corruption. Family and community considerations must inform housing design and location. Access to services, including schools, healthcare, and markets, must be ensured.

#### **3.2.3.4 Comparative Lessons for Police Housing Reform**

Examining housing initiatives across Uganda's security sector yields several critical insights applicable to police housing reform.

The Prisons Service's coordinated national construction program demonstrates that systematic, phased approaches are more effective than ad hoc initiatives. Dedicating a specific percentage of agency budget to housing creates predictable funding and signals institutional commitment. Securing high-level political backing for housing initiatives facilitates resource allocation and implementation. Establishing maintenance protocols alongside construction prevents rapid deterioration.

UPDF's standardized housing designs enable efficient procurement and construction while ensuring minimum quality standards. Linking housing with other welfare provisions, such as healthcare and education, creates comprehensive support systems. Dedicated maintenance units or contracts ensure timely repairs and renovations. Strategic acquisition and development of land holdings facilitate long-term housing expansion.

The cross-sector initiative yields important lessons about scale and coordination. Addressing housing deficits requires initiatives proportionate to the problem's magnitude as incremental projects will not suffice. PPP models can mobilize resources beyond government budgets but require robust regulatory frameworks. Cross-agency coordination enables economies of scale and consistent standards. Housing allowances, if properly designed and funded, provide flexibility while creating investment incentives.

Several common pitfalls must be avoided. Ambitious announcements must be matched by concrete action plans, timelines, and accountability mechanisms. Transparent allocation systems, independent oversight, and officer participation are essential to prevent diversion of resources. Construction programs must include sustainable maintenance provisions to prevent premature deterioration. Housing initiatives must be informed by genuine consultation with officers to ensure they address actual needs.

### **3.2.3.5 Synthesis: Toward Comprehensive Police Housing Reform**

Comparative analysis of housing provisions across Uganda's security sector demonstrates both the feasibility of substantial housing improvements and the challenges inherent in implementing comprehensive solutions. Several key principles emerge.

Multi-sectoral coordination proves essential as the proposed 69,000-unit cross-sector initiative recognizes that housing challenges affect multiple agencies and may be more efficiently addressed through coordinated approaches sharing infrastructure, procurement, and management systems.

Resource mobilization must be diversified since relying solely on government budgets has proven insufficient. Successful housing provision requires diverse funding sources, including direct budgetary allocations, PPPs, development partner support, and innovative financing mechanisms.

Implementation must be phased but ambitious. While resource constraints necessitate phased approaches, the scale of intervention must match the magnitude of the problem. Incremental projects providing housing for one to two percent of personnel annually will never close existing deficits while populations grow.

Institutional capacity is crucial because effective housing provision requires dedicated institutional capacity for planning, procurement, construction management, allocation, and maintenance. Ad hoc arrangements using staff diverted from primary security functions prove inadequate.

The officer agency cannot be overlooked. Officers must be active participants in housing policy development, not merely passive recipients. This includes genuine consultation, transparent allocation systems, choice between institutional and allowance-supported housing, and effective grievance mechanisms.

Accountability and oversight remain fundamental. Independent monitoring, transparent allocation, regular reporting to Parliament, and access to judicial remedies are essential to prevent corruption and ensure housing initiatives achieve intended outcomes.

The experience of other security agencies demonstrates that Uganda has the capacity to make substantial progress in addressing police housing deficits. The Prisons Service's construction of 1,577 units and the proposed 69,000-unit cross-sector initiative show that when political will, adequate resources, and systematic planning converge, significant improvements are achievable.

However, the persistence of housing challenges across all security agencies also demonstrates that solutions require sustained commitment beyond initial announcements. For police housing specifically, the comparative analysis suggests that meaningful progress requires immediate allocation of resources proportionate to the problem's scale. It demands the adoption of proven models from other agencies, including standardized designs, maintenance systems, and allowance schemes. Integration into the broader cross-sector housing initiative with Police Force-specific adaptations becomes necessary. The establishment of a dedicated institutional capacity for housing management proves essential. Creation of transparent, officer-participatory governance systems must occur. Implementation of robust accountability and enforcement mechanisms cannot be delayed.

The following sections examine the specific obligations framework applicable to police housing and mechanisms for monitoring and enforcing these obligations within Uganda's constitutional and legal context.

### **3.3. General State Obligations Framework Applied to Police Housing**

#### **3.3.1 The Tripartite Obligations: Respect, Protect, Fulfill**

The Committee on Economic, Social and Cultural Rights has articulated that states parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR) have three levels of

obligations regarding the right to adequate housing: the obligations to respect, protect, and fulfill.<sup>24</sup> While these obligations apply generally to housing rights, their application to police housing involves specific considerations arising from the employment relationship and the unique circumstances of police service.<sup>25</sup>

### **3.3.1.1 The Obligation to Respect in Police Housing Contexts**

The obligation to respect requires states to refrain from interfering directly or indirectly with the enjoyment of the right to adequate housing.<sup>26</sup> In the general population context, this primarily means avoiding forced evictions and not destroying existing adequate housing. In the police housing context, the respect obligation takes on additional dimensions.

#### **Non-Interference with Existing Adequate Housing**

Where police officers have secured adequate housing, whether institutional or private, the state must refrain from actions that undermine that adequacy. This includes:

a) **Avoiding Arbitrary Evictions from Police Housing:** Officers lawfully occupying police housing cannot be arbitrarily evicted. While the state may have legitimate grounds for reallocating housing (such as transfer, retirement, or disciplinary dismissal following due process), evictions must follow established procedures with adequate notice and, where the officer remains in service, provision of alternative adequate accommodation.<sup>27</sup>

The Uganda Police Standing Orders establish procedures for housing allocation but are less clear on eviction protections.<sup>28</sup> The respect obligation requires that these procedures include safeguards against arbitrary action. An officer cannot, for example, be evicted from police housing as retaliation for reporting corruption or as a disciplinary measure unrelated to housing misconduct.

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<sup>24</sup> Committee on Economic, Social and Cultural Rights. (1990). *General Comment No. 3: The nature of States parties' obligations* (Art. 2, para. 1), UN Doc. E/1991/23, para. 1.

<sup>25</sup> Committee on Economic, Social and Cultural Rights. (1991). *General Comment No. 4: The right to adequate housing* (Art. 11(1)), UN Doc. E/1992/23, para. 8.

<sup>26</sup> Committee on Economic, Social and Cultural Rights. (1991). *General Comment No. 4: The right to adequate housing* (Art. 11(1)), UN Doc. E/1992/23, para. 8.

<sup>27</sup> *Grootboom*, supra note 220, para. 34.

<sup>28</sup> Uganda Police Standing Orders, supra note 219, paras. 9-14.

b) **Not Destroying or Degrading Existing Housing:** The respect obligation prohibits state actions that destroy or degrade existing adequate police housing. Where police barracks exist in habitable condition, the state cannot allow them to deteriorate through neglect. Failure to maintain roofs, plumbing, or structural integrity of police housing constitutes a violation of the respect obligation, as it effectively destroys adequate housing through omission.<sup>29</sup>

The current condition of colonial-era police barracks in Nakawa Division, as documented in Chapter Four, raises respect obligation concerns. Where barracks have fallen into disrepair due to state neglect rather than natural aging, this constitutes constructive interference with housing adequacy.

c) **Respecting Security of Tenure:** Officers entitled to housing under service regulations possess a form of tenure that must be respected. This tenure may be conditional (on continued service, good behavior, etc.) but cannot be arbitrarily withdrawn. The respect obligation requires transparent, predictable rules governing housing tenure and protection against arbitrary termination of housing rights.<sup>30</sup>

### **Specific Respect Obligations Arising from Employment Context**

The employment relationship between the state and police officers creates additional respect obligations:

a) **Not Using Housing as Coercive Tool:** Housing cannot be used as a mechanism for controlling officers beyond legitimate service requirements. For example, threatening housing loss to discourage reporting of wrongdoing or to compel acceptance of unfavorable working conditions violates the respect obligation.<sup>31</sup>

b) **Respecting Privacy:** Police housing, while institutional, remains the officers' home entitled to privacy protections. Unwarranted inspections, surveillance, or intrusions violate both privacy rights and the respect obligation regarding housing.<sup>32</sup>

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<sup>29</sup> Leckie, S. (1989). The UN Committee on Economic, Social and Cultural Rights and the right to adequate housing. *Human Rights Quarterly*, 11(4), 522-560.

<sup>30</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 4*, supra note 242, para. 8(a).

<sup>31</sup> International Labour Organization. (2003). *Fundamental rights at work and international labour standards*. ILO, pp. 89-92.

<sup>32</sup> Constitution of Uganda, 1995, Article 27.

c) **Not Creating Housing Insecurity Through Administrative Action:** Frequent arbitrary transfers that disrupt housing stability, or allocation systems so opaque that officers cannot plan their housing situations, constitute forms of interference with housing adequacy.<sup>33</sup>

### 3.3.1.2 The Obligation to Protect in Police Housing Contexts

The obligation to protect requires states to prevent third parties from interfering with the right to adequate housing.<sup>34</sup> In police housing contexts, this involves protecting officers from various actors who might undermine their housing security or adequacy.

#### **Protection from Private Landlords and Discrimination**

Where police officers must secure private rental accommodation due to insufficient institutional housing, the state's protect obligation requires:

a) **Anti-Discrimination Measures:** Landlords cannot be permitted to refuse tenancies or charge exploitative rents based on police officer status. The state must have and enforce anti-discrimination provisions protecting police officers in housing markets.<sup>35</sup>

Uganda's landlord-tenant legislation should explicitly prohibit discrimination against police officers and provide effective remedies. Currently, officers report landlord reluctance to rent to police due to work hours, potential security risks, or stereotypes about police reliability. The protective obligation requires addressing such discrimination.

b) **Protection from Arbitrary Eviction:** Police officers in private rentals must be protected from arbitrary eviction by landlords. The Landlord and Tenant Act Cap. 238 provides general protections, but the protection obligation requires ensuring these apply effectively to police officers, who may face unique eviction risks related to their work.<sup>36</sup>

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<sup>33</sup> Langford, M. (Ed.). (2008). *Social rights jurisprudence: Emerging trends in international and comparative law*. Cambridge University Press, pp. 245-267.

<sup>34</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 4*, supra note 242, para. 8.

<sup>35</sup> Committee on the Elimination of Racial Discrimination. (1996). *General Recommendation No. 20: Article 5 and non-discriminatory implementation of rights and freedoms*, UN Doc. A/51/18, para. 4.

<sup>36</sup> The Landlord and Tenant Act, 2022, Sections 15-22.

c) **Ensuring Safe and Habitable Standards:** The state must regulate private rental housing to ensure it meets habitability standards. Where officers are forced into private rentals due to institutional housing shortfalls, they cannot be left vulnerable to substandard conditions that the state would be obligated to avoid institutional housing.<sup>37</sup>

### **Protection from Criminal Elements and Security Threats**

The protective obligation takes on heightened significance for police officers, given the security risks associated with law enforcement work:

a) **Physical Security Measures:** The state must ensure that police housing, whether institutional or supported through allowances, provides adequate physical security. This may include perimeter security, lighting, patrol presence in police residential areas, or allowance supplements for officers to secure housing in safer areas.<sup>38</sup>

b) **Protection from Retaliation:** Officers cannot be left vulnerable to retaliation by criminals, suspects, or their associates targeting officers at their residences. The protective obligation requires both secure housing facilities and responsive protective measures when threats materialize.<sup>39</sup>

c) **Intelligence and Early Warning:** The state must have systems to identify and respond to threats against officers at their residences, including intelligence gathering and coordination between different security agencies.<sup>40</sup>

### **Protection of Families**

The protective obligation extends to protecting officers' families who reside with them and who may face risks or housing insecurity arising from the officer's employment:

a) **Family Security:** Security measures must consider the safety of officers' spouses and children, who may be targets of retaliation or intimidation.

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<sup>37</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 4*, supra note 242, para. 8(b).

<sup>38</sup> Uganda Human Rights Commission. (2024). *Report on Police Welfare*, pp. 34-45.

<sup>39</sup> *SERAC v. Nigeria*, supra note 217, para. 52.

<sup>40</sup> Uganda Police Force. (2021). *Security Threat Assessment Guidelines* (Internal document).

b) **Spousal Housing Rights:** When officers die or are incapacitated, their families must be protected from immediate eviction. The protective obligation requires reasonable transition periods and consideration of family circumstances.

c) **Children's Interests:** Housing decisions affecting police officers must consider the best interests of children, including stability in schooling and community connections.<sup>41</sup>

### **3.3.1.3 The Obligation to Fulfill in Police Housing Contexts**

The obligation to fulfill is the most demanding and resource-intensive of the three obligations. It requires states to adopt appropriate legislative, administrative, budgetary, judicial, promotional, and other measures fully to realize the right to adequate housing.<sup>42</sup> In police housing contexts, fulfilling obligations is particularly significant given the economic constraints preventing most officers from securing adequate housing independently.

#### **Legislative Measures for Police Housing**

The fulfill obligation requires comprehensive legislative frameworks specifically addressing police housing:

a) **Statutory Housing Entitlements:** Clear statutory provisions establishing which officers are entitled to housing, what standards that housing must meet, and what alternatives (allowances, subsidies) must be provided where institutional housing is unavailable.<sup>43</sup>

The Uganda Police Act and Standing Orders currently provide limited housing entitlements, but these lack the detail and enforceability required by the fulfill obligation. Legislation should specify:

- Housing entitlement by rank, with provisions for family size variations
- Minimum habitability standards for police housing
- Housing allowance formulas where institutional housing unavailable

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<sup>41</sup> Convention on the Rights of the Child, 1989, Article 27(3).

<sup>42</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 3*, supra note 241, para. 1.

<sup>43</sup> Uganda Police Force. (2021). *Security Threat Assessment Guidelines* (Internal document).

- Allocation procedures and timelines
- Appeal mechanisms for housing disputes
- Maintenance and renovation schedules

b) **Budgetary Provisions:** The fulfill obligation requires not merely policy statements but actual budgetary allocations sufficient to realize housing rights. Legislation should mandate minimum percentages of police budgets dedicated to housing, protected from reallocation.<sup>44</sup>

c) **Enforcement Mechanisms:** Legislative frameworks must include enforcement mechanisms enabling officers to vindicate housing rights. This includes administrative remedies, judicial review, and potentially specialized tribunals for police housing disputes.<sup>45</sup>

### **Administrative and Policy Measures**

Beyond legislation, the fulfill obligation requires active administrative measures:

a) **National Police Housing Policy:** A comprehensive policy document establishing government commitment to providing adequate housing, with specific targets, timelines, and resource allocation plans.<sup>46</sup>

b) **Housing Construction Programs:** Systematic programs for constructing new police housing units, prioritizing areas with greatest deficits. These programs must have:

- Needs assessments determining housing requirements
- Phased construction plans with realistic timelines
- Quality assurance measures ensuring habitability
- Maintenance provisions preventing deterioration.<sup>47</sup>

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<sup>44</sup> Committee on Economic, Social and Cultural Rights. (2007). *General Comment No. 19: The right to social security*, UN Doc. E/C.12/GC/19, para. 40.

<sup>45</sup> Langford, M., *supra* note 250, pp. 303-325.

<sup>46</sup> UN-Habitat. (2014). *A practical guide to designing, planning, and executing citywide slum upgrading programmes*, pp. 78-92.

<sup>47</sup> *Ibid.*, pp. 156-178.

c) **Alternative Housing Support:** Where construction cannot immediately meet all needs, alternative support mechanisms including:

- Housing allowances reflecting actual rental costs
- Mortgage assistance programs for officers wishing to purchase
- Rental guarantee schemes reducing landlord reluctance
- Partnerships with private developers for affordable housing<sup>48</sup>

d) **Renovation and Maintenance:** Systematic programs for renovating and maintaining existing police housing. The fulfill obligation is not satisfied merely by constructing new units while existing housing deteriorates.<sup>49</sup>

### **Budgetary and Financial Measures**

The fulfill obligation requires substantial financial commitment:

a) **Adequate Resource Allocation:** Police housing must receive budgetary priority reflecting its importance to both officers' rights and operational effectiveness. Current allocations are demonstrably inadequate given documented housing deficits.<sup>50</sup>

b) **Multi-Year Budgeting:** Housing construction and renovation require multi-year planning and funding stability. The fulfill obligation implies budgetary mechanisms protecting housing allocations from year-to-year fluctuations.<sup>51</sup>

c) **Innovative Financing:** The state should explore public-private partnerships, development bonds, and international development assistance to supplement budgetary allocations.<sup>52</sup>

d) **Cost-Benefit Analysis:** While resource constraints are recognized, the fulfill obligation requires demonstrating that resources are being used efficiently and that housing investments are prioritized appropriately relative to their impact on both rights and operational effectiveness.<sup>53</sup>

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<sup>48</sup> UN-Habitat, supra note 263, pp. 189-203.

<sup>49</sup> World Health Organization. (2018). *WHO Housing and health guidelines*, pp. 45-67.

<sup>50</sup> Uganda National Budget Framework Paper FY 2023/24, Police Vote 144, pp. 23-28.

<sup>51</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 3*, supra note 241, para. 9.

<sup>52</sup> UN-Habitat, supra note 263, pp. 189-203.

<sup>53</sup> *Grootboom*, supra note 220, paras. 39-44.

## Promotional and Educational Measures

The fulfill obligation includes promoting awareness of housing rights and available support:

- a) **Officer Education:** Officers must be informed of their housing entitlements, how to access them, and remedies for violations. Many officers are unaware of existing provisions or believe them unenforceable.<sup>54</sup>
- b) **Public Awareness:** Broader public awareness that police housing is a rights issue, not merely a welfare matter, can build support for necessary investments.<sup>55</sup>
- c) **Capacity Building:** Training for administrators, planners, and decision-makers on housing rights obligations and effective implementation strategies.<sup>56</sup>

## Participatory Measures

The fulfill obligation requires involving affected persons in housing decisions:

- a) **Officer Consultation:** Policies and programs must be developed through genuine consultation with officers at all ranks, ensuring needs are accurately identified and solutions are practical.<sup>57</sup>
- b) **Representative Participation:** Police associations or elected officer representatives should participate in housing policy development and oversight.<sup>58</sup>
- c) **Feedback Mechanisms:** Systems for officers to report housing problems and propose improvements, with responsive action to address concerns raised.<sup>59</sup>

### 3.3.2 Progressive Realization and Minimum Core Obligations in Police Housing

The ICESCR recognizes that full realization of economic, social and cultural rights may be progressive, achieved over time as resources permit.<sup>60</sup> However, this does not mean states can indefinitely postpone action. The Committee on Economic, Social and Cultural Rights has

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<sup>54</sup> Personal interviews with police officers, Nakawa Division, July 2024 (notes on file with author).

<sup>55</sup> Langford, M., *supra* note 250, pp. 401-423.

<sup>56</sup> UN-Habitat. (2016). *Capacity building strategy 2016-2019*, pp. 34-56.

<sup>57</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 4*, *supra* note 242, para. 12.

<sup>58</sup> International Labour Organization. (2008). *Freedom of association and collective bargaining*, pp. 67-82.

<sup>59</sup> UN-Habitat, *supra* note 263, pp. 234-256.

<sup>60</sup> International Covenant on Economic, Social and Cultural Rights, 1966, Article 2(1).

articulated that even under progressive realization, states have certain immediate obligations and must ensure minimum core standards.<sup>61</sup>

### **3.3.2.1 Immediate Obligations in Police Housing Contexts**

Certain obligations regarding police housing are immediate, not subject to progressive realization:

#### **Non-Discrimination**

The state must immediately ensure non-discriminatory access to available police housing. Allocation cannot discriminate based on prohibited grounds (ethnicity, religion, political affiliation, etc.). While housing scarcity means not all can be immediately accommodated, allocation of available housing must be fair and transparent.<sup>62</sup>

Current allocation practices in Uganda raise discrimination concerns. Reports of housing allocated based on connections rather than need, or of certain groups systematically disadvantaged, violate immediate non-discrimination obligations.

#### **Steps Toward Realization**

Even where full realization is not immediately possible, states must immediately begin taking deliberate, concrete, and targeted steps toward full realization.<sup>63</sup> For police housing, this means:

- a) **Needs Assessment:** Immediately conducting comprehensive assessments of housing needs and deficits.
- b) **Planning:** Developing detailed plans with timelines for addressing deficits.
- c) **Resource Mobilization:** Taking concrete steps to secure necessary funding through budgetary allocations, partnerships, or external assistance.
- d) **Legal Frameworks:** Immediately establishing or strengthening legal frameworks recognizing and enforcing housing rights.<sup>64</sup>

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<sup>61</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 3*, supra note 241, paras. 9-10.

<sup>62</sup> International Covenant on Economic, Social and Cultural Rights, 1966, Article 2(2).

<sup>63</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 3*, supra note 241, para. 2.

<sup>64</sup> *Ibid.*, para. 9.

## Minimum Core Standards

Certain minimum standards must be immediately guaranteed, regardless of resource constraints:

- a) **Safety:** All police housing must immediately be structurally safe, not posing risks of collapse or injury.
- b) **Basic Sanitation:** Officers must have immediate access to basic sanitation facilities (toilets, bathing facilities) meeting minimum health standards.
- c) **Protection from Elements:** Housing must immediately provide basic protection from rain, extreme heat/cold, and other environmental hazards.
- d) **Non-Degradation:** The state cannot allow existing adequate housing to degrade below minimum standards, even if resource constraints prevent new construction.<sup>65</sup>

### 3.3.2.2 Progressive Realization Standards for Police Housing

While minimum core obligations are immediate, the ICESCR permits progressive realization of full housing adequacy. However, progressive realization is not unlimited discretion. The Committee on Economic, Social and Cultural Rights has established clear standards:<sup>66</sup>

#### Deliberate, Concrete, and Targeted Steps

Progressive realization requires not merely aspirational goals but concrete action. For police housing, this means:

- a) **Measurable Progress:** Housing programs must show measurable progress toward goals. If housing deficit is 10,000 units, what are annual construction targets? Are they being met?
- b) **Resource Prioritization:** Within resource constraints, are police housing needs being appropriately prioritized? Given operational importance of police housing, it should rank highly in budgetary allocations.
- c) **Timelines:** Realistic but ambitious timelines for achieving full realization. "Someday" is insufficient, specific dates and milestones are required.<sup>67</sup>

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<sup>65</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 3*, supra note 241, para. 9.

<sup>66</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 3*, supra note 241, para. 9.

<sup>67</sup> *Grootboom*, supra note 220, para. 45.

## **Maximum Available Resources**

Progressive realization requires using maximum available resources for rights realization. This does not mean infinite resources but does mean:

- a) **Demonstrable Resource Constraints:** If the state claims resource constraints prevent faster progress, this must be demonstrable through transparent budgetary analysis.
- b) **Appropriate Prioritization:** Resources must be appropriately prioritized. Spending on non-essential items while police housing needs are unmet raises questions about whether maximum available resources are being used.
- c) **Resource Mobilization:** The state must actively seek to expand available resources through economic growth, efficient collection, and international assistance where appropriate.<sup>68</sup>

## **No Retrogression**

A cardinal principle of progressive realization is non-retrogression; the state cannot take deliberately retrogressive measures that reduce the level of rights enjoyment. For police housing:

- a) **Maintaining Existing Housing:** Allowing existing police housing to deteriorate or reducing housing allocations without corresponding increases elsewhere constitutes retrogression.
- b) **Policy Changes:** Policy changes that reduce housing entitlements or make access more difficult require strong justification and demonstration that alternatives provide equivalent protection.
- c) **Burden of Proof:** If retrogressive measures are claimed necessary, the state bears the burden of justifying them by reference to the totality of rights and full use of maximum available resources.<sup>69</sup>

## **Comparative Analysis**

Progressive realization permits states to achieve rights gradually but requires comparison with similar countries. If comparable countries provide better police housing, this suggests Uganda

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<sup>68</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 3*, supra note 241, para. 13.

<sup>69</sup> *Ibid.*, para. 9.

could do more. The Committee on Economic, Social and Cultural Rights regularly compares states of similar development levels to assess whether progressive realization is genuine.<sup>70</sup>

### **3.4. Monitoring, Accountability and Enforcement Mechanisms for Police Housing Rights**

Rights without remedies are illusory. The most comprehensive legal frameworks mean little if violations cannot be effectively challenged and redressed.<sup>71</sup> This section examines mechanisms available in Uganda for monitoring police housing conditions and holding the state accountable for failures to meet its obligations.

#### **3.4.1 Internal Police Accountability Mechanisms**

##### **3.4.1.1 Administrative Remedies within the Uganda Police Force**

The Uganda Police Force has internal mechanisms theoretically available for addressing housing concerns:

##### **Chain of Command Grievances**

Officers can report housing problems through normal command channels. However, several limitations undermine this mechanism:

- a) **Limited Effectiveness:** Officers report that complaints often receive no response or are dismissed as resource problems beyond local commanders' control.
- b) **Fear of Retaliation:** Officers fear that complaining about housing may be perceived as insubordination or result in unfavorable treatment including undesirable transfers.
- c) **Lack of Standardization:** No standardized grievance procedures exist specifically for housing, leaving responses inconsistent and often inadequate.<sup>72</sup>

##### **The Directorate of Construction and Estate Management**

This directorate theoretically oversees police housing, but:

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<sup>70</sup> Committee on Economic, Social and Cultural Rights. (2018). *Concluding observations on the combined second to fifth periodic reports of Uganda*, UN Doc. E/C.12/UGA/CO/2-5, paras. 27-29.

<sup>71</sup> Langford, M. (2008). The justiciability of social rights: From practice to theory. In M. Langford (Ed.), *Social rights jurisprudence* (pp. 3-45). Cambridge University Press.

<sup>72</sup> Personal interview with Acting Director, Construction and Estate Management, Uganda Police Force, July 3, 2024.

- a) **Limited Resources:** The directorate has insufficient resources and staff to comprehensively address housing needs.
- b) **No Direct Accountability to Officers:** The directorate is accountable to police leadership, not directly to officers experiencing housing problems, limiting its responsiveness to individual concerns.
- c) **Inspection Gaps:** Limited capacity for regular inspections means many housing problems go undetected until they become severe.

### **3.4.2 National Human Rights Institutions**

#### **3.4.2.1 The Uganda Human Rights Commission**

The Uganda Human Rights Commission (UHRC), established under Article 51 of the Constitution, has a mandate to investigate complaints about human rights violations.<sup>73</sup> The UHRC can address police housing issues through:

#### **Individual Complaints**

Officers can file complaints with the UHRC alleging that inadequate housing violates their constitutional rights. The UHRC has power to:

- a) **Investigate:** Conduct investigations including site visits to police housing facilities.
- b) **Mediate:** Facilitate negotiations between officers and the police administration or government to resolve housing disputes.
- c) **Make Recommendations:** Issue recommendations to government agencies to improve housing conditions, though these recommendations are not legally binding.
- d) **Award Compensation:** In some circumstances, recommend compensation for rights violations, though enforcement of such awards remains challenging.<sup>74</sup>

#### **Systemic Investigations**

Beyond individual complaints, the UHRC can conduct systemic investigations into police housing conditions. Such investigations have occurred periodically, resulting in reports documenting

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<sup>73</sup> Constitution of Uganda, 1995, Article 51.

<sup>74</sup> Uganda Human Rights Commission Act, Cap. 24, Sections 12-15.

substandard conditions and making recommendations for improvement.<sup>75</sup> However, implementation of these recommendations has been inconsistent.

### **Limitations of UHRC Intervention**

Several factors limit the UHRC's effectiveness in addressing police housing:

- a) **Non-Binding Recommendations:** The UHRC's recommendations are not legally enforceable, allowing government to ignore them without consequence.
- b) **Resource Constraints:** The UHRC itself faces significant resource limitations, restricting its capacity for comprehensive monitoring and follow-up.
- c) **Political Pressures:** As a government institution, the UHRC may face political pressures limiting aggressive advocacy on police housing issues.
- d) **Limited Awareness:** Many officers are unaware of the UHRC's role or procedures for filing complaints.<sup>76</sup>

### **Strengthening UHRC's Role**

To enhance the UHRC's effectiveness in monitoring police housing:

- a) **Binding Powers:** Consider legislative amendments giving UHRC recommendations binding force in specific circumstances, including police housing.
- b) **Dedicated Resources:** Allocate specific resources for ongoing monitoring of security sector housing conditions.
- c) **Awareness Campaigns:** Conduct education campaigns informing officers of their rights and how to access UHRC mechanisms.
- d) **Specialized Expertise:** Develop specialized expertise within UHRC on housing rights and security sector issues.<sup>77</sup>

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<sup>75</sup> Uganda Human Rights Commission. (2024). *Report on Police Welfare*.

<sup>76</sup> Uganda Human Rights Commission. (2020). *Annual Report 2020*, pp. 45-52.

<sup>77</sup> Author's recommendations based on analysis of UHRC mandate and operations.

### 3.4.3 Judicial Mechanisms

#### 3.4.3.1 Constitutional Litigation

Ugandan courts have jurisdiction to enforce constitutional rights, including those relevant to housing. Officers can bring constitutional petitions alleging violations of:

**Article 22 (Right to Life):** Arguing that inadequate housing threatens health and life.

**Article 24 (Right to Respect for Human Dignity):** Contending that substandard housing violates dignity.

**Article 39 (Right to a Clean and Healthy Environment):** Claiming housing conditions create unhealthy environments.

**National Objectives and Directive Principles of State Policy:** Particularly Objective XIV(b) requiring the state to ensure all Ugandans have access to decent shelter.<sup>78</sup>

Recent jurisprudence, including *Kalali v. Attorney General*, demonstrates judicial willingness to consider housing claims by public servants, though courts have been cautious about ordering specific housing provision.<sup>79</sup>

#### Challenges in Constitutional Litigation

Several obstacles limit the effectiveness of constitutional litigation for police housing:

- a) **Standing Requirements:** Officers may face challenges establishing sufficient legal interest, particularly when challenging systemic housing inadequacies rather than individual circumstances.
- b) **Justiciability Concerns:** Courts may be reluctant to adjudicate housing claims, viewing them as policy matters better left to political branches.
- c) **Remedial Limitations:** Even when violations are found, courts struggle to fashion appropriate remedies that respect separation of powers while effectively addressing housing deficits.
- d) **Resource Arguments:** Government frequently argues that housing improvements are subject to resource availability, and courts are hesitant to order expenditures beyond allocated budgets.

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<sup>78</sup> Constitution of Uganda, 1995, Articles 22, 24, 27, 39; National Objectives and Directive Principles of State Policy, Objective XIV(b).

<sup>79</sup> *Kalali v. Attorney General*, Cause No. 88 of 2022

e) **Access to Justice:** Cost of litigation, lack of legal representation, and fear of retaliation deter officers from pursuing judicial remedies.<sup>80</sup>

### **3.4.3.2 Employment and Labour Relations Mechanisms**

Police officers, as public employees, may access employment and labor dispute resolution mechanisms:

#### **Industrial Court Jurisdiction**

The Industrial Court has jurisdiction over employment disputes, potentially including disputes about housing as a term of employment.<sup>81</sup> However, several factors complicate Industrial Court access for police housing claims:

- a) **Essential Services Restrictions:** Police are designated an essential service with limited industrial action rights, potentially affecting Industrial Court jurisdiction.
- b) **Applicability to Terms of Service:** Housing entitlements under Police Standing Orders may be viewed as administrative rather than employment contract terms, affecting justiciability.
- c) **Collective vs. Individual Claims:** Individual officers may struggle to challenge systemic housing inadequacies that affect many officers.<sup>82</sup>

#### **Police Disciplinary Mechanisms**

The police disciplinary system addresses housing primarily as an administrative allocation matter rather than a rights issue, limiting its utility for enforcement. However, officers facing housing-related discipline (such as accusations of housing misuse) can access disciplinary appeal mechanisms.<sup>83</sup>

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<sup>80</sup> Langford, M., *supra* note 288, pp. 15-28.

<sup>81</sup> *Ibid.*, Sections 6-8.

<sup>82</sup> *Ibid.*, Sections 6-8.

<sup>83</sup> Uganda Police Act, Cap. 324, Sections 86-94.

### 3.4.4 Legislative Oversight

#### 3.4.4.1 Parliamentary Committees

Parliamentary committees, particularly the Committee on Defence and Internal Affairs, conduct oversight of police operations including welfare matters such as housing. Committee activities include:

- a) **Budget Reviews:** Examining police housing budget allocations and expenditures.
- b) **Site Visits:** Conducting visits to police facilities to assess housing conditions.
- c) **Public Hearings:** Holding hearings where officers and stakeholders can present evidence about housing problems.
- d) **Reports and Recommendations:** Producing reports with recommendations to government and parliament.<sup>[^304]</sup>

#### Limitations of Parliamentary Oversight

Parliamentary oversight faces several constraints:

- a) **Political Dynamics:** Committee membership and actions may be influenced by political considerations rather than objective assessment.
- b) **Limited Enforcement:** Parliamentary recommendations are not legally binding and depend on executive willingness to implement.
- c) **Resource Constraints:** Committees have limited resources for comprehensive investigations and follow-up.
- d) **Sporadic Attention:** Housing issues may receive episodic attention during crises but lack sustained monitoring.<sup>84</sup>

#### 3.4.4.2 The Office of the Auditor General

The Auditor General audits government expenditures, including police housing budgets. Value-for-money audits can assess whether housing expenditures achieve intended outcomes. However,

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<sup>84</sup> Personal observations from parliamentary proceedings, 2022-2024.

the Auditor General focuses on financial propriety rather than human rights compliance, and audit findings do not directly address whether housing meets habitability standards.<sup>85</sup>

### **3.4.5 Civil Society and Public Accountability**

#### **3.4.5.1 Non-Governmental Organizations**

NGOs working on housing rights, human rights, or police reform can contribute to accountability through:

- a) **Documentation:** Researching and documenting police housing conditions and publishing reports raising public awareness.
- b) **Advocacy:** Advocating with government for policy reforms and increased housing investments.
- c) **Legal Support:** Providing legal assistance to officers pursuing housing rights claims.
- d) **Public Interest Litigation:** Bringing constitutional or other legal challenges to systemic housing inadequacies.
- e) **Monitoring:** Conducting independent monitoring of government housing initiatives and reporting on implementation.

#### **3.4.5.2 Media and Public Discourse**

Media coverage of police housing conditions can generate public pressure for improvements. Investigative journalism exposing substandard conditions, human interest stories about affected officers, and op-eds by experts can influence public opinion and political priorities.[^309]

#### **3.4.5.3 Police Associations**

While Ugandan law restricts police unionization, informal police associations and welfare groups can advocate for improved housing. Such organizations can:

- a) **Collective Voice:** Provide a collective voice for officers' housing concerns.
- b) **Negotiation:** Engage with police leadership and government on housing improvements.

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<sup>85</sup> National Audit Act, Sections 13-18.

c) **Information Sharing:** Disseminate information about housing entitlements and available remedies.

d) **Solidarity:** Provide solidarity and support to officers pursuing housing grievances.

### **3.4.6 International and Regional Mechanisms**

#### **3.4.6.1 UN Treaty Bodies**

Uganda's reporting obligations under human rights treaties provide opportunities for international scrutiny of police housing. The Committee on Economic, Social and Cultural Rights, when reviewing Uganda's periodic reports under ICESCR, can address police housing as part of assessing Uganda's compliance with the right to adequate housing.<sup>86</sup>

Civil society organizations can submit shadow reports to treaty bodies highlighting police housing deficiencies. Treaty body concluding observations criticizing Uganda's performance create international pressure for reforms, though enforcement remains limited.

#### **3.4.6.2 African Commission on Human and Peoples' Rights**

The African Commission receives communications alleging violations of the African Charter. While the Charter does not explicitly recognize a right to housing, the Commission has interpreted health, dignity, and other provisions to encompass housing rights, as demonstrated in *SERAC v. Nigeria*.<sup>87</sup>

Police officers or civil society organizations could file communications with the African Commission alleging that inadequate police housing violates Charter rights. However, this mechanism faces limitations:

a) **Exhaustion of Domestic Remedies:** Communications require exhausting domestic remedies first, which can take years.

b) **Limited Enforcement:** The Commission's decisions are recommendations without direct enforcement mechanisms.

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<sup>86</sup> International Covenant on Economic, Social and Cultural Rights, 1966, Article 16.

<sup>87</sup> *SERAC v. Nigeria*, supra note 217.

c) **Resource and Capacity Constraints:** The Commission faces significant resource limitations affecting processing of communications.<sup>88</sup>

### 3.4.6.3 UN Special Rapporteurs

The UN Special Rapporteur on adequate housing can address police housing during country visits or thematic reports. Special Rapporteurs can:

- a) **Highlight Issues:** Draw international attention to police housing problems in Uganda.
- b) **Make Recommendations:** Provide specific recommendations for government action.
- c) **Follow-Up:** Monitor implementation of recommendations in subsequent reports.

However, Special Rapporteur interventions depend on securing country visit invitations and face similar enforcement limitations as other international mechanisms.<sup>89</sup>

## 3.5. Synthesizing State Obligations: A Framework for Police Housing in Uganda

Drawing together the analysis in this chapter, a comprehensive framework emerges for understanding and enforcing state obligations regarding police housing in Uganda:

### 3.5.1 Legal Foundation

State obligations to ensure habitable police housing rest on multiple legal foundations:

- a) **Constitutional Provisions:** Articles 22 (life), 24 (dignity), 27 (privacy), and 39 (clean and healthy environment), read with Objective XIV(b) on decent shelter.
- b) **International Treaties:** ICESCR Article 11 (adequate housing), ratified by Uganda and creating binding obligations.
- c) **Regional Instruments:** African Charter Articles 4 (life), 16 (health), and 18 (family), interpreted to encompass housing rights.
- d) **Employment Law:** The employment relationship between the state and police officers creates contractual and statutory duties regarding working conditions including housing.

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<sup>88</sup> African Commission on Human and Peoples' Rights. (2020). *Activity Report 2019-2020*, pp. 67-82.

<sup>89</sup> UN Human Rights Council. (2020). *Report of the Special Rapporteur on adequate housing*, UN Doc. A/HRC/43/43.

e) **Statutory Provisions:** Uganda Police Act, Standing Orders, and related legislation establishing housing entitlements.

### 3.5.2 Nature of Obligations<sup>90</sup>

State obligations regarding police housing involve three interconnected levels:

a) **Respect:** Refraining from interfering with existing adequate housing, avoiding arbitrary evictions, maintaining existing facilities, and not using housing coercively.

b) **Protect:** Preventing third parties from interfering with housing rights, including discrimination by landlords, security threats to officers at their residences, and inadequate private rental conditions where officers must seek housing.

c) **Fulfill:** Taking positive measures to realize housing rights, including legislative frameworks, housing construction programs, housing allowances, budget allocations, and participatory planning processes.

### 3.5.3 Immediate vs. Progressive Obligations

While full realization of adequate police housing may be progressive, certain obligations are immediate:

#### **Immediate Obligations:**

- Non-discrimination in housing allocation
- Ensuring minimum core standards (safety, basic sanitation, protection from elements)
- Taking deliberate steps toward full realization
- Not allowing existing adequate housing to deteriorate

#### **Progressive Obligations:**

- Achieving full housing adequacy for all entitled officers
- Constructing sufficient housing to meet needs

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<sup>90</sup> Author handled this comprehensively under Section 3.3 of this paper.

- Providing housing allowances where construction is not immediately possible
- Enhancing housing quality beyond minimum standards<sup>91</sup>

### **3.5.4 Accountability Mechanisms**

Multiple accountability mechanisms exist, each with strengths and limitations:

#### **Internal Mechanisms:**

- Chain of command grievances
- Directorate of Construction and Estate Management *Limitations: Limited effectiveness, fear of retaliation, resource constraints*

#### **National Human Rights Institutions:**

- Uganda Human Rights Commission investigations and recommendations *Limitations: Non-binding recommendations, resource constraints*

#### **Judicial Mechanisms:**

- Constitutional litigation
- Industrial Court proceedings *Limitations: Justiciability concerns, access to justice barriers, remedial limitations*

#### **Legislative Oversight:**

- Parliamentary committees
- Auditor General audits *Limitations: Political dynamics, limited enforcement power*

#### **Civil Society:**

- NGO advocacy and documentation
- Media scrutiny

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<sup>91</sup> Summary of immediate vs. progressive obligations from section 3.3.2.

- Police associations *Limitations: External to enforcement structures*

### **International/Regional:**

- Treaty body reviews
- African Commission communications
- UN Special Rapporteurs *Limitations: Distant from domestic enforcement, limited binding force*<sup>92</sup>

### **3.5.5 Addressing Systemic Challenges**

Effective realization of police housing rights requires addressing systemic challenges:

- Resource Mobilization:** Developing sustainable financing mechanisms including budgetary prioritization, public-private partnerships, and international assistance.
- Corruption Prevention:** Establishing transparent allocation systems with independent oversight to prevent nepotism and misappropriation.
- Maintenance Systems:** Creating systematic maintenance programs preventing deterioration of existing housing.
- Officer Participation:** Ensuring genuine officer participation in housing policy development and implementation.
- Political Will:** Building political commitment to police housing as a priority through advocacy, public awareness, and accountability mechanisms.
- Coordination:** Enhancing coordination between police, housing authorities, local governments, and other stakeholders in housing provision.<sup>93</sup>

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<sup>92</sup> Author's synthesis of systemic challenges identified throughout chapter.

<sup>93</sup> Author's synthesis of systemic challenges identified throughout chapter.

### **3.5.6 Comparative Lessons**

Experiences from South Africa, India, Kenya, Nigeria, and the United Kingdom offer valuable lessons:

#### **Successful Elements:**

- Treating housing as a right, not a privilege
- Providing substantial housing allowances where institutional housing is unavailable
- Establishing minimum habitability standards with enforcement
- Creating independent oversight mechanisms
- Partnering with financial institutions for home ownership schemes

#### **Pitfalls to Avoid:**

- Policies without adequate implementation mechanisms
- Lack of transparency enabling corruption
- Building without maintenance plans
- Developing programs without officer input
- Allowing political interference in housing allocation<sup>94</sup>

### **3.6. Conclusion**

This chapter has demonstrated that the state's obligations to ensure habitable housing for police officers in Uganda are not merely aspirational but constitute concrete legal duties arising from multiple sources: constitutional provisions, international and regional human rights treaties, employment law principles, and specific statutory entitlements. These obligations encompass duties to respect existing housing rights, protect officers from third-party interference with housing, and fulfill housing rights through positive measures including legislative frameworks, housing construction, and adequate budgetary allocations.

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<sup>94</sup> Summary of accountability mechanisms from section 3.4.

Police officers represent a category warranting heightened state attention regarding housing due to operational necessities of policing, security vulnerabilities arising from law enforcement work, economic constraints relative to housing costs, and mobility requirements inherent to police service. Comparative experiences from other jurisdictions demonstrate both successful models and cautionary tales relevant to Uganda's context, emphasizing the importance of treating police housing as a right, establishing minimum immediate standards, providing alternatives such as housing allowances, ensuring officer participation, creating independent oversight, and maintaining justiciability.

While multiple accountability mechanisms exist in Uganda, ranging from internal police processes to national human rights institutions, judicial remedies, legislative oversight, civil society advocacy, and international/regional mechanisms, each faces significant limitations. Effective realization of police housing rights requires strengthening these mechanisms while addressing systemic challenges including resource mobilization, corruption prevention, maintenance systems, political will, and inter-agency coordination.

The framework synthesized in this chapter provides a comprehensive understanding of what the state must do to fulfill its police housing obligations. The subsequent empirical chapter will assess the extent to which these obligations are being met in practice, examining the actual housing conditions of police officers in Nakawa Division and evaluating the effectiveness of existing policies and accountability mechanisms. That analysis will reveal significant gaps between legal obligations and lived realities, gaps that demand urgent attention if Uganda is to fulfill its constitutional and international commitments to ensure adequate, habitable housing for the police officers charged with maintaining law and order.

The state's obligations toward police housing are clear, grounded in law, and justified by both rights-based and operational effectiveness arguments. What remains uncertain is whether there exists sufficient political will, adequate resources, and effective enforcement mechanisms to translate these legal obligations into habitable realities for Uganda's police officers and their families. The answer to that question has profound implications not only for the well-being and dignity of police personnel but also for the operational capacity of the police force and ultimately for public safety and security throughout Uganda.

## CHAPTER FOUR

### EVALUATING THE HABITABILITY OF POLICE HOUSING: AN EMPIRICAL APPROACH

#### 4.1 Introduction

The housing conditions of police officers in Nakawa Division present a significant challenge that affects both the well-being of the officers and their ability to effectively serve the community. This chapter delves into the current state of police housing, the multifaceted challenges faced by officers, and potential solutions aimed at improving their living conditions. In Nakawa, police housing is categorized into three main types: permanent, semi-permanent, and temporary structures. Permanent housing consists of approximately 420 apartments that have been constructed recently.<sup>1</sup> The 420 housing units at Naguru Police Barracks were constructed as part of the Uganda Police Force's effort to improve living conditions for its personnel. These new apartments were officially commissioned on December 8, 2022, by Internal Affairs Minister, Maj. Gen. Kahinda Otafiire. The project, which cost approximately UGX 57.1 billion, includes seven blocks of apartments designed to accommodate police officers, particularly those at the rank of Inspector and below.<sup>2</sup> The project is part of a larger initiative launched in 2016 under then-Inspector General of Police Gen. Kale Kayihura, with an initial goal to construct 10,000 housing units to address the acute housing shortage in the police force.<sup>3</sup> Despite these efforts, the demand for housing remains far greater, with over 40,000 units still needed to meet the requirements of police officers across the country.<sup>4</sup>

The Naguru housing units represent a significant step towards addressing the inadequate living conditions faced by many police officers, although issues of overcrowding and poor maintenance persist in other areas. These units aim to offer more dignified living conditions, which are essential for the well-being and morale of law enforcement personnel. Semi-permanent structures are also

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<sup>1</sup> Daily Monitor. (2023, October 21). *New units built but police housing headache persists*. <https://www.monitor.co.ug/uganda/news/national/new-units-police-housing-2023>.

<sup>2</sup> Daily Monitor. (2023, October 21). *Naguru Police Housing Project to tackle housing shortage*. <https://www.monitor.co.ug/uganda/news/national/naguru-police-housing-project-to-tackle-housing-shortage-2023>

<sup>3</sup> New Vision. (2016, October 21). *Uganda Police launches housing project at Naguru*. <https://www.newvision.co.ug/news/1420585/police-launches-housing-project-naguru>. Accessed on 10/21/2024.

<sup>4</sup> Uganda Radio Network. (2022, October 21). *Commissioning of Police Housing Units*. <https://www.ugandaradionetwork.net/story/pictorial-commissioning-police-housing-units>. Accessed on 10/21/2024.

used but still fall short of adequate standards. Many officers, faced with a lack of available housing, resort to building self-help temporary structures, which are often uninhabitable. Despite the existence of some police housing, the overall situation is far from satisfactory. A staggering 82% of police officers in Nakawa lack access to proper accommodation, with only 18% being housed in the available units.<sup>5</sup> The conditions of these accommodations are frequently inadequate, leading to severe implications for the officers and their families.<sup>6</sup>

The chapter assesses the living conditions of police officers in Nakawa Division, Kampala. It begins by describing the study area before moving on to the types of housing available, such as permanent, semi-permanent, and temporary structures, and explores the various challenges officers face in securing adequate accommodation. The recently constructed 420 apartments at Naguru Police Barracks, completed as part of a larger police housing initiative, mark a significant effort toward addressing these challenges. However, issues such as overcrowding, poor maintenance, and a continued shortage of housing units remain, with only a fraction of officers housed in suitable conditions. Insights from stakeholders and officers across five of Nakawa's police stations provide a detailed look at the state of police housing in the area, examining its impact on their well-being and service delivery.

## **4.2 The demographics of the study area**

This study was conducted in Nakawa Division located east of Kampala the commercial and administrative capital city of Uganda. It is one of the five Divisions that comprise Kampala Capital City Authority (KCCA). In geographical size, Nakawa division covers 13,128 acres of land, and the Naguru Police Housing Project was initiated to address the acute shortage of police housing. The project covers approximately 16.52 acres of land in Naguru.<sup>7</sup> Additionally, the Uganda Police Force Headquarters is under construction, with the development of a new state-of-the-art

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<sup>5</sup> Daily Monitor. (2024, March 1). *Govt sued over police officers' poor housing conditions*. Retrieved from <https://www.monitor.co.ug/uganda/news/national/govt-sued-over-police-officers-poor-housing-conditions-3796878>. Accessed on 29th July, 2024.

<sup>6</sup> Daily Monitor. (2024, March 1). *Govt sued over police officers' poor housing conditions*. Retrieved from <https://www.monitor.co.ug/uganda/news/national/govt-sued-over-police-officers-poor-housing-conditions-3796878> Accessed on 29th July 2024.

<sup>7</sup> Daily Monitor. (2024). *New units built but the police housing headache persists*. Retrieved from <https://www.monitor.co.ug/uganda/news/national/new-units-police-housing-2024>. Accessed on 10th October 2024.

headquarters on 1,324 square meters.<sup>8</sup> Nakawa Division is comprised of 23 parishes and has a total of 8 police stations namely, Naguru Police Headquarters, Kinawattaka, Kitintale, Bugolobi, Kiwatule, Ntinda, Kyambogo and Butabiika.

The study was conducted in 5 Police stations within Nakawa Division, selected by apportioning the Division into 5 cardinal points, i.e. Northern, Southern, Eastern, Central and Western Nakawa. It sampled one police station from each division to assess the degree of habitability of police housing as one of the main tenets of the right to adequate housing. Naguru Police Headquarters was selected in central Nakawa, Ntinda in the north, Kinawattaka in the east, Bugolobi in the south and Kitintale in the west.

The strategic locations of police housing in Kampala reveal both benefits and drawbacks for officers seeking suitable living arrangements. Kitintale located in Nakawa Division, is ideally situated near the heart of Kampala, providing police officers with quick access to the city center. It lies approximately 7.5 km West of Kampala City Center.<sup>9</sup> This proximity to major roads and police facilities enhances the operational efficiency of officers assigned to this area, allowing for rapid response to emergencies and incidents. Bugolobi, positioned close to the shores of Lake Victoria, offers a picturesque environment with scenic views.<sup>10</sup> The road distance between Bugolobi and the central business district of Kampala is approximately 7 kilometers.<sup>11</sup> . However, the high cost of living in this area can be a significant barrier for police officers looking for affordable and habitable housing. While the pleasant surroundings are appealing, the financial strain of securing accommodation in Bugolobi may deter many officers. The housing conditions of police officers in Uganda present significant challenges, particularly in securing adequate and affordable accommodation.

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<sup>8</sup> Uganda Police Force. (2023). *Naguru Police Housing Project*. Retrieved from <https://www.upf.go.ug/housingproject>. Accessed on 30th July 2024.

<sup>9</sup> Kampala Public Transport Routes. (n.d.). Kampala Public Transport Routes. Retrieved from <https://ppl-ai-file-upload.s3.amazonaws.com/web/direct-files/11349210/5a69dbb7-fd62-4b13-860c-1baf93e36d04/Kampala-Public-Transport-Routes.pdf> Accessed on 27th July 2024

<sup>10</sup> Location of Bugolobi Available at <https://maps.app.goo.gl/j5dW9ixevmXjgjNA7> Accessed on 26th July, 2024

<sup>11</sup> Distance between Kampala and Bugolobi (Western Province) (Uganda). (2024). Available at [https://distancecalculator.globefeed.com/Uganda\\_Distance\\_Result.asp?fromplace=Kampala%20\(\)&toplace=Bugolobi%20\(Western%20Province\)&fromlat=0.3155556&tolat=0.3166667&fromlng=32.5655556&tolng=32.6166667](https://distancecalculator.globefeed.com/Uganda_Distance_Result.asp?fromplace=Kampala%20()&toplace=Bugolobi%20(Western%20Province)&fromlat=0.3155556&tolat=0.3166667&fromlng=32.5655556&tolng=32.6166667) Accessed on 24<sup>th</sup> July, 2024

Naguru has emerged as a focal point for police housing development since it is the headquarters of the organization and contains several residential estates belonging to the force. The area has been targeted for new housing projects aimed at improving the living conditions for police officers, indicating government recognition of the need for better accommodations.<sup>12</sup> The commercial activities along Ntinda also provide potential housing options, as the presence of shops and markets may offer rental opportunities for officers. Located to the north of Nakawa, Ntinda features upscale residential developments that promise better living conditions. However, the affordability of housing in Ntinda poses a challenge for many police officers, as the higher costs associated with living in this area can make it difficult for them to find suitable accommodations within their budget. For example, the cost of a one-bedroomed apartment ranges from UGX 500,000 (\$143) to UGX 700,000 (\$200) per month, while a two-bedroom apartment costs between UGX 700,000 (\$200) and UGX 1,000,000 (\$286). A three-bedroom apartment is between UGX 1,200,000 (\$343) and UGX 1,500,000 (\$429) per month, while studio rooms range from UGX 300,000 (\$86) to UGX 400,000 (\$114) per month.<sup>13</sup>

The strategic locations of police housing in Nakawa present a mix of advantages and disadvantages for officers seeking adequate and affordable accommodation. While areas like Kitintale and Ntinda offer accessibility and potential housing options, the high costs in neighborhoods such as Bugolobi and Ntinda can be prohibitive.<sup>14</sup> The government's focus on developing new housing projects in Naguru reflects an acknowledgment of the need for improved living conditions for police personnel. However, more comprehensive solutions are necessary to address the housing challenges faced by officers throughout Nakawa.

#### **4.3 Perspectives from respondents within the course of study**

Insights from interviews with key stakeholders shed some light on the severity of the housing crisis faced by police officers in Nakawa. Mr. Ssozi Kibuka, the Acting Director of Construction and Estate Management at the Directorate of Logistics and Engineering, emphasizes the inadequacy

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<sup>12</sup> Daily Monitor. (2017, October 27). *New units built but police housing headache persists*. Kampala. Retrieved from <https://www.monitor.co.ug/uganda/special-reports/new-units-built-but-police-housing-headache-persists-1725136>. Accessed on 21 October 2024.

<sup>13</sup> Reporter, R. M. (2023, March 14). *Cost of living in posh suburbs of Kampala*. Real Muloodi News Network. Available at <https://realluloodi.co.ug/cost-of-living-in-posh-suburbs-of-kampala/>. Accessed on 29th July, 2024.

<sup>14</sup> Ibid

of police housing in the Division.<sup>15</sup> He notes that only a small fraction of officers are accommodated, while many are forced to live in temporary structures lacking basic amenities. Ssozi further highlighted the fact that out of eight police stations in Nakawa division, only 5 are owned by the government with limited accommodation, while the remaining 3 constitute rented premises with no accommodation at all for police officers. To crown it all, police officers are not provided with any housing allowances, and yet they earn a meagre salary.

Anthony Kusingura, Executive Director of the Non-Governmental Organization (NGO) Equal Housing, provides a critical perspective on the living conditions of police officers.<sup>16</sup> He describes the housing as deplorable, with unipots as the main type of shelter that hinder comfort on account of the extreme temperatures the aluminium sheeting causes. The limited living space not only affects family life but also contributes to moral decay, as privacy is compromised.<sup>17</sup>

Both Ssozi and Kusingura propose several measures to address the housing crisis. This includes increased government funding to support housing initiatives, as well as the establishment of public-private partnerships to facilitate the construction of new housing. Additionally, they suggest providing housing allowances to officers, which would enable them to secure decent accommodation outside the police facilities. Finally, the development of comprehensive housing policies that address the unique needs of police officers is essential for creating a sustainable solution. The following are the major observations from the respondents who were interviewed for this study.

#### **4.3.1 Housing Overview**

The study highlighted the fact that police personnel in the Nakawa Division live in varying housing conditions. A portion of the respondents reside in decent and moderately decent housing. Many others are living in dilapidated or makeshift structures. A significant observation was that junior officers are disproportionately affected by the lack, with a majority of those in substandard housing being from the lower ranks. This indicates that junior personnel face greater challenges in securing adequate housing compared to their senior counterparts.

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<sup>15</sup> Personal interview held on 3<sup>rd</sup> July,2024

<sup>16</sup> Personal interview held on 17<sup>th</sup> June,2024

<sup>17</sup> Ibid.

#### **4.3.2 Status of Accommodation for Personnel Entitled to Housing by UPF**

Personnel holding ranks at or below Inspector of Police (IP) are entitled to accommodation provided by the Uganda Police Force (UPF). However, despite the entitlement, not all eligible personnel are residing in institutional housing. A notable number are housed in various types of accommodation, including semi-detached houses, Unipots, and other forms of housing like bungalows or storied buildings. There is a significant variance in housing conditions, with some officers living in habitable structures while others occupy dilapidated or makeshift dwellings.<sup>18</sup>

Although some personnel describe their housing as moderately decent, further observations indicate that many of these structures are, in fact, in poor condition. Comparatively, those living in makeshift accommodations regard their situation as much worse. Officers frequently express dissatisfaction with their living conditions, with some even pointing out that their colleagues are forced to live under trees or in tents. Shared accommodations are also common, with multiple families or individuals sharing small spaces like Unipots, leading to conflicts, lack of privacy, and, in some cases, sexual harassment.<sup>19</sup>

Many shared rooms are divided using makeshift partitions, with Unipots being described as uncomfortable due to extreme temperatures. These conditions disrupt normal family life, and personnel sometimes must take turns to sleep or seek alternative arrangements, such as lodgings, to maintain their privacy. In extreme cases, the poor housing situation forces some officers to live away from their families, which negatively impacts their marriages. Officers also reported that some of the structures they occupy are condemned, with leaking roofs, cracked walls, and inadequate sanitation facilities. The lack of privacy and worsening domestic disputes often affect workplace performance, and many personnel feel that UPF does not adequately care for their families' well-being. As a result, some officers construct their structures within the barracks to achieve some level of decency and privacy.<sup>20</sup>

The findings also indicate that the allocation of official housing is often irregular. Recruits find it difficult to secure housing, particularly because they have not received their settlement

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<sup>18</sup> Personal interview held on 13<sup>th</sup> July, 2024

<sup>19</sup> Ibid.

<sup>20</sup> Personal interview held on 13<sup>th</sup> July 2024.

allowances.<sup>21</sup> Lower-ranking officers are sometimes displaced to make room for higher-ranking personnel, exacerbating the housing challenges.<sup>22</sup>

Many police barracks and housing units in Nakawa are outdated and need renovation. Some of the accommodation facilities at Naguru Police Barracks were built in the 1960s and have never been renovated, and hence have crumbling walls and floors and lack modern amenities.<sup>23</sup> This is the case for many other police barracks that were visited. One respondent stated,

*Look at these structures; they are all old, very old. The iron sheets are old, and when it rains sometimes, they leak. I think you can see the floor. The windows are off, we tie them with pieces of clothes.*<sup>24</sup>

Most of the police officers surveyed are living in cramped and overcrowded housing units, often with multiple families sharing small spaces separated by curtains. For instance, at Naguru police station, two families share a single housing unit, with each family occupying a small room. Overcrowding is a significant challenge highlighted by respondents, who expressed frustration over the inadequate living conditions. The shared use of single units, originally designed for individual occupancy, results in discomfort and limited space for personal belongings or essential items like chairs. These conditions underline the pressing need for better housing solutions to enhance the quality of life for occupants.<sup>25</sup>

#### **4.3.3 Entitled Personnel Not Residing in Institutional Housing**

Some officers entitled to UPF housing do not live in institutional accommodation and must make their housing arrangements.<sup>26</sup> Unfortunately, no special allowance is provided to assist them in securing decent housing outside the barracks. Some live in their own homes, while others resort to renting, with those unable to afford rent often residing in makeshift structures within the barracks, contributing to overcrowding and straining utilities.<sup>27</sup>

In some areas, such as at certain police outposts, the housing conditions are particularly dire. Officers in these outposts sometimes live in old, dilapidated buildings or even inside office spaces

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<sup>21</sup> Personal interview held on 13th July 2024

<sup>22</sup> Ibid.

<sup>23</sup> Personal interviews held on 13th July 2024

<sup>24</sup> Ibid.

<sup>25</sup> Personal interview held on 20<sup>th</sup> June, 2024

<sup>26</sup> Ibid.

<sup>27</sup> Personal interview held on 11th July, 2024

due to a lack of accommodation. In contrast, some outposts have better housing conditions, with fewer personnel sharing accommodation, leading some officers to prefer these outposts for the privacy they provide.<sup>28</sup>

#### **4.3.4 Personnel Preferring to Live Outside the Barracks**

Due to the poor state of institutional housing, some officers opt to rent outside the barracks to secure better living conditions for their families. Another group of officers, nearing retirement, choose to live near their ancestral homes, closer to where they plan to settle after retiring.<sup>29</sup>

##### **4.3.4.1 Status of Accommodation for Personnel Not Entitled to UPF Housing**

The study also explored the housing situation for police personnel not entitled to UPF accommodation. Although regulations stipulate that these officers should live outside the barracks, some unentitled personnel are residing in institutional housing. This strains the already limited housing resources and creates conflicts with entitled personnel, who report facing disciplinary action when raising concerns about this issue.<sup>30</sup>

For those not living in institutional housing, officers from the rank of Assistant Superintendent of Police (ASP) and above generally observe the rule of residing outside the barracks. However, these officers raise concerns about personal security, high rent costs, and the difficulty of finding accommodation that will not tarnish the image of the police force. Many also express frustrations at not receiving the housing allowance they believe they are entitled to.<sup>31</sup>

#### **4.3.5 Distance between Place of Accommodation and Duty Station**

To further understand the habitability of police housing impact of housing on service delivery, the study examined the distances officers must travel from their residences to their duty stations. Most officers live relatively close to their workplaces, but a few must travel long distances, which poses challenges, especially during emergencies. The lack of organized transportation from UPF means that officers often struggle to respond promptly to night shifts or urgent situations. Some officers with personal vehicles or motorcycles reported insufficient fuel facilitation, further hampering

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<sup>28</sup> Personal interview held on 11<sup>th</sup> July,2024

<sup>29</sup> Personal interview held on 15<sup>th</sup> July,2024

<sup>30</sup> Ibid.

<sup>31</sup> Personal interview held on 12<sup>th</sup> July,2024

<sup>31</sup> Ibid.

their ability to perform their duties effectively. These transportation and accommodation challenges negatively impact the quality-of-service delivery and lead to client complaints and disciplinary proceedings. Furthermore, the officers' inadequate remuneration and concerns for their personal safety compound these difficulties.<sup>32</sup>

#### **4.3.6.1 Status of Utilities and Sanitation**

##### **a) Water and Sanitation**

A considerable proportion of police personnel have access to water close to their residences, with most of it being provided by the Uganda Police Force (UPF). However, the situation is not uniform. Although many officers receive water through UPF, a notable percentage must source water through different means. Only a portion of the water bills are covered by UPF, with other officers either paying for their water, obtaining free water, or depending on community contributions.

According to the findings, those who cannot access free water have to pay their bills if they are connected to running water, while others resort to purchasing water from vendors.<sup>33</sup> As described by one respondent, officers often buy water at 500 shillings per 20-litre jerry can, adding a financial burden to their already strained resources. Even among the officers receiving water paid for by UPF, complaints are common about congestion at communal water points. This is particularly a problem in Nakawa where large numbers of personnel share limited water resources, making access more challenging.

##### **b) Energy**

Access to affordable and reliable energy is essential for achieving dignified living housing conditions, contributing to basic needs such as lighting and cooking. The research found that most respondents have access to electricity. However, although police headquarters are responsible for covering electricity bills, there is inconsistency in the timely payment of these bills. The research uncovered a significant backlog of unpaid bills. One respondent highlighted this issue, stating, "Electricity is available and accessible, although police headquarters at times takes very long to pay the bills. We are currently in deficit by several months."<sup>34</sup> This means that while electricity

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<sup>32</sup> Ibid.

<sup>33</sup> Personal interview held on 12th July, 2024

<sup>34</sup> Ibid.

is technically available, officers face challenges when payments are delayed, affecting their access to consistent energy.

### **c) Access to Medical Care**

The key informants explained that while there is no formal medical insurance, police officers access healthcare through police health facilities. If the condition requires specialized treatment beyond what these facilities can handle, officers are referred to government hospitals or other specialized institutions. In such cases, UPF covers the medical costs. One of the respondents explained the process:

*We have no medical insurance, but have police health facilities. However, for cases beyond our facilities, one can go to a government facility and get an invoice that is paid by UPF. In case one uses their own money, they can get a refund.<sup>35</sup>*

In emergencies, officers can seek treatment at nearby facilities and notify the health services department for reimbursement, with UPF paying the bills. However, for more complicated cases requiring treatment abroad, approval from the medical board is necessary before UPF can cover the expenses.

Despite the existence of this scheme, only a small percentage of the personnel interviewed are aware of its details. Among those who know about it, some reported that their medical expenses are fully covered by UPF, while others indicated that they only receive partial coverage. A significant number of personnel must rely on alternative sources of payment when seeking medical care.<sup>36</sup>

Officers referred to government hospitals often face additional challenges. Some respondents complain that referrals are unfairly handled, with nepotism and corruption influencing those who receive them. One respondent mentioned that “Referrals are sometimes unfairly made based on nepotism and corruption.”<sup>37</sup>

Additionally, officers noted that they are not provided with transport to reach these referral hospitals, making it difficult for them to access timely care. Even when they reach government

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<sup>35</sup> Personal interview held on 12th July,2024

<sup>36</sup> Ibid.

<sup>37</sup> Personal interview held on 10<sup>th</sup> July,2024

health facilities, they must queue like ordinary citizens despite being on call 24/7, which creates further frustration. One officer shared the following experience: “We are harassed by doctors when we seek recommendations for better treatment, especially when we don't speak the same language.”<sup>38</sup>

To compound matters, delays in processing medical refunds are a common grievance. Officers revealed that refunds are handled at the Police Headquarters in Kampala, and junior personnel often face discrimination. As one respondent put it: “Refunds are done in a discriminatory manner that mostly favour the senior personnel. The junior personnel either take too long to get the refund or never get it at all.”<sup>39</sup>

Another major issue raised by the personnel is the lack of awareness about the existing medical schemes. Most officers are not familiar with any specific medical arrangements provided by UPF, and many expressed concerns about inadequate access to healthcare services. Although some police stations have Health Centre II and III facilities where officers can receive immediate care, these centers are often only able to handle minor health issues. More serious cases are referred to government health facilities, but officers complained that they must wait in long lines for services, as there are no special provisions for them.<sup>40</sup>

Additionally, officers highlighted no clear arrangements for receiving immediate medical attention if injured while on duty. Many rely on personal funds for treatment, with some officers even dying in the barracks due to the lack of resources to pay for their care. The researcher observed critically ill personnel during the study, further highlighting the inadequacy of medical services. Officers also highlighted an increasing number of cases of non-communicable diseases, including high blood pressure, ulcers, and diabetes. They expressed concern that the existing healthcare facilities are not adequately equipped to manage these conditions.

The inadequacy of medical care is a major concern among the officers, with several respondents expressing frustration over the situation. One officer shared,

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<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Personal interview held on 10<sup>th</sup> July, 2024

<sup>40</sup> Ibid.

*Currently, the police do not have any medical scheme, but staff are being sensitized about the plan by the police to start a medical scheme. Now, officers access medication from government health centers where services are provided for free to police officers.<sup>41</sup>*

Another respondent added:

*Police Officers and their families receive treatment from government health facilities. The centers, however, manage minor complaints... Accidents that have occurred on duty are not catered for... The services are frustrating, especially if an officer has a major health issue. The process for referral is very long.<sup>42</sup>*

The lack of proper management and delays in processing medical referrals leave officers feeling neglected, particularly in critical cases. One respondent cited an example of an officer who had been sidelined due to alleged mental illness, stating:

*An officer has been put on 'Katebe' (kept in office without being assigned any tasks) for allegedly being mentally ill. The commanders have not helped him... Compensation for the medical bills is only on paper but is not implemented.<sup>43</sup>*

The challenges in accessing medical care for police officers highlight a critical shortfall in meeting the broader requirements of the right to adequate housing, which encompasses not only shelter but also access to essential services like healthcare. Inadequate medical facilities, long referral processes, discriminatory reimbursement practices, and reliance on personal funds for emergency care undermine the habitability and dignity of police housing. Housing policies must integrate comprehensive healthcare provisions, ensuring timely and equitable access to medical services for officers and their families. These deficiencies reflect systemic neglect, with direct impacts on officers' well-being, productivity, and ability to perform their duties. Addressing these issues is essential to fulfilling the officers' right to dignified housing, as mandated by national and international human rights standards.

In summary, the findings reveal substantial gaps in police personnel's access to essential utilities, reliable energy, and adequate medical care. These challenges affect their quality of life, the habitability of police housing, and their ability to perform their duties effectively. The existing

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<sup>41</sup> Personal interview held on 12<sup>th</sup> July,2024

<sup>42</sup> Ibid.

<sup>43</sup> Personal interview held on 12<sup>th</sup> July,2024

schemes and provisions, though present, are either not well-communicated or inadequately implemented, leaving many officers to struggle with necessities like water, energy, and healthcare.

#### **4.4 Policies and Regulations Governing Police Housing**

The Uganda Police Standing Orders stipulate that police officers from the rank of probation police constable to Inspector of Police should be provided with accommodation.<sup>44</sup> Other relevant and applicable legislation includes the 1995 Constitution of Uganda. The Uganda Police Act Cap 3324, Land Act 236, as well as Kampala Capital City Act 195. However, the reality is starkly different. With a workforce of approximately 49,000 officers in these categories and only 600 houses in total available nationwide, the implementation of these policies is severely lacking.<sup>45</sup> The gap between policy and practice highlights a critical failure in addressing the housing needs of police officers.

Several factors contribute to the ineffective implementation of housing policies. Insufficient government funding is the primary obstacle, as limited financial resources restrict both the construction of new housing and the maintenance of existing structures. Additionally, the scarcity of land available for new housing developments complicates efforts to provide adequate accommodation. Existing housing policies are often inadequate, failing to sufficiently address the unique needs of police officers and their families. Most respondents were not aware of the existing regulations governing the housing of police officers. A few of the respondents were aware of some of the relevant laws mentioned above but also referred to the UPF Strategic Policing Plan 2020/21-2024/25 which aims to address the challenges faced by police personnel, including improving their working and living conditions and the Uganda Human Rights Commission (UHRC) which recommends improving housing, providing adequate supplies and equipment, and ensuring fair treatment in deployments, transfers, and promotions.<sup>46</sup>

#### **4.5 Effects of Inadequate Housing**

The consequences of inadequate housing for police officers extend beyond mere discomfort; they significantly affect both individual officers and the broader community. Poor living conditions

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<sup>44</sup> Uganda Police Standing Orders (7th ed) 1984 as amended para 9

<sup>45</sup> Kamusiime, W. (2023, October 12). About Uganda Police - Uganda Police Force. Uganda Police Force. <https://www.upf.go.ug/history-of-upf/> Accessed on 28<sup>th</sup> July, 2024

<sup>46</sup>Uganda Human Rights Commission, *Annual Report 2020* (2020) <https://uhrc.ug/reports/2020> accessed 21 October 2024.

can lead to diminished service delivery, as officers burdened by housing-related stress may struggle to concentrate on their responsibilities, inadvertently jeopardizing community safety. Furthermore, the inability to reside with family members often results in emotional strain, contributing to low morale among officers. Health risks are also a critical concern, as overcrowded and unsanitary living environments can facilitate the spread of communicable diseases and other health crises. These challenges create a cycle of distress that affects both the officers' professional performance and their personal well-being. Addressing these housing issues is essential for fostering a more effective and resilient police force, ultimately benefiting the communities they serve.

#### **4.6. Impact of Policies and Regulations on the Well-Being of Police Officers**

The well-being of police officers in Uganda is intricately linked to various policies and regulations that dictate their housing, healthcare, welfare, and working conditions. While the Uganda Police Force (UPF) has implemented several policies aimed at improving officers' lives, these initiatives have yielded both positive and negative outcomes.

##### **4.6.1 Positive Impacts**

###### **a) Improved Housing Conditions**

One of the significant strides made in enhancing the well-being of police officers has been the improvement in housing conditions under the UPF Strategic Policing Plan 2020/2021–2024/2025.<sup>47</sup> The construction of new housing units, such as the Naguru Police Housing Project, has benefited a portion of the force by providing modern, secure apartments. The provision of better housing aligns with Abraham Maslow's hierarchy of needs, where basic physiological needs, including shelter, form the foundation for individuals to achieve higher-level psychological and self-fulfillment needs.<sup>48</sup>

One officer reflected on this improvement:

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<sup>47</sup> Uganda Police Force, *UPF Strategic Policing Plan 2020/21 - 2024/25* (2023) <https://upf.go.ug/policingplan/> Accessed on 10/21/2024.

<sup>48</sup> Maslow, A. H. *A Theory of Human Motivation*, *Psychological Review*, 50(4) (1943): 370-396.

*“I was allocated a new housing unit in Naguru. It replaced the old, dilapidated house I used to live in. Now, I have a decent place to stay with my family, and it has made a big difference in our lives.”*

This initiative demonstrates the positive effects of well-implemented housing policies, as access to decent accommodation reduces the stress associated with poor living conditions and allows officers to focus better on their duties. However, scholarly literature underscores the need for equitable distribution of housing benefits, noting that when only a small portion of the workforce benefits, dissatisfaction among the rest may grow.

#### **b) Increased Access to Basic Amenities**

Access to clean water is another critical area where UPF policies have directly impacted officers' well-being. The installation of boreholes and water tanks in police barracks through the Police Welfare Fund has significantly reduced the incidence of waterborne diseases, contributing to better health outcomes among police officers and their families. This aligns with global research that shows how access to basic utilities like clean water is essential for maintaining good health and well-being, particularly in high-stress professions like policing.<sup>49</sup>

One officer explained:

*"Before the water tanks were installed, we used to struggle to get clean water. Now, with the boreholes and tanks, we don't worry about waterborne diseases anymore."*

In line with the United Nations' Sustainable Development Goals (SDGs), particularly Goal 6 on clean water and sanitation, this initiative highlights the direct connection between welfare policies and public health outcomes.<sup>50</sup>

#### **c) Enhanced Welfare Support**

The welfare support provided through the Police Welfare Fund has also had a positive impact on the financial and medical well-being of officers. In cases of medical emergencies, officers have

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<sup>49</sup> World Health Organization, *Water, Sanitation and Hygiene: Key Facts*, WHO (2020) <https://www.who.int/news-room/fact-sheets/detail/drinking-water>. Accessed on 10/21/2024.

<sup>50</sup> United Nations, *Sustainable Development Goals* (2021) <https://sdgs.un.org/goals> Accessed on 10/21/2024.

access to financial assistance for treatment, which has helped reduce the financial burden on them and their families. Welfare initiatives like these are vital in reducing occupational stress, as financial strain is a major contributor to mental and physical health issues within law enforcement agencies globally.<sup>51</sup>

One officer described her experience:

*"I was diagnosed with a medical condition that required surgery. The Police Welfare Fund supported me financially, and I was able to get the treatment I needed."*

This kind of welfare support is crucial in maintaining not only the physical health of officers but also their morale, as it demonstrates that the institution is concerned with their well-being.<sup>52</sup>

#### **4.6.2 Negative Contributions**

Despite these positive impacts, significant shortcomings in policy implementation continue to undermine the well-being of many police officers. These challenges reflect a broader issue within public institutions in Uganda, where corruption, resource mismanagement, and policy gaps create barriers to effective service delivery.

##### **a) Inadequate Housing Supply**

While the construction of new housing units has benefited some officers, the overall supply of adequate housing remains far below demand. Many officers still live in overcrowded and dilapidated conditions. The fact that many officers are forced to build makeshift shelters within the barracks due to a lack of assigned accommodation highlights the glaring inadequacies in the current housing policy

One officer lamented:

"There are not enough houses for all of us. Those of us who don't get assigned

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<sup>51</sup> Violanti, J. M., et al. (2017). *Police stressors and health: A state-of-the-art review*. *Policing: An International Journal of Police Strategies & Management*. <https://doi.org/10.1108/PIJPSM-06-2016-0087> See also Shane, J. M. (2010). *Organizational stressors and police performance*. *Journal of Criminal Justice*. <https://doi.org/10.1016/j.jcrimjus.2010.06.001>. Accessed on 21 October 2024.

<sup>52</sup> Ibid.

a house are left to fend for ourselves, building temporary shelters. It's not a way to live."

This shortage reflects a common challenge in public service institutions where resources are unevenly distributed, leaving junior personnel particularly vulnerable. As noted in human rights reports, the failure to provide adequate housing constitutes a violation of officers' rights to safe and dignified living conditions.<sup>53</sup>

### **b) Poor Maintenance of Housing Units**

Another significant issue raised by officers is the poor maintenance of existing housing units. Even where accommodation is provided, the lack of regular maintenance has led to severe dilapidation, with leaking roofs, broken windows, and inadequate sanitation facilities being common complaints. This directly impacts officers' health and morale, as living in substandard conditions adds to the daily stress of their already demanding jobs

One officer described the situation:

"Our housing units are falling apart. The roofs leak, the windows are broken, and the sanitation is terrible. We've reported it several times, but nothing has changed."

From a policy perspective, this issue is indicative of systemic mismanagement, where budget allocations for maintenance either fail to reach the intended beneficiaries or are insufficient to cover the scale of repairs required. Academic literature on public service management highlights that neglecting the maintenance of infrastructure often leads to long-term inefficiencies and increased costs.<sup>54</sup>

### **c) Corruption and Mismanagement**

Corruption and mismanagement within the UPF have severely hindered the effective implementation of welfare policies. Funds allocated for housing development and other welfare

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<sup>53</sup> United Nations Office of the High Commissioner for Human Rights. (2009). *The Right to Adequate Housing*. UNOHCHR. Retrieved from <https://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx>. Accessed on 21 October 2024.

<sup>54</sup> Flynn, N. (2012). *Public Sector Management* (6th ed.). SAGE Publications.

programs are often diverted, delaying critical projects like the Naguru Police Housing Project and leaving officers in prolonged substandard living conditions.

Corruption not only affects resource allocation but also leads to uneven distribution of benefits, with senior officers receiving preferential treatment while junior personnel are left to fend for themselves.

One officer expressed frustration:

"We've been promised new houses for years, but nothing happens. They say it's because of corruption."

This issue of corruption within the police force has broader implications for institutional trust and public perception. According to Afrobarometer, trust in the Uganda Police Force is among the lowest in Africa, with over 77% of Ugandans perceiving the police as corrupt.<sup>55</sup> This erosion of trust negatively impacts both the internal morale of officers and the public's willingness to cooperate with law enforcement.

#### **d) Welfare and Compensation Policies**

Welfare and compensation are critical components of officers' well-being, yet the study revealed that many officers feel underpaid and undervalued. One officer commented:

*"The salary we get is not enough to take care of our families, especially with the high cost of living. We are risking our lives every day, but the pay does not reflect that risk."*

Officers also reported that while some personnel are entitled to housing or transportation allowances, these benefits are either insufficient or inconsistently provided. One officer noted:

*"Some of us must rent our own houses, but there's no housing allowance to help with that. We are just expected to figure it out on our own, and the little money we get isn't enough to cover rent and other expenses"*

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<sup>55</sup> Afrobarometer. (2023). *Brutality and Corruption in Uganda's Police Force*. Retrieved from <https://www.afrobarometer.org/police-corruption-report/> Accessed on 20 November 2024.

## 4.7 The Habitability of Police Housing

The concept of habitability is a critical component of the right to adequate housing, a right enshrined in both international law and national policies. According to the United Nations Office of the High Commissioner for Human Rights (UNOHCHR), adequate housing must include habitability, meaning that housing should provide adequate space and protection from the elements, physical threats, and health hazards.

Habitability is defined by the International Covenant on Economic, Social, and Cultural Rights (ICESCR) as housing that is secure, comfortable, and provides adequate shelter from the environment and other threats. In the context of police housing, this means that the housing provided to officers must protect them from health risks, provide sufficient space for family living, and promote safety. This is particularly important for law enforcement personnel, whose physical and mental well-being is directly tied to their ability to carry out their duties. The habitability of police housing, therefore, plays a significant role in determining the operational readiness of officers.

### 4.7.1 Physical Conditions and Structure

One of the key factors in determining the habitability of police housing is the physical state of the structures. According to the Uganda Human Rights Commission's report on police welfare, many police housing units are in a state of disrepair, with dilapidated buildings, leaking roofs, broken windows, and inadequate sanitation facilities.<sup>56</sup> This poor state of repair not only affects the comfort of living for police officers but also poses significant health risks.

Officers living in such environments are more vulnerable to diseases, as well as physical injuries from falling structures. The lack of regular maintenance of these housing units reflects systemic problems in resource allocation and management, leading to long-term deterioration. As one police officer described:

*"Our housing units are falling apart. The roofs leak, the windows are broken, and sanitation is terrible. We've reported it several times, but nothing has changed."*

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<sup>56</sup> Uganda Human Rights Commission. (2024). *Report on Police Welfare*. Retrieved from <https://uhrc.ug/download/uhrc-report-on-police-welfare/> Accessed on 21 October 2024.

### 4.7.2 Space and Overcrowding

Another critical element of habitability is the availability of adequate space. Many police officers in Nakawa live in overcrowded conditions, often with multiple families sharing a single unit. The United Nations Habitat Guidelines emphasize that housing must provide sufficient space for inhabitants to live with dignity and privacy.<sup>57</sup>

Overcrowded living spaces not only reduce privacy but also contribute to increased stress and tension within households, making it difficult for officers to maintain their mental well-being.

In several cases, overcrowding has led to conflicts between officers and their families, further straining their ability to focus on their professional duties. One officer explained:

*"The lack of space is a big issue. We have multiple families sharing the same room, and it causes so many problems. It affects how we interact at work because we're constantly stressed at home."*

### 4.7.3 Safety and Security

The safety and security of housing are also critical components of habitability. Police officers, due to the nature of their work, are frequently at risk of violence or intimidation. As such, their homes should provide not only physical protection from environmental hazards but also security against external threats. However, many police barracks in Nakawa are poorly lit, lack adequate fencing, and have insufficient security measures in place. These conditions make officers and their families vulnerable to theft and other forms of crime.

One respondent noted the insecurity within police barracks:

*"There have been break-ins at our barracks, and we don't feel safe even in our homes. We are supposed to protect others, but we can't even guarantee our security."*

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<sup>57</sup> United Nations Human Settlements Programme (UN-Habitat), *"The Right to Adequate Housing,"* UN-Habitat (2014) <https://unhabitat.org/the-right-to-adequate-housing>. Accessed on 10/21/2024.

Ensuring that housing units are secure and equipped with proper safety measures is vital for maintaining the habitability of police housing and allowing officers to perform their duties without constantly worrying about their families' safety.

#### **4.7.4 Health and Sanitation**

The habitability of police housing is further compromised by inadequate sanitation and waste management systems. The World Health Organization (WHO) emphasizes that access to proper sanitation is essential for health and well-being.<sup>58</sup>

In Nakawa, many police officers live in housing with inadequate sanitation facilities, including insufficient toilets and poorly maintained sewage systems. These conditions increase the risk of disease outbreaks, particularly waterborne illnesses, which can incapacitate officers and disrupt their ability to perform their duties

Officers have reported that some barracks lack regular waste collection services, leading to unsanitary living conditions that endanger the health of both the officers and their families. One officer shared their concerns:

*"The sanitation here is horrible. We don't have enough toilets, and the ones we do have are in bad shape. It's not healthy for us or our families."*

#### **4.8 Conclusion**

The chapter reveals that, while the Naguru Police Housing Project is a step in the right direction, the habitability of police housing in the Nakawa Division still falls short in many areas. Overcrowding, poor maintenance, inadequate sanitation, and a lack of basic amenities like reliable water and electricity are widespread issues. These conditions not only affect the health and morale of the officers but also hinder their ability to perform their duties effectively. The chapter also highlights systemic issues such as corruption, mismanagement, and the failure to provide officers with adequate housing allowances. For meaningful improvement, there is a need for more comprehensive policies, better resource allocation, and greater institutional support to ensure that all police officers have access to safe and dignified living conditions

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<sup>58</sup> World Health Organization. (2018). *Guidelines on Sanitation and Health*. Retrieved from [https://www.who.int/water\\_sanitation\\_health/publications/guidelines-on-sanitation-and-health/en/](https://www.who.int/water_sanitation_health/publications/guidelines-on-sanitation-and-health/en/)

## **CHAPTER FIVE**

### **CONCLUSIONS AND RECOMMENDATIONS**

#### **5.1 Introduction**

The study has examined the multifaceted challenges surrounding the realization of adequate housing rights, particularly within the context of police housing in Uganda. It also considered the broader legal and policy frameworks governing habitability and human dignity. By way of conclusion, this chapter synthesizes the findings from previous chapters in order to extract informed conclusions on the progress, gaps, and potential interventions required for the actualization of these rights.

#### **5.2 Findings**

Adequate housing is not merely an infrastructure issue. It is a core component of the right to an adequate standard of living, as recognized under international law. The analysis in this study underscores the fact that ensuring habitability involves more than providing shelter. It requires fulfilling broader conditions such as safety, space, privacy, and access to essential services. Despite Uganda's ratification of several international human rights instruments, the state's response to housing needs, particularly for police officers, has been inconsistent and inadequate.

As the primary duty bearer under international and domestic human rights frameworks, the Ugandan government has made commendable strides in addressing housing inadequacies for police officers, particularly through initiatives such as the Naguru Housing Project. However, the persistent housing deficit, inadequate maintenance and lack of comprehensive implementation underscore significant gaps in meeting the state's obligations to respect, protect, and fulfill the right to adequate housing for this category of public servants. While measures such as the construction of housing units and proposals for public-private partnerships are promising, the failure to address systemic issues like overcrowding, poor sanitation, and the lack of equitable access to housing resources reveals the need for more targeted interventions.

A key finding of the study is the disparity in housing conditions among police personnel, which disproportionately affects junior officers. While some progress has been made in providing semi-permanent and permanent housing, most officers remain in substandard living conditions, often resorting to makeshift accommodations. The lack of a clear allocation system and the exclusion

of non-entitled personnel from institutional housing exacerbate overcrowding and undermine efforts to improve morale and productivity. Additionally, the absence of housing allowances for officers residing outside barracks reflects systemic neglect and places undue financial burdens on officers and their families.

The study's review of international and domestic legal frameworks highlights the critical role of comprehensive legislation in advancing the right to adequate housing. However, Uganda's existing policies and housing policies lack the robustness required to ensure equitable access and enforcement. The limited scope of current policies to address habitability, coupled with weak monitoring mechanisms, undermines the government's ability to meet its obligations under international human rights treaties, such as the International Covenant on Economic, Social, and Cultural Rights (ICESCR). The study argues that Uganda's legal and policy frameworks must align more closely with its international commitments. The High Court's adoption of the reasonableness test in recent housing-related rulings sets a critical precedent for holding the state accountable.<sup>1</sup> However, this progress must be supported by legislative reforms and robust enforcement mechanisms to ensure compliance with housing obligations.

The study affirms that while states are not expected to immediately fulfill all aspects of the right to adequate housing, they are obligated to take deliberate, targeted, and consistent steps toward its realization. The principle of progressive realization, as articulated in the International Covenant on Economic, Social and Cultural Rights, provides a practical framework for addressing Uganda's housing challenges. However, the lack of a clear roadmap for achieving this goal undermines the state's ability to effectively meet its obligations.

From an institutional perspective, the study emphasized the state's obligations under international law to respect, protect, and fulfill the right to adequate housing. However, Uganda's approach has been largely reactive and piecemeal, with a lack of comprehensive policies to address the structural barriers impeding housing reforms. Moreover, the absence of sufficient housing allowances and accessible alternative accommodation for officers not entitled to institutional housing further complicates the situation.

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<sup>1</sup> *Kalali v. Attorney General* Cause No.88 of 2022.

The inadequate housing conditions faced by police officers have direct implications for their performance and the public's perception of the institutions of law enforcement. Poor living conditions not only affect officers' morale and mental health but also diminish their capacity to serve effectively. This, in turn, erodes public trust and confidence in the police force, further compounding broader governance challenges.

### **5.3 Recommendations**

Based on the findings of this study, the following recommendations are proposed to address the challenges of inadequate housing and habitability for police officers in Uganda:

#### **5.3.1 Policy and Legislative Reforms**

##### **Recommendation 1: Develop a Comprehensive Police Housing Policy**

The government should prioritize the development of a comprehensive national police housing policy that specifically addresses the unique needs of law enforcement personnel. This policy should:

- Set clear, time-bound targets for closing the housing deficit, with specific provisions for junior officers (Constable to Inspector ranks) who are most affected
- Establish minimum habitability standards for all police accommodation, aligned with WHO housing and health guidelines
- Create transparent allocation mechanisms that prioritize need and prevent discrimination
- Include provisions for regular maintenance and renovation of existing facilities
- Specify budgetary allocations from the national budget specifically earmarked for police housing

##### **Recommendation 2: Amend the Uganda Police Standing Orders**

The Uganda Police Standing Orders should be amended to:

- Extend housing entitlements to all ranks, not just those up to Inspector level
- Specify clear timelines for housing allocation following recruitment or transfer
- Establish grievance mechanisms for officers facing housing challenges
- Mandate periodic housing condition assessments with remediation timelines

- Provide for alternative arrangements (including housing allowances) where institutional housing is unavailable

### **Recommendation 3: Strengthen Legal Enforceability**

- Incorporate the right to adequate housing expressly into Chapter Four of the Uganda Constitution, making it directly justiciable

- Enact specific legislation on police welfare that includes enforceable housing rights provisions

- Establish specialized tribunals or fast-track procedures for addressing police housing complaints

### **5.3.2 Financial and Resource Mobilization**

#### **Recommendation 4: Introduce Housing Allowances**

To address the immediate housing crisis and provide relief to officers not accommodated in institutional housing, the government should:

- Introduce monthly housing allowances for all police officers, calculated based on rank and duty station location

- Ensure allowances reflect actual rental costs in different localities, with urban areas like Kampala receiving higher allocations

- Provide for annual adjustment of allowances in line with inflation and rental market trends

- Fast-track implementation through supplementary budget allocations in the current financial year

#### **Recommendation 5: Increase in Budgetary Allocation**

- Substantially increase the allocation to police housing in the national budget, moving from the current approximately 2% of the police budget to at least 15%

- Create a dedicated housing fund for the Uganda Police Force, protected from reallocation

- Implement multi-year budgeting for large-scale housing projects to ensure continuity and completion

### **Recommendation 6: Establish Public-Private Partnerships (PPPs)**

The government should explore innovative financing through PPPs by:

- Partnering with private developers for build-operate-transfer arrangements
- Offering tax incentives to private developers who construct affordable housing for police officers
- Engaging financial institutions to create special mortgage schemes for police officers at subsidized rates
- Utilizing police-owned land parcels for joint venture developments with private sector partners

### **5.3.3 Infrastructure Development and Maintenance**

#### **Recommendation 7: Undertake Comprehensive Renovation Program**

- Immediately undertake comprehensive structural assessments of all existing police barracks in Nakawa Division and nationwide
- Develop a phased renovation program prioritizing the most dilapidated structures
- Establish regular maintenance schedules to prevent further deterioration
- Replace all temporary uniport structures with permanent, habitable housing within three years

#### **Recommendation 8: Construct New Housing Units**

- Accelerate construction of new housing units, targeting at least 10,000 units nationally within five years
- Prioritize construction in high-density urban areas like Kampala where housing deficits are most acute
- Ensure all new constructions meet modern habitability standards including adequate space, ventilation, sanitation, and access to utilities
- Incorporate universal design principles to accommodate officers with disabilities

### **5.3.4 Governance and Accountability**

#### **Recommendation 9: Establish Independent Monitoring Mechanisms**

- Create an independent Police Housing Commission with representation from police officers, civil society, and housing experts
- Mandate the Commission to conduct regular inspections and publish annual reports on police housing conditions
- Establish a public complaints mechanism where officers can report housing issues without fear of retaliation
- Require quarterly reports from the Directorate of Construction and Estate Management to Parliament

#### **Recommendation 10: Implement Transparent Allocation Systems**

- Develop and publicize clear criteria for housing allocation based on need, length of service, family size, and rank
- Digitalize the housing allocation system to enhance transparency and reduce corruption
- Conduct regular audits of housing allocations to identify and address irregularities
- Establish penalties for officials who misallocate housing or engage in corrupt practices

#### **Recommendation 11: Strengthen Accountability for Non-Compliance**

- Require the Ministry of Internal Affairs and Uganda Police Force to submit annual progress reports to Parliament on housing provision
- Make housing provision a key performance indicator for police leadership
- Establish judicial oversight through regular PIL (Public Interest Litigation) reviews of housing conditions
- Create legal consequences for persistent failure to meet minimum habitability standards

### **5.3.5 Capacity Building and Awareness**

#### **Recommendation 12: Sensitize Officers and Policymakers**

- Conduct comprehensive training programs for police officers on their housing rights and available grievance mechanisms
- Educate officers about the health and safety standards their accommodation should meet
- Train policymakers and police administrators on international and domestic obligations regarding the right to adequate housing
- Create awareness programs highlighting the link between adequate housing and police effectiveness

#### **Recommendation 13: Facilitate Officer Participation in Housing Decisions**

- Establish police housing committees at stations, divisional, and national levels with elected officer representatives
- Require mandatory consultation with officers before implementing housing policies or projects
- Support formation of police housing cooperatives to enable officers to pool resources for construction
- Ensure family members can participate in housing planning processes, given their direct experience of living conditions

### **5.3.6 Holistic Welfare Integration**

#### **Recommendation 14: Link Housing to Broader Welfare Strategy**

Housing improvements should be integrated into a comprehensive welfare strategy that includes:

- Improved access to affordable healthcare for officers and their families
- Better transportation support, including duty transport and commuting allowances
- Enhanced educational opportunities for officers' children through scholarship schemes
- Comprehensive insurance coverage, including life, health, and property insurance
- Adequate pension and retirement benefits to enable officers to secure housing post-service

### **Recommendation 15: Seek International Assistance and Cooperation**

- Engage international development partners (UN-Habitat, UNDP, bilateral donors) for technical and financial support
- Learn from regional best practices through study tours and knowledge exchange programs
- Access concessional loans from development finance institutions for large-scale housing projects
- Participate in regional police welfare forums to share experiences and solutions

### **5.3.7 Research and Evidence Generation**

#### **Recommendation 16: Conduct Comprehensive National Assessment**

- Commission a comprehensive national assessment of police housing needs and conditions across all divisions
- Establish a baseline database of housing stock, condition, occupancy, and deficit
- Implement a housing management information system for real-time monitoring
- Conduct regular follow-up studies to track progress and identify emerging challenges

#### **Recommendation 17: Impact Evaluation**

- Undertake rigorous impact evaluations of housing interventions to determine what works
- Assess the correlation between improved housing conditions and police performance metrics
- Study the effect of housing allowances on officer satisfaction and retention
- Document and disseminate successful housing models for replication

By implementing these recommendations, Uganda can make significant strides toward addressing the acute housing challenges faced by its police force. These measures will not only fulfill the state's obligations under international and domestic law but also contribute to a more motivated, efficient, and effective police force capable of meeting the demands of public service. The recommendations recognize that adequate housing for police officers is not merely a welfare issue but a matter of operational effectiveness, human rights compliance, and national security.

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**APPENDIX I: INTERVIEW WITH ACTING DIRECTOR, CONSTRUCTION AND ESTATE MANAGEMENT, DIRECTORATE OF LOGISTICS AND ENGINEERING – UGANDA POLICE FORCE**

**Background**

1. Name: \_\_\_\_\_
2. Occupation: \_\_\_\_\_
3. Position: \_\_\_\_\_

**General Questions on Police Housing**

4. Do you have accommodation for police officers in Nakawa?
5. What types of police housing are available in Nakawa? (Permanent, semi-permanent, temporary)
6. What percentage of police officers in Uganda have access to police-provided housing?

**Adequacy and Habitability**

9. What are the most pressing housing challenges for police officers in Nakawa?
10. What is the general state of the existing housing infrastructure? (e.g., structural integrity, ventilation, sanitation)
11. What are the effects of limited and inhabitable housing?

**Policies and Regulations**

15. What are the existing policies governing police housing in Uganda?
16. Are there any provisions for housing allowances for police officers?
17. How does the lack of a housing allowance impact police officers and their families?
18. What are the most significant challenges in implementing housing policies?

**Measures to Improve Police Housing**

19. What steps has the Uganda Police Force taken to improve housing conditions?

## **APPENDIX II: ADVOCATE**

### **Background**

1. Name: \_\_\_\_\_
2. Occupation: \_\_\_\_\_
3. Position: \_\_\_\_\_

### **General state of Police Housing**

4. How would you describe the housing conditions of police officers in Nakawa?
5. What are the biggest challenges associated with the current police housing arrangements?

### **Legal and Policy Framework**

14. What are the key laws and policies governing police housing in Uganda?
15. How effective have these policies been in addressing police housing challenges?
16. What gaps exist in the current legal framework for police housing?
17. What role does your organization (Equal Housing) play in advocating for better police housing?
18. Have there been any legal challenges or petitions regarding police housing conditions?

### **Challenges in Implementing Housing Policies**

19. What are the primary obstacles to implementing existing housing policies?

### **Recommendations for Improvement**

20. What should be done to improve housing conditions of police

## **APPENDIX III: INTERVIEW WITH POLICE OFFICER OF THE UGANDA POLICE FORCE**

### **Background**

1. Name: \_\_\_\_\_
2. Occupation: \_\_\_\_\_
3. Position: \_\_\_\_\_

### **Personal Experience with Police Housing**

4. Do you currently live in police-provided housing? If not, why?
5. What is your living situation like? (Space, privacy, sanitation, etc.)
6. What are the biggest challenges you face in your housing situation?
7. How does your housing situation affect your daily life and work performance?
8. Do you live with your family? If not, how has this affected you and them?

### **Housing Adequacy and Habitability**

9. How many officers do you typically share accommodation with?
10. Are the housing units provided structurally sound? What problems exist?
11. Do you think the available housing options are suitable for a disciplined force? Why or why not?

### **Effects of Poor Housing on Officers**

12. What are the effects of poor housing?
13. What message would you like to share regarding police housing conditions?