



Tilenga Project

Human Rights Impact Assessment Report

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ACRONYMS

CBOs	Community-based Organizations
CLOs	Community Liaison Officers
CNOOC	Chinese National Offshore Oil Corporation
CSCO	Civil Society Coalition for Oil and Gas in Uganda
CSOs	Civil Society Organizations
EACOP	East Africa Crude Oil Pipeline
EPF	Environmental Protection Force
ESIA	Environmental and Social Impact Assessment
FGD	Focus Group Discussion
GBV	Gender-Based Violence
HRIA	Human Rights Impact Assessment
HRDD	Human Rights Due Diligence
HRDs	Human Rights Defenders
GLRP	Global Livelihood Restoration Program
IFC	International Finance Corporation
ILO	International Labour Organization
IPF	Intimate Partner Violence
LARF	Land Acquisition and Resettlement Framework
LRP	Livelihood Restoration Plan
NGOs	Non-Governmental Organizations
NOTU	National Organization of Trade Unions
PACs	Project-Affected Communities
PAHs	Project-Affected Households
PAPs	Project-Affected Persons
PIIM	Project-Induced In-Migration
RAP	Resettlement Action Plan
SVAC	Sexual Violence Against Children
TEPU	TotalEnergies EP Uganda
UNGPs	UN Guiding Principles on Business and Human Rights
UNOC	Uganda National Oil Company
UPDF	Uganda Peoples' Defence Force
UPF	Uganda Police Force
UWA	Uganda Wildlife Authority
VPSHR	Voluntary Principles on Security and Human Rights

1 INTRODUCTION

This report presents the findings and recommendations of the Human Rights Impact Assessment (HRIA or the Assessment) for the Tilenga Project (the Project),¹ which was commissioned by TotalEnergies Exploration & Production Uganda (TEPU) in order to understand the risks and impacts of the Project on human rights and to develop a proactive and comprehensive action plan for ongoing human rights due diligence (HRDD) to manage the Project's salient human rights issues as it moves towards the Project's construction and operational phases.

The HRIA builds upon prior human rights assessments that the Project has taken, notably through the Environmental and Social Impact Assessment (ESIA) and other related studies.



The Tilenga Project²

Located in the Buliisa and Nwoya districts in the Lake Albert area of Uganda, the Tilenga Project is operated by TEPU (56.6%), in partnership with a subsidiary of the Chinese National Offshore Oil Corporation (CNOOC) (28.4%) and the Ugandan National Oil Company (UNOC) (15%). It comprises oil production, a crude oil processing plant, underground pipelines and infrastructure.

Production will be delivered through buried pipelines to a treatment plant built in Kasenyi, for the separation and treatment of the fluids (oil, water, gas). All of the water produced will be reinjected into the fields and the gas will be used to produce the energy needed for the treatment process. One of the fields to be developed, Jobi Rii, is located inside Murchison Falls Park. The others are located outside the Park, south of the Victoria Nile in sparsely populated rural areas and activities that are essentially agricultural.

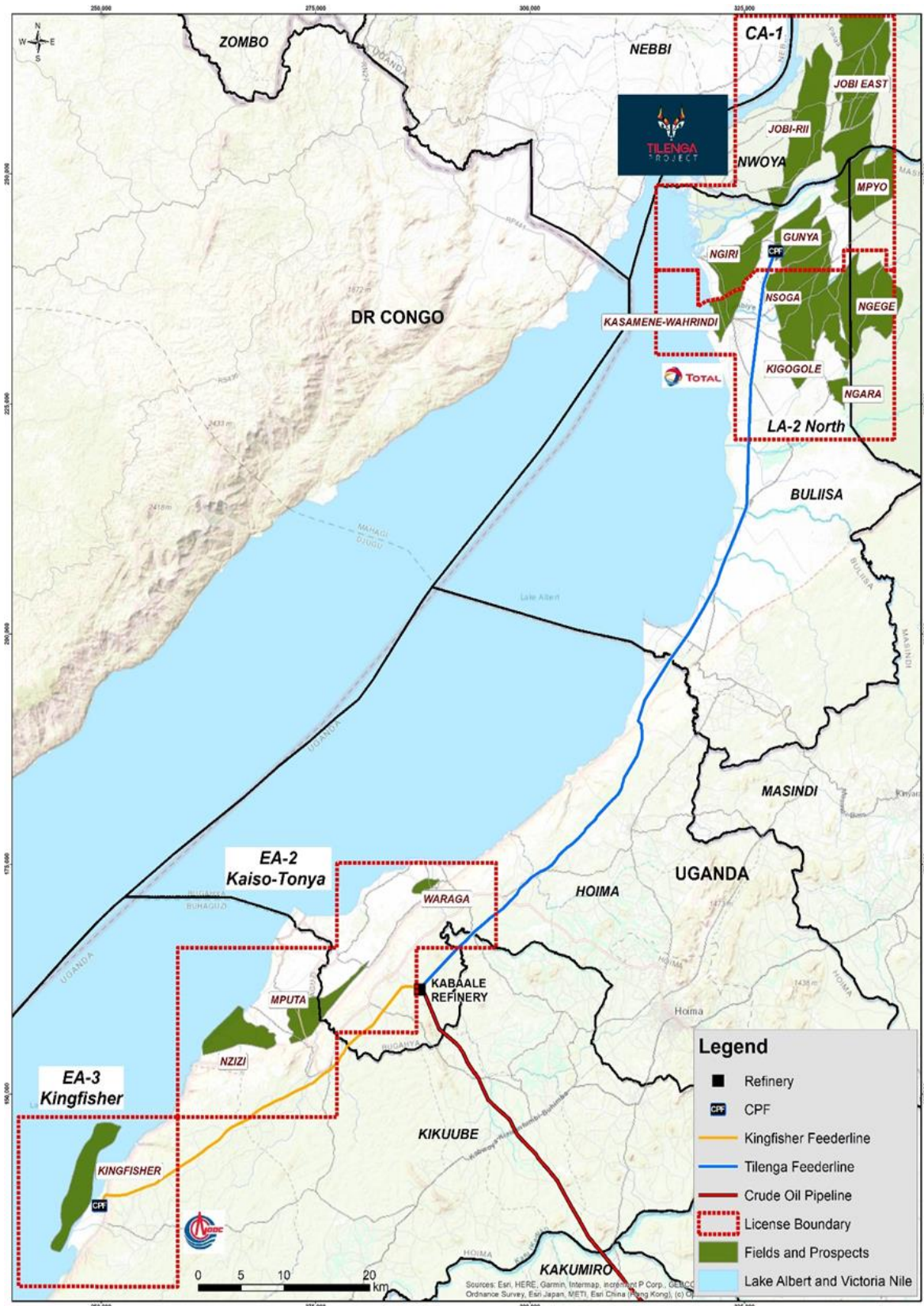
Tilenga connects to the East Africa Crude Oil Pipeline, which consists of the construction of a buried 1,443 km oil pipeline between the town of Kabaale in Hoima District in Uganda and the port of Tanga in Tanzania, and a storage terminal and loading jetty in Tanga.

The Assessment was conducted during the timeframe that the final agreements were signed to launch the Tilenga and EACOP projects and they began the construction phase. First oil production and operations of the pipelines is currently planned for 2025.

¹ A summary version of this HRIA report is available.

² For more information about the Tilenga and EACOP Projects, see: <https://totalenergies.com/projects/oil-gas/tilenga-and-eacop-acting-transparently>

The following map provides an overview of the Project's location and its associated components in Uganda.



The Assessment Process

Objectives for the Assessment

- Undertake a human rights impact assessment of the Tilenga Project and provide recommendations for ongoing due diligence on the salient issues associated with project activities
- Establish an integrated approach between Human Rights, Social Performance and the Voluntary Principles on Security and Human Rights (VPSHR) in order to consolidate the focus of activities within the Company Team
- Provide the Tilenga Project with key objectives to help manage identified areas of concern and establish a consistent framework for ongoing human rights due diligence
- Create further operational awareness on human rights within the Project team
- Provide recommendations for ongoing engagement with Project stakeholders on human rights.

The Assessment was implemented in a collaborative and participatory manner by Eco & Partners Consult (Uganda) and LKL International Consulting Inc. (Canada) between December 2020 and January 2022. In particular, the Assessment had a strong focus on engagement with affected stakeholders³ in Uganda and in the project area during an extensive fieldwork mission in April and May 2021. Furthermore, representatives of TEPU and its business partners were engaged through the Assessment in order to build awareness about the relevant human rights and social performance standards and for ongoing dialogue about management approaches and mitigation measures to address the salient human rights issues identified and prioritized through the Assessment.⁴

Methodology

The following table presents the key steps or phases in the Assessment.

Table 1: Key steps/phases in the assessment

HRIA Phases	Key activities and outputs	Timeline
HRIA Scoping	<ul style="list-style-type: none"> ▪ Desktop research and review of internal and external reports about the Project ▪ Scoping and prioritization of salient human rights issues for the overall HRIA process 	December 2020 to March 2021

³ "Affected stakeholders" is the terminology used in the UNGPs to designate those whose human rights could be adversely impacted by business enterprises. Affected stakeholders include direct and supply chain workers, community members and customers. A human rights-based approach pays particular attention to vulnerable groups, including women, children, persons with disabilities, indigenous peoples, racial and ethnic minorities, and migrant workers and their families.

⁴ "Salient human rights issues" is the terminology used to describe the human rights risks or impacts that have the most severe and most likely adverse impacts on affected stakeholders.

HRIA Phases	Key activities and outputs	Timeline
	<ul style="list-style-type: none"> ▪ Development of protocols for fieldwork phase ▪ Workshops with Project leaders and key departments 	
HRIA Fieldwork and Follow-up	<ul style="list-style-type: none"> ▪ Stakeholder mapping and development of interview guidance and protocols for fieldwork phase ▪ Extensive fieldwork with affected and other stakeholders in Uganda and in the communities around the Project ▪ Follow-up engagement and workshops with TEPU and key contractors 	April to November 2021
Human Rights Assessment	<ul style="list-style-type: none"> ▪ Assessment of human rights risks and impacts ▪ Assessment of current mitigation measures ▪ Development of recommendations for priorities or additional actions to strengthen ongoing HRDD ▪ Preparation and internal review of draft HRIA report ▪ Development of Human Rights Action Plan 	November 2021 to January 2022
Disclosure and governance	<ul style="list-style-type: none"> ▪ Disclosure of HRIA report and Human Rights Action Plan with local and national stakeholders ▪ Establishment of governance structures to support implementation of Human Rights Action Plan ▪ Engagement with internal stakeholders and contractors to raise awareness of expectations under the Human Rights Action Plan 	February to March 2022

Scoping

The Assessment was designed to take into account a variety of international standards and methodologies that are applicable to the Project. The overall framework for the Assessment is based on the UN Guiding Principles on Business and Human Rights (UNGPs) and related guidance on the different component aspects of HRDD. The Assessment also took into account the IFC Performance Standards and related guidance notes when assessing community issues. Furthermore, the Voluntary Principles on Security and Human Rights (VPSHR) were the main focus for the review of the security aspects of the Project.

From experience with other Assessments, the potential scope of issues under the UNGPs, IFC Performance Standards and VPSHR can be extremely vast. This contradicts the purpose of HRDD according to the UNGPs, which is meant to help businesses focus their attention and resources on the most salient issues from a human rights perspective (i.e. those issues that present the greatest risk to people in terms of severity and likelihood of adverse impacts on human rights).

Therefore, the assessment team prioritized the Project's salient human rights issues based on the greatest potential risk to people during the scoping phase. The salient human rights issues were identified, prioritized and refined through an iterative process that included a desktop scoping phase, an extensive fieldwork and stakeholder engagement phase, and follow-up engagement and dialogue with TEPU about its current approaches and mitigation measures.

As part of this scoping process, the assessment team reviewed a number of prior reports about the Project and human rights by external consultants, experts and NGOs. The purpose of this review was to ensure that the identification and prioritization of salient issues for the Assessment took into account the key issues raised in those prior reports.

This process is summarized in the Table 1-2 below and the key concerns and risks identified is included at the beginning of the sections about the salient issues below. Further information about the reports reviewed is also provided in the bibliography in Appendix D.

Table 2: Summary of the scoping process

Salient Issues	TE Guide	Tilenga ESIA	Tilenga RAP	EACOP HRIA	UHRC	IA & RHA	Amis de la Terre	Action Aid	Nomo.	FIDH
Contractor Workers' Rights	X	X		X	X	X	X	X	X	X
Information and Consultation	X	X	X	X	X	X	X		X	X
Land and Resettlement	X	X	X	X	X		X	X	X	X
Health, Safety and Environment	X	X		X	X	X	X	X	X	X
Cultural Rights and Vulnerable Ethnic Groups	X	X		X	X				X	X
Public Security Forces	X			X		X	X		X	
Private Security Forces	X			X		X			X	
Women's Rights, Gender Equality and GBV	X	X	X	X	X	X	X		X	X
Grievance Mechanisms	X	X		X	X	X	X		X	
Human Rights Defenders	X				X		X		X	X

The assessment team also considered the phase of the Project in the identification and prioritization of the salient human rights issues. In this regard, the Project began to mobilize over the course of the Assessment after a period of delays in the government approval process and in negotiations amongst the Project partners. Situating the Assessment along the Project development timeline was important for understanding the focus on certain issues up until now (e.g. related to information and consultation, land acquisition and resettlement) while also looking forward to issues that will arise as the Project mobilizes and begins construction of the Project facilities (e.g. contractor workers, Project-Induced In-Migration).

Based on this iterative process and the criteria for salience used in the UNGPs (i.e. the most severe and likely human rights risks or impacts), the following table presents the salient human rights issues that are the focus of this HRDD Assessment report. The framing of the salient human rights issues has been organized around the 3 main topics (Workers, Communities and Security) identified in TotalEnergies' Code of Conduct, Human Rights Guide and other TotalEnergies documents, to facilitate alignment of corporate policies and procedures for effective management and mitigation.

Table 3: Salient issues for the Tilenga project HRIA

Workers' Rights	Communities' Human Rights	Security and Human Rights
<ul style="list-style-type: none"> Contractor and suppliers' workers' rights 	<ul style="list-style-type: none"> Right to information and consultation Land and resettlement Project-induced in-migration Road safety Cultural rights 	<ul style="list-style-type: none"> Interactions with Government Security Forces Interactions with Private Security Providers
Cross-cutting Human Rights		
<ul style="list-style-type: none"> Women's rights, gender equality and vulnerable groups <ul style="list-style-type: none"> Grievance mechanisms and access to remedy Human Rights Defenders 		

The assessment team recognizes that the prioritization of salient human rights issues was focused on proactively managing the operational issues that are starting with the construction phase of the Project and are likely to continue through operations.

Through ongoing reviews of reports about the Project, the assessment team recognizes that there are broader issues about the environment and inter-generational impacts that have human rights implications. In this regard, during the course of the Assessment, the UN Human Rights Council officially recognized the right to a healthy and sustainable environment—which will undoubtedly strengthen the human rights focus on environmental issues in relation to the Project and the oil & gas industry in Uganda.

Fieldwork and Stakeholder Engagement

The Assessment is based on extensive engagement with affected stakeholders, civil society organizations, local and national government officials and company representatives through interviews and focus group discussions. The primary fieldwork was conducted in April and May 2021 and was supplemented by targeted follow-up meetings with key stakeholders who were not able to be engaged with during the initial fieldwork.

Primary data was gathered through engagement with affected stakeholder (i.e. rights-holders), stakeholders with responsibilities for protection and respect of human rights (i.e. duty-bearers) and other relevant stakeholders who have views or information about the Project. These stakeholders were engaged through focus groups, key informant interviews and other types of stakeholder engagement such as community meetings.

A human rights-based approach that incorporates human rights standards into the data collection process itself was adapted during the fieldwork. As such, an effort was made to ensure participation, data disaggregation, self-identification, transparency, privacy and accountability throughout the process. A rights-based approach to stakeholder engagement is both a hallmark of good practice for human rights assessments as well as a key component of ongoing HRDD according to the UNGPs.

Tools used to collect the data included structured interview guides adapted to the stakeholder(s) interviewed on themes related to the salient issues in the Assessment, including workers' rights, access to information, compensation and livelihood restoration, cultural rights, gender and equality, grievance redress mechanism, security and recommendations. Gender balance was a priority for the assessment team. Focus Group Discussions with women were held in each community and key stakeholders focused on women's rights were targeted throughout the assessment.

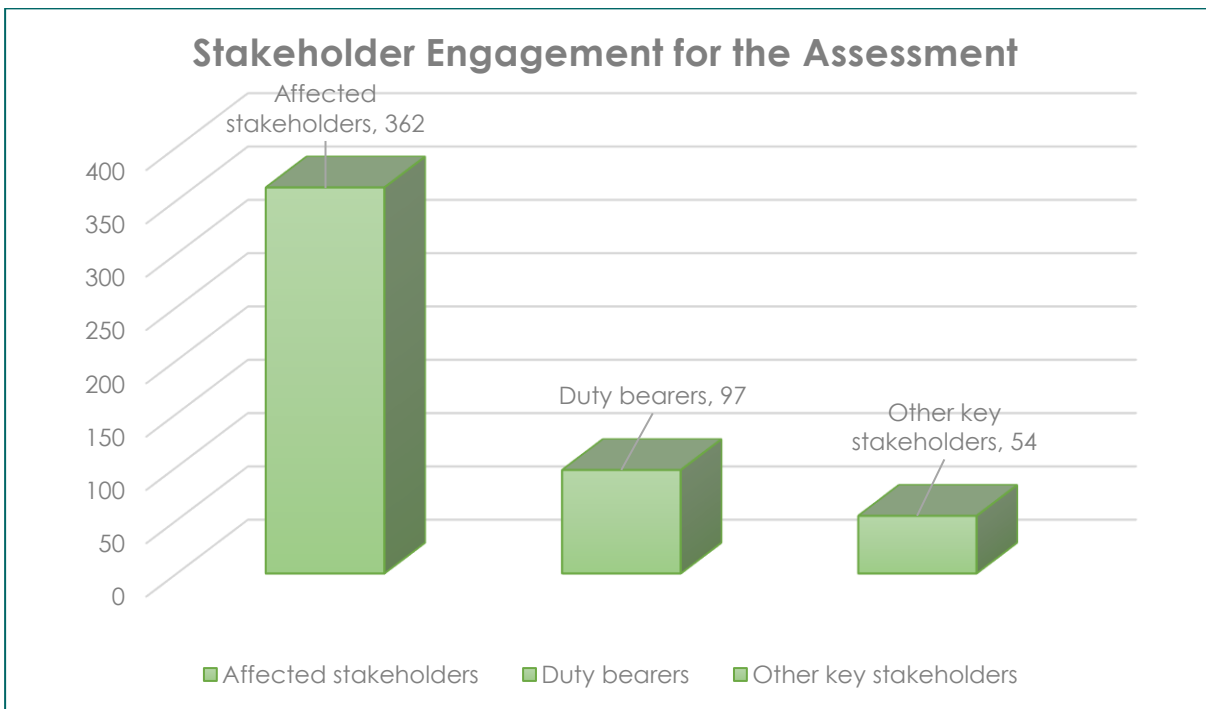
Table 4: An overview of the different stakeholders engaged through the fieldwork.

Stakeholder Groups	Stakeholder Sub-Groups	Numbers
Affected stakeholders (rights-holders)	Potentially impacted community members: These included PAPs and residents living near the Project in: <ul style="list-style-type: none"> ▪ Kasinyi ▪ Kisomere ▪ Kakindo ▪ Rwamutonga ▪ Ndaragi ▪ Kigwera NW ▪ Nyapea ▪ Kisansya ▪ Beroya 	360
Stakeholders with responsibilities for protection and respect of human rights (i.e. duty-bearers)	<ul style="list-style-type: none"> ▪ TEPU representatives ▪ TEPU business partners ▪ TEPU contractors and sub-contractors ▪ Government of Uganda Ministries, Departments and Agencies ▪ Local Governments ▪ Government security forces 	97
Other relevant stakeholders	<ul style="list-style-type: none"> ▪ Uganda Human Rights Commission ▪ International Labour Organization ▪ Trade unions ▪ International NGOs ▪ Local NGOs, community-based organizations ▪ Faith-based organizations 	56

Stakeholder Groups	Stakeholder Sub-Groups	Numbers
	<ul style="list-style-type: none"> Academic expert 	
Total Stakeholders Engaged in the Fieldwork		513

The graphic on the following page provides an overview of the number of stakeholders from these different stakeholder groups that were engaged during the HRIA fieldwork and follow-up activities. As noted above, these stakeholders were engaged during the fieldwork phase through interviews, focus groups discussions and community meetings.

Figure 1-1: Overview of the engagements held during the HRIA fieldwork



An important component of the follow-up on the fieldwork was a series of workshops organized with the TEPU team to obtain further information about the Project's current mitigation measures, management plans and commitments for further actions to address concerns raised by stakeholders during the fieldwork. This engagement with internal stakeholders was a necessary step so that the HRIA could present a balanced view of the current situation on the ground and the path forward for the Project and its affected stakeholders.

The assessment process also included a human rights heat-mapping exercise to build internal awareness about the Project's salient human rights issues and to confirm the prioritization of those issues on the basis of the UNGPs criteria of severity and likelihood of risks to people. More information about the human rights heat-mapping is included in Appendix B.

After the workshops, the assessment team drafted and edited the report. This involved internal reviews by LKL, Eco, TEPU and its business partners. As part of the internal review process, the recommendations were discussed and reflect a consensus around a comprehensive series of actions that are captured in a framework for a Human Rights Action Plan framework that is attached to this report. It has also been agreed that both the Assessment Report and the Human Rights Action Plan will be proactively disclosed to local and national stakeholders, including those who participated in the Assessment in order to seek feedback about the proposed path forward for the Project's HRDD.

While the assessment team believes that the Assessment has succeeded to a large extent in terms of the objectives it set for itself, however it is acknowledged that there are some limitations in terms of the methodology and outcomes of the assessment process. The main limitation is that only one round of fieldwork was conducted. While this involved very wide engagement with a variety of affected stakeholders and other groups, the lack of a verification round of fieldwork meant that certain allegations and perceptions about impacts could not be verified and triangulated to a sufficient degree to have detailed findings about specific impacts. In addition, the assessment team wanted to be cautious about the report's objectivity, especially in a context where there is active litigation about the Project. The assessment team therefore emphasizes the importance of grievance mechanisms and access to remedy throughout the report to allow those stakeholders to be able to raise their concerns, issues and impacts raised and have them remediated based on the effectiveness criteria in the UNGPs.

2 FINDINGS AND RECOMMENDATIONS

This section of the report presents the key findings and recommendations from the Assessment for each of the salient human rights issues noted above.

A. Workers' Rights of Contractors and Suppliers

Workers' rights are a key part of the substantive scope of HRDD based on the UNGPs⁵ and are one of the main salient issues that TotalEnergies' has identified in the group's Human Rights Guide.

Workers' rights were prioritized in the HRIA scoping phase in order to ensure that the Project's ongoing HRDD is based on a comprehensive approach that goes beyond the focus on the human rights of community members—which was the primary focus of many of the external reports reviewed through desktop research. Workers' rights were raised in some of the reports reviewed during the scoping phase, including concerns about risks of child labour; discrimination against women and locals; harassment in the workplace; constraints on freedom of association; and issues related to health and safety in the workplace and working conditions.

Labour issues and workers' rights were assessed during the ESIA for the Project, which led to the development of the Labour Management Plan and other mitigation measures related to workers' rights for the Project.

TotalEnergies' Human Rights Guide: Workers' Rights

The group pays special attention to employees' working conditions, respect for individuals and their privacy, a discrimination-free environment and health and safety, irrespective of the political and social context or any complexities encountered in the countries where we operate.

As stated in our Code of Conduct:

- The Group's employees must respect Human Rights.
- We expect our suppliers and contractors to adhere to the principles specified in the Group's Fundamental Principles on Purchasing or to equivalent principles, and to make ongoing efforts so that their own suppliers and subcontractors respect equivalent principles.

N.B. The TotalEnergies' Human Rights Guide also contains commitments and guidance about the substantive aspects of workers' rights, including avoiding discrimination, avoiding and addressing any form of harassment, child labour, forced labour, collective bargaining and freedom of association, and other aspects of working conditions. These are highlighted in the discussion below.

For the current stage of the Project, the assessment was further prioritized to focus on contractors' and suppliers' workers' rights due to the structure of the workforce during the pre-construction and construction phase, which will consist mainly of a contractor workforce. The highest risks to workers' rights will likely be in relation to local contractors and suppliers whose standards and practices are based on Ugandan labour law rather than international standards.

⁵ The basic scope of HRDD based on the UNGPs includes the International Bill of Rights and the ILO Declaration on the Fundamental Principles and Rights at Work.

The Project communicates its expectations about workers' rights and human rights more generally to their contractors through the contracting and onboarding process. For example, a review of the main contract with the Project's EPSCC Contractor shows strong human rights provisions, including references to the Universal Declaration on Human Rights and the ILO Declaration of Fundamental Principles and Rights at Work, as well as detailed requirements related to discrimination and harassment; forced and child labour; freedom of association; just and favourable working conditions; health and safety at work; and, grievance mechanisms.

Furthermore, the contractor is required to prepare its own Labour Management Plan that covers the above-noted requirements as well as some additional ones that are relevant to workers' rights. There are additional requirements for the contractor to prepare a Social Management Plan that covers other community human rights matters (including a Community Content and Economic Development Management Plan), and to conduct HSE and human rights monitoring. The requirements in the contractor's Labour Management Plan are listed in the text box below.

Example of Contractor Labour Management Plan Requirements

- Management of labour (including gender, diversity and worker health, safety, welfare) does not infringe the fundamental rights at work, as defined and protected by the United Nations Universal Declaration of Human Rights and the ILO Declaration of Fundamental Principles and Rights at Work.
- Special attention shall be paid to addressing issues regarding Gender equality both in recruitment and labour management practices.
- Employment selection policies and procedures, including specific recruitment procedure for community workers
- Child labour
- Diversity and inclusion policy and implementation mechanism
- Bullying and harassment
- Employee grievance mechanism
- HIV workplace policy
- Employee whistle-blowing procedure
- Anti-bribery and anti-corruption
- Retrenchment policy
- Workforce health and safety education
- Hygiene of bases and living quarters
- Migrant labour policy
- Contractor control plan (if applicable for the contractor's sub-contractors)

Furthermore, the contract requires the contractor to regularly monitor, record and report to the Project about the effectiveness of the implementation of the workers' rights—both for itself and sub-contractors. This aspect is key to allow TEPU to monitor the potential impacts on the workers' rights of its contractors, including sub-contractors. To support ongoing monitoring, TEPU is also considering implementation of a Workers' Voice tool, which is a survey that is sent directly to the workers' mobile phones and allows the Project to get direct feedback from workers in relation to different workers' rights topics.

The Project's managers demonstrate strong awareness of the need for them to accompany and engage with their contractors to respect the human rights requirements in the contracts by building their capacity and helping them to budget for the required actions. The Project is aware that, in some cases, it may be necessary to work with contractors to implement measures that they are not familiar with. Human rights training for contractors is planned to ensure that the contractors understand their contractual obligations with TEPU, especially regarding human rights.

In this regard, the two contractors engaged during the assessment attested to ongoing engagement and monitoring by the Project. For example, the first contractor stated that it presents payment slips for its employees each month before it is paid. Furthermore, the contractor must present the complaints register for its sub-contractors on a regular basis and the Project undertakes financial, technical and field-based audits. The second contractor stated that it has regular meetings with the Project about compliance and how to manage workers' rights concerns. Furthermore, the contractor highlighted that they conduct a due diligence screening for sub-contractors with the support of the Project and that this has quite detailed criteria that has resulted in the disqualification of potential suppliers. Furthermore, their contracts with sub-contractors and suppliers includes the workers' rights requirements that are in their contract with the Project. The contractor is conducting regular and ongoing assessments of sub-contractor and supplier performance, including on social and workers' rights aspects.

During the assessment, stakeholders engaged throughout the assessment highlighted a variety of concerns related to workers' rights and common workplace challenges in Uganda, including gaps between national labour laws (and its implementation and enforcement) and international labour standards. One of the overarching concerns about workers' rights in Uganda is a need for a higher level of government monitoring and inspection of workplaces. The system for workplace inspections in Uganda is decentralized, but not all districts have Labour Officers. Even in the districts where there is a Labour Officer, they do not have the resources and capacity to conduct regular workplace inspections. The Project's monitoring of workers' rights has been designed to be overseen directly by TEPU in collaboration with contractors and sub-contractors; however, opportunities to work with the district Labour Officers should also be considered as a longer-term goal to contribute to the government's capacity to protect workers' rights.

Another contextual factor to take into consideration is the very high level of unemployment and poverty in Uganda. In this context, people may be willing to accept unfavourable and unsafe working conditions in order to have a job and a source of income. For this reason, the Project and its contractors need to pay close attention to local sub-contractors and suppliers, particularly when there are casual labour or other short-term jobs required for the Project.

The discussion that follows is sub-divided to reflect the core labour standards (non-discrimination, freedom from child labour, freedom from forced labour and freedom of association) in the ILO Declaration on the Fundamental Principles and Rights at Work, which is the key benchmark for workers' rights in the UNGPs. This is supplemented by discussion of the rights to just and favourable and safe and healthy working conditions, which are other workers' rights that are part of the International Bill of Rights and have been identified by TotalEnergies' as salient issues across the group.

Right to Non-Discrimination

TotalEnergies Human Rights Guide: Avoiding Discrimination

Diversity is a decisive factor for the Group's competitiveness and attractiveness, and for our ability to innovate and adapt. Any form of discrimination, as characterised by unfair and unfavourable treatment of certain individuals, because of their origin, gender, age, disability, sexual orientation and gender identity, or affiliation with a political, religious, union organization or minority group is unacceptable.

Discrimination negatively impacts a person's employment opportunities and results in unequal treatment in the workplace. To comply with international and national law on anti-discrimination, any form of discrimination in the workplace, in particular against vulnerable employees (e.g., young workers; pregnant women, etc.), must be prevented.

All workers must be treated fairly with respect to all policies, conditions and benefits of employment, such as hiring, advancement, placement, training, remuneration and dismissals.

This means that:

- All employment-related decisions should be based on relevant and objective factors (such as merit, experience, tasks, skills, etc), and consistent procedures should be followed in decision-making processes.
- Employee compensation should be based on the concept of equal work for equal value, and differences in rates of remuneration between workers must correlate specifically to objective job criteria and performance.

Practically, when benefits are offered (such as health insurance or pension schemes) to spouses and dependents of employees, these benefits are also extended to same sex couples and employees with adopted children.

For example, prohibiting candidates from working in Group's Business units based on criteria such as appearance (e.g., high body mass index, piercings, long hair, etc.), gender, and disability is not allowed. Any limitation for objective reasons (e.g., safety) should be strictly documented.

The implementation of local legal requirements or affirmative action by a Business unit on matters such as local content policies should be in line with the applicable local law and Human Rights standards. *For example, local content recruitment processes, hiring of local businesses for works and/or services, community investment decisions etc, should be based on clear, objective, transparent and fair criteria.*

Stakeholder feedback highlighted general concerns related to risk of discrimination against women, persons with disabilities, refugees and discrepancies between the positions held by Ugandans and foreigners. In terms of the Project, stakeholders highlighted concerns related to risk of limited opportunities for women, persons with disabilities, people living with HIV/AIDs and the elderly based on their experience with the exploration phase. The issue of medical testing by contractors was highlighted as a factor that could discourage people with HIV/AIDs from applying for jobs. Furthermore, concerns were raised about potential discrimination in employment against refugees.

It was reported that discrimination in hiring may be likely to occur due to the "technical" and physical nature of most of the jobs that may be offered by the Project. There is a perception that these jobs are "men's" jobs, and that the Project will prefer to hire men. There is a level of discomfort that can often be experienced by women while working in a male-dominated field such as oil & gas or construction.

Furthermore, few women are enrolled in STEM (science, technology, engineering and math) related fields in Uganda; as a consequence, it may be more challenging to find women trained to work in semi-skilled or skilled positions. While the situation is challenging for women in STEM-related fields in Uganda, it also represents an opportunity for the Project to target women from the communities who have a minimum of academic qualifications and provide them with workplace learning options and therefore be in a better position to have equal access to promotions, in line with TotalEnergies' commitments to gender equality in the workplace.

The Project's local hiring procedure for unskilled and semi-skilled is meant to be transparent and fair through a process of random selection. Everyone who wants to be considered for employment fills a form and the candidates are selected randomly. Verifications are made with the LC1 and community members to ensure that the candidates are local community members.

The Project is also using various engagement methods to ensure that community members are aware of employment opportunities, including radio announcements, community engagement activities where community members can present their applications and advertising on their website. To counter the perception that the Project favours men for certain jobs, the communication about job opportunities should highlight that women are eligible and encouraged to apply and register for employment. It may also be appropriate to consider the use of female recruiters.

In addition to local employment, there are high expectations amongst communities that local businesses will be able to provide goods to the Project. However, a concern was expressed in women's FGDs in various communities that they do not have the knowledge and expertise to produce goods that would satisfy the Project's international standards. There have been requests for capacity building for women's businesses so that they can provide goods to the Project. In this regard, the Project's local procurement can be an important vehicle for increasing the work opportunities for women if they do not apply for or obtain direct jobs with the Project. As above, the Project should proactively communicate and engage with women for empowerment initiatives to promote their equal access to economic benefits from the Projects.

In addition to potential discrimination in the recruitment process, some highlighted issues related to discriminatory harassment against women in the workplace in Uganda.⁶ Other forms of discrimination against women in the workplace have been reported, including challenges for women in Uganda in resuming their former positions once they have gone on maternity leave, due to a perception that they may now be "unproductive." Prohibition on discriminatory harassment and respect for maternity standards should be prioritized as they are more severe forms of impacts and they serve to undermine efforts to bring more women into the Project workforce and the industry more generally. In this context, Project should focus on ensuring robust grievance mechanisms that have appropriate safeguards for complainants.

Furthermore, the assessment team is aware that TEPU has undertaken various measures to promote diversity and inclusion in its direct workforce, including training on diversity, inclusion and unconscious bias. These initiatives and training materials could be shared with contractors and sub-contractors to promote good practices.

⁶ Discriminatory harassment targets members of a specific sex. Sexual harassment and intimidation are both forms discriminatory harassment.

The Project has contractual provisions with its contractors that prohibit harassment and practices resulting in discriminatory treatment of workers with particular attention to recruitment, compensation, benefits or termination. In engagement with two of the contractors that were working for the Project during the pre-construction activities, the following was observed:

- The first company stated that non-discrimination is included in the company's Human Rights Policy and Employment Policy and that it has measures to guard against discrimination during recruitment. It also has a Disability Inclusion Policy in place.
- The second company stated that discrimination is not tolerated and that hiring is done on the basis of ability and capability. However, the company acknowledged that it is difficult to achieve gender balance in the oil & gas industry and that most of the workers are male. It is often difficult to find women for the positions. To address this over time, the company has launched a training program for university students and has a target of the 50% of the training candidates should be female.

Freedom from Child Labour

TotalEnergies Human Rights Guide: Prohibition on Child Labour

The Group demonstrates special vigilance regarding the prevention of child labor, in particular by supporting initiatives aimed at its elimination. Child labor undermines children's dignity and is harmful to their schooling, their health and their physical and intellectual development.

In accordance with the International Labor Organization (ILO) standards, the hiring of employees aged under 15 is prohibited. In addition, any hiring must also comply with local laws that set a higher minimum working age.

In line with the ILO standards, the minimum age for admission to any kind of hazardous work (e.g., underground work or handling hazardous goods) which, by its very nature or by virtue of the conditions under which it is carried out, is liable to compromise the health, safety or moral wellbeing of adolescents, must not be less than 18 years of age.

The Group applies these provisions universally, including in countries where these ILO standards have not been implemented into national law.

Should incidents of child labor be discovered for example at the site of one of our commercial or industrial partners, suppliers or service providers, it is advisable in the first instance to ensure that the children are removed from the position or the workplace. Their salary may continue to be paid to them for a set period pending the putting in place of an alternative solution.

To this end, remedial measures, such as, encouraging the replacement of children with adult members of their families, or developing a cooperation scheme with relevant international organizations or local NGOs, should be put in place. In the event that the employer concerned refuses to make any commitments or to comply with the remedial measures, the Group may suspend or terminate contractual relations.

Stakeholders highlight that child labour is an important concern in Uganda, including in the Project region. For example, fishing on Lake Albert was mentioned as one of the activities where children are involved in hazardous employment. Stakeholders repeatedly highlighted the risk of child labour along the supply chain of the Tilenga

project. Children in the Project area are in a state of heightened vulnerability due to the poor economic situation of many households and the closure of schools linked to COVID-19. Some local government and community representatives provided feedback that they expect children to be able to perform casual labour for the Project.

In addition to TotalEnergies commitments related to child labour, the Project also has commitments to prohibit child labour. The contractual provisions reviewed prohibit employment of workers under the age of 18 for hazardous and night work, and prohibit employment of workers under the age of 15, except where local law provides for greater protection for the child. During the construction phase, the Project considers all work to be potentially hazardous and will be applying the higher standard of 18 years old for eligibility for work on or associated with the Project.

In engagement with two of the contractors that were working for the Project during the pre-construction activities, the following was observed:

- Both contractors stated that they had zero tolerance for child labour.
- In addition, one of the contractors has a Child Safety Policy in place to guard against violence against children. Furthermore, its sub-contractors are required to have policies against child violations, sexual abuse of children and corruption.

Freedom from Forced Labour

TotalEnergies Human Rights Guide: Prohibition on Forced Labour

Forced labour means any work or service exacted from any individual under the threat of some penalty or punishment and for which the individual did not volunteer. In particular, it is characterised by a restriction on freedom of movement, coercion of the worker and lack of free consent from the worker.

In accordance with international guidelines and standards, each Business unit must ensure that its employees have freely chosen their jobs and they are free to leave them under their terms of employment.

For instance, requesting deposit guarantees from employees to have access to safety protection equipment or other material is not allowed. Every employment contract must state the component parts of the job (salary, working conditions, working time and especially the issue of overtime, etc.). Business units must pay fair and equitable remuneration, regularly and personally to each of their employees.

The Group applies these provisions universally, including in countries where these ILO standards have not been implemented into national law.

Stakeholders reported that some employers for other projects in Uganda have withheld the Identification Cards or passports of workers, which is a key indicator of forced labour. Furthermore, particular concerns were highlighted in relation to semi-skilled migrant workers who are vulnerable to deceptive and exploitative practices by recruitment agencies that could amount to forced labour.

Stakeholders have highlighted that an increase in sex work has already been seen in the Project region and is expected to keep increasing with more workers and PIIM. There are important risks of forced labour and human trafficking associated with sex work. These are discussed further in section J on Women's Rights, Gender Equality and Gender Based Violence.

In addition to TotalEnergies commitments against forced labour, the Project also has commitments to respect freedom from forced labour. The Project's contractual provisions include clauses to ensure that no worker is coerced to work against his/her will through the use of violence, intimidation, financial coercion or threat of penalty or sanction; to prohibit confiscation of workers' identity documents, provided that where local law requires such document to be retained, workers must have immediate and automatic access to such documents; and to ensure that no recruitment fees are charged to the worker.

Freedom of Association

TotalEnergies Human Rights Guide: Collective Bargaining and Freedom of Association

Collective bargaining is one form of social dialogue. It refers to a process whereby employee representatives and employers, or their representatives, negotiate the actual application of employment terms and working conditions (salary, working time, vocational training, welfare, etc.) and enter into mutually acceptable collective agreements.

Freedom of association represents the workforce's right to form and join organisations to promote and protect their interests in the workplace.

Collective bargaining and freedom of association help to ensure fair employment terms and working conditions.

Unfair communication from a Business unit which is intended to influence employees' decisions with regard to union representation and/or membership is prohibited.

In some regions, the right to unionize and bargain collectively may be restricted. Under such circumstances, other forms of workers meetings and independent representation should be implemented by the Group's Business units (e.g., ensuring that informal channels of communication between management and employees concerning work related issues are in place with identified contacts).

Stakeholders have raised concern that many employers in Uganda do not respect the right to unionize. This is attributed to weak bargaining power of workers because of high unemployment rates, and workers without contracts.

Support for unionization is complex, particularly in the context of supporting trade union rights in relation to the workforce that will be associated with the construction phase of the Project—which is primarily a short-term workforce. However, from the feedback during the Assessment, there is a need for trade unions to be included more systematically in the consultation and dialogue about the Project and oil & gas industry in Uganda; and TEPU has not yet established a sufficient level of dialogue with the trade union sector. Now that the final investment decisions have been made and the Project is mobilizing, it is important for the Project to strengthen its own dialogue with the trade union sector (including as part of the ongoing HRDD process) and to use its influence to ensure they are included in the wider consultations and dialogue with civil society about the oil & gas industry in Uganda. In this regard, the Project should engage proactively with the ILO and the National Organization of Trade Unions (NOTU) to see how it can support issues related to freedom of association for the Project and the oil & gas industry more generally.

In addition to TotalEnergies commitments related to collective bargaining and freedom of association, the Project also has commitments related to freedom of speech, association and collective bargaining. The contractual provisions reviewed

state that workers are free to choose whether to be member of a collective bargaining organization and have the right to participate in a dialogue about their collective work situation.

Working Conditions

TotalEnergies Human Rights Guide: Working Conditions

The Group pays special attention to employees' working conditions, respect for individuals and their privacy, a discrimination-free environment and health and safety, irrespective of the political and social context or any complexities encountered in the countries where we operate.

Human Rights and labour issues at stake in the workplace are decent working conditions and remuneration, prohibition of forced labour and child labour (...), workplace health and safety, the establishment of an employment contract, working hours, rest and parental leave: ensuring that the workplace is free from discrimination and harassment; freedom of speech, association and collective bargaining, freedom of thought, conscience and religion, respect for private life and personal data.

Stakeholder concerns related to working conditions in Uganda included lack of written contracts and poor working conditions, including long hours and insufficient rest periods, as well as lack of worker grievance mechanisms. In particular, concerns about typical working conditions of private security guards in Uganda were highlighted, including extremely long shifts and insufficient rest time between shifts, low pay and absence of social security. Furthermore, district authorities highlighted that workers in the oil & gas industry frequently work long hours due to deadlines.

In addition to TotalEnergies' commitments related to working conditions, the Project has commitments to working conditions, remuneration and compensation. In the Project's contractual provisions reviewed, there are requirements to establish an employment contract; to provide a living wage and ensure compliance with a maximum number of working hours, adequate rest time and parental leave; and to document compliance with such requirements.

In engagement with two of the contractors that were working for the Project during the pre-construction activities, the following was observed:

- The first company stated that all their workers have signed contracts, as well as worksheets and CVs, which TEPU verifies before making their payments. As part of the recruitment process, workers are given a Human Resource Policy for them to read a week before signing the contract. As part of the orientation process, the company's workers are given training on company human resource policies and national laws such as the Employment Act, 2006 and the Workers Compensation Act.
- The second company stated that it ensured that national labour legislation was followed and that all workers have contracts. Although these contracts are in English, the company tries to get someone from the community who speaks the local language to ensure that the workers understand their contracts. The company also conducts regular assessments (every 2 years) on working conditions and wages in Uganda. The objective is to ensure that working conditions are above market for the industry.

Furthermore, as part of the discussion of interaction with private security providers (in section H below), the Project ensures that its security guards are provided with decent working conditions to respect their rights and to allow them to fulfill their duties. The Project's private security contractors pay their guards twice the salary that other private security companies pay their guards in Uganda. They also provide their guards with insurance, healthy food and adequate schedules that allow the guards to rest. The Project stated that it will continue to engage with the private security contractors to monitor and continue improving the guards' working conditions.

Workplace Health and Safety

TotalEnergies Human Rights Guide: Workplace Health and Safety

The Group pays special attention to employees' working conditions, respect for individuals and their privacy, a discrimination-free environment and health and safety, irrespective of the political and social context or any complexities encountered in the countries where we operate.

We also make sure that the Global Agreement's principles related to the promotion of Human Rights and health and safety in the workplace are communicated and promoted among our contractors and suppliers. If these principles are not respected, we take the necessary actions, which may go as far as terminating the contract.

Human Rights and labour issues at stake in the workplace are decent working conditions and remuneration, prohibition of forced labour and child labour, workplace health and safety, the establishment of an employment contract, working hours, rest and parental leave; ensuring that the workplace is free from discrimination and harassment; freedom of speech, association and collective bargaining, freedom of thought, conscience and religion, respect for private life and personal data.

Occupational health and safety was reported as a primary concern for the oil & gas industry by a number of stakeholders. There is a concern of workers being deployed in unsafe and unhealthy conditions and work without access to personal protective equipment (PPE) along the supply chain. The tools and equipment used by workers may also be of poor quality and unsafe. Employers may not have worker safety policies in place or provide safety training. Examples were provided of road construction in the region where workers were not given sufficient training on heavy equipment, leading to frequent accidents including severe injuries and fatalities.

Furthermore, stakeholders reported concerns that there have been incidents in Uganda where workers suffering from work incidents and accidents are not compensated or provided with treatment, and are not taken back to work after the accidents. Even when workers are compensated according to Ugandan law, the compensation is very low, and does not provide sufficient support, especially in the cases where the injuries include loss of life or disability.

Workplace health and safety is a priority for TotalEnergies and the Project. In addition to the inclusion of health and safety in its human rights policies, the Project has a whole suite of policies and procedures that are specific to workplace health and safety. In the contractual provisions reviewed, the human rights clauses include the requirement to provide a healthy and safe workplace where workers are protected from accidents, injuries, and work-caused illness; and, when accommodation is provided by the employer, to ensure that it is safe, clean and adequate as a living space.

In engagement with two of the contractors that were working for the Project during the pre-construction activities, the following was observed:

- The first company stated that workers are given health and safety training and are supplied with protective wear in form of helmets, safety boots, gloves, reflector jackets among others. Staff members have a health insurance with two insurance companies, and some of the workers have undertaken first aid training. The insurance companies provide for the service of a doctor who is “on call.” Workers are sensitized about HIV/AIDS and are supplied with condoms. There is an HIV/AIDS Policy in place.
- The second contractor stated that the Project's health and safety and environmental standards are very high and it is being held to those standards. In terms of health, COVID-19 measures are a priority, and HIV/AIDS prevention has also been a serious concern for the government, their team is trained on that aspect. They are focusing on raising awareness of workers and also working with the communities about HIV/AIDS prevention. They also distribute condoms.

Human Rights Risk and Impact Assessment

While TotalEnergies has strong policies and requirements for workers' rights of its contractors, sub-contractors and suppliers, there are gaps in labour law protections and awareness and implementation of workers' rights in Uganda. In this regard, there are risks to the full range of workers' rights issues including: non-discrimination, freedom from child labour, freedom from forced labour, freedom of association, just and favourable working conditions and safe and healthy working conditions.

At the current stage of Project development, there are still a relatively small number of contractors; and, the engagement with the Project and contractor managers demonstrated strong awareness and appropriate due diligence on workers' right to date. However, given the complexity of managing all the contractors, sub-contractors and suppliers during the Project's construction phase, this should remain a high priority for the Project's due diligence on human rights, and should involve ongoing engagement with and development of strong channels of communications and grievance mechanisms for contractor and suppliers' workers. Ongoing engagement throughout the Project's workforce and supply chain should provide opportunities for human resources issues to be raised and addressed before they amount to human rights impacts.⁷

Recommendations for Ongoing HRDD

Current mitigation measures are focused on the implementation of TotalEnergies' Fundamental Principles of Purchasing, and the Project's Labour Management Plan which include references to human rights and ILO labour standards, including: prohibition and prevention of child labour; prohibition and prevention of forced labour; working conditions, remuneration and compensation; health and safety at

⁷ The UNGPs and related guidelines such as the OECD Due Diligence Guidance for Responsible Business Conduct provide that a company's responsibility extends beyond impacts the company may cause or contribute to through its own activities and includes impacts that are linked to its operations, products or business relationships. In particular, these guidelines clarify how companies are expected to apply a risk-based approach to identifying and using leverage on salient human rights issues throughout their value chains; and that this risk-based approach is to be based on risk to people (defined as the most severe and likely impacts on human rights) and not on risk to the business.

work; prohibition and prevention of discrimination and harassment at the workplace; freedom of speech, association and collective bargaining, freedom of thought, conscience and religion; and, mechanisms for grievances and concerns.

The process for implementing these requirements includes the following:

- A pre-selection check and engagement with proposed contractors at the tendering stage;
- Contract provisions on workers' rights aligned with the Fundamental Principles of Purchasing, including requirements to incorporate workers' rights provisions in sub-contracts and to monitor sub-contractors regarding workers' rights in the workplace.
- Onboarding and induction training on workers' rights.
- Monitoring and auditing procedures.
- Develop of action plans to support contractors in complying with the workers' rights provisions if issues are identified during the pre-selection engagement or the course of the contract.

The recommended priorities for ongoing human rights due diligence include:

- Ensuring that the pre-selection engagement, onboarding and induction training process for contractors duly emphasizes the Project's commitments to respect workers' rights.
- Develop procedures to verify key contractors' human resources, recruitment, procurement and sub-contracting policies and procedures align with the Project's commitments to respect workers' rights.
- Require contractors to put in place effective grievance mechanisms for workers including appropriate safeguards against retaliation and for handling sensitive grievances related to discrimination, harassment and Gender Based Violence.
- Proactively conduct inspections of the working conditions of selected high-risk contractors', sub-contractors' and suppliers' workers to identify and remediate potential issues before they escalate to infringements on workers' rights. These processes should be conducted collaboratively with the contractors to build their awareness and capacity to inspect and monitor their sub-contractors.
- In implementing these measures, special attention should be paid to addressing issues regarding gender equality and non-discrimination in recruitment and labour management practices and raising awareness about the prohibition against sexual harassment.
- Engage proactively with contractors about their non-discrimination, harassment, maternity leave and breastfeeding policies and how these will be implemented and tracked.
- As part of hiring procedures, ensure that contractors proactively communicate that women are eligible for and encouraged to apply for jobs. Consider whether there are certain positions which could specifically target women candidates. Ensure that recruitment panels are gender balanced.
- Encourage contractors to provide targeted training for women from the communities who have minimal academic qualifications for them to qualify for semi-skilled and skilled positions. Such training could be led by women to make them more accessible for local women.

- For Project related jobs, encourage contractors to organize work so that women work with other women to increase their personal safety and comfort in participating in a workforce that has a large proportion of men.
- Ensure that workers' grievance mechanisms have appropriate safeguards against retaliation and for handling sensitive grievances related to discrimination, harassment and Gender Based Violence and that these are proactively communicated to female workers. Ensure that there are female grievance officers who are trained to handle the sensitive grievances.
- Engage proactively with the ILO and the National Organization of Trade Unions (NOTU) to see how the Project can support dialogue and action related to freedom of association for the Project's workforce and the oil & gas industry more generally.

Given the evolving global expectations about responsible supply chains, the Project can seek to build the capacity of Ugandan contractors, sub-contractors and suppliers about respecting workers' rights standards and good practices. This could eventually be extended to the oil & gas industry more generally through multi-stakeholder initiatives such as collaboration with universities and participating in supplier forums.

While the Project's monitoring of workers' rights is designed to be done directly by TEPU in collaboration with contractors and sub-contractors, opportunities to work with the district Labour Officers should also be considered as a longer-term goal to contribute to the government's capacity to protect workers' rights.

B. Information and Consultation

Information and consultation were prioritized as a salient issue during the HRIA scoping phase based on its inherent importance for the establishment of strong relationships between companies and communities and robust processes of ongoing HRDD. Moreover, the importance of information and consultation was highlighted in a variety of internal and external reports reviewed during the scoping phase. General concerns highlighted included lack of adequate information, consultation and understanding about the oil and gas industry; limitations on stakeholders' participation due to low levels of education and resource constraints; and fears of voicing criticism about the industry.

Dialogue and engagement also has been highlighted as one of the two axioms for respecting the human rights of local communities in TotalEnergies' Human Rights Guide.

TotalEnergies' Human Rights Guide: Information and Consultation

The Group seeks to establish dialogue with affected communities at a very early stage, and maintain constructive relationships with them and other stakeholders. Regular and meaningful consultation, transparency regarding operational activities, listening to stakeholder concerns, needs and perceptions, consulting communities about impacts and mitigation measures are all critical to establishing and maintaining constructive relationships with stakeholders throughout the life cycle of our operations. The Group has developed internal guidance and a set of principles to support staff participating in stakeholder engagement.

Information and consultation are also a key component of the Tilenga Project's overall approach to environmental and social impact assessment and management.

Stakeholder engagement for the Project began in 2015 as part of the Environmental and Social Impact Assessment (ESIA) and continued throughout the process of developing the baseline information and mitigation measures and public consultation and disclosure about the ESIA. The Project reports that over 10,000 people were consulted as part of the ESIA process between 2015 and 2018.

Through the ESIA process, the Project developed a Stakeholder Engagement Plan (SEP) that aims to build and maintain an open and constructive relationship with stakeholders and thereby facilitate and enhance the company's management of its operations, including its environmental and social impacts. The SEP is a cross-cutting requirement across all of the other social management plans and applies to the entire Project's area of influence and all affected stakeholders, as well as to the wider region where the Project is situated. The SEP is benchmarked to the IFC Performance Standards, Equator Principles, Voluntary Principles on Security and Human Rights and Ugandan laws.

In terms of the implementation of the SEP, the Project develops a quarterly engagement plan and has a team of Community Liaison Officers (CLOs) to implement these quarterly plans. The table below provides an overview of the key aspects of the Project's implementation of the SEP.

Overview of Implementation of the Stakeholder Engagement Plan	
Principles of engagement	<ul style="list-style-type: none"> ▪ Respect and integrity ▪ No intimidation or manipulation of those involved ▪ Cultural appropriateness ▪ Continuous engagement ▪ Consultation and timely disclosure ▪ Inclusive engagements ▪ Use of appropriate platforms and methods of communication ▪ Engagements are combined as much as possible (i.e. various stakeholders are met jointly to avoid a multiplication of meetings and stakeholder fatigue) ▪ Engagement efforts are regularly reviewed
Methods of engagement	<ul style="list-style-type: none"> ▪ Meetings and Focus Group Discussions ▪ Written and visual material ▪ Site tours and visits ▪ Community drives ▪ Traditional media, especially radio ▪ Telecommunications ▪ Websites
Stakeholder Groups	<ul style="list-style-type: none"> ▪ Communities (including vulnerable groups) ▪ Authorities ▪ Civil society ▪ Business
Monitoring	<ul style="list-style-type: none"> ▪ Monitoring will include tracking the KPI matrix; and getting feedback through (a) surveys at meetings; and b) surveys sent to stakeholders by categories.

As outlined in the table above, the Project is implementing a variety of ways of to engage with stakeholders, to provide updates about the Project and to discuss a range of issues. The following textbox provides a snapshot of the current stakeholder engagement activities by the Project. As the Project develops, the Project is aware

of the need to focus stakeholder engagement also on broader social performance issues such as Project-Induced In-Migration (PIIM) including labour influx.

In addition to the Project's stakeholder engagement about the overall development of the Project, there has been a separate and targeted engagement process related to the Project's land acquisition and resettlement process given that is the first and most visible Project activity from a community perspective. This process has been focused in particular on the individuals, households and communities that are affected by the Project's land acquisition and resettlement activities (known in resettlement terminology as PAPs, PAHs and PACs). This process has also included a focus on the identification of vulnerable individuals or households. The implementation of the stakeholder engagement process for land and resettlement involves coordination between the Project, its resettlement consultants and various government officials through multiple rounds of information and consultation.

There is further discussion about this engagement process in section C on land and resettlement. However, it is noted here because it has been one of the main priorities of the Project's stakeholder engagement efforts to date; it has influenced stakeholder perceptions about the Project's broader information and consultation efforts; and it has provided opportunities for the Project to learn lessons about engagement with affected people and communities in the Project region.

For example, the Project has worked with a community-based organization (Kitara Development Initiative) to conduct "community drives" in sixty villages within Buliisa, Hoima and Kikuube Districts to provide updates on project activities; land and crop compensation rates and cut-off dates; participation of women and vulnerable groups in the compensation process; and the grievance mechanism. These community drives are conducted in the local languages (Alur, Runyoro and Lugungu) and are intended to reach community members who have limited access to other conventional communication channels like radios, televisions or district notice boards. The Project states that this sort of approach to "community drives" will also be used for recruitment drives and sharing other information with communities.

In addition to the implementation of the SEP, the Project is actively engaging with civil society organizations (CSOs) and other stakeholders at the national level, including responding to reports and initiatives about human rights concerns related to the Project and the oil & gas industry in Uganda. In this regard, TEPU recently created a NGO & Human Rights Department to foster collaborative relationships with NGOs and CBOs, and to support to the Project's teams and contractors in relation to human rights and stakeholder engagement.

During the fieldwork phase, local and national stakeholders raised a number of concerns and issues related to information and consultation in the past. Although stakeholders could understand that there had been delays in the approval of the Project and there were ongoing restrictions related to the COVID-19 pandemic, this did not necessarily diminish their frustrations related to their current understanding of and engagement with the Project.

From the perspective of local stakeholders, key concerns and suggestions related to:

- More of a continuous local presence to provide regular information updates (and to avoid the need for community members to travel to meetings);
- Increasing the use of local languages in meetings and in the Project's, communications and educational materials (including use of radio shows);

- Structuring meetings in a manner that increases two-way dialogue, including improved and more regular feedback from the Project to communities about the risks and impacts of the Project; and
- Regularly scheduled engagement with potentially marginalized groups. Feedback from focus group discussions with women, the elderly, people with disabilities and people living with HIV/AIDs indicated a desire and need for the Project to develop and implement more customized engagement strategies to inform and consult with them.

An important overarching point raised by various stakeholder groups is the desire to be informed and consulted directly by Project representatives rather than by consultants and contractors. This reinforces the central role that the Project's CLOs will have in building relationships with the community members and different stakeholder groups, and in working alongside contractors' CLOs. In this regard, a CLO will be assigned to each contractor to facilitate the consistent provision and follow-up on concerns from community members related to contractor activities.

In terms of the feedback from women about the engagement meetings, women reported that meetings with the Project were initially conducted early in the morning, which is a time when most women are engaged in farming or other domestic chores and hence unable to attend. Women also reported that the primary source of information for them are the men, including their partners, who commonly attend these meetings but do not necessarily disclose the information to them.

After the fieldwork phase, the assessment team engaged with the Project's Social Affairs team about the above-noted feedback from stakeholders. The Project recognizes that their engagement practices have not been perceived as effectively as they would have wanted them to be while the Project approvals were delayed and during the COVID-19 pandemic.

Once the Project remobilized, teams were tasked with going to the communities and following-up on community concerns and grievances. The Project is increasing their visits to the communities to create circumstances where informal exchanges can occur with community members, to ensure that they hear about a wider range of issues from stakeholders from all backgrounds. It is also increasing the level of involvement of community leaders in the Project engagement activities.

Furthermore, the Project is currently hiring new CLOs, and these will have the mandate to ensure the information about the Project, including on the impacts and mitigation measures being put in place, is being disseminated appropriately. In this regard, the Project will provide more information to stakeholders about the Project's environmental and social management plans and is working to present this in a user-friendly and simplified manner. The point about use of local languages has also been understood and is being reinforced by the hiring of CLOs from the vicinity of the Project and development of partnerships with local organisations to support stakeholder engagement initiatives. These are good practices that should be maintained and expanded going forward.

According to the Social Affairs team, the Project has understood the feedback from stakeholders that the engagement needed to be more focused on the issues that they want to discuss and less about TEPU's priorities. The Project is seeking ways to improve the two-way dialogue during the meetings and will test which engagement methods are the most useful and appreciated by the stakeholders.

The company acknowledged the feedback from women about the challenge of attending the community meetings in the mornings. Following this feedback, the company has started to systematically conduct meetings only for women in the afternoon to ensure they receive information directly. The company has also adapted their engagement practices to the needs of other vulnerable stakeholders, including going to engage with them at a more accessible location. There should be ongoing consultation with women and other vulnerable groups to ensure that the timing and methods for informing and consulting with them are appropriate and effective. Training should be provided to CLOs about culturally appropriate techniques to create safe spaces where female stakeholders can freely ask questions and speak their mind, and to recognize and avoid placing them in a situation where they may face retaliation at home for their engagement with the Project.

In addition to the feedback from community members, local government officials and civil society organizations also raised concerns and provided suggestions about improving the flow of information and processes of consultation with the Project. For local government officials, having more information is important to help them respond to rumours and misinformation that are resulting in apprehension in the communities. For CSOs, a key focus is about having more balanced information and two-way dialogue about the Project's risks and impacts as well as its potential benefits, as well as more collaborative ways of planning and setting the agenda for meetings.

At the national level, civil society engagements are structured around quarterly meetings between the Project (and its JV Partners and government representatives) and the Civil Society Coalition on Oil and Gas in Uganda (CSCO),⁸ but is also complemented by individual meetings with a variety of other CSOs at the national and local levels in Buliisa, Hoima and Kikuube.

In this regard, the Project has created a new NGO & Human Rights Department to establish closer and more direct relationships with NGOs and CBOs. Through the efforts of this department, the Project is seeking to reinforce a more open and constructive approach to its engagement with NGOs and CBOs. To support this ongoing work, the assessment team has provided recommendations for the development of a protocol with NGOs for ongoing engagement to help to reinforce the foundations for a constructive dialogue about the Project and the broader oil & gas industry in Uganda. The form and content of such initiatives obviously need to be mutually agreed between all the parties.

Human Rights Risk and Impact Assessment

The right to information and consultation provides the foundation for building strong, constructive, and responsive relationships between the Project and its affected stakeholders. Furthermore, timely dissemination of information about the Project and meaningful consultation with affected stakeholders is an important component of ongoing HRDD and the mitigation and management of the Project's other salient human rights issues.

The improvement of information and consultation was highlighted as a priority for many of the Project's stakeholders and particularly for local community members during the fieldwork. This is because delays in the development and government approvals for the Project between 2019 and 2021 have led to uncertainty about

⁸ The CSCO is a network of approximately 60 organizations working for the sustainability of the oil & gas industry in Uganda. See: www.cSCO.UG

Project timelines and feasibility, rumours and misinformation about the Project. Furthermore, the COVID-19 pandemic has created significant challenges for the ongoing implementation of the Project's stakeholder engagement plans.

While the Project has the main responsibility for informing and consulting with affected stakeholders, there are other actors who also provide information about the Project and who many not be adequately informed. This highlights the need for the Project to increase its efforts and develop effective strategies for working with local government officials, community leaders and civil society organizations to support the right to information and consultation. The Project also has a responsibility to garner feedback from stakeholders to understand whether potential impacts have been correctly identified and effectively addressed.

Recommendations for Ongoing HRDD

The Project has considerably increased its stakeholder engagement efforts since the Project has moved into the development phase, and is currently undertaking a number of actions to address stakeholder concerns about information and consultation. These actions are focused on the implementation of the Project's Stakeholder Engagement Plan and strengthening the Stakeholder Engagement Team, which includes Community Liaison Officers for local communities. Furthermore, the Project has created an NGO and Human Rights department to proactively engage with local and national stakeholders about human rights issues and concerns.

Priorities for ongoing HRDD include:

- Continue to strengthen the teams based in TEPU's head office and in the communities who have roles and responsibilities for stakeholder engagement, notably by filling any vacancies and providing workshops on rights-based approaches and best practices for stakeholder engagement.⁹
- Continue to ensure an adequate number of CLOs and provide adequate resources and logistical support in order for them to have regular and visible presence in the local communities.
- Continue to adapt stakeholder engagement activities to accommodate the needs and feedback from women and other vulnerable groups.
 - Reinforce efforts to ensure that women are systematically engaged in information and consultation activities at times and places that are convenient and appropriate for them.
 - The Project should ensure that female CLOs will be employed to facilitate easier access to the project for women. Female CLOs will hold periodic focus group discussions with female employees as well as female community groups to verify how project impacts are different for men relative to women and again to children and to solicit suggestions for improvement.
 - Provide training for all CLOs about good practices in engaging with women and other vulnerable groups, including about creating safe spaces for women to voice their opinions and their concerns.

⁹ See, for example, Shift, "Bringing a Human Rights Lens to Stakeholder Engagement" at: <https://www.hks.harvard.edu/sites/default/files/centers/mrcbg/programs/cri/files/Shift-Workshop-Report-3-Bringing-a-Human-Rights-Lens-to-Stakeholder-Engagement.pdf>

- Continue to develop and produce additional information, communications and educational materials in local languages about key environmental, social and human rights issues of recurring concern or interest to local stakeholders.
- Conduct periodic evaluations of the Project's stakeholder engagement efforts using a participatory methodology.
- Proactively disclose and consult upon the Human Rights Assessment and the Human Rights Action Plan as a manner to encourage further rights-based dialogue about the Project with local and national stakeholders, and then conduct periodic disclosure and consultation sessions about progress on the implementation of the Human Rights Action Plan.
- Develop an agreed framework or protocol with key civil society organizations to reinforce a structured and constructive ongoing dialogue on issues of mutual interest, including human rights.
- Within the framework of the Project's regular stakeholder engagement meetings, consider opportunities for developing a capacity-building program on business and human rights to create the conditions for more constructive dialogue between different stakeholders.

C. Land and Resettlement

Resettlement is increasingly recognized as a high-risk activity from a human rights perspective because of the scale and scope of the potential impacts on a wide range of human rights, some of which are very difficult to remediate over time.¹⁰ Land and resettlement was highlighted as a key concern in a variety of internal and external reports reviewed during the desktop research. Some of the issues raised were related to the calculation of and delays in payment of compensation; deterioration in the living conditions and livelihoods after resettlement; procedures related to communal land; and impacts on women and vulnerable groups.

TotalEnergies acknowledges economic and physical displacement as a salient issue and has aligned its internal policies with international best practice requirements for these processes, in addition to following Ugandan legal requirements.

TotalEnergies' Human Rights Guide: Right to Own Property

Property rights are covered by Article 17 of the Universal declaration of Human Rights, to which the Group's Code of Conduct refers:

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

¹⁰ This includes the right to own property, the right to an adequate standard of living, the right to housing and other economic and social rights. Furthermore, resettlement activities pose challenges and require special attention to respect the rights of vulnerable groups such as women, children, persons with disabilities, ethnic minorities and migrants. Finally, the rights to information, consultation and remedy are particularly important in the context of resettlement given the complexity of the process and the inevitability of having many issues, concerns and grievances that must be addressed throughout the process.

Access to land: Business units' operations may have a specific impact on land and property rights, as temporary or permanent land access may be necessary. Depending on the specific societal context such as population density, land occupation and use, livelihood patterns etc. there may be negative impacts on livelihoods including the possibility of economic and/or physical displacement. The Group applies international best practice in its land access and acquisition process in order to avoid or minimize Human Rights impacts. This includes avoiding any physical displacement whenever possible, establishing clear and transparent procedures in consultation with affected people, proposing replacement land of equal quality whenever possible, providing support for livelihood restoration, ensuring people are compensated appropriately and by paying specific attention to vulnerable people and households.

The complexity of the land law in Uganda leads to very high numbers and varieties of land conflicts, including boundary disputes between the holders of various rights or interests to the land; disputes between family members who have inherited land or are using distinct parts of a parent's land; and disputes arising between couples or former couples, with various marital status. Customary (traditional) laws in many areas prevents women from owning or inheriting property or controlling the produce of the land they work on, making women's rights particularly vulnerable in land conflicts. There are also reported cases of forced and sometimes violent evictions of customary owners or land users who have no legal claim. These evictions are by persons living in urban centers who claim to have land titles, but which may have been obtained through corruption or forgery. There is legal uncertainty regarding the great majority of community members' status on their land.

In the context outlined above, the Project has taken considerable care to apply international best practice with respect to land issues and resettlement of peoples— notably in relation to the implementation of IFC Performance Standard 5 on Land Acquisition and Involuntary Resettlement. Numerous impact studies have been conducted including but not limited to:

- Social and Health Baseline Study,
- Environmental and Social Impact Assessment (ESIA), including Extensive research on the national legal context for land acquisition
- Industrial Baseline Survey
- Lake Albert Regional Social - Economic Baseline Assessment
- Agricultural Value Chain Analysis in Buliisa, Market and Asset Valuation Assessment (MAVA),
- Resettlement Impact Scoping
- Practical Guide to Resettlement Planning and Implementation

Land Acquisition and Resettlement Framework

A Land Acquisition and Resettlement Framework (LARF) was drafted and agreed in November 2016 in conjunction with the Ugandan government setting out the principles for land acquisition and resettlement of local communities affected by the Tilenga Project. The document implemented IFC Performance Standards which is more protective of the rights of resettled people than Ugandan law. Specific commitments include:

- Considering feasible alternative project designs to avoid and minimize physical and economic displacement while balancing environmental, social, and financial

costs and benefits, paying particular attention to impacts on the poor and vulnerable.

- When displacement cannot be avoided, providing displaced communities compensation including where appropriate land for land compensation.
- Engagement with affected communities.
- Grievance mechanism.
- Resettlement and livelihood restoration planning and implementation.

These standards are detailed in the Resettlement Actions Plans (RAPs) which constitute the framework of the resettlement process.

Detailed socio-economic surveys were conducted with each household and this information used to understand the impacts on their livelihoods resulting from displacement. Consultations involved whole households and formed the basis for the design of livelihood programs. The implementation of these recommendations is being monitored and evaluated at a household level.

The land acquisition and resettlement process was implemented by a specialized resettlement consultant contracted by the Project. TEPU, its partners and the Ugandan government committed in the Land Acquisition and Resettlement Framework (LARF) to offer compensation for loss of assets at full replacement cost and other assistance to help affected person improve or restore their standards of living or livelihoods. A resettlement plan and the Livelihood Restoration Program have been put into place offering inter alia training courses to affected communities.

Note About Resettlement Vocabulary

PAPs and PAHs is the terminology used to refer to individuals (Project Affected People) and households (Project Affected Households) who are displaced by land acquisition and resettlement in the relevant standards and technical literature. This is also the terminology that has been used with the individuals and households who will be impacted by resettlement activities for the Tilenga Project. Therefore, in this section of the Assessment we will use the terms of PAPs and PAHs. This corresponds with the vocabulary of "affected stakeholders" that is used in the UNGPs.

The land acquisition and resettlement process is continuously monitored by way of regular reporting to the Project from its resettlement consultant as well as internal and external audits conducted in the field in order to assess alignment with the LARF and IFC PS5. For example, the resettlement processes and outcomes for RAP1 were evaluated by an external expert and the report was published on the Project's website.¹¹

Resettlement Action Plans (RAPs)

Although the detail may vary slightly, the principal steps set out in the RAPs are as follows:

¹¹ The Third Party Review of RAP1 Performance and Compliance Report was submitted to the Ugandan government and published on TEPU's website. See: [https://totalenergies.com/sites/g/files/nytnzq121/files/documents/2021-03/Tilenga Third Party Review RAP1 Performance and Compliance.pdf](https://totalenergies.com/sites/g/files/nytnzq121/files/documents/2021-03/Tilenga%20Third%20Party%20Review%20RAP1%20Performance%20and%20Compliance.pdf)

- A presentation is made to local communities to describe the process for land and crop surveys, compensation, relocation and support for those affected.
- A cadastral survey of land and structures is conducted, trees and cultivated plants are identified and their value defined (a process that involves both local and central government officials and community leaders) and the cut-off date for those evaluations is determined and communicated. Ownership and use of all assets are also documented. Rapid aerial surveys were used as well as legal title searches to obtain additional information.
- Entitlements are defined, including livelihood restoration programs for those affected by economic displacement. Resettlement Action Plans (RAPs) are formally prepared and adopted, covering each of the steps described above.
- Owners may choose between monetary compensation, based on a rate schedule approved by each county's land administration office, or compensation in kind, in the form of a new house or new land. Various processes were used to confirm primary residencies (three-way check). Any in-kind replacement assets are delivered prior to displacement.
- Compensation is paid and land is acquired.
- Property rights are then transferred to the government, which grants use or lease rights to the Project.
- Livelihood restoration programming is ongoing until it can be demonstrated that displaced people and households were provided with adequate opportunity to restore their livelihoods to pre-Project levels.
- An accessible, equitable and transparent grievance mechanism is implemented throughout the entire process.

Livelihood Restoration Programs

The primary objective of the livelihood restoration programs is to ensure that PAPs and PAHs are provided with the opportunities to restore their livelihoods to pre-Project levels. A Livelihood Restoration Plan (LRP) was implemented by external contractors for RAP 1 and, in November 2020, a new Global Livelihood Restoration Plan (GLRP) was developed for RAPs 2 to 5 which included improvements based on learnings from the first LRP. The GLRP includes the drafting of household specific livelihood restoration plans that calibrate the entitlements each household will receive to reflect the scope and scale of the impacts the household experienced; the household members' skills and capacities; and the Project's understanding of local markets and which activities can sustainably be supported to create new opportunities for Project Affected Communities.

The GLRP will include programs such as crop improvement, livestock production, alternative use of natural resources, water accessibility, financial literacy training, vocational training and supports for small businesses. Dedicated programs will also be developed for vulnerable groups. Households will be independently and, if necessary, iteratively consulted on the programs with which they will have the greatest chance of success based on their asset bases.

Stakeholder Engagement on the Land Process

Continuous dialogue with stakeholders is enshrined in the LARF and the Tilenga Stakeholder Engagement Plan which sets out key principles for consultations of

affected communities.¹² A specific Stakeholder Engagement Plan for the resettlement process was also implemented. Consultation of affected communities took place by way of village meetings, focus group discussions, posters in public places, information leaflets, Q&A sheets, radio and surveys. Project affected persons, communities, civil society, local and central government were all involved. Furthermore, resettlement committees (Resettlement Planning Committee and Dirco) were established to help oversee the resettlement and to help manage issues and resolve grievances and concerns throughout the process. Targeted efforts were made for vulnerable groups, and feedback was recorded and integrated into plans for project implementation. A detailed account of the stakeholder engagement actions can be found in RAP 1 Report.

Stakeholder engagement on the content and timelines of the livelihood restoration programs will also be iteratively carried out to ensure that community members' expectations remain aligned with the planned scope of livelihood restoration. Monitoring and evaluation will continue until the PAPs and PAHs have successfully restored or improved their livelihoods and standards of living relative to pre-Project levels.

Stakeholder Concerns Related to Land and Resettlement

The stakeholders' concerns that were raised most frequently during the fieldwork are presented in the table below. It is acknowledged however, that many of the concerns are interlinked across topics.

Table 5: Stakeholders' concerns raised most frequently during the fieldwork

Topics	Stakeholder Concerns
Accelerated cultural change	<ul style="list-style-type: none"> ▪ Loss of customary land rights and access to land by minority or seasonal users. ▪ Eviction of customary tenants. ▪ Large scale shift towards the privatization of land. ▪ Increasing conflicts over land boundaries, overlapping rights claims, and between communities and government stakeholders over forced evictions. ▪ Further discussed in section F on cultural heritage.
Asset valuation and compensation	<ul style="list-style-type: none"> ▪ Lack of understanding of valuation and compensation process. ▪ Fear that assets were missed (e.g. communal bush land) in the compensation process or undervalued. ▪ Uncompensated land access for boreholes. ▪ Discrepancies in asset inventories and reports of intimidation to accept inventory results.
Livelihoods, food security and quality of life	<ul style="list-style-type: none"> ▪ Delays in the implementation of livelihood restoration activities. ▪ Diminished food security due to perceived or actual restrictions on access to land and culturally inappropriate food rations. ▪ Perception that access to education for children is worsening. ▪ Loss of revenue from food sales contributing to a decline in household incomes ▪ Loss of access to pasture for pastoralists. ▪ Loss of access to medicinal and other forest plants. ▪ Inadequate consideration of impacts to fisheries.

¹² See section on the Right to Information and Consultation for additional information on stakeholder engagement, including a summary of the SEP.

Topics	Stakeholder Concerns
	<ul style="list-style-type: none"> ▪ Less support by District Technical Services staff for livelihood restoration than anticipated.
Replacement assets	<ul style="list-style-type: none"> ▪ Purchase of replacement land restricted to within the PAHs district of origin for monitoring purposes, despite some PAH wishing to move to larger centers outside the Project region ▪ Increased heat retention inside replacement houses due to durable materials retaining more heat than previous dwelling built from natural materials
Rights of women and vulnerable groups	<ul style="list-style-type: none"> ▪ Compensation for assets owned by female land users paid into joint accounts with spouses, transferring authority over the compensation amounts to men. ▪ Associated decreased ability of women to cover their children's school and other costs. Disproportionate risks and impacts on girls in terms of not attending school. ▪ Social disarticulation and family estrangement. ▪ Reports of orphans exploited by extended family members for their entitlements. ▪ Increased Intimate Partner Violence between spouses related to ownership and use of compensation amounts and other entitlements, including housing. Risks and impacts related to Intimate Partner Violence are further discussed in section J on Women's Rights, Gender Equality and Gender Based Violence. ▪ Expectations from female PAPs that women's associations (SACCOs) will be created to support women's empowerment.
Access to information and remedy	<ul style="list-style-type: none"> ▪ Periods where PAPs and other stakeholders did not have sufficient information and/or know how to submit grievances, leading to misunderstanding or confusion about: <ul style="list-style-type: none"> ○ Whether land use on evaluated parcels was permitted prior to acquisition, with people who did not use their land experiencing livelihood impacts; ○ Cut-off date timing and function; ○ Compensation timelines; and ○ Eligibility for replacement assets. ▪ Further discussed in section B on information and consultation.

Many of the concerns related to the above come from an extended period of Project delays between 2019 and spring 2021. The limitations on stakeholder engagement during this period has created a significant discrepancy between the stakeholder perceptions and the views of the Project and the consultants implementing the resettlement activities. The Project is now focused on reinforcing and adapting its engagement activities to improve communications with the communities. In particular, the Project is increasing the presence of community liaison staff in Project affected communities to ensure that the full extent of PAPs grievances is captured in the Project's grievance management system and is working systematically to resolve them.

As discussed above, the Project has increased the size and geographical scope of its community relations team and is proactively visiting communities with members who have been displaced or will be displaced by the Project.

Regarding land ownership disputes, the Project has, throughout the RAP process, defined these as "any contestation, whether formal or informal including a complaint lodged with the Project in the course of the planning or implementation but before

compensation, pertaining to ownership of a Project affected asset including land." When a land ownership dispute arises, the Project refers the parties in conflict to state-based or traditional leaders for dispute resolution. The Project does not take any role in the resolution of the disputes on land ownership to avoid becoming an arbitrator of asset ownership. Although this approach has been successful for individual cases of disputed ownership, the stakeholder feedback suggests that larger conflicts are emerging over collective versus private rights, which could be potentially addressed through a regional land-use planning process.

Regarding the understanding of valuation and compensation methodologies, translators are made available to walk individual PAHs through the contents of their compensation agreements. For married PAPs, both a PAP and their spouse(s) must be present at the explanation of the compensation agreements. The Project has developed materials to clarify important information for PAPs including information on the government's assessment criteria and process, as well as the iterative market studies the Project completes to benchmark annual rate changes, both used as the basis for the development of entitlements. Individual grievances and questions on compensation and valuation will continue to be collected and addressed through the grievance remedy process.

Regarding livelihoods, there was a clear misunderstanding on the part of many RAP1 PAPs on whether they were entitled to use their land after the land valuation but prior to displacement. The Project had tried to communicate that these PAPs should use their land, but this message was not understood by many PAPs. The Project attempted to correct this with radio information campaigns and public bulletins. For those who had missed the seasonal planting window, the Project distributed food rations. The transitional support food rations included cassava and maize flour, beans and cooking oil. PAPs have provided feedback that the maize flour was not appropriate and was replaced with cassava flour for future transitional support food rations.

RAPs 2-5 benefit from extensive communication on the importance of continued land use by PAPs. The GLRP also directly assesses and addresses the other forms of livelihood insecurity discussed with PAPs, including through access to markets, additional compensation for communal forest assets, programs for farmers, pastoralists and fishermen and women, and supplementary scopes for NGOs to close gaps in technical support available to some PAPs.

It is also noted that one of the GLRP measures that is currently being put in place for RAP 2 to 5 involves a "coach", a livelihood monitoring and evaluation officer, who will be providing individual assistance to each household in the implementation of the GLRP. The livelihood monitoring and evaluation officers will be providing advice to households on how to spend their time and livelihood resources. They will also help each household to select livelihood activities that are best suited for their needs. The livelihood monitoring and evaluation officer are currently being identified and hired.

Regarding gender and the rights of women, the Project has had success with the equitable distribution of training, for example, requiring women's presence at financial literacy trainings. Women's participation in livelihood restoration programs will also be disaggregated in monitoring and remedial actions taken if it is found that women are not taking up this or other supportive programming. The Project has ongoing challenges promoting the equitable management of compensation amounts within households. Although wives' signatures are required on compensation agreements and compensation amounts for PAHs are paid into joint accounts, the

Project has received extensive feedback that, once a household gains control over the compensation money, its use is often dictated by the male head of household, largely reflecting cultural norms. Livelihood coaches for RAPs 2 to 5 will be discussing this dynamic directly with households and proposing any larger-scale programming that could help shift this dynamic. The Project has also received a grievance from a woman whose crops were erroneously attributed to her husband's ownership by surveyors. Such grievances are followed up on a case-by-case basis. More information on the Project's approach to Women's Rights, Gender Equality and Gender-Based Violence is presented in section J, and more information on the Project's efforts to improve access to information and access to remedy are presented in sections B and I respectively.

Human Rights Risk and Impact Assessment

Land acquisition and resettlement have been prioritized as these are inherently high-risk activities given the range of potential impacts on a variety of human rights and the challenge of fully remediating those impacts over the longer term. Access to land and an adequate standard of living have been identified as salient human rights issues globally in the TotalEnergies Human Rights Guide and briefing papers. Moreover, resettlement impacts are generally amongst the first significant impacts experienced by Project Affected Persons (PAPs) and Project Affected Households (PAHs) and thus become an important test for company-community relationships.¹³

Many of the impacts related to land acquisition and resettlement can be remediated through improved consultations, compensation and well-executed livelihood restoration programs. Nonetheless, in any resettlement, there are risks of that some PAPs or PAHs will not fully restore their livelihoods over time. It is often observed that this can lead these PAPs and PAHs to end up worse off after resettlement in terms of landlessness, homelessness or impoverishment. In addition, forced eviction of potential hold-outs can lead to severe human rights impacts and therefore must be avoided or carefully mitigated or remediated in cooperation with government.

In relation to the Tilenga project, activities related to land acquisition and resettlement have been the subject of intense scrutiny and allegations of human rights impacts— notably related to RAP1. Delays in Project agreements and approvals have led to the land acquisition process being delayed. Additional measures are being implemented and lessons learned are being applied in the implementation of RAPs 2-5.

In line with the UNGPs, the Project should continue to proactively address any potential displacement impacts and address grievances related to the land and resettlement process. The Project is also required to conduct rigorous monitoring and evaluation until it can be demonstrated that displacement impacts have been appropriately addressed and PAPs and PAHs quality of life has been restored to at least pre-Project levels of well-being.

Recommendations for Ongoing HRDD

Current mitigation measures are focused on the implementation of a variety of plans designed to mitigate and remediate impacts related to land acquisition and resettlement. These include:

¹³ PAPs and PAHs are the terminology used to refer to individuals and households affected by land acquisition and resettlement in the relevant standards and technical literature.

- Land Acquisition and Resettlement Framework
- Stakeholder Engagement Plan for the land process
- Resettlement Action Plans (RAPs 1 to 5), including compensation program approved by government, including supplementary valuations for land as prices rose, as well as financial literacy training
- Transitional supports, including food rations
- Global Livelihood Restoration Plan, including plan for vulnerable people and households
- Monitoring and evaluation, including an ongoing monitoring and evaluation plan until Project has successfully restored livelihoods, and periodic third party evaluations by independent resettlement experts
- Grievance mechanism for resettlement process
- Cooperation with independent third parties to support the resolution of outstanding cases

The Project also aims to go beyond the threshold of direct livelihood restoration to pre-Project levels. In particular, the Project's GLRP targets benefit creation above the mitigation threshold through the improvement and diversification of livelihoods.

For ongoing HRDD, the following priorities have been identified:

- Continue to work with PAPs to ensure that land grievances are resolved fairly, including working with independent third parties to support the resolution of cases.
- Systematically apply process learnings from RAP1 for RAPs 2-5. In this regard, continue to conduct an information campaign for PAPs, especially women and vulnerable groups.
- Consider program where households who have successfully restored their livelihoods and quality of life work with other displaced households to help them do the same and encourage good practices with respect to use of compensation money and household engagement in livelihood restoration programmes.
- Continue to liaise and work with government as appropriate to develop and implement a clear and written process that ensures protection of the rights of people who must be evicted in accordance with the compulsory acquisition process under Ugandan law.
- Following completion of the land acquisition process continue to monitor affected families for instance to identify whether there are cases where women or orphaned children have been dispossessed of their resettlement entitlements by other family members and if there have been cases of Intimate Partner Violence that have been triggered by household disputes about compensation.
- The livelihood monitoring and evaluation officers who will support the ongoing engagement with PAPs and PAHs, should be trained and mandated to identify red flags for IPV. The households that are identified as being at risk should be

provided with appropriate support. Similarly, the completion audits for the RAPs should include a strong gender and vulnerability component and ensure that impacts on women, children and other vulnerable groups have been appropriately addressed.

D. Project-induced in-migration (PIIM)

In the scoping study for the HRIA, community health and safety was prioritized as a broad salient human rights issue. Through the fieldwork and follow-up activities, this has been divided into a number of sub-issues, including PIIM, based on stakeholder feedback as well as the assessment team's experience from other projects. Internal and external reports reviewed during the scoping phase identified concerns related to increased health risks and violence for vulnerable groups, including sex workers; poor health and sanitation status within fishing communities; potential impacts to the environment, sensitive ecosystems, including with respect to access to potable water for community members.

As mentioned above, PIIM is a common phenomenon associated with large-scale developments, particularly in regions where there is poverty and lack of economic opportunity. Increasingly, this is understood to have the potential to be associated with a wide-range of adverse environmental, social and human rights impacts and is the focus of attention of social performance and human rights specialists.

The ESIA for the Tilenga Project recognizes that PIIM may have far reaching impacts on individuals, households, communities, public and private institutions and the physical environment. The general population within the Project region can be considered vulnerable to the impacts of PIIM due to their precarious livelihoods; low incomes; high levels of poverty; low levels of educational attainment, literacy and skills; inadequate and/or poor access to basic social infrastructure and services; and low prevalence of formal land rights.

Furthermore, the working population of the Project region are generally unskilled and this will limit their ability to acquire skilled jobs with the Project and could lead to tension if outsiders are seen to take a larger share of the jobs available. Youth unemployment is high and part of the Project region has experienced a number of conflicts and has a history of in-migration over many years driven by the fishing industry on Lake Albert. Social services in the Project region are already inadequate to service the needs of the existing population; and, therefore, PIIM could exacerbate this situation further and could lead to conflicts with in-migrants.

During the stakeholder engagement for the Assessment, PIIM was a priority issue for many community members and local government officials who are concerned about the influx of people in search of jobs and other opportunities. In Biiso Town and other districts, population influx is reported to be taking place and is expected to increase further.

The stakeholder concerns raised about PIIM were quite wide-ranging, covering potential health, social (safety and security) and environmental impacts—which all have potential implications for and impacts on human rights.

Table 6: A summary of the stakeholder concerns on these topics.

Topics	Stakeholder concerns
Health and Social	<ul style="list-style-type: none"> ▪ Stakeholders perceive that increasing population may put additional burdens on the health care system and increase the spread of diseases, including COVID-19, cholera, Ebola, HIV/AIDs and sexually transmitted diseases (STDs). ▪ Concerns were raised by some about potential reduced access to health services and availability of medicine and other medical supplies, including condoms or needing to pay for medicines that should be free. ▪ Stakeholders cited worries about additional strains on other local services, including schools, social services and recreational infrastructure. ▪ It was pointed out that vulnerable groups, including women, orphans, elderly and poor households, people living with HIV/AIDs, sex workers among other vulnerable groups are the most at risk of decreased access to health services. ▪ Issues were raised around potential disarticulation of the social tissue as a result of people from different backgrounds coming into the Project region and impacting social norms. ▪ Further information about potential impacts on women related to PIIM, (including increases in sex work, sexual activity, pregnancies and unsafe abortions) is included in section J below.
Safety and security	<ul style="list-style-type: none"> ▪ Stakeholders pointed to increased traffic and potential for accidents. ▪ They pointed to the fact that the most vulnerable group for road accidents are children. ▪ Further information about potential impacts related to road safety is included in section E below. ▪ Stakeholders fear increases in criminal activities, which will in turn result in a need for increased law enforcement. ▪ Further information about the potential impacts related to security and human rights, notably in relation to potential interactions between the Project and Government Security Forces, are included in section G below.
Environment	<ul style="list-style-type: none"> ▪ Concerns raised include potential for increased noise and dust from increased traffic. ▪ Additional pressures on sensitive ecosystems and natural resources, including medicinal plants were discussed. ▪ Some fear diminished access to water sources for humans and animals. ▪ Stakeholders raised concerns about increased pressure on water sources, resulting in longer waiting times at boreholes, potential conflicts over water. ▪ Some suggested that new water infrastructure may require payments that people cannot afford. ▪ Deterioration in sanitation and hygiene is feared. ▪ Some raised concerns about disproportionate impact on women and girls responsible for fetching water, which can impact their ability to conduct other economic or household activities and lead to tension in the household. ▪ Specific concerns were raised by pastoralists in terms of access to water for their animals and increased pressure on the "cattle culture" of vulnerable ethnic groups.

Topics	Stakeholder concerns
Women and vulnerable groups	<ul style="list-style-type: none"> ▪ Many interviewed cited potential for increases in sex work and sexual activity in general due, including in terms of the increased presence of workers and security forces. ▪ Higher rates of Sexually Transmitted Diseases (STDs), including HIV/AIDS are feared. ▪ Higher teenage pregnancy rates—leading to more dangerous pregnancies and potentially severe health impacts and even the death of the baby and mother are raised as concerns. ▪ Some mentioned risk of children whose fathers are not known, leading to stigmatisation of such children in society which is patrilineal. ▪ Stakeholders were worried that increases in economic pressure and social stigma on single mothers if and when fathers do not accept responsibility for children born outside of wedlock. ▪ Some also cited increased economic pressure on elderly family members, who sometimes must take care of children born to teenage mothers. ▪ Heightened risks to women and girls from criminal activity, including in terms of human trafficking was raised. ▪ Heightened risks and cases of Gender-Based Violence and Sexual Violence Against Children are discussed further in section J below.

The Project has developed an Influx Management Strategy that cuts across a variety of other management plans and seeks to minimize the incentives for PIIM and to manage the residual impacts of PIIM that does occur. In particular, the Community Health, Sanitation and Safety Management Plan aims to address a number of the specific concerns noted by stakeholders and will focus attention on potential influx “hotspots” for proactive influx management. Furthermore, the Labour Management Plan will prioritize local employment for non-skilled and semi-skilled jobs to minimize the incentives for employment seekers to migrate to the Project region, and includes other measures to reduce the risks of health risks for communities from workers.

In particular, the Influx Management Strategy involves minimizing the incentives for in-migration through:

- The promotion of regional development.
- Local employment and procurement.
- Housing non-local workers in camps with controlled access.
- Educating communities and leaders on land protection.
- Journey management procedures to control transportation logistics and the use of designated truck stop areas to which access is controlled.

The Influx Management Strategy also involves managing the residual impacts of influx in partnership with local governments and community in-migration committees at a sub-county level, through the operationalization of the Project’s other SMPs. In addition, the strategy includes training and awareness campaigns across gender, health and safety subjects, and consultation with ministries and directors of public infrastructure to determine how facilities can be supported.

The Project has also developed a robust Community Health, Sanitation and Safety Management Plan (CHSSMP). The CHSSMP includes mitigation measures and supports for communities, with special attention to influx hotspots. A separate Security

Plan is also in place. The CHSSMP includes the following measures that should contribute to mitigation of adverse impacts that may be linked to PIIM:

- Health education to increase health awareness and promote community participation in health care delivery, utilization of health services and support for Village Health Teams.
- School health programs to improve sex education, sanitation, and the health status of the school children, their families and teachers.
- Epidemic, pandemic and disaster prevention preparedness and response program to prevent, detect and promptly respond to health emergencies and other diseases of public health importance and to improve reporting systems at the District level.
- Safe water and sanitation program to prevent the outbreak waterborne diseases.
- Gender-Based Violence (GBV) including Sexual Violence Against Children (SVAC) prevention program to prevent/reduce abuse of women and children through transformative and awareness programs and community support initiatives for vulnerable women and children.
- Community safety, security resolution and crime prevention capacity building initiative to prevent and reduce crime in the Project region.
- Human rights initiatives and governance program to support the Voluntary Principles on Security and Human Rights (VPSHR).

In addition, the Project's Labour Management Plan (LMP) includes procedures for housing of workers to ensure that workers have their own health facilities to avoid burdening community health services and that they are subjected to rigorous disease prevention and management programs. These measures are designed to reduce the risk of workers becoming a source of health risks to the community.

While these various measures are quite comprehensive, they require a strong degree of proactivity to minimize influx from occurring to the extent possible, as well as coordination and capacity-building with local government, community leaders and other stakeholders. They also require strong internal cooperation between different departments and contractors to have an integrated approach and to maximize the Project's leverage with other stakeholders in order to address PIIM to the greatest extent possible.

Human Rights Risk and Impact Assessment

Influx or Project-induced in-migration (PIIM) is increasingly understood as a predictable phenomenon related to large-scale developments that include potential impacts on community members, notably in terms of human rights related to health and safety, as well as on a variety of other economic, social and cultural rights. The individuals who are seeking opportunities from the Project also may experience adverse impacts related to freedom of movement, the right to work and health, safety and security. Potential impacts on women and girls due to a predominantly male workforce can have high severity, especially related to reproductive and sexual health, harassment or gender-based violence and human trafficking.

The highest risks related to PIIM are often related to the presence and behaviour of third parties who are seeking opportunities related to the Project—which can include speculators and criminal elements. Normally, companies are not linked to potential impacts of third parties with whom they do not have business relationships; however,

the Project should exercise due diligence as proactively as possible in order to help communities and local governments avoid as many of the impacts as possible by reducing the incentives for PIIM and by contributing to community resilience, services and infrastructure to address impacts that do occur.

Recommendations for Ongoing HRDD

In addition to the priority measures for PIIM management in the Influx Management, CHSSMP and Labour Management Plan, the following are recommendations for ongoing HRDD related to PIIM:

- Proactively monitor and validate PIIM hotspots originally identified in the Influx Management Strategy and prioritize implementation of the mitigation measures where influx is already occurring or is now predicted to occur.
- Establish the monitoring framework for PIIM to allow the Project and other actors to respond to early indications of negative impacts caused by PIIM. Ensure that the monitoring framework for identifying PIIM hotspots includes proactive assessment of potential activities and impacts on women, and that organizations that support women are engaged in the multistakeholder planning and coordination activities for the implementation of the Influx Management Strategy.
- Appoint a coordinator for PIIM matters to oversee the implementation of the Influx Management Strategy (and related management plans) internally with contractors and other actors.
- Seek to use leverage where appropriate with local government, community leaders and other actors to proactively build capacity and multi-stakeholder initiatives related to PIIM preparedness and management (e.g. related to community health, safety, gender, local content, agriculture.).
- Prioritize the assessment of impacts and potential mitigation measures on women and other vulnerable groups that the Project can support directly or in partnership with other actors.

E. Road Safety

In the scoping study for the HRIA, community health and safety was prioritized as a broad salient human rights issue. Through the fieldwork and follow-up activities, community health and safety has been divided into a number of sub-issues, including road safety, based on stakeholder feedback as well as the assessment team's experience from other projects. While road safety is sometimes viewed as a mundane issue, road accidents are often the greatest cause of fatalities for workers and community members—including children.¹⁴

As reported in the Transport Management Plan, road safety and driving standards in the local communities are poor and enforcement of road and vehicle safety laws is weak. According to the ESIA, the main causes of road traffic accidents cited by respondents in the 2016 baseline survey were drunk driving, speeding, people driving without permits, overloading of vehicles and bad road conditions. The majority of traffic accidents were reported to involve boda-bodas and the rate of accidents is reported to be higher in the rainy season and around festive periods.

¹⁴ In this regard, UNICEF and other UN agencies have done a significant amount of work to raise awareness about road safety as an important children's rights issue.

Accident rates are reported to be higher on tarmacked roads due to speeding and accidents on the Gulu-Arua road are perceived to be increasing due to an increase in the volume of traffic along the road. Pedestrian awareness of road safety is also reported as poor. Children and Boda-bodas are considered particularly vulnerable to this potential impact due to lower road safety awareness and the greater amount of time they spend on local roads respectively.

Furthermore, the construction phase of the Tilenga Project will result in a dramatic increase in road traffic in local communities, with an estimate of approximately 7,000 additional vehicle movements on local roads each month. In addition, Project-induced in-migration (PIIM) is anticipated to increase the traffic on local roads.

During the fieldwork, stakeholders raised similar concerns that increased vehicles on the road will increase accidents leading to injuries and even fatalities. The elderly identified the increased number of vehicles that they perceive to be associated with the Project, coupled with the improved roads to the region, as risks to an increased number of accidents. The improved roads may also increase the risk of more serious accidents as vehicles can travel at higher speeds. The police in Buliisa reported that there already has been an increase in road accidents because of increased traffic in the region, although these were not directly attributed to the Project.

Road safety is taken very seriously by TotalEnergies. Globally, this is a specific focus within the company's overall priority on safety, as well as a priority for campaigns and programs that are supported by the TotalEnergies' Foundation. The company's work on road safety provides a good illustration of how TEPU can use its leverage through advocacy and partnerships to work on other complex human rights issues in Uganda.

Statement on Road Safety from the TotalEnergies Foundation¹⁵

As road accidents are the leading cause of death for young people, and since TotalEnergies has close ties to cars and drivers, TotalEnergies Foundation is committed—in partnership with other major groups, NGOs, institutions and nonprofits—to leading innovative initiatives and supporting effective solutions for safer roads.

To mitigate the risks and impacts related to road safety, the Project has developed a Community Road Safety Management Plan (CRSMP) and a Transport Management Plan (TMP). These management plans apply to all activities on the Project roads associated with the construction, operations, and decommissioning phase of the Project, including the upstream facilities, pipelines, the Oil Processing Facility and the export facilities. They apply to both TEPU employees and contractors.

Table 7: An overview of the key components of these management plans

Key Components of the Management Plans for Road Safety	
Community Road Safety Management Plan	Transport Management Plan
<ul style="list-style-type: none"> ▪ Community road safety awareness and sensitization. ▪ Speed enforcement and management. 	<ul style="list-style-type: none"> ▪ Project fleet inventory that includes all vehicles and machinery ▪ Vehicle and driving procedure. ▪ Speed enforcement and management.

¹⁵ See: <https://foundation.totalenergies.com/en/our-actions/road-safety/all-road-safety>

Key Components of the Management Plans for Road Safety	
<ul style="list-style-type: none"> ▪ School road safety awareness and safe crossing of the road. ▪ Emergency response and management of crash emergencies. ▪ Advocacy to promote safe operation, maintenance and improvement of roads. 	<ul style="list-style-type: none"> ▪ Procedures for inspecting and verifying vehicle and load safety at loading sites, during transit and at off-loading sites. ▪ Driver licence verification, driving evaluation, training and behaviour monitoring—including stakeholder feedback.¹⁶ ▪ Medical examination matrix for drivers, including consent for drug and alcohol testing.

The Project's internal communications materials on safety highlight that road operations remain the highest safety risk for the Project.

In terms of the implementation of the Community Road Safety Management Plans, some women from the communities reported that they had not yet seen the Project implementing the road safety sensitization programmes in the communities and schools. This is due to the COVID-19 situation in Uganda, which has resulted in school closures for the entire period since the Project has resumed its activities¹⁷ and impeded school-based road safety awareness programs. COVID-19 has also restricted other community-based road safety awareness activities as well. Given the importance of targeting children for road safety initiatives, the Project should consider alternative ways of delivering road safety awareness campaigns if school closures persist.

District officials reported that they are very concerned with the drug and alcohol consumption of truck drivers, which is currently a serious cause of road accidents. The Project conducts drug and alcohol testing on drivers using breathalysers that are available on site. To date, no incidents of drug or alcohol use have been registered. However, the Project will need to verify if testing is being done for contractors who are not based on site.

Human Rights Risk and Impact Assessment

Road safety has been prioritized as a high-risk activity because of the increase in road traffic that is related to the Project's direct activities, as well as those of contractors and suppliers, particularly during the construction phase. The increase in road traffic will create risks to drivers and community members, including children; and, road accidents can lead to serious injuries or even fatalities. Even with strong mitigation measures, the potential severity and likelihood of impacts merits ongoing due diligence.

The Project's relationship to the impacts related to road safety will depend on the facts of a given accident: it may cause impacts related to accidents involving its own employees; and, it may contribute or be linked to accidents involving contractors or suppliers or other third parties who are travelling to the Project for business reasons. To

¹⁶ In addition, the Project is developing a "Tilenga Road Safety" mobile App for workers to report unsafe behaviour or to reinforce good safety practices, which can be used to report unsafe driving.

¹⁷ At the time of writing, the schools in Uganda are planning to open in early 2022; however, the new variant of COVID-19 may affect this timing.

avoid contributing to human rights impacts, it will be important to avoid compromising on road safety requirements due to time pressures related to construction timelines.

Recommendations for Ongoing HRDD

In addition to the technical aspects of road safety such as vehicle and road maintenance, the following mitigation measures should be prioritized from a human rights perspective:

- Collaboration with school officials, police and parents to implement the sensitization and mitigation measures related to the road safety of children, given their greater vulnerability to accidents.
- Raise awareness about the implementation of road safety measures and the channels for reporting complaints about unsafe driving behaviour.
- Monitoring of the driver wellness aspects of road safety, including fatigue management, which can also be used for monitoring and dialogue about workers' rights issues such as hours of work and excessive overtime.
- Ensure that the Project and/or contractor's safety representatives participate in the investigation of any serious accidents involving injuries or fatalities to ensure that any adverse impacts are remediated and that there are appropriate learnings and corrective actions taken from each accident to avoid recurrence.

F. Cultural Rights

In the scoping study for the HRIA, cultural rights were prioritized as a salient human rights issue to take into account reports about potential impacts on sacred sites (graves and shrines), communal lands and cultural practices in the land acquisition and resettlement process. Internal and external reports reviewed during the scoping phase identified concerns related to risk of discrimination against ethnic groups; compensation rates for cemeteries and tombs; risk of disregard for cultural practices and traditions; and lack of consideration for communal lands, protected areas and sacred natural sites.

These concerns were raised in relation to pastoralists and vulnerable ethnic groups in the Project region. While these issues are a sub-set of the salient issue on land and resettlement, the assessment team decided to separate them in order to bring a focus on the collective elements of cultural rights¹⁸ and to draw attention to the rights of the ethnic groups in the Project region.

The Project facilities are located within the Acholi Chiefdom and the Buyora-Kitara Kingdom, which both have traditional cultural institutions recognised by the Government of Uganda. These cultural institutions have legal mandates and governance structures which operate in parallel to the official state institutions.

The Acholi Chiefdom is closely related to the Alur Chiefdom, which also has a traditional cultural institution recognized by the government. The Alur Chiefdom includes Pakwach, which is part of the Project's area of influence, and therefore it is also included as an affected stakeholder group for the Project.

¹⁸ The right to participate in cultural life has both individual and collective elements, which may be exercised as an individual and within a community or group. The cultural rights of ethnic minorities are important to preserve their culture and support cultural and social development, including in connection to language and land and natural resources.

Within the Buyora-Kitara Kingdom, there is the Bugungu ethnic group which seeks separate recognition and its own cultural institutions and governance structure. Currently, the Bagungu are not officially recognized by the government. They nonetheless remain a distinctive group of affected stakeholders within the Project region.

The following table provides further information about these ethnic groups, their location within the Project region and their cultural institutions.

Table 8: Overview of Ethnic Groups

Ethnic groups	Description
Acholi Chiefdom	<ul style="list-style-type: none"> ▪ The Acholi Chiefdom includes the districts of Gulu, Amuru, Nwoya, Pader Agago, Kitgum and Lamwo. ▪ The Acholi are closely related to the Alur (West Nile Sub Region), the Jopadhola (eastern Uganda), and the Joluo (Kenya). ▪ The Acholi Chiefdom is led by a paramount chief (Rwot), who is the cultural head and custodian of Acholi culture and oversees 54 chiefdoms. ▪ The council of chiefs (Ker Kwaro Acholi) elects the paramount chief.
Alur Chiefdom	<ul style="list-style-type: none"> ▪ The Alur Chiefdom includes Pakwach, which is part of the Project's area of influence. ▪ As mentioned above, the Alur are closely related to the Acholi, as well as the Jopadhola (eastern Uganda), and the Joluo (Kenya). ▪ The Alur cultural institutions and governance structures are similar to those of the Acholi Chiefdom.
Bunyoro-Kitara Kingdom	<ul style="list-style-type: none"> ▪ The Bunyoro-Kitara Kingdom includes Lake Albert and the districts of Buliisa, Kikuube, Hoima, Kagadi, Kakumiro, Kibaale, Kiryandongo and Masindi. ▪ The Bunyoro-Kitara Kingdom is represented by a traditional ruler (King) and the structure of the Kingdom is similar to the Local Councils, with a county chief, sub-county chief, parish chief, sub-parish chief, and several clan committees. ▪ The office of the Prime Minister heads the civil service of the kingdom and all county chiefs report to him and he in turn reports to the King. ▪ The King is also assisted by the Principal Private Secretary and a Cabinet of Minister. ▪ The Bunyoro-Kitara traditional governance is responsible for cultural matters, such as funeral rites and marriage ceremonies and is involved in other matters including arbitration, community development programs for health and education.
Bugungu ethnic group	<ul style="list-style-type: none"> ▪ The Bugungu ethnic group is officially part of the Bunyoro-Kitara Kingdom in Buliisa District. ▪ The Bugungu ethnic group has a distinctive culture and have historical ties to the land where the Project facilities will be. ▪ Members of the Bugungu ethnic group want to form their own legally recognized cultural institutions and want to be recognized as indigenous peoples.

TotalEnergies recognizes that cultural heritage has a human rights dimension, as stated in its Human Rights Guide. This statement recognizes that cultural heritage has both tangible and intangible elements and is linked to the preservation of cultural identity.

TotalEnergies Human Rights Guide: Cultural Heritage

Certain territories may have essential value in terms of cultural and natural heritage. Cultural and natural heritage includes sites that have architectural, archaeological, artistic, historical and unique natural environmental features that embody cultural values and hold particular historical, anthropological, artistic or scientific values. Cultural heritage may not only have significant value to the local community and users of the cultural heritage, but may also have universal value from the point of view of history, art or science. Before accessing land, the potential impacts both on natural and cultural heritage are identified. Consultation with specialists such as archeologists, local communities and local NGOs who are knowledgeable on the local heritage of the land is undertaken. The perspectives of the local community who have used and/or use the tangible or intangible cultural heritage to develop and preserve their cultural identity should be taken into account.

TEPU has developed a Cultural Heritage & Archaeological Management Framework based on consultation and participation of the impacted communities during the ESIA and RAPs. Importance was given to maintaining the local cultural identity and preserving cultural norms, including in consideration of the fact that Project-induced in-migration may have impacts on culture.

This framework includes references to international human rights instruments (Universal Declaration of Human Rights and International Covenant on Economic, Social and Cultural Rights) and is operationalized through the following mitigation measures and management plans:

- Preconstruction surveys to inventory all archaeological and cultural heritage sites in the entire Project region.
- Cultural and Archaeological Heritage Training and Capacity Building Program to equip all relevant workers that are going to be involved in the construction phase of the Project with the basic skills of cultural heritage management; specifically, in artifact identification, recording and reporting.
- Excavation, Relocation/Restoration and Monitoring of Graves, Sacred and other Sites of Importance Program/Procedure.
- Paleontological and Archaeological Protection, Management and Monitoring Procedure.
- Preservation of Cultural Heritage Program.
- Ecosystem Cultural Resources Monitoring Program.

At the time of writing, the Project was in the process of identifying the third-party contractor to support implementation of the mitigation measures and management plans in the Cultural Heritage & Archaeological Management Framework. The third-party contractor will have the mandate to coordinate with the other Project contractors to ensure a consistent approach. The third-party contractor will also support engagement with key stakeholders (including the Kingdoms, the Uganda Museum, the Ministry of Gender, Labour and Social Development, etc.) to inform and consult with them about Project activities and to involve them in the implementation of mitigation measures and management plans as appropriate.

During the stakeholder engagement for the assessment, the feedback can broadly be divided into two categories: firstly, there were concerns and suggestions made about the process for relocating sacred sites (graves and shrines); and, secondly, there were concerns and suggestions about potential impacts on the longer-term impacts on tangible and intangible aspects of culture as the Project is developed and there is influx into the region.

In terms of the relocation of sacred sites, concerns were raised at the community level (notably in a community meeting in Kasenyi) about a grave relocation which did not respect cultural norms. In particular, the Project's rules about not working at night initially required the grave relocation and associated rituals to take place during the day rather than at night as per cultural practices. Furthermore, the contractors overseeing the relocation were reported to be taking photos and videos. These concerns were acknowledged by the Project and its contractors in relation to some grave relocations that occurred during the implementation of RAP 1. The Project conducted additional engagements with the affected families and in-kind compensation was provided to allow the grave location to be completed. Attention has been given to allow rituals to be done privately, including at night. Furthermore, additional efforts are being made in relation to contractor training on cultural heritage and cultural sensitivity.

Another issue related to sacred sites was the need for the Project to ensure deeper consultation about relocations of communal sites as some "guardians" of these sites have agreed to relocate sites without the consent of the community. This could lead to the conclusion that it is always possible to relocate cultural sites in return for compensation for the relocation rituals when some sites should not be relocated according to cultural norms. Furthermore, this is also reported to have led others to create "fake" cultural sites in order to receive compensation for the relocation rituals, which may undermine the identification and appropriate compensation of legitimate sites.

In terms of the longer-term impacts of the Project on the tangible and intangible aspects of culture, the main concerns relate to the impacts of Project-induced in-migration (PIIM) and the erosion of cultural norms and traditions and loss of language because of intermingling with people from other parts of Uganda and from outside Uganda. This concern was reinforced in consultations with the above-mentioned cultural institutions, local and national civil society organizations, government officials, special interest groups and communities. The potential human rights impacts related to PIIM are discussed further in section D, but for the purposes of this section it is important to note that there is widespread recognition that the ethnic groups in the Project region have distinctive cultures that could be eroded over time as a result of development and influx in the region. There are many factors that contribute to influx and to the erosion of culture, but it will be important for the Project to be proactive and visible in multi-stakeholder efforts to support cultural preservation.

An important issue for cultural preservation relates to the so-called "cattle culture" in the region. This is an additional cultural layer related to land and livelihood issues for pastoralists, whose grazing lands are increasingly under pressure due to influx and development in the region (including the Project), as well as the creation of national parks and reserves. Furthermore, land purchasers in the area are fencing off their lands after obtaining title, which cuts off traditional routes for pastoralists to move their cattle to new pastures or water sources. This creates a tension in relation to individual land ownership where the pastoralists view land as a collective resource. For

pastoralists, the development of roads in the region also is understood as fragmenting their grazing lands and creating new dangers for their cattle. These various pressures on land and cattle culture in the region have been increasing for the last century, but are currently accelerating—in part because of the Project and the other oil & gas projects in the region. These concerns about the cattle culture featured prominently in interviews with the Bugungu Heritage Information Centre.

The Project is also engaging with the Bugungu Heritage Information Center and with the Bugungu Association as key stakeholders. In particular, the Project is working with the Bugungu Association to find ways for the Project to support the Bugungu ethnic group in preserving their culture, including intangible cultural heritage. Furthermore, as part of the Corporate Social Responsibility (CSR) programs, the company will be working with the Uganda Museum and other stakeholders to protect cultural heritage.

Human Rights Risk and Impact Assessment

In the short-term, the potential adverse impacts on cultural rights are focused on the relocation of sacred sites during the land acquisition and resettlement process. Potential impacts will increase during the construction phase. The cultural and spiritual dimension of potential impacts are complex to remediate as they require specific rituals. These impacts are caused directly by the Project and therefore it has a responsibility to prevent or remediate any such impacts. For the most part, it appears that communities accept that these impacts can be remediated through compensation and the performance of appropriate rituals. The Project acknowledges that it has had some impacts in its early grave relocations during RAP1, but has subsequently adjusted its procedures to respect the cultural practices of the communities.

In the longer-term, the potential adverse impacts on cultural rights relate to the cattle culture of the Bugungu and the culture and language of the other ethnic groups in the Project region. These cultural aspects risk being eroded over time through Project-induced in-migration and fragmentation of communal lands. This is a complex issue that is historical in nature and that will involve many different factors; nonetheless, the Project will contribute to the potential impacts and therefore has a responsibility to work with a variety of other actors—including the representatives and cultural institutions of the affected ethnic minorities—to respect their rights and support the preservation of their culture and language over time.

Recommendations for Ongoing HRDD

The Project's current mitigation measures are included in the Cultural Heritage & Archaeological Management Framework, and includes the following:

- Preconstruction survey to inventory all archaeological and cultural heritage sites in the entire Project region.
- Cultural and Archaeological Heritage Training and Capacity Building Program for all relevant workers.
- Excavation, Relocation/Restoration and Monitoring of Graves, Sacred and other Sites of Importance Program/Procedure.
- Paleontological and Archaeological Protection, Management and Monitoring Procedure.
- Preservation of Cultural Heritage Program.

- Ecosystem Cultural Resources Monitoring Program.

From a human rights perspective, the following are priority areas and additional recommendations for ongoing human rights due diligence:

- Roll out the Cultural and Archaeological Heritage Training and Capacity Building Program for all relevant workers and emphasize that there are potential human rights impact associated with it.
- In the implementation of the Cultural Heritage Program, continue to engage and consult with the cultural institutions and representatives of the ethnic groups in the area to develop long-term strategies for cultural and linguistic preservation. Consider opportunities to work with partners or provide trainings that support a rights-based approach to any initiatives or programmes.¹⁹

G. Interaction on Government Security Forces

The Project's interaction with Government Security Forces was prioritized as a salient human rights issue during the scoping phase of the HRDD Assessment based on the inherent risk to people if and when Government Security Forces interact with community members, workers or other individuals. Internal and external reports reviewed during the scoping phase identified concerns related to proximity of the Project region to a conflict zone in Democratic Republic of Congo; increased presence of police and military in the Project region; and fears about speaking out about oil and gas projects.

This is widely recognized as a key human rights risk for extractives and energy projects, and has been identified as one of the salient human rights issues globally for the TotalEnergies group.

TotalEnergies's Human Rights Guide: Human Rights and Security

Respect for the rights of local communities and other stakeholders by security forces is essential. The Group seeks to prevent incidents when conducting security activities. The Group's approach, reiterated in our security policy, is based on internationally recognized Human Rights and industry standards including the Voluntary Principles. These Principles aim to guide Business units so that where they provide and ensure provision of operational security this is done in a manner that is consistent with respecting Human Rights.

TotalEnergies has been a formal member of the VPSHR network since 2012 and provides annual reports on its efforts to implement the VPSHR.²⁰ TotalEnergies has developed requirements and guidance for implementation of the VPSHR that are aligned with good industry practices.

TEPU recognizes security and human rights as a salient issue for the Project. For this reason, the Voluntary Principles on Security and Human Rights (VPSHR) was included as one of the key components of the HRDD Assessment. As will be explained below, the Project has been implementing the VPSHR through risk assessments, training

¹⁹ For more information about rights-based approaches, see: <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>

²⁰ See: <https://sustainable-performance.totalenergies.com/en/reporting/reporting-standards/vpsshr>

initiatives and the development of a Memorandum of Understanding (MoU) with the Government Security Forces.

In terms of international standards for environmental and social performance, security and human rights are covered under the IFC Performance Standard 4 on Community Health, Safety and Security. The Tilenga ESIA identified potential issues or impacts related to interaction with Government Security Forces as a key concern in the ESIA chapter on human rights²¹ and developed proposed mitigation measures in the Community Health, Sanitation, Safety and Security Management Plan.

Based on the research during the scoping phase and stakeholder engagement, the following are the key units of the Government Security Forces that may have interactions with the Tilenga Project or its stakeholders. Currently, the Project's main interactions are with the Ugandan Police Force.

Table 9: Government security forces and their mandate

Forces	Mandate
Uganda Police Force (UPF) ²²	<ul style="list-style-type: none"> ▪ UPF operates under the authority of the Ministry of Internal Affairs ▪ UPF has primary responsibility for law enforcement. ▪ UPF includes a special Oil and Gas police unit under the Directorate of Counter-Terrorism. ▪ UPF has a designated officer for oil and gas in all districts where direct activities will take place, including the Project region. ▪ UPF has a "Human Rights Police" branch, that specializes in addressing human rights abuses. ▪ UPF has a "Family Protection and Sexual Offences Unit" that has the mandate to investigate cases where parents are not providing for their children and in cases of sexual offences. ▪ UPF has a "Tourism Police" branch that is tasked with the primary mandate of ensuring the safety and security of both international and domestic tourists, tourist attractions and facilities in Uganda. ▪ UPF has a grievance redress mechanism and if one is not satisfied with the Officer In-charge (OC), they can refer their cases to the District commanders.
Uganda Peoples' Defence Force (UPDF) ²³	<ul style="list-style-type: none"> ▪ UPDF operates under the authority of the Ministry of Defence ▪ UPDF has responsible for external security and may aid civil authorities when responding to riots or other disturbances of the peace. ▪ Other agencies under the UPDF include the Chieftaincy of Military Intelligence, Joint Intelligence Committee, and Special Forces Brigade, among others.
Rangers of the Uganda Wildlife Authority (UWA)	<ul style="list-style-type: none"> ▪ UWA Rangers have a mandate to protect wildlife in protected areas from illegal hunting and poaching activities. ▪ UWA Rangers are armed and may have confrontations with illegal hunters or poachers who are armed.
Environmental Protection Force (EPF)	<ul style="list-style-type: none"> ▪ The National Environment Act (2019) allows the Ministry of Environment, in consultation with the Uganda police to create an independent Environmental Protection Force similar to the UWA Rangers.

²¹ Tilenga ESIA, Chapter 16, pp. 2-3.

²² Uganda Police Act, Cap 303.

²³ The Uganda Peoples' Defense Forces Act, 2005.

Forces	Mandate
	<ul style="list-style-type: none"> ▪ The EPF is trained by the Uganda Police. ▪ The Ministry of Environment, on the recommendations of the Uganda Police, will make regulations for the EPF. ▪ EPF officers will have a background knowledge in environment and natural resource management.

The assessment team reviewed the security context risks for Uganda using the methodology for a VPSHR Risk Assessment, which includes risks related to the potential for conflict; security provisioning; governance; socio-economic conditions; and the physical environment.²⁴ Of particular relevance are suggestions that highlight that Government Security Forces in Uganda may benefit from a clearer understanding of human rights and international humanitarian law, and there is a history and reputation of allegations of human rights abuses. Moreover, concerns are raised that use of force protocols could be improved to meet international standards. It is also reported that investigations into allegations of human rights abuse are not always sufficiently thorough, and capacity of the UPF's Human Rights Police, UPF's Family Protection and Sexual Offences Unit and the Uganda Human Rights Commission to investigate abuses by the Government Security Forces could be reinforced. Furthermore, financial constraints limit effective remedies of victims of human rights violations.

In dialogue with the UPF during the stakeholder engagement phase of the assessment, it was acknowledged that they need to enhance their operational procedures to reduce the risk of human rights abuses in the process of ensuring security of the Project area, personnel and assets. In this regard, UPF has been engaging and holding trainings with the officers in the field, including the Project region. Continuous engagement is the mode of operation.

Amongst the various risks noted above, one of the key concerns for the UPF in Buliisa is the potential for protests or riots by community members (and in-migrants to the Project region) who become dissatisfied or impatient with lack of jobs and other opportunities. This could increase the risk of conflict leading to use of force and human rights abuses. The porous border with DRC was also noted as a security challenge. This is an entry point for illegal immigrants and is likely to increase security challenges and security operations in the Project region.

In discussions with the Company Security Manager and review of TEPU's VPSHR Risk Assessment, there is very strong awareness of the potential risks associated with the Government Security Forces. Key mitigation measures currently include the development of a MoU and the implementation of a VPSHR training program for Government Security Forces. Screening of Government Security Forces for past human rights abuses is also an important mitigation measure, which has been taken into account in the MOU.

Strong collaboration with the Project's Social Department and CLOs has been implemented as an important strategy for mitigating the risks of intervention by Government Security Forces during community protests. CLOs can involve the Company Security representative and authorities in dialogue with communities to explain the context and to seek to prevent any issues or protests from escalating.

²⁴ This methodology is derived from the VPSHR Implementation Guidance Tools developed by the IFC, ICRC, ICMM and IPIECA for mining and energy companies. See: <https://www.voluntaryprinciples.org/wp-content/uploads/2020/08/Implementation-Guidance-Tools.pdf>

The assessment also considered the human rights risks to vulnerable groups that could be related to the Project's interaction with Government Security Forces. This included consideration of women, children, LGBTQI+, migrants and refugees, minorities and vulnerable ethnic groups (including those that self-identify as indigenous peoples).

In the review of TEPU's VPSHR Risk Assessment, risks associated with the Government Security Forces' interaction with vulnerable groups have already been identified. Nonetheless, the assessment team recommends further consideration and assessment of interactions between Government Security Forces and women and girls. In this regard, it could be considered whether implementation of certain measures in the Community Health, Sanitation and Safety Plans could also be extended to Government Security Forces—particularly through involving them in training, capacity-building and multistakeholder consultation related to topics related to women's rights, gender equality and GBV.

Part of the response to these risks and stakeholder concerns by the Project is to use its leverage to seek to strengthen the mechanisms for accountability and access to remedy for misconduct by Government Security Forces. Currently, it is reported that the authorities can be reluctant to investigate, prosecute and punish allegations of abuses by Government Security Forces. While the "Human Rights Police" of the UPF and the Uganda Human Rights Commission have mandates in relation to human rights impacts caused by the Government Security Forces, their ability to conduct investigations and bring perpetrators of alleged violations to justice appears to be limited.

During the stakeholder engagement, the UPF stated that it has a grievance mechanism that goes through the Officer-in-Charge. If a complainant is not satisfied with the response from the Officer-in-Charge, they can refer their cases to the District Commander. UPF stated that it plans to strengthen the grievance mechanism for responding to human rights breaches.

Furthermore, the UPF has a "Family Protection and Sexual Offences Unit" that has the mandate to investigate cases where police officers are not providing for their children and in cases of sexual offences. However, police officers may benefit from improved training to intervene in such cases. Moreover, cases of gender-based violence or sexual exploitation are generally not reported; and, when they are reported, they may not always lead to accountability or remedy. As a result, the community members interviewed did not appear to feel confident or safe in reporting such misconduct to the police. Similarly to the point made above, there may be an opportunity for the Project to use its leverage to help improve the capacity and effectiveness of these units.

In the review of TEPU's VPSHR Risk Assessment, risks associated with impunity and lack of access to remedy have been identified. The current perceived weakness in the accountability and remedy mechanisms for the Government Security Forces highlights the need for the Project's own grievance mechanism to be available for community members to report misconduct of Government Security Forces that are associated with the Project—and for the grievance mechanism to have the necessary protocols and safeguards to handle grievances related to Gender-Based Violence and other sensitive issues. Even though the Project is not responsible for the underlying misconduct, it still has a role to play.

Another human rights risk relates to poor prison conditions in Uganda, which may be dangerous and even life-threatening in certain cases. Although the issue of prison

conditions was not raised extensively in the stakeholder engagement, it was a risk identified in the background research on the security context in Uganda, as well as in TEPU's VPSHR Risk Assessment. Essentially, there is a risk that community members, immigrants or other individuals (including criminals) who interact with the Project may be apprehended and detained by the Government Security Forces and have their human rights abused while in custody. Similarly, the Project has a role to play in communicating its expectations and monitoring that detailed individuals are treated in accordance with legal due process and that their rights are respected while in custody.

Human Rights Risk and Impact Assessment

The interaction with Government Security Forces is a high-risk area due to the fact that these forces are armed and the Project—like other private sector actors—does not have operational control over Government Security Forces.

The risks and impacts are to be assessed on a case-by-case basis, but the Project could be linked to adverse human rights impacts by Government Security Forces, including in cases of off-duty misconduct of personnel—which can include incidents of gender-based violence. The Project could be in a position of contribution through logistic support (vehicles, accommodation, communication systems); through actions that encourage intervention or inappropriate use of force; or failure to monitor and follow-up on incidents or abuses involving the Government Security Forces. On the other hand, strong implementation of the VPSHR should help demonstrate that the Project does not contribute to adverse human rights impacts by Government Security Forces.

Recommendations for Ongoing HRDD

The Project's approach for interaction with the Government Security Forces is through the continuous implementation of the Voluntary Principles on Security and Human Rights, (VPSHR) notably through the application and monitoring of the Memorandum of Understanding (MoU) between TEPU and the Government Security Forces;²⁵ ongoing VPSHR and human rights training of Government Security Forces deployed in the Project region; and, ongoing efforts to ensure that the Project's grievance mechanisms for community members and workers are effective and able to receive complaints about the conduct of Government Security Forces without retaliation.

For ongoing HRDD, the following priorities have been identified:

- Ensure that the MoU with the Government Security Forces is signed as soon as possible in order to give the Project a clear framework for continuous engagement on the VPSHR.
- Update VPSHR risk assessment and review of mitigation measures for the Government Security Forces. As part of this update, clarify the role and mandate of different units of the Government Security Forces that will interact with the Project, including potential interactions with respect to the Ugandan Wildlife Authority's Rangers and Environmental Police Force.
- Continue to implement a VPSHR training program for all Government Security Forces that may interact with the Project and its stakeholders. As part of the

²⁵ At the time of writing, the MoU is currently in final form and is ready to be signed subject to Government approval.

ongoing VPSHR training program, strengthen the training materials and messaging about tackling gender-based violence, freedom of expression and the rights of Human Rights Defenders; and the importance of registering and responding to complaints.

- Through the MOU ensure that the Government commits not to deploy commanders of units who have in the past been responsible for human rights abuses.
- Ensure that there is a transfer procedure for material or financial resources provided to Government Security Forces under the MoU.
- Work with the Project's Social Affairs Department and Community Liaison Officers to ensure that information about the Project's security arrangements are shared with communities and workers, and that the Project's grievance mechanisms for community members and workers are effective and have the necessary safeguards to receive complaints about the conduct of Government Security Forces without retaliation.
- Consider how the Project can work with other organizations to seek to establish a national working group or structure for the VPSHR in Uganda.

H. Interaction with Private Security Providers

The Tilenga Project is currently working with three Private Security Providers as described in the table below.²⁶ In total, there are approximately 300 security guards contracted to work for TEPU (approximately 100 guards in Kampala and 200 at site). At the outset, it is important to note that none of the security guards have firearms and only have non-lethal weapons.

²⁶ Some of TEPU's contractors will also be contracting private security companies. The scope of VPSHR implementation and training should also cover security guards employed by contractors and not just those employed by TEPU.

Table 10: Private security providers for the Project

Private Security Providers	Mandate
G4S Secure Solutions (Uganda) Ltd.	<ul style="list-style-type: none"> ▪ G4S provide security for the TEPU's offices and some residences in Kampala. They also provide Quick Reaction Team to patrol the residence areas and escort the night movements. ▪ The Kampala control room operations are also managed by G4S operators.
Saracen (Uganda) Ltd.	<ul style="list-style-type: none"> ▪ Saracen provides security for TEPU's logistic bases, drilling rigs, and temporary/ construction camps in the Southern part of the Tilenga Project and along the feeder pipelines. ▪ Saracen also provides a quick reaction team for mobile operations and emergency responses.
K.K. Security (Uganda) Ltd.	<ul style="list-style-type: none"> ▪ K.K. Security provides security to some TEPU's expatriate residences in Kampala, as well as a quick reaction team. ▪ They also provide security for the Tilenga Project's northern site and activities.

The Project's interaction with Private Security Providers was prioritized as a salient human rights issue during the scoping phase of the HRDD Assessment based on the risk to people if and when Private Security Providers interact with community members, workers or other individuals. This is widely recognized as a key human rights risk for extractives and energy projects. TotalEnergies has prioritized security and human rights as one of the group's salient issues in its Human Rights Guide.

TotalEnergies' Human Rights Guide: Human Rights and Security

Respect for the rights of local communities and other stakeholders by security forces is essential. The Group seeks to prevent incidents when conducting security activities. The Group's approach, reiterated in its security policy, is based on internationally recognized Human Rights and industry standards including the Voluntary Principles. These Principles aim to guide Business units so that where they provide and ensure provision of operational security this is done in a manner that is consistent with respecting Human Rights.

From an operational perspective, the VPSHR provides an internationally recognized framework for companies to manage their interactions with Private Security Providers in a manner that respects human rights. TotalEnergies has been a formal member of the VPSHR network since 2012 and provides annual reports on its efforts to implement the VPSHR.²⁷ TotalEnergies has developed requirements and guidance for implementation of the VPSHR that are aligned with good industry practices. These requirements and guidance cover the relevant aspects of interactions with Private Security Providers.

Background research about the Ugandan context for Private Security Providers shows that the private security sector has rapidly expanded in the last decade, growing from 58 private security firms in 2008 to over 200 firms in 2019. While the sector is regulated

²⁷ See: <https://sustainable-performance.totalenergies.com/en/reporting/reporting-standards/vpshr>

and monitored by the Inspector General of Police,²⁸ there are some reports that Private Security Providers have been involved in human rights abuses and that the protocols on the use of firearms are quite permissive. It is also reported that the Ugandan Police Force plans to provide training for Private Security Providers and that it requires approvals for the employment of former military or police officers by Private Security Providers. During the stakeholder engagement for the assessment, a representative of the Uganda Police Force acknowledged that the general level of competence and understanding of human rights of many Private Security Providers is quite low.

TEPU recognizes security and human rights as a salient issue for the Project. In discussions with the TEPU Security Manager and the review of the VPSHR Risk Assessment, a number of risks related to Private Security Guards have been identified and mitigation measures have been put in place, including inclusion of human rights and VPSHR in the contracts with Private Security Providers; screening of security guards for human rights abuses; and, ongoing training for Private Security Guards before being deployed in any of TEPU sites. There are further mitigation measures that are relevant to Private Security Providers that are included in the Community Health, Sanitation and Safety Management Plan.

Contractual Provisions on Human Rights and VPSHR

Like all of TEPU's contractors, Private Security Providers have to abide by TotalEnergies' Fundamental Principles of Purchasing, which include respect for international human rights standards, as part of their contracts. Furthermore, the contracts with Private Security Providers also contain requirements related to the VPSHR and relevant UN standards for law enforcement officials and the use of force.

The following text box shows certain contractual provisions that are relevant to human rights and VPSHR that have been included in all of the contracts between TEPU and the above-mentioned Private Security Providers.

Contractual Provisions for Private Security Providers on Human Rights and VPSHR

- The contracts include a requirement that the contractor respect the Universal Declaration of Human Rights, the VPSHR, The UN Code of Conduct for Law Enforcement Officials, and the UN Principles on the Use of Force and Firearms.
- The contracts include an annex with TotalEnergies' Fundamental Principles of Purchasing which includes human rights requirements for contractors.

One of the contractual requirements is for the Private Security Providers to conduct background checks for each security guard before recruitment or deployment to ensure that they do not have a record of past human rights abuses.

VPSHR Training

All private security guards receive VPSHR and human rights training before being deployed. Regular VPSHR trainings and frequent reminders occur in Kampala and at

²⁸ Private Security Providers must register under the Companies Act and are regulated by the Police Act, sections 72-73 and the Police (Control of Private Security Organizations) Regulations, 2013.

sites for instance upon the arrival of every new start. The following text box provides an overview of the VPSHR training that is currently being provided by TEPU.

TEPU's Tilenga VPSHR Training

- The VPSHR training contains 3 modules providing an overview of the VPSHR; respecting human rights; and implementing the VPSHR
- The training covers the relevant TotalEnergies standards, international human rights standards and provides references to useful NGO websites and materials on human rights and VPSHR.
- The training explains the VPSHR and how they help businesses meet their human rights and security challenges.
- The training presents scenarios where extractive companies have been accused of human rights violations and how the VPSHR guidelines can help preventing this.
- The training provides background information about human rights and why they are relevant.
- The training explains the different responsibilities of companies and governments when a violation of human rights occurs.
- The training provides an overview of TotalEnergies' priority actions for implementing VPSHR.
- Provides important reference for any participants wishing to deepen its understanding of human rights and VPSHR.
- The presentation is supported by three animated videos that provide concrete illustrations of how the implementation of VPSHR can contribute to mitigate the negative impacts on human rights a company's security activities may have.

Working conditions of security guards

Private security guards in Uganda are reportedly paid very low salaries for difficult working conditions. Low wages can make guards vulnerable to bribery or collusion with criminals. Long shifts can be in excess of international standards for working hours and rest. Furthermore, long shifts can lead to fatigue that reduces the ability of guards to fulfill their role adequately.

TEPU is conscious of the importance of providing good working conditions for the security guards and engages with its Private Security Contractors on this aspect. The guards working for the Tilenga are paid double the salary that guards are typically paid in Uganda. Furthermore, guards are provided with insurance, healthy food and schedules that provide for adequate rest. TEPU states that it will continue to engage with its Private Security Providers to continue monitoring and improving the working conditions of the guards working for the Tilenga Project.

Interactions with community members

Based on feedback from stakeholders during the fieldwork phase, the main concern about Private Security Providers relates to the interaction between guards and female community members while they are off duty. As many of the private security come from local communities, the concerns relate to interpersonal relationships in the context of the village.

Many of the concerns raised by community members are similar to those raised about the Government Security Forces, including in relation to Gender-Based Violence and

Sexual Violence Against Children in terms of the potential interactions between security guards and sex workers who can be as young as 14 or 15 years old. This could lead to severe impacts in terms of violence as well as health consequences due to sexually transmitted diseases, including HIV/AIDs. Further information about stakeholder concerns is provided in section J on Women's Rights, Gender Equality and Gender Based Violence.

Transfer of custody

One of the human rights risks related to Private Security Providers identified by the assessment team involves the detention and transfer of custody of apprehended people to Government Security Forces. Although these issues were not raised during the stakeholder interviews, they are potential human rights risks that were identified in the background research on the security context, as well as in TEPU's VPSHR Risk Assessment.²⁹

After discussion with the Project's Security Manager, it appears that there is a very low risk of there being any transfer of custody of apprehended people given that the Private Security guards operating at TEPU sites are not entitled to arrest and detain anyone. In case of any suspected presence of intruders or any threats from the public, the guards' responsibility is to communicate to his or her supervisor and the control room which will interface with the TEPU Security Department who will then liaise when necessary with the Government Security Forces. If a suspect is apprehended by the Government Security Forces, the Project should use its leverage to ensure such individuals are treated in accordance with legal due process and that their rights are respected while in custody. In this regard, the VPSHR Risk Assessment states that TEPU will monitor the situation and ensure, as much as it is in its power, that the human rights of people in custody are respected.

Human Rights Risk and Impact Assessment

The main concern from a human rights perspective is the potential interaction between Private Security Providers and workers or community members in terms of the potential use of force. As the Private Security Providers for the Project do not have lethal weapons and do not have a mandate to apprehend suspects, the human rights risks are significantly less than those for the Project's interaction with Government Security Forces.

From the stakeholder feedback received during the fieldwork, there are also concerns about the potential for interactions between off-duty private security guards and women and girls. This includes concerns about the potential for gender-based violence in the context of relationships between Private Security Providers and sex workers, as well as in terms of relationships between private security guards and women or girls in the local communities that can lead to unwanted pregnancies and a range of related adverse impacts.

Although it is not the focus of this assessment, it must be remembered that Private Security Providers also have a mandate to protect Project workers and contribute to their rights to a safe and healthy working environment. Furthermore, private security guards also have human rights, including in terms of their own health, safety and

²⁹ See VPSHR Risk Assessment, risk S12 and S13.

working conditions, and there are also indications that they are at risk of false accusations of harassment by members of the communities.³⁰

When it comes to on-the-job impacts of Private Security Providers, the Project is in a relationship of contribution or linkage; however, given the degree of operational control that projects tend to have over their security contractors, it may be considered to cause the impacts.

The association of the Project with the off-duty conduct and impacts of contractors and sub-contractors will depend on the circumstances, but there were particular concerns about the risk of interactions between Private Security Providers with local women and girls. As discussed in section J on Women's Rights, Gender Equality and Gender Based Violence, the Project should proactively reinforce the safeguards and supports for local women and girls to use the Project's grievance mechanisms without retaliation, and develop partnerships with NGOs to strengthen community awareness and support mechanisms related to harassment or GBV.

Recommendations for Ongoing HRDD

The Project's approach for human rights due diligence is through the continuous implementation of the VPSHR, notably through the inclusion of contractual provisions on the VPSHR in its contracts with Private Security Providers; screening for past human rights abuses by Private Security Providers; ongoing VPSHR and human rights training; constant dialogue with the Private Security Providers through regular meetings; appointment of TEPU supervisors in Kampala and onsite to oversee daily security activities and, ongoing efforts to ensure that the Project's grievance mechanisms for community members and workers are effective and able to receive complaints about the conduct of Private Security Providers without retaliation.

For ongoing HRDD, the following priorities have been identified:

- Update the VPSHR risk assessment and review mitigation measures with Private Security Providers, including in relation to any new Private Security Providers that will be hired by contractors and sub-contractors.
- Continue to implement a VPSHR training program for all Private Security Providers. As part of the ongoing VPSHR training program, strengthen the training materials and messaging about tackling gender-based violence, freedom of expression and the rights of Human Rights Defenders; and the importance of registering and responding to complaints.
- Continue to ensure that background checks are conducted on Private Security Providers hired by the Project. In particular, ensure that any new Private Security Providers that will be used by contractors and sub-contractors are appropriately vetted—both in terms of the companies being hired and the security guards being hired or deployed to the Project. Ensure that these vetting processes are properly documented.
- Work with the Private Security Providers to ensure that incidents or complaints that relate to potential human rights impacts are rapidly escalated to the Project and

³⁰ The workers' rights of Private Security Providers is discussed further in Section A on Contractor and Suppliers' Workers Rights.

are included in and followed-up through the Project's incident management and reporting mechanism.

- Work with the Project's Social Affairs Department and Community Liaison Officers to ensure that information about the Project's security arrangements—including its Private Security Providers—are shared with communities and workers, and that the Project's grievance mechanisms for community members and workers are effective and able to receive complaints about the conduct of private security guards without retaliation.
- Consider whether the Project can enlist the support of the Private Security Providers with which it works to support the establishment of a national working group or structure for the VPSHR.

I. Women's Rights, Gender Equality and Gender Based Violence

Women's rights and gender equality were prioritized in the HRIA scoping phase in part because of concerns about systemic issues related to workplace discrimination, as well as challenges for women's rights in communities and the potential for GBV in Uganda. Internal and external reports reviewed during the scoping phase related to girls being more vulnerable to dropping out of school than boys; challenges in informing and consulting with women; discrimination, sexual harassment and GBV in the workplace; sexual abuse and exploitation of community women and girls by workers associated with the oil & gas industry; adverse impacts on women related to disputes with men over resettlement compensation; and cases of GBV being on the increase in the region.

Furthermore, there has been a heightened focus on the implementation of the UNGPs with better understanding and integration of women's rights and gender perspectives in recent years.³¹ Furthermore, international norms, national laws and corporate standards related to harassment and GBV are being strengthened.³²

Therefore, to meet the rapidly evolving societal expectations and rising standards for business and human rights, it is important that women's rights and gender equality, including GBV, is understood as a salient issue for the Project with cross-cutting implications related to the workers, community and security aspects of the assessment.

TotalEnergies has important commitments related to women's rights and gender equality in its Human Rights Guide and in other corporate policies. It has also committed to work with other industry actors to address women and gender as part of the "Closing the Gender Gap in Oil and Gas: A Call to Action for the Industry Declaration."³³

³¹ See OHCHR, B+HR and UNDP, "Bringing a Gender Lens to the UNGPs" (2019): <https://www.undp.org/publications/gender-dimensions-guiding-principles-business-and-human-rights>

³² In particular, the ILO has recently adopted a new treaty to recognize the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment. See ILO Violence and Harassment Convention 190 (2019): <https://www.ilo.org/global/topics/violence-harassment/lang-en/index.htm>

³³ This Declaration was signed by 20 oil & gas companies at the World Economic Forum in 2016 and featured in the 2018 Total Energies' Human Rights Briefing Paper.

Closing the Gender Gap in Oil and Gas: A Call to Action for the Industry Declaration

- Leadership: Establish gender diversity and inclusion as a strategic business imperative at all levels of an organization, visibly led by the Chief Executive and top leadership.
- Aspiration & Goal Setting: Set and maintain challenging but achievable goals and objectives for gender diversity.
- Science, Technology, Engineering and Mathematics (STEM) Pipeline: Support the development of women into STEM subjects at early years in school and university, and their development towards technical roles and careers.
- Clear Responsibility: Ensure that managers are responsible for reaching diversity goals and objectives and that they have appropriate oversight of strategies and initiatives to achieve them.
- Recruitment, Retention and Promotion Policies: Review relevant policies and processes including recruitment, retention, evaluation, compensation and career planning to ensure they are gender sensitive. Recognize and mitigate unconscious biases in selection and retention processes.
- Inclusive Corporate culture: Create an open and inclusive corporate culture where all genders can flourish.
- Work Environment and Work-Life Balance: Develop and communicate clear guidelines on the implementation of gender-sensitive work-life balance policies for all staff.

The Project has also made commitments related to women's rights and gender equality in relation to its own direct workforce, contractors and communities, which are reflected in TEPU policies and various social management plans. In particular, the Project has developed a Gender Management Plan (GMP) and is in the process of commissioning a service provider to support its implementation across different functions.

While this section is focused on GBV due to the severity of impact, it is important to note that other cross-cutting aspects of women's rights and gender equality have been discussed in other sections of the report as outlined in the text box below.

Discussion of Women's Rights and Gender Equality in Other Sections

To underscore that women's rights and gender is a cross-cutting issue, the assessment has addressed the following issues in other sections of the report:

- Potential discrimination in the workplace in relation to recruitment and harassment is discussed in section A on Workers' Rights.
- The need to reinforce specific engagement methods and training for CLOs on good practices in engaging with women and vulnerable groups are discussed in section B on Information and Consultation.
- The specific risks and impacts on women that are related to the resettlement process, particularly in relation to allocation of compensation within households, are discussed in section C on Land and Resettlement.
- The specific risks and impacts on women that are related to influx are discussed in section D on Project-Induced In-Migration.
- The specific risks and impacts on women that are related to public and private security forces are discussed in sections G and H.

The focus of this section is on Gender-Based Violence (GBV) because this is one of the most severe potential human rights impacts that can be associated with the Project through the behaviour of workers, contractors or security forces that are working or will work on the Project, as well as through influx and changes in household dynamics that may be linked to the Project. Victims of GBV will experience impacts on their mental and physical health, including severe trauma, post-traumatic stress disorder, anxiety, fear, isolation and depression, as well as injuries and even death in some instances.

GBV is a prevalent concern in Uganda and in the Albertine region and past incidents of GBV related to actors in the oil & gas industry were highlighted to the assessment team.³⁴

Definition of Gender-Based Violence

The term Gender-Based Violence (GBV) includes any act “that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”³⁵ The IFC adds the following “GBV does not only refer to violence against women and girls. It also can impact men and boys, particularly men who challenge or do not adhere to traditional male stereotypes. GBV can include a range of different forms of violence, including intimate partner violence, female genital mutilation, child marriage, and child exploitation.”³⁶

As will be explained below GBV includes Sexual Violence against Children (SVAC) and Intimate Partner Violence (IPV).

In terms of the stakeholder feedback during the fieldwork, the main concerns raised related to the risk of poor conduct of contractors, private security guards and Government Security Forces and potential impacts on women and girls. In particular, it has been reported that sex work is increasing in the Nyapea community, in Biiso and in other communities, trade centers and towns as well, due in part to demand by contractors, private security guards and Government Security Forces.

Sex workers in the Project region report regularly experiencing severe violence from their customers who tend to easily lose their temper; the girls fear that their lives can be put in danger. Their health could also be put at risk due to high risks of being infected with STDs, including HIV/AIDS. In this regard, the Ugandan Police Force representative in Bulisa confirmed that they have had to investigate and prosecute cases of gender-based violence against community members by private security guards working on the UNRA roads. Although these Private Security Providers are not associated to the Project, these incidents reinforce the fact that this sort of misconduct is a common problem and that community fears are justified.

³⁴ While this section is focused on potential human rights impacts for women and girls because this was where the assessment team received the most feedback during the fieldwork, many of the risks and impacts described would also apply to members of the LGBTQ+ community. The assessment team obtained less information on this aspect, in part because of the high sensitivity for people to speak openly about LGBTQ+ issues in Uganda.

³⁵ Article 1, [Declaration on the Elimination of Violence against Women](#), General Assembly Resolution 48/104, 20 December 1993.

³⁶ IFC, Addressing Gender-Based Violence In The Workforce, [Unlocking Opportunities For Women And Business - A Toolkit Of Actions And Strategies For Oil, Gas, And Mining Companies](#), 2008.

From the focus groups with women and girls in the communities in the Project region, fears were also expressed about couples being formed between soldiers and security guards and local women and school-girls, who then may be abandoned when the soldier or guard is transferred. This can leave the women or girls (and any children from the relationship) in a vulnerable position, without support and being more difficult to be married. Moreover, there is concern about the propagation of sexually transmitted diseases and HIV/AIDs in the communities, as well as health risks associated with pregnancy and illegal abortions, particularly as health services may not be readily available in case of medical emergencies.

Although there was no indication that these incidents were related to Private Security Providers working for the Project, examples of incidents were reported to the assessment team. For instance, in some cases where the women have become pregnant, it was alleged that the management of a Private Security Provider protected the guards from paying for child support by transferring them to another location. The Chairman of the community reported that he tried to discuss this issue with the management of the Private Security Provider, but no change has yet come following this discussion. TEPU confirms that they make all efforts to positively influence the Private Security Guards and they have officers who work with the Private Security Companies to promote respectful behaviour. In particular, regular meetings are held which often include reminders. The assessment team recommends that TEPU also work with the Private Security Providers to extend the same expectations, standards and good practices related to women's rights, gender equality and GBV—including in relation to ongoing training on VPSHR—to all their guards who are stationed in the Project region. In this regard, the Project should target the guards' camps in the Project region for additional training and engagement on these topics.

Sexual Violence Against Children (SVAC)

It should be noted that in Uganda, girls under 18 cannot legally consent to sexual intercourse, which means that anyone “who performs a sexual act with another person who is below the age of eighteen years, commits a felony known as defilement and is on conviction liable to life imprisonment,”³⁷ which means that any type of sexual relationship with a girl under 18 could be considered as SVAC. In relation to the impacts on sex workers, it was reported that they are often young girls of 14 or 15 years old; and, therefore any GBV against them would also be considered as SVAC.

An important concern reported in various communities is the issue of construction contractor workers harassing, engaging in “relationships” and in sexual assaults of schoolgirls. Girls are particularly vulnerable to contractor workers, including private security guards, because they often walk long distance on roads to reach their school and are vulnerable to harassment or abduction. None of the incidents described to the assessment team were connected to contractors working on the Project, but it is a risk that the Project should consider in relation to its contractors and should address in a preventative manner through targeted training and monitoring where contractors are working in areas that increase potential interactions with girls and women.

Finally, there are also risks of SVAC associated to PIIM, but which would be perpetrated by men who are not linked to the Project. As recommended in the section on PIIM, there should be proactive identification of PIIM “hotspots” and cooperation with relevant government authorities and other stakeholders to

³⁷ Section 129 (1), The Penal Code (Amendment) Act, 2007.

discourage PIIM and to mitigate its impacts, with a particular focus on vulnerable groups, including women. Preparedness for PIIM should include awareness-raising and increasing supports and services to appropriately address impacts of GBV and SVAC.

Intimate Partner Violence

Some women in the Project region experience Intimate Partner Violence (IPV) at home and this can have impacts on their health and productivity at work. Tension in a household can rise due to employment of one of the partners. It has been reported that some of the husbands may not want their wives to work outside of the home, and if the wives accept employment with the Project, this could lead to IPV. On the other hand, if the husband is employed by the Project, it has been reported that there can be increased household conflicts over how the income is spent (particularly in relation to increased alcohol consumption), which are aggravating factors for IPV. The additional income earned by the husband can also open the door to seeking additional wives or new sexual partners, which can also increase tension in the household.

It was reported by various stakeholders that measures implemented by the Project to protect gender equality in the land acquisition and resettlement process and involve women sometimes had a detrimental effect on gender dynamics in the household. In particular, the inclusion of women in decision-making in a context where men are usually the sole decision-makers can lead to IPV. In this regard, actual cases of IPV have been reported, including some cases that have been reported to the police. The threat or fear of IPV undermines the participation of women in household decision-making, as many women will prioritize their immediate safety and that of the children. This leaves the men free to unilaterally spend the household compensation money and creates risks that women and children will be worse off over time if the men make poor or selfish decisions about how the compensation money is spent.

The Project is aware of the challenges that have occurred during the land acquisition and resettlement process, and has taken various steps to address those, which are discussed in section C on Land Acquisition and Resettlement.

It is important that the Project gains a more thorough understanding of the IPV situation in the Project region—including its causes, how it impacts female workers' productivity and what the Project can do to support prevention and remediation. It has been reported that some programs exist in Uganda where companies partner with a civil society organization to offer counselling to households where IPV occurs; to implement reporting hotlines; and to assist companies in taking a public stand against IPV and raising awareness about the severe impacts IPV causes on all family members. This sort of partnership could support the Project in addressing GBV in the workforce and in the community in a systemic manner.

Human Rights Risk and Impact Assessment

In terms of severity, the human rights risk and impacts on women are the highest in relation to GBV. The scale of potential impacts on physical and mental health are severe and very difficult to remediate—potentially including the right to life in extreme cases of violence or through sexually transmitted diseases. In this regard, the scope of potential impacts for GBV may be higher in the Project region than in other parts of the world. Indeed, the likelihood of impacts is high as cultural norms and practices in the Project region are patriarchal and tolerant to GBV. The assessment teams

received feedback and allegations about cases of GBV that have occurred in the Project region.

The Project's potential association with the impacts related to GBV will depend on the circumstances. While they are complex and sensitive situations, the Project should support programs that address Intimate Partner Violence (IPV) that can be triggered by Project activities (e.g. disputes over resettlement compensation). This is an area where international expectations and standards are rapidly evolving and there are heightened expectations on companies to have strong policies and robust mechanisms for handling complaints or incidents related to GBV. Partnership with CSOs and experts with experience on working on gender and GBV in communities is important given the sensitivity of the issues involved.

Recommendations for Ongoing HRDD

Current mitigation measures are focused on a Gender Management Plan (GMP), including a plan for a capacity assessment of local communities and capacity building program to improve outcomes for women. A service provider currently in the process of being contracted to implement the GMP. Additional mitigation and protection measures are included in the following management plans:

- The RAPs contain measures for women displaced through the resettlement processes.
- The SEP contains measures to support the equitable participation of women in engagement processes.
- Contracts and workforce management plan, including the LMP and CSMCF contain measures for women in the workplace.

In addition to the effective implementation of the GMP and related management plans, the assessment recommends the following additional measures:

- Assess risks and impacts that are associated to the Project and/or PIIM, including: Intimate Partner Violence that could be triggered by Project activities; harassment or GBV in the workplace or community; increases in prostitution and trafficking; and increases in sexually transmitted diseases, substance abuse and other negative health outcomes. Develop a monitoring and evaluation framework for tracking the effectiveness of recommended measures. Ensure that this assessment includes consideration of issues and impacts for LGBTQ+ persons.
- Appoint a gender focal point for the Project.
- Review the Project's and contractor grievance mechanisms to ensure that there are adequate safeguards for handling complaints or incidents related to GBV. Key safeguards include strong protections of confidentiality and guarantees of non-retaliation, as well as sensitivity and discretion in the investigation and resolution of such cases using a "survivor-centered approach". At the same time, the grievance procedures should also ensure procedural fairness with respect to the alleged perpetrators while allegations or incidents are under investigation. Furthermore, the Project should consider working with civil society organizations as well as psycho-social, legal, and health-care professionals to increase the range of options for survivors of GBV to report or seek protection.³⁸ The Project could also

³⁸ In some instances, with the consent of the victim, the Project should report the incidents or allegations of GBV to the police. However, this must be done with care and sensitivity to not

seek to establish partnerships with providers of services for GBV survivors in the Ministry of Gender GBV Referral Pathway.

- Identify opportunities to work in partnership with local authorities, security forces, health centers and relevant organizations (e.g. donors, civil society and NGOs) to strengthen positive gender relationships and create safe spaces for women within communities. Involving international and regional experts who can raise awareness of creative initiatives and best practices should be considered given the need to strengthen local capacity in relation to GBV.
- Raise awareness about women's rights and gender equality within the oil & gas industry provides an opportunity to demonstrate leadership and to contribute to change in the sector and society over a longer time horizon.

J. Grievance Mechanisms and Access to Remedy

Grievance mechanisms are important components of ongoing human rights due diligence and serve to mitigate and remediate various human rights risks and impacts. The absence of effective grievance mechanisms (as defined by the UNGPs effectiveness criteria) can be considered to be an impact on access to remedy. Internal and external reports reviewed during the scoping phase raised concerns related to the effectiveness of the Project's community grievance mechanisms; remedies related to the resettlement process and legacy issues; and barriers related to state mechanisms for remedies.

In the last decade, there has been an increasing focus on companies having effective grievance mechanisms as a key indicator of good practice for social performance and human rights due diligence. TotalEnergies has a strong policy commitment to grievance mechanisms, both for community members and for workers.

TotalEnergies' Human Rights Guide: Community Grievance Mechanism³⁹

Anyone adversely affected by our Business units' activities should have access to a grievance mechanism where they can report any complaint about our operations, without discrimination or fear of repercussion.

Effective grievance mechanisms should be put in place by Business units. The grievance procedure should be designed in collaboration with representatives from the local community to reflect their needs and interests and to create ownership and trust in this mechanism.

To be effective, grievance mechanisms should be accessible to, and understood by, local people and communities including isolated and/or vulnerable groups and illiterate people. The mechanism should be well known, transparent (e.g., the complainant is informed of the

create unintended additional impacts. Working through third-party experts or organizations can reinforce the safeguards for victims in such circumstances.

³⁹ The TotalEnergies Human Rights Guide also contains commitments about grievance mechanisms for its direct workers, which include specific procedures related to harassment. As explained in the section on workers' rights, the Project's direct workers have not been prioritized for this assessment, so the TEPU Employee Grievance Procedure (L2-PRO-ADM-01) is not discussed in this section. However, it is acknowledged as it may be a useful source of information and benchmarking for the Project's engagement with contractors, sub-contractors and suppliers about their grievance mechanisms for workers.

progress in the management of his/her complaint), and based on participation and dialogue with the complainant and with local communities. It should also be compliant with local laws and internationally recognized Human Rights, and a source of continuous learning.

Any individual or organization filing a grievance should receive notification of the findings regarding the particular complaint and whether corrective action will be taken.

If the individual or organization disagrees with the decision, he or she should have recourse to some reasonable form of dispute resolution process to settle the claim.

The following table provides an overview of the range of different grievance mechanisms that the Project has implemented or is currently in the process of implementing.

Table 11: Overview of the Grievance Mechanism for the project

Mechanisms	Overview
Community Grievance Procedure	<ul style="list-style-type: none"> ▪ The Community Grievance Procedure applies to all operational stakeholders' concerns or grievances raised in connection with the Project, including its contractor activities.⁴⁰ ▪ The main categories of grievances expected to be handled by this mechanism include: Land, Economic Loss, Employment, Social Conduct, Cultural Heritage, Environment, Health, Safety, Security, Logistics & Transport. ▪ The Project will initiate stakeholder sensitization on the grievance procedure and ensure that information about it is widely disseminated.
Contractors' grievance mechanisms	<ul style="list-style-type: none"> ▪ Contractors are required by their contracts to set up community and worker grievance handling mechanisms and these are reviewed by the Project. ▪ Contractors must submit their grievances as recorded in their grievance trackers to their focal Community Liaison Officer, which are then forwarded to the Project's Grievance Officer for review. ▪ Contractors are required to ensure that their sub-contractors and suppliers also have grievance mechanisms.
My Safety for All mechanism	<ul style="list-style-type: none"> ▪ The My Safety for All mechanism uses mobile app technology to provide workers with a means to raise concerns about workplace safety issues.
Tilenga Road Safety mechanism	<ul style="list-style-type: none"> ▪ The Tilenga Road Safety mechanism is being piloted to allow workers and contractors to raise concerns about driving behaviour or road hazards and accidents, or to report good driving behaviour. It has a GPS functionality to facilitate localization of the vehicles, hazards or accidents that are being reported. ▪ The purpose of having a the Tilenga Road Safety mechanism is to reinforce the dedicated attention to and tracking of road safety as one of the Project's highest risks from a worker and community health and safety perspective.

⁴⁰ While contractors, sub-contractors and suppliers are supposed to have their own grievance mechanisms, the Community Grievance Procedure serves as a backstop and can receive grievances related to contractors, sub-contractors and suppliers if stakeholders are unaware or do not trust their mechanisms.

Mechanisms	Overview
TEPU Employee Grievance Procedure	<ul style="list-style-type: none"> ▪ The Employee Grievance Procedure enables an individual or a group of TEPU employees to raise a grievance with management regarding any aspect of their employment. ▪ As the focus of the Assessment is on contractor, sub-contractor and suppliers' workers' rights, the TEPU Employee Grievance Procedure is not discussed in detail this section. However, this procedure may be a useful source of information and benchmarking that can be used to support ongoing engagement with contractors, sub-contractors and suppliers about their grievance mechanisms.
TEPU Bullying and Harassment Policy	<ul style="list-style-type: none"> ▪ The TEPU Bullying and Harassment Policy applies to all employees, contractors and visitors working at TEPU sites or in connection with its employees. ▪ The policy supports a working environment that is free from intimidation, hostility, aggression, or humiliation where workers can report incidents without fear of victimization or any adverse repercussion. ▪ Bullying and harassment are not tolerated and may be treated as disciplinary offences.

In terms of stakeholder feedback, the main focus has been on community grievances and the Community Grievance Mechanism. Discussion has focused on grievances related to the land acquisition and resettlement process as this has been one of the main pre-construction activities undertaken by the Project.⁴¹

As is shown in the table below, almost 90% of the grievances received by the Project to date relate to land acquisition and resettlement issues; however, this is expected to change as the land acquisition and resettlement activities are completed in early 2022.

Table 12: Snapshot of Grievance Management (As of October 2021)

Number of Grievances and Concerns	Common Grievances and Concerns
<ul style="list-style-type: none"> ▪ 394 Grievances or Concerns Registered ▪ 334 Closed (88%) ▪ 88.9% land and resettlement (e.g., missing items or names, land disputes, etc.) ▪ 2.5% related to other economic loss ▪ 1.6% related to safety ▪ 1.5% cultural heritage ▪ 0.5% related to employment ▪ 0.5% environment and health ▪ 0.4% related to social conduct ▪ 0.2% related to engagement ▪ 3.9% Other grievances 	<ul style="list-style-type: none"> ▪ Delayed compensation ▪ High cost of acquiring letters of administration ▪ Spouses who separated/divorced and are not willing to sign agreements together ▪ Financial literacy training as a minimum requirement for disclosure is causing concerns for some PAPs ▪ Employment

Currently, the access points for community members for presenting a grievance include:

⁴¹ As the land and resettlement process is led by an expert contractor, they also have been responsible for implementing the Community Grievance Procedure as it pertains to this aspect of the Project.

- TEPU has an office in Bulisa that is opened and manned daily, this office is designed as a contact point for the community and the company encourages the airing of concerns, giving feedback or raising grievances at the office.
- TEPU also has a toll-free number available and manned each day from 7am until 10pm. The Community Liaison Office is required to take notes for anyone that wishes to air concerns, give feedback or raise grievances.
- TEPU has Community Liaison Officers that regularly visit all areas of our operations and meet with communities and they can be approached to air concerns, give feedback or raise grievances.

The Project uses a variety of means to ensure that communities are aware of the Community Grievance Procedure. In addition to the presence of CLOs, grievance flyers, radio and podcasts are used. Communal drives with recorded messages played over a megaphone in mobile vehicles which station themselves at strategic locations in communities have also been used.

Furthermore, the Project uses a number of KPIs to assist with tracking of trends in grievances, including:

- Number of grievances per month, by category and percentage
- Percentage of closed vs open grievances
- Percentage of closed within 3 months (with a follow up per week and month)
- Open grievances for more than 3 months (unresolved)
- Grievances under legal action

The Borealis (an e-database) system has recently been introduced to record and track information about grievances.

In addition to the Project's grievance mechanisms, the Project has been supportive of other organizations working on access to remedy issues in the Project region for instance through community legal clinics to mediate outstanding grievances related to the land and resettlement process. The Project also worked with NGOs to engage the PAPs from RAP1 to understand the option of alternative land as an alternative to cash compensation.

Stakeholder feedback suggests that certain aspects of implementation and communication about grievance mechanisms could be improved. Many of the affected stakeholders interviewed in community meetings and focus group discussions said that they were not aware about the Project's Community Grievance Procedure; how they can use it to lodge a formal complaint; and how the Project is tracking or following-up grievances. A previous third-party audit conducted on RAP 1 grievances found that PAPs were generally aware of the mechanisms open to them to lodge a complaint; however, from the feedback received during the Assessment it is clear that more work needs to be done on communicating the procedural aspects of the grievance mechanisms as well as the type of outcomes it has in order to increase understanding and manage community expectations.

However, for some stakeholders, there also appears to be some unfamiliarity and confusion about the role of the Community Liaison Officers (CLOs) within the formal grievance process versus regular engagement. At the same time, some stakeholders

stated the Project's CLOs have a positive attitude towards community members who wish to present grievances.

Moreover, some PAPs said that they did not have a response when they called the toll-free number or the CLOs' direct numbers. Furthermore, some stakeholders stated that there has not been sufficient feedback or follow-up on issues raised. CLOs also acknowledged that there has been some inconsistency in formal registration of grievances, which could lead to some issues not being followed-up systematically.

Civil society organizations are sometimes involved in supporting community members with raising grievances. One CSO said that they regularly intervene in grievances on behalf of community members. Their representatives felt that the Project should provide more support to PAPs in lodging grievances so that community members are more likely to use the mechanism directly.

Other feedback received by the Project from civil society organizations on the topic of grievance mechanisms includes the need to improve the speed of resolution of grievances; more consistent recording and documentation of grievances; providing more feedback and explanation before closing out grievances; strengthening the mechanisms for escalation of grievances; using independent third parties to support resolution of grievances where these are escalated and to strengthen trust in the mechanism; and, increased transparency and reporting on the implementation and effectiveness of the grievance mechanism.

Human Rights Risk and Impact Assessment

The corporate responsibility to develop effective operational grievance mechanisms (and to enable access to remedy through other non-judicial or judicial mechanisms) are an important focus of the UNGPs and other international standards. Grievance mechanisms and access to remedy are a cross-cutting salient issue for the Project since all human rights require access to remedy in order to be meaningful. In this sense, the human rights risks and impacts related to this cross-cutting issue are commensurate to the underlying risks and impacts of the other salient issues in the assessment.

The Project's responsibility to provide remedy depends on its role in relation to cause, contribution and direct linkage of the underlying impact or concern. The Government of Uganda and contractors and sub-contractors also have their own responsibilities to provide or facilitate access to remedy. In relation to contractor grievance mechanisms in particular it is important that the Project ensures that appropriate measures are in place as a part of ongoing HRDD and in line with the UNGPs effectiveness criteria.

Recommendations for Ongoing HRDD

The priority areas for ongoing HRDD about grievance mechanisms include:

- Develop an updated communications strategy to promote the Project's comprehensive approach to grievance management to all relevant stakeholders and involve contractors and other responsible parties in the communications efforts to promote their understanding and ownership.
- Emphasize the importance of grievance mechanisms in the early engagement with contractors and work with them to have harmonized tools and templates for tracking grievances.

- Review the community and workers' grievance mechanisms and ensure that there are appropriate safeguards against retaliation and for handling sensitive grievances including sexual harassment or Gender Based Violence and Human Rights Defenders issues.⁴²
- Reinforce work with independent third parties for assistance in resolving complex or sensitive grievances.
- Review the monitoring and evaluation framework to ensure that it is aligned with the UNGPs effectiveness criteria and, after an appropriate lapse of time, conduct a participatory review that focuses on engaging past users of the grievance mechanisms.
- Include ongoing monitoring of the effectiveness of all the Project's grievance mechanisms as part of the mandate of the cross-functional committee that is recommended to oversee the implementation of the Project's Human Rights Action Plan.

Working with contractors to implement and continuously improve their grievance procedures can have a lasting positive outcome for workers if they are implemented beyond the Project. Therefore, the Project should reinforce its messaging to contractors that effective grievance management has mutual benefits for workers and for companies, and that understanding and implementing good practices will help position them for further opportunities with international companies. Similarly, working with third parties (e.g. community legal clinics and other initiatives) can have a positive impact both in terms of strengthening awareness of human rights at the community level and in providing a model for alternative dispute resolution for company-community grievances.

K. Human Rights Defenders

The issue of Human Rights Defenders was prioritized during the Scoping Phase of the Assessment in recognition that this is an increasingly important issue globally and in Uganda, including in the context of business and human rights. Internal and external reports reviewed during the scoping phase identified concerns related to alleged threats, harassment and attacks against Human Rights Defenders; disregard for freedom of expression and the right to demonstrate peacefully; and lack of accountability for attacks against Human Rights Defenders.

Human Rights Defenders are defined, in part, by what they do. The following text box provides an overview of the actions that Human Rights Defenders undertake to support the promotion and protection of human rights.

Actions of Human Rights Defenders⁴³

- Promotion and protection of all human rights for all in every part of the world
- Collecting and disseminating information on violations
- Supporting victims of human rights violations
- Undertaking action to secure accountability and to end impunity

⁴² See detailed recommendations below in section J on Women's Rights, Gender Equality and Gender Based Violence.

⁴³ Summarized from the website of the UN Special Rapporteur on Human Rights Defenders: <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx>

- Supporting better governance and government policy
- Contributing to the implementation of human rights law and policy
- Conducting human rights education and training

TEPU has stated publicly that it is deeply committed to the importance of freedom of expression and recognises the essential role that Human Rights Defenders play in upholding rights and ensuring constructive dialogue and an open civil space. TEPU also states that it does not tolerate or contribute to attacks, or physical or legal threats, against those who safely and lawfully exercise their human right to freedom of expression, peaceful protest or assembly, including where they are acting as Human Rights Defenders.

TEPU regularly takes opportunities to discuss and promote human rights issues during its dialogue with Government, petroleum authorities and private and public security forces. For instance, where TEPU is alerted of allegations that a Human Rights Defender carrying out work in relation to petroleum activities has been subject to threats or Human Rights breaches, TEPU has contacted the authorities in order to insist that the rights of such defenders are protected.

During the course of the assessment, a former UN Special Rapporteur on Human Rights Defenders undertook a field mission to Uganda and provided recommendations for TEPU. Both this report and TEPU's response and action plan have been published on the TotalEnergies' website that supports transparency about the EACOP and Tilenga Projects:

- Former UN Special Rapporteur on Human Rights Defenders' report:
<https://totalenergies.com/sites/g/files/nytnzq121/files/documents/2021-09/Human-Rights-Defenders-Report-2021.pdf>
- TEPU response and action plan on Human Rights Defenders:
<https://totalenergies.com/sites/g/files/nytnzq121/files/documents/2021-09/TEPU-Action-Plan-Human-Rights-Defenders-2021.pdf>

As a result of this concurrent process and public report, the assessment team has decided to defer to the expertise of the former UN Special Rapporteur on Human Rights Defenders (and dialogue with TEPU and a variety of stakeholders) and recommends that all of the key elements of the action plan on HRDs be incorporated into the Human Rights Action Plan that will be prepared in follow-up to the Assessment so that they are implemented and followed up in a coherent and comprehensive manner. These recommendations include:

- Publish a Human Rights Policy, including a statement on Human Rights Defenders.
- Consider setting up a dedicated mechanism for Human Rights Defender complaints and alerts.
- Prepare guidance on follow-up of allegations of harassment or intimidation.
- Maintain good relations and regular contact with Government Security Forces.
- Provide training to local police on VPSHR, including requirement to register complaints.
- Provide training to Atacama and other contractors.
- Investigations of allegations of inappropriate behaviour by contractors.

- Meet with Human Rights Defenders, including potential meetings with the French Embassy, EU Delegation and other foreign companies.

APPENDIX A: HUMAN RIGHTS ACTION PLAN FRAMEWORK

The following table presents a Human Rights Action Plan framework that is organized around the UNGPs key components of Human Rights Due Diligence and are aligned with the Project's salient issues as identified and prioritized in the Assessment.⁴⁴

In addition to helping organize and track the Project's follow-up on the recommendations in the Assessment, the Human Rights Action Plan framework is intended to be used as a tool for ongoing dialogue and continuous improvement. Once it has been approved and validated through disclosure and engagement with a variety of stakeholders, more details should be integrated in terms of responsibilities, timelines and KPIs.⁴⁵ Over time, the Human Rights Action Plan framework should incorporate new or emerging human rights issues, feedback from stakeholders, and learnings from different approaches and partnerships.

In the proposed Human Rights Action Plan framework, the next steps and recommendations are organized in terms of key components of HRDD according to the UNGPs, as well as into recommendations that should be prioritized in the shorter-term and those that require longer-term planning and partnerships. This prioritization also considers the Project's transition to the construction phase and the need for shorter-term actions on a number of salient issues in order to have a proactive approach.⁴⁶

HRDD Action Plan Framework Categories	UNGP Categories
Foundations	<ul style="list-style-type: none"> ▪ Policy ▪ Stakeholder Engagement ▪ Grievance Mechanisms
Assessment	<ul style="list-style-type: none"> ▪ Assessing Risks & Impacts ▪ Integrating & Acting
Monitoring	<ul style="list-style-type: none"> ▪ Tracking
Communicating	<ul style="list-style-type: none"> ▪ Communicating

In order to support a comprehensive approach to ongoing HRDD, the assessment team also recommends the following as foundational aspects of the Human Rights Action Plan framework:

- Develop a stand-alone TEPU Human Rights Policy.
- Appoint a cross-functional committee to support the implementation of the Human Rights Action Plan.

⁴⁴ The Human Rights Action Plan framework refers to the output of the HRIA (i.e. the table in the Appendix), whereas the Human Rights Action Plan refers to the document that TEPU will adopt and implement. The latter should be a living document that incorporates new actions and mitigation measures over time.

⁴⁵ It is suggested that similar KPIs should be developed for the related projects in Uganda and Tanzania so that they can be tracked across different projects.

⁴⁶ It should be noted that not all of the HRDD components are addressed for each row or salient issue in the framework. This is intentional, as the Human Rights Action Plan Framework is intended to focus attention on priority next steps and recommendations. The Project is also taking other actions through the SMPs etc. which together with this Framework can be used to demonstrate that the Project has a comprehensive approach to due diligence across its salient issues.

- Continuously seek further stakeholder engagement on salient issues identified in the Assessment and gather further information about actual impacts and stakeholder perceptions and priorities.
- Develop KPIs for tracking progress on the implementation and outcomes of the Human Rights Action Plan.
- Ensure periodic internal monitoring and reporting of the Human Rights Action Plan through the Project's Synergy tool. Consider how to involve external stakeholders in participatory monitoring and evaluation of the Human Rights Action Plan.
- Develop a communications plan for reporting and proactive information-sharing with affected stakeholders and other key stakeholders and that is aligned with good reporting practices in the UNGP Reporting Framework.
- Proactively disclose the HRIA Report and the Human Rights Action Plan in a manner that encourages ongoing dialogue about the Project's salient human rights issues with local and national stakeholders.
- Conduct periodic disclosure and consultation sessions about progress on the implementation of the Human Rights Action Plan.

While implementing, refining and consulting on the Human Rights Action Plan, the Project is strongly encouraged to think about leverage opportunities by working with the EACOP Project—particularly on systemic issues such as women's rights, gender equality and GBV; interactions with the security sector; contractors' workers' rights; trade union involvement in the oil & gas sector. Furthermore, the EACOP Project is often undertaking implementing similar mitigation measures and developing initiatives related to environmental, social and human rights risks and impacts. Coordination can enhance policy and operational coherence between these interrelated components of the wider project, and can foster more regional approaches through the involvement of stakeholders from government, companies, trade unions and civil society from Tanzania and Uganda.

Table A: Tilenga Human Rights Action Plan Framework

Salient Issues	Foundations		Assessment & Action		Monitoring	Communication	Partnerships and Positive Contributions
	Shorter-term				Longer-term		
Human Rights Policy and Action Plan	<ul style="list-style-type: none"> Develop a stand-alone TEPU Human Rights Policy. Appoint a cross-functional committee to support the implementation of the Human Rights Action Plan. Proactively disclose the HRIA Report and the Human Rights Action Plan in a manner that encourages ongoing dialogue about the Project's salient human rights issues with local and national stakeholders. 	<ul style="list-style-type: none"> Continuously seek further stakeholder engagement on salient issues identified in the Assessment and gather further information about actual impacts and stakeholder perceptions and priorities. 	<ul style="list-style-type: none"> Develop KPIs for tracking progress on the implementation and outcomes of the Human Rights Action Plan. Ensure periodic internal monitoring and reporting of the Human Rights Action Plan. 	<ul style="list-style-type: none"> Develop a communications plan for reporting and proactive information-sharing with affected stakeholders and other key stakeholders and that is aligned with good reporting practices in the UNGP Reporting Framework. Conduct periodic disclosure and consultation sessions about progress on the implementation of the Human Rights Action Plan. 			
Workers							
Contractor and Suppliers' Workers Rights	<ul style="list-style-type: none"> Ensure that the pre-selection engagement, onboarding and induction training process for contractors duly emphasizes the Project's commitments to respect workers' rights. Develop procedures to verify key contractors' human resources, recruitment, procurement and sub-contracting policies and procedures align with the Project's commitments to respect workers' rights. Require contractors to put in place effective grievance mechanisms for workers, including raising awareness about safeguards against retaliation and for handling sensitive grievances related to discrimination, harassment and Gender Based Violence. 	<ul style="list-style-type: none"> Engage proactively with contractors about workers' rights and how these will be implemented and tracked. As part of hiring procedures, ensure that contractors proactively communicate that women are eligible for and encouraged to apply for jobs and encourage contractors to provide targeted training for women and organise work so that women work with other women to increase their personal safety and comfort. 	<ul style="list-style-type: none"> Proactively conduct inspections of the working conditions of contractors', sub-contractors' and suppliers' workers to identify and remediate potential issues before they escalate to infringements on workers' rights. These processes should be conducted collaboratively with the contractors to build their awareness and capacity to inspect and monitor their sub-contractors. 		<ul style="list-style-type: none"> Engage proactively with the ILO and the National Organization of Trade Unions (NOTU) to see how the Project can support dialogue and action related to freedom of association for the Project's workforce and the oil & gas industry more generally. Given the evolving global expectations about responsible supply chains, the Project can seek to build the capacity of Ugandan contractors, sub-contractors and suppliers about respecting workers' rights standards and good practices. This could eventually be extended to the oil & gas industry more generally through multi-stakeholder initiatives such as collaboration with universities and participating in supplier forums. While the Project's monitoring of workers' rights is designed to be done directly by TEPU in collaboration with contractors and sub-contractors, opportunities to work with the district Labour Officers should also be considered as a longer-term goal to contribute to government's capacity to protect workers' rights. 		

Salient Issues	Foundations	Assessment & Action	Monitoring	Communication	Partnerships and Positive Contributions
	Shorter-term	Longer-term			
Community Members					
Information and Consultation	<ul style="list-style-type: none"> Strengthen the teams based in TEPU's head office and in the communities who have roles and responsibilities for stakeholder engagement, notably by filling any vacancies and providing workshops on rights-based approaches and best practices for stakeholder engagement. Include a session on good practices in engaging with women and other vulnerable groups, including about creating safe spaces for voicing opinions and concerns. 	<ul style="list-style-type: none"> Continue to ensure that the number of CLOs is adequate and provide adequate resources and logistical support in order for them to have regular and visible presence in the local communities. Reinforce efforts to ensure that all members of the community are systematically engaged in information and consultation activities at times and places that are convenient and appropriate for them. Continue to adapt stakeholder engagement activities to accommodate the needs and feedback from women and other vulnerable groups. 	<ul style="list-style-type: none"> Conduct periodic evaluations of the Project's stakeholder engagement using a participatory methodology. 	<ul style="list-style-type: none"> Continue to develop and produce additional information, communications and educational materials in local languages about key environmental, social and human rights issues of recurring concern or interest to local stakeholders. Proactively disclose the HRIA Report and the Human Rights Action Plan in a manner that encourages ongoing dialogue about the Project's salient human rights issues with local and national stakeholders, and then conduct periodic disclosure and consultation sessions about progress on the implementation of the Human Rights Action Plan. 	<ul style="list-style-type: none"> Develop an agreed framework or protocol with key civil society organizations to reinforce a structured and constructive ongoing dialogue on issues of mutual interest, including human rights. Within the framework of the Project's regular stakeholder engagement meetings, consider opportunities for developing a capacity-building program on business and human rights to create the conditions for more constructive dialogue between different stakeholders.
Land and Resettlement	<ul style="list-style-type: none"> Continue to work with PAPs to ensure that land grievances are resolved fairly, including working with independent third parties to support the resolution of cases Systematically apply process learnings from RAP1 for RAPs 2-5 Continue to liaise and work with government to develop and implement a clear and written process that ensures protection of the rights of people who must be evicted in accordance with the compulsory acquisition process under Ugandan law. 	<ul style="list-style-type: none"> Consider developing a program where people who have successfully restored their livelihoods and quality of life engage with other displaced households to help them do the same and to encourage good practices with respect to use of compensation money and household engagement in livelihood restoration programmes. Following completion of the land acquisition process continue to monitor affected families for instance to identify whether there are cases where women or orphaned children have been dispossessed of their resettlement entitlements by other family members and if there have been cases of IPV that have been triggered by household disputes about compensation. 	<ul style="list-style-type: none"> Following completion of the land acquisition process continue to monitor affected families. The livelihood monitoring and evaluation officers who will support the ongoing engagement with PAPs and PAHs, should be trained and mandated to identify red flags for IPV. The households that are identified as being at risk should be regularly monitored and provided with the appropriate support. 		<ul style="list-style-type: none"> Aim to go beyond the threshold of direct livelihood restoration to pre-Project levels through the improvement and diversification of livelihoods. Consider opportunities for community programmes designed to reduce the prevalence of GBV (including IPV).
Project-Induced In-Migration (PIIM)	<ul style="list-style-type: none"> Appoint a coordinator for PIIM matters to oversee the implementation of the Influx Management Strategy (and related management plans) internally with contractors and other actors. 	<ul style="list-style-type: none"> Proactively monitor and validate PIIM hotspots originally identified in the Influx Management Strategy and prioritize implementation of the mitigation measures where influx is already occurring or is now predicted to occur. 	<ul style="list-style-type: none"> Establish the monitoring framework for PIIM to allow the Project and other actors to respond to early indications of negative impacts caused by PIIM. Ensure that the monitoring framework for identifying PIIM 		

Salient Issues	Foundations	Assessment & Action	Monitoring	Communication	Partnerships and Positive Contributions
	Shorter-term	Longer-term			
		<ul style="list-style-type: none"> Seek to use leverage with local government, community leaders and other actors to proactively build capacity and multi-stakeholder initiatives related to PIIM preparedness and management (e.g. related to community health, safety, gender, local content, agriculture.). 	hotspots includes proactive assessment of potential activities and impacts on women, and that organizations that support women are engaged in the multistakeholder planning and coordination activities for the implementation of the Influx Management Strategy.		
Cultural Heritage	<ul style="list-style-type: none"> Roll out a Cultural and Archaeological Heritage Training and Capacity Building Program and emphasize that there are potential human rights impact associated with it. 	<ul style="list-style-type: none"> In the implementation of the Cultural Heritage Program, continue to engage and consult with the cultural institutions and representatives of the ethnic groups in the area to develop long-term strategies for cultural and linguistic preservation. Consider opportunities to work with partners or provide trainings that support a rights-based approach to any initiatives or programmes. 			
Road Safety	<ul style="list-style-type: none"> Raise awareness about the implementation of road safety measures and the channels for reporting complaints about unsafe driving behaviour. 	<ul style="list-style-type: none"> Collaborate with school officials, police and parents to implement the sensitization and mitigation measures related to the road safety of children, given their greater vulnerability to accidents. Ensure that the Project and/or contractor's safety representatives participate in the investigation of any serious accidents involving injuries or fatalities to ensure that any adverse impacts are remediated and that there are appropriate learnings and corrective actions taken from each accident to avoid recurrence. 	<ul style="list-style-type: none"> Monitor the driver wellness aspects of road safety, including fatigue management. Monitoring related to fatigue management can also provide information for other workers' rights issues such as hours of work and excessive overtime. 		<ul style="list-style-type: none"> Implementation of road safety awareness campaigns for drivers, community members and children may have positive outcomes beyond the Project as they can encourage safer behaviour in relation to driving and road safety in general.
Security					
Government Security Forces	<ul style="list-style-type: none"> Promote the signature of the MOU with the Government Security Forces as soon as possible in order to give the Project a clear framework for continuous engagement on the VPSHR. Continue to implement a VPSHR training program for all Government Security Forces that 	<ul style="list-style-type: none"> Update the VPSHR risk assessment and review the mitigation measures for the Government Security Forces. As part of this update, clarify the role and mandate of different units of the Government Security Forces that will interact with the Project, including potential interactions with respect to the Ugandan Wildlife Authority's 	<ul style="list-style-type: none"> Ensure that the Project follows up with the Government if there is evidence that commanders of units in the Project region have in the past been responsible for human rights abuses. Ensure that there is an equipment transfer procedure for material or financial resources provided to Government Security Forces under the MoU. 	<ul style="list-style-type: none"> Work with the Project's Social Affairs Department and Community Liaison Officers to ensure that information about the Project's security arrangements are shared with communities and workers, and that the Project's grievance mechanisms for community members and workers are effective and have the 	<ul style="list-style-type: none"> Consider how the Project can work with other organizations to seek to establish a national working group or structure for the VPSHR in Uganda.

Salient Issues	Foundations	Assessment & Action	Monitoring	Communication	Partnerships and Positive Contributions
	Shorter-term	Longer-term			
	<p>may interact with the Project and its stakeholders.</p> <ul style="list-style-type: none"> As part of the ongoing VPSHR training program, strengthen the materials about the Project's commitments to take action against gender-based violence; to freedom of expression and the rights of Human Rights Defenders; and the importance of registering and responding to complaints. 	<p>Rangers and Environmental Police Force.</p>		<p>necessary safeguards to receive complaints about the conduct of Government Security Forces without retaliation.</p>	
Private Security Providers	<ul style="list-style-type: none"> Continue to implement a VPSHR training program for all Private Security Providers. As part of the ongoing VPSHR training program, strengthen the materials about the Project's commitments to take action against gender-based violence, as well as the responsibility of Private Security Providers to report and respond to incidents and complaints. 	<ul style="list-style-type: none"> Update the VPSHR risk assessment and review the mitigation measures with Private Security Providers, including in relation to any new Private Security Providers that will be hired by contractors and sub-contractors. 	<ul style="list-style-type: none"> Continue to ensure that background checks are conducted on Private Security Providers and require that this process be documented. Ensure that any new Private Security Providers that will be used by contractors and sub-contractors are appropriately vetted—both in terms of the companies being hired and the security guards being hired or deployed to the Project. Ensure that these vetting processes are properly documented. Work with the Private Security Providers to ensure that incidents or complaints that relate to potential human rights impacts are rapidly escalated to the Project and are included in and followed-up through the Project's incident management and reporting mechanism. 	<ul style="list-style-type: none"> Work with the Project's Social Affairs Department and Community Liaison Officers to ensure that information about the Project's security arrangements—including its Private Security Providers—are shared with communities and workers, and that the Project's grievance mechanisms for community members and workers are effective and able to receive complaints about the conduct of private security guards without retaliation. 	<ul style="list-style-type: none"> Consider whether the Project can enlist the support of the Private Security Providers with which it works to support the establishment of a national working group or structure for the VPSHR.
Cross-Cutting Issues					
Women's Rights and Gender Equality	<ul style="list-style-type: none"> Appoint a gender focal point for the Project Review the Project's and contractor grievance mechanisms to ensure that there are adequate safeguards for handling complaints or incidents related to GBV. Key safeguards include strong protections of confidentiality and guarantees of non-retaliation, as well as sensitivity and discretion in the investigation and resolution of such cases. At the same time, the grievance procedures should also ensure procedural fairness 	<ul style="list-style-type: none"> Assess risks and impacts that are associated to the Project and/or PIIM, including: Intimate Partner Violence that could be triggered by Project activities; harassment or GBV in the workplace or community; increases in prostitution and trafficking; and increases in sexually transmitted diseases, substance abuse and other negative health outcomes. Ensure that this assessment includes consideration of issues and impacts for LGBTQ+ persons. 	<ul style="list-style-type: none"> Develop a monitoring and evaluation framework for tracking the effectiveness of recommended measures. 		<ul style="list-style-type: none"> Identify opportunities to work in partnership with local authorities, security forces, health centers and relevant organizations (e.g. donors, civil society and NGOs) to strengthen positive gender relationships and create safe spaces for women within communities. Involve international and regional experts who can raise awareness of creative initiatives and best practices Raise awareness about women's rights and gender equality within the oil & gas industry, which

Salient Issues	Foundations	Assessment & Action	Monitoring	Communication	Partnerships and Positive Contributions
	Shorter-term	Longer-term			
	<p>with respect to the alleged perpetrators while allegations or incidents are under investigation.</p> <ul style="list-style-type: none"> Consider working with civil society organizations as well as psycho-social, legal, and health-care professionals to increase the range of options for survivors of GBV to report or seek protection. 				<p>provides an opportunity to demonstrate leadership and contribute to improvements in the sector and society over time.</p>
Grievance Mechanism and Access to Remedy	<ul style="list-style-type: none"> Emphasize the importance of grievance mechanisms in the early engagement with contractors and work with them to have harmonized tools and templates for tracking grievances. Reinforce work with independent third parties for assistance in resolving complex or sensitive grievances. 	<ul style="list-style-type: none"> Review the community and workers' grievance mechanisms to ensure that there are appropriate safeguards against retaliation and for handling sensitive grievances including sexual harassment or Gender Based Violence and Human Rights Defenders issues. 	<ul style="list-style-type: none"> Review the monitoring and evaluation framework to ensure that it is aligned with the UNGPs effectiveness criteria and, after an appropriate lapse of time, conduct a participatory review that focuses on engaging past users of the grievance mechanisms. 	<ul style="list-style-type: none"> Develop an updated communications strategy to promote the Project's comprehensive approach to grievance management to all relevant stakeholders and involve contractors and other responsible parties in the communications efforts to promote their understanding and ownership. 	<ul style="list-style-type: none"> Working with contractors to implement and continuously improve their grievance procedures can have a lasting positive outcome for workers if they are implemented beyond the Project. Therefore, the Project should reinforce its messaging to contractors that effective grievance management has mutual benefits for workers and for companies, and that understanding and implementing good practices will help position them for further opportunities with international companies. Similarly, working with third parties (e.g. community legal clinics and other initiatives) can have a positive impact both in terms of strengthening awareness of human rights at the community level and in providing a model for alternative dispute resolution for company-community grievances
Human Rights Defenders	<ul style="list-style-type: none"> Publish a Human Rights Policy, including a statement on Human Rights Defenders. Consider setting up a dedicated mechanism for Human Rights Defender complaints and alerts Prepare Guidance on follow-up of allegations of harassment or intimidation 	<ul style="list-style-type: none"> Maintain good relations and regular contact with Government Security Forces Provide training to local police on VPSHR, including requirement to register complaints Provide training to Atacama and other contractors 	<ul style="list-style-type: none"> Investigations of allegations of inappropriate behaviour by contractors 	<ul style="list-style-type: none"> Meet with Human Rights Defenders, including potential meetings with the French Embassy, EU Delegation and other foreign companies 	

APPENDIX B: HUMAN RIGHTS HEAT MAP

The human rights heat maps below include the salient human rights issues that were prioritized during the scoping phase of the Assessment. The purpose of conducting the human rights heat-mapping exercise was to engage with the Project team and raise awareness about the UNGPs criteria for prioritization, i.e. severity and likelihood of risks to people. The heat-mapping exercise also served to review and validate the initial scoping of salient human rights issues after the fieldwork. Given that the Project's salient human rights issues had already been prioritized during the scoping phase, it was expected that the majority of these issues would appear in the higher risk (red and orange) portions of the heat map.

Human Rights Heat Map – WITHOUT MITIGATION

- Risks / impacts in bold are caused by the Project
- Risks / impacts in italics are those to which the Project may contribute or be directly linked
- Risks with potential cumulative impacts from other projects are noted with an asterisk (*)

Severity of potential impact on people →			<i>- Interaction with government security forces</i>		<i>- Gender-based violence + Sexual Violence Against Children *</i> <i>- Road safety*</i>
				<i>- Potential intimidation of HRDs</i>	- Resettlement and livelihoods* <i>- Contractor workers' rights</i> <i>- PIIM*</i>
		<i>- Interaction with private security forces</i>	- Grievance mechanisms and access to remedy	- Cultural heritage*	- Information and consultation*
	Likelihood that impacts may occur →				

Human Rights Heat Map – WITH MITIGATION

- **Risks / impacts in bold are caused by the Project**
- *Risks / impacts in italics are those to which the Project may contribute or be directly linked*
- Risks with potential cumulative impacts from other projects are noted with an asterisk (*)

Severity of potential impact on people →		<i>- Road safety*</i>			<i>- Gender-based violence + Sexual Violence Against Children *</i>
			<i>- Interaction with government security forces</i>	<i>- Contractor workers' rights</i> <i>- Potential intimidation of HRDs</i> <i>- Cultural heritage (intangible)*</i>	<i>- PIIM*</i>
		<i>- Interaction with private security forces</i>	- Grievance mechanisms and access to remedy		- Resettlement and livelihoods*
					- Information and consultation*
	Likelihood that impacts may occur →				

APPENDIX C: ASSESSMENT STANDARDS

Non-Discrimination	
International Human Rights Law	
<p>Universal Declaration of Human Rights</p>	<p>Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.</p> <p>Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.</p> <p>Article 23(2): Everyone, without any discrimination, has the right to equal pay for equal work.</p> <p>Non-discrimination and equality of men and women are also “cross-cutting” or “transversal” principles that are set forth in every major international human rights treaty.</p>
<p>International Covenants</p>	<p>Articles 2 and 3 of the International Covenant on Civil and Political Rights</p> <p>Articles 2 and 3 of the International Covenant on Economic, Social and Cultural Rights</p> <p>ILO Convention 111 on Discrimination (Employment and Occupation).</p>
<p>Additional human rights standards or guidance</p>	<p>Women's Empowerment Principles (2010): Developed in collaboration between UN Women and the UN Global Compact, the Women's Empowerment Principles are a set of principles for businesses offering guidance on how to empower women in the workplace, marketplace and community.</p> <p>Sustainable Development Goals: Goal 5 – Achieve Gender Equality and Empower all women and Girls.</p> <p>ILO Maternity Protection Convention, 2000 (No. 183) Convention No. 183 provides for 14 weeks of maternity benefit to women to whom the instrument applies. Women who are absent from work on maternity leave shall be entitled to a cash benefit which ensures that they can maintain themselves and their child in proper conditions of health and with a suitable standard of living and which shall be no less than two-thirds of her previous earnings or a comparable amount. The convention also requires ratifying states to take measures to ensure that a pregnant woman or nursing mother is not obliged to perform work which has been determined to be harmful to her health or that of her child, and provides for protection from discrimination based on maternity. The standard also prohibits employers to terminate the employment of a woman during pregnancy or absence on maternity leave, or during a period following her return to work, except on grounds unrelated to pregnancy, childbirth and its consequences, or nursing. Women returning to work must be returned to the same position or an equivalent position paid at the same rate. Also provides a woman the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.</p>

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International Performance Standards	
<p>International Finance Corp (IFC) Performance Standards on Social and Environmental Sustainability</p>	<p>Performance Standard 2</p> <p>Requirement 15, Non-Discrimination & Equal Opportunity. The client will not make employment decisions on the basis of personal characteristics unrelated to inherent job requirements. The client will base the employment relationship on the principle of equal opportunity and fair treatment, and will not discriminate with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, and disciplinary practices. The client will take measures to prevent and address harassment, intimidation, and/or exploitation, especially in regard to women. The principles of non-discrimination apply to migrant workers. In countries where national law provides for non-discrimination in employment, the client will comply with national law. When national laws are silent on non-discrimination in employment, the client will meet this Performance Standard. In circumstances where national law is inconsistent with this Performance Standard, the client is encouraged to carry out its operations consistent with the intent the above without contravening applicable laws. Special measures of protection or assistance to remedy past discrimination or selection for a particular job based on the inherent requirements of the job will not be deemed as discrimination, provided they are consistent with national law.</p>
<p>OECD Guidelines on Multinational Enterprises</p>	<p>Chapter II, General Policies Recommendations 10,11</p> <p>Chapter V, Employment and Industrial Relations Recommendation 1, Commentary 54</p> <p>Be guided throughout their operations by the principle of equality of opportunity and treatment in employment and not discriminate against their workers with respect to employment or occupation on such grounds as race, colour, sex, religion, political opinion, national extraction or social origin, or other status, unless selectivity concerning worker characteristics furthers established governmental policies which specifically promote greater equality of employment opportunity or relates to the inherent requirements of a job.</p>
National and African Law	
<p>Domestic Legal Protections in Uganda</p>	<p>The Constitution and the Employment Act 2006 prohibit discrimination on the grounds of race, colour, sex, religion, political opinion, social standing or ethnic origin, HIV status or disability.</p> <p>Uganda's 1995 Constitution recognises the existence of ethnic, religious, ideological, political and cultural diversity and stipulates that the state must take measures of affirmative action in order to redress imbalances suffered by marginalised groups. It recognises discrimination based on gender, age, disability or any other reason resulting from history, tradition or custom. Law also provides that other categories that are not explicitly</p>

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mentioned in the constitution, namely language, opinion, property, birth or other status are not excluded.

The Uganda Human Rights Commission and the Equal Opportunities Commission are mandated to promote human rights and equality, including marginalised groups such as persons with disabilities and ethnic minorities. The Equal Opportunities Act 2007 aims to ensure affirmative action for all marginalised groups.

Establishment of Equal Opportunities Commission

The Equal Opportunities Commission (EOC) was established with mandate to eliminate discrimination and inequalities against any individual or group of persons on the grounds of sex, age, race, colour, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability, and take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom for the purpose of redressing imbalances which exist against them; and to provide for other related matters.

The Commission has since registered, investigated, assessed and redressed over 370 complaints relating to marginalisation and discrimination; particularly in the areas of land rights, employment, and denial of access to social services. The Commission has also conducted audits of compliance to equal opportunities and affirmative action among Government ministries, departments, agencies, local governments and the private sector.

Further, the Commission has developed, conducted and managed information and educational programmes to facilitate awareness and understanding, as well as acceptance of equal opportunities among several State and non-State actors.

Persons with disabilities

The Persons with Disabilities Act 2006 prohibits discrimination against persons with physical or mental disabilities in employment, including hiring, promotion and compensation. The Act entitles private employers who employ ten or more persons with disabilities as apprentices or regular employees to a deduction of 15 percent on all payable tax.

Persons with HIV/AIDS

The East Africa HIV/AIDS Workplace Policy 2008 promotes non-discrimination in the public sector. It requires that HIV status must not be considered in employment decisions and to ensure a working environment that is free from prejudices against people infected and infected by HIV/AIDS.

Indigenous people

The Constitution's definition of the term 'indigenous' refers to 'indigenous to Africa', and does not clarify the difference between ethnic minorities and indigenous peoples. The unclear distinction between ethnic minorities and indigenous peoples reportedly made ethnic minorities more vulnerable to marginalisation.

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Women

The Employment Act guarantees equal pay for equal work, prohibits sexual harassment and guarantees 60 days of maternity leave at full wages.

The Domestic Violence Act 2010 and the Penal Code Amendment Act 2007 reportedly did not protect or provide effective remedy for sexual harassment or rape. The Sexual Offences Bill 2012, which aims to reduce sexual offences and provide compensation and justice for victims, had been delayed and not tabled by the Parliament (this bill seems to have been adopted in 2015).

In order to increase participation of women in developing and implementing development plans, the Government worked with civil society organizations to increase women participation in the economic planning process such as the Uganda Women Entrepreneurship Programme (UWEP). There are still challenges of ensuring that rural women are actively integrated in the economy. The National Development Plan 2015/16 – 2019/20 (NDPII) provides for an increase in access to agricultural finance with specific options for women farmers in rural areas.

LGBT

The United Nations High Commissioner for Human Rights denounced the anti-homosexuality law signed into force in Uganda, institutionalizing discrimination against lesbians, gay, bisexual and transgender people and encouraging harassment and violence against them. The law imposed sentences of life imprisonment for homosexuality, same-sex marriage and “aggravated homosexuality”.

The Committee on Economic, Social and Cultural Rights expressed concern about the lack of comprehensive anti-discrimination legislation and recommended taking steps to combat and prevent discrimination and societal stigma, in particular against persons with disabilities, persons with albinism and lesbian, gay, bisexual, transgender and intersex individuals, and ensure access to housing, employment, social security, health care and education.

Relevant laws

- Persons with Disabilities Act, 2006
- Employment Act, 2006
- Equal Opportunities Act, 2007
- Refugee Act, 2006
- Refugee Regulations, 2010
- Anti-Homosexuality Act, 2014

Responsible agencies

- Ministry of Gender, Labour and Social Development
- National Council for Persons with Disabilities
- Industrial Court
- Uganda Aids Commission
- Uganda Human Rights Commission
- Equal Opportunities Commission
- Federation for Uganda Employers
- Parliamentary Committee on Human Rights
- Parliamentary Committee on Gender, Labour and Social Development

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	<ul style="list-style-type: none"> Parliamentary Committee on Social Services
<p>African Union Law and Requirements</p>	<p>African Charter on Human and Peoples' Rights (Ratified by Uganda 10/05/1986)</p> <p>ARTICLE 2 Every individual shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status.</p> <p>ARTICLE 3 1. Every individual shall be equal before the law 2. Every individual shall be entitled to equal protection of the law</p> <p>ARTICLE 15 Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.</p> <p>ARTICLE 18 1. The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral. 2. The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community. 3. The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of women and the child as stipulated in international declarations and conventions. 4. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.</p> <p>ARTICLE 19 All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.</p> <p>Article 28 Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.</p> <p>Source: http://www.achpr.org/instruments/achpr</p> <p>Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (adopted 2003, entered into force 2005) (Ratified by Uganda 22/07/2010)</p> <p>Article 13 - Economic and Social Welfare Rights States Parties shall adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic opportunities. In this respect, they shall: a) promote equality of access to employment; b) promote the right to equal remuneration for jobs of equal value for women and men;</p>

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- c) ensure transparency in recruitment, promotion and dismissal of women and combat and punish sexual harassment in the workplace;
- d) guarantee women the freedom to choose their occupation, and protect them from exploitation by their employers violating and exploiting their fundamental rights as recognised and guaranteed by conventions, laws and regulations in force;
- e) create conditions to promote and support the occupations and economic activities of women, in particular, within the informal sector;
- f) establish a system of protection and social insurance for women working in the informal sector and sensitise them to adhere to it;
- g) introduce a minimum age for work and prohibit the employment of children below that age, and prohibit, combat and punish all forms of exploitation of children, especially the girl-child;
- h) take the necessary measures to recognise the economic value of the work of women in the home;
- i) guarantee adequate and paid pre and post-natal maternity leave in both the private and public sectors;
- j) ensure the equal application of taxation laws to women and men;
- k) recognise and enforce the right of salaried women to the same allowances and entitlements as those granted to salaried men for their spouses and children;
- l) recognise that both parents bear the primary responsibility for the upbringing and development of children and that this is a social function for which the State and the private sector have secondary responsibility;
- m) take effective legislative and administrative measures to prevent the exploitation and abuse of women in advertising and pornography.
- Article 23 - Special Protection of Women with Disabilities
The States Parties undertake to:
- a) ensure the protection of women with disabilities and take specific measures commensurate with their physical, economic and social needs to facilitate their access to employment, professional and vocational training as well as their participation in decision-making;
- b) ensure the right of women with disabilities to freedom from violence, including sexual abuse, discrimination based on disability and the right to be treated with dignity.
- Source : <http://www.achpr.org/instruments/women-protocol/>
- Other relevant instruments of soft law
Banjul Declaration of the 59th Ordinary Session of the African Commission on Human and Peoples' Rights under the theme "Women's Rights: Our Collective Responsibility", encouraging states to take measures to improve the situations of women's rights, indigenous women, persons living with HIV/AIDS, refugees, older persons and persons with disabilities, and the youth

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	<p>Source : http://www.achpr.org/instruments/banjul-declaration/</p> <p>Declaration on Gender Equality in Africa</p> <p>Source : http://www.achpr.org/instruments/declaration-on-gender-equality-in-africa/</p> <p><u>See also:</u></p> <p>Guidelines and Principles on Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights</p> <p>Source : http://www.achpr.org/instruments/economic-social-cultural/</p> <p>State Party reporting guidelines for Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights (Tunis Reporting Guidelines)</p> <p>Source: http://www.achpr.org/files/instruments/economic-social-cultural-guidelines/achpr_instr_tunis_reporting_guidelines_esc_rights_2012_eng.pdf</p> <p>Pretoria Declaration on Economic, Social and Cultural Rights in Africa</p> <p>Source: http://www.achpr.org/instruments/pretoria-declaration/</p>
Corporate Policies and Procedures	
<p>TotalEnergies Human Rights Guide</p>	<p>Avoiding Discrimination</p> <p>Diversity is a decisive factor for the Group's competitiveness and attractiveness, and for our ability to innovate and adapt.</p> <p>Any form of discrimination, as characterised by unfair and unfavourable treatment of certain individuals, because of their origin, gender, age, disability, sexual orientation and gender identity, or affiliation with a political, religious, union organization or minority group is unacceptable.</p> <p>Discrimination negatively impacts a person's employment opportunities and results in unequal treatment in the workplace.</p> <p>To comply with international and national law on anti-discrimination, any form of discrimination in the workplace, in particular against vulnerable employees (e.g., young workers; pregnant women, etc.), must be prevented.</p> <p><i>Please refer to Box 3 (p. 19): Respect for Human Rights goes beyond legal compliance</i></p> <p>All workers must be treated fairly with respect to all policies, conditions and benefits of employment, such as hiring, advancement, placement, training, remuneration and dismissals.</p> <p>This means that:</p> <ul style="list-style-type: none"> ▪ All employment-related decisions should be based on relevant and objective factors (such as merit, experience, tasks, skills, etc), and

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consistent procedures should be followed in decision-making processes.

- Employee compensation should be based on the concept of equal work for equal value, and differences in rates of remuneration between workers must correlate specifically to objective job criteria and performance.

Practically, when benefits are offered (such as health insurance or pension schemes) to spouses and dependents of employees, these benefits are also extended to same sex couples and employees with adopted children.

For example, prohibiting candidates from working in Group's Business units based on criteria such as appearance (e.g., high body mass index, piercings, long hair, etc.), gender, and disability is not allowed. Any limitation for objective reasons (e.g., safety) should be strictly documented.

The implementation of local legal requirements or affirmative action by a Business unit on matters such as local content policies should be in line with the applicable local law and Human Rights standards.
For example, local content recruitment processes, hiring of local businesses for works and/or services, community investment decisions etc, should be based on clear, objective, transparent and fair criteria. For practical examples of "Do's and Don'ts" in the supply chain to consider in this domain, please check the Sustainable Purchasing Awareness Card on Discrimination (p. 18 – 19)

Avoiding and Addressing any Form of Harassment

Harassment is defined as a repeated action of a harmful, cruel, threatening or humiliating nature directed at one individual or group of individuals. This offence constitutes an infringement of human dignity and of the right to fair and decent working conditions.

Sexual harassment and other forms of harassment and discrimination in the workplace play a significant role in inhibiting in particular the advancement of ethnic or gender minorities and women in the workplace. Therefore, a working environment where people are treated with respect and dignity and without fear of intimidation or harassment should be put in place.

To protect workers against harassment from both co-workers and management prevention policies, open communication, training and a speak-up climate to allow workers to report any incidents of harassment to a complaints mechanism, should also be implemented and ensured.

If a complaint of harassment is made, it is of utmost importance for managers to respond to the complaint in an efficient, timely and responsible manner, and ensure that the employee does not suffer any retaliation as a result of the complaint made in good faith. (p. 19)

Actions and Recommendations

In the event of alleged harassment or discrimination or any other infringement of Human Rights linked to the working environment, the

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Ethics Committee is available to all Group employees and other stakeholders.

Special contact points are also available to employees:

- Line management: the immediate superior and line management are tasked in particular to identify behaviour of employees that is contrary to the Code of Conduct, and to act where there are issues. Managers are also required to protect confidentiality and personal data.
- Human Resources and Legal Divisions play a key role when informed of an infringement, and may listen to and advise individuals. The occupational health practitioner and employees' representatives can also be consulted when needed. (p. 21)

Freedom from Child Labour	
International Human Rights Law	
Universal Declaration of Human Rights	<p>Article 25(2): "Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection."</p> <p>Article 26(1): "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages."</p> <p>The term "child labour" should not be confused with "youth employment" or "student work." Child labour is a form of exploitation that is a violation of a human right, and it is recognized and defined by international instruments. It is the declared policy of the international community and of almost all governments to abolish child labour.</p> <p>While the term "child" covers all girls and boys under 18 years of age, not all under-18's must be removed from work: the basic rules under international standards distinguish what constitutes acceptable or unacceptable work for children at different ages and stages of their development. ILO conventions (Minimum Age Convention No. 138 and the Worst Forms of Child Labour Convention No. 182) provide the framework for national law to prescribe a minimum age for admission to employment or work that must not be less than the age for completing compulsory schooling, and in any case not less than 15 years. Lower ages are permitted for transitional periods – in countries where economic and educational facilities are less well-developed the minimum age for regular work generally is 14 years, and 12 years for "light work". The minimum age for hazardous work is higher, at 18 years, for all countries.</p> <p>If an occurrence of child labour is identified, the children need to be removed from the workplace and provided with viable alternatives. These measures often include enrolling the children in schools and offering income-generating alternatives for the parents or above-working age members of the family. Companies need to be aware that, without support, children may be forced into worse circumstances such as prostitution, and that, in some instances where children are the sole providers of income, their immediate removal from work may exacerbate rather than relieve the hardship. Children may not be engaged to do work that is hazardous, arduous, and for which they are underpaid, or to work for the same number of hours as adults. Child labourers are frequently denied the opportunity to undertake education as a result of going to work, and their mental and physical health can suffer due to poor working conditions, long hours of work, and ill-treatment by employers.</p>
International Covenants	<p>Additional protections against child labour are provided in the International Covenant on Economic, Social and Cultural Rights, Article 10; the Convention on the Rights of the Child, Article 32; the ILO Minimum Age Convention C138, ILO Minimum Age for Admission to Employment Recommendation, R146; Article 3; the ILO Worst Forms of Child Labour Recommendation R190.</p>
Additional human rights	<p>Business and Human Rights Resource Centre, Business & Children Portal: The Portal is an information hub developed to give practical assistance to</p>

Freedom from Child Labour	
standards or guidance	<p>people from all business sectors in their work and decision-making, leading to better protection of the rights and welfare of children. The Portal has sections on: issues, positive initiatives, alleged abuses, lawsuits and guidance.</p> <p>Children's Rights and Business Principles (2012): Developed by UNICEF, UN Global Compact and Save the Children, these Principles are the first comprehensive set of principles to guide companies on the full range of actions that they can take in the workplace, marketplace and community to respect and support children's rights.</p> <p>ILO Programme on the Elimination of Child Labour (est. 1992): The Programme has the overall goal of the progressive elimination of child labour, to be achieved through strengthening the capacity of countries to address it and promoting a worldwide movement to combat child labour.</p> <p>UN Committee on the Rights of the Child General Comment No.16 on State obligations regarding the impact of the business sector on children's rights (2013): The Committee is the body of independent experts that monitors the implementation of the Convention on the Rights of the Child and the Optional Protocols. In April 2013, the Committee issued a general comment on business and children's rights. The objective of General Comment No.16 is to provide States parties with a framework for implementing the CRC, particularly with regard to the business sector.</p> <p>ILO-IOE Child Labour Guidance Tool for Business.</p>
International Performance Standards	
IFC Performance Standards on Social and Environmental Sustainability	<p>Performance Standard #2 Labour & Working Conditions</p> <p>Requirement 21- Child Labor</p> <p>The client will not employ children in any manner that is economically exploitative, or is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social development. The client will identify the presence of all persons under the age of 18. Where national laws have provisions for the employment of minors, the client will follow those laws applicable to the client. Children under the age of 18 will not be employed in hazardous work. All work of persons under the age of 18 will be subject to an appropriate risk assessment and regular monitoring of health, working conditions, and hours of work.</p>
OECD Guidelines on Multinational Enterprises	<p>Chapter V-Employment and Industrial Relations</p> <p>Recommendation 1. c)</p> <p>Contribute to the effective abolition of child labour, and take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.</p> <p>Commentary 51, 52</p>
African and National Law	

Freedom from Child Labour	
Domestic Legal Protections in Uganda	<p>The minimum age of employment is 14, but 12 and 13 year-olds can engage in light work (maximum of 14 hours per week), as long as it does not interfere with their education. Children between 14 and 17 must not work more than 43 hours per week and cannot work at night (from 7 p.m. to 7 a.m), nor can they do hazardous work (work that is 'injurious to their health, dangerous or hazardous or otherwise unsuitable'). These provisions are in line with international standards.</p> <p>Relevant laws</p> <ul style="list-style-type: none"> • Employment Act 2006 • Employment (Employment of Children) Regulations, 2012 (Statutory Instrument 17 of 2012) • Occupational Health and Safety Act, 2006 • Prevention of Trafficking in Persons Act of 2009 • Children Act Cap 59 • Children (Amendment) Act No.19 of 2016 <p>Relevant ministries</p> <ul style="list-style-type: none"> • Ministry of Gender, Labour and Social Development • Ministry of Education and Sports • Ministry of Justice and Constitutional Affairs • Directorate for Public Prosecutions • Uganda Human Rights Commission • Family and Children's Court • National Council for Children • Industrial Court <p>Relevant Policies</p> <ul style="list-style-type: none"> • Youth Livelihood Programmes • National Children's Authority (monitors implementation of laws relating to all forms of child abuse)
Africa Law and Requirements	<p>African Charter on the Rights and Welfare of the Child (adopted in 1990, entered into force 1999) Ratified by Uganda 17/08/1994</p> <p><i>Protects numerous children's rights, not all listed here.</i></p> <p>Article 4: Best Interests of the Child</p> <ol style="list-style-type: none"> 1. In all actions concerning the child undertaken by any person or authority the best interests of the child shall be the primary consideration. 2. In all judicial or administrative proceedings affecting a child who is capable of communicating his/her own views, an opportunity shall be provided for the views of the child to be heard either directly or through an impartial representative as a party to the proceedings, and those views shall be taken into consideration by the relevant authority in accordance with the provisions of appropriate law. <p>Article 15: Child Labour</p> <ol style="list-style-type: none"> 1. Every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's physical, mental, spiritual, moral, or social development.

Freedom from Child Labour

2. State Parties to the present Charter take all appropriate legislative and administrative measures to ensure the full implementation of this Article which covers both the formal and informal sectors of employment and having regard to the relevant provisions of the International Labour Organization's instruments relating to children.

State Parties shall in particular:

- a. provide through legislation, minimum wages for admission to every employment;
- b. provide for appropriate regulation of hours and conditions of employment;
- c. provide for appropriate penalties or other sanctions to ensure the effective enforcement of this Article;
- d. promote the dissemination of information on the hazards of child labour to all sectors of the community

Source : <http://www.achpr.org/instruments/child/>

African Charter on Human and Peoples' Rights
(Ratified by Uganda 10/05/1986)

ARTICLE 18

- 1. The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral.
- 2. The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community.
- 3. The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of women and the child as stipulated in international declarations and conventions.
- 4. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.

Source: <http://www.achpr.org/instruments/achpr/>

See also:

- Guidelines and Principles on Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights

Source : <http://www.achpr.org/instruments/economic-social-cultural/>

- State Party reporting guidelines for Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights (Tunis Reporting Guidelines)

Source: http://www.achpr.org/files/instruments/economic-social-cultural-guidelines/achpr_instr_tunis_reporting_guidelines_esc_rights_2012_eng.pdf

- Pretoria Declaration on Economic, Social and Cultural Rights in Africa

Source: <http://www.achpr.org/instruments/pretoria-declaration/>

Corporate Policies and Procedures

The Group demonstrates special vigilance regarding the prevention of child labor, in particular by supporting initiatives aimed at its elimination.

Freedom from Child Labour	
TotalEnergies Human Rights Guide	<p>Child labor undermines children's dignity and is harmful to their schooling, their health and their physical and intellectual development.</p> <p>In accordance with the International Labor Organization (ILO) standards, the hiring of employees aged under 15 is prohibited. In addition, any hiring must also comply with local laws that set a higher minimum working age.</p> <p>In line with the ILO standards, the minimum age for admission to any kind of hazardous work (e.g., underground work or handling hazardous goods) which, by its very nature or by virtue of the conditions under which it is carried out, is liable to compromise the health, safety or moral wellbeing of adolescents, must not be less than 18 years of age.</p> <p>The Group applies these provisions universally, including in countries where these ILO standards have not been implemented into national law.</p> <p>Should incidents of child labor be discovered for example at the site of one of our commercial or industrial partners, suppliers or service providers, it is advisable in the first instance to ensure that the children are removed from the position or the workplace. Their salary may continue to be paid to them for a set period pending the putting in place of an alternative solution.</p> <p>To this end, remedial measures, such as, encouraging the replacement of children with adult members of their families, or developing a cooperation scheme with relevant international organizations or local NGOs, should be put in place. In the event that the employer concerned refuses to make any commitments or to comply with the remedial measures, the Group may suspend or terminate contractual relations.</p>
International Human Rights Law	
Universal Declaration of Human Rights	<p>Freedom from slavery Article 4: "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms."</p> <p>Freedom of movement Article 13(1): "Everyone has the right to freedom of movement."</p>
International Covenants	<p>Right to work International Covenant on Social, Economic and Cultural Rights, Article 6: The right to work recognises the right of everyone to the opportunity to make their living by work which they freely choose or accept. This implies that one should not be forced to engage in employment and that States develop a system designed to guarantee all workers access to employment.</p> <p>Additional human rights standards International Covenant on Civil and Political Rights, Article 8; International Covenant on Economic, Social and Cultural Rights, Article 7; Convention on the Protection of the Rights of All Migrant Worker and Members of Their Families, Article 11; ILO Forced Labour and Servitude Convention C29, Articles 2, 12 and 13; ILO Abolition of Forced Labour Convention C105; ILO Declaration on Fundamental Principles and Rights at Work, Article 2; Convention on the Elimination of All Forms of Discrimination against Women (1979), Article 6.</p>

Freedom from Forced Labour	
International Human Rights Law	
Additional human rights standards or guidance	<p>ILO Guide on Forced Labour and other resources: http://www.ilo.org/public/english/support/lib/resource/subject/forcedlabour.htm</p> <p>In June 2014, the ILO adopted a new Protocol to ILO Forced Labour and Servitude Convention C29. The Protocol will come into force 12 months after 2 countries have ratified it.</p> <p>Article 2 of the new Protocol has provisions for the prevention of forced labour, including supporting due diligence by the public and private sectors. The Protocol also puts emphasis on working with employers associations and workers associations.</p> <p>An overview of the main provisions in the new Protocol can be found in the following brochures:</p> <ul style="list-style-type: none"> • ILO brochure: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_321414.pdf • International Organization http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_321410.pdf <p>In June 2014, the ILO also adopted Recommendation 203 on Supplementary Measures for the Effective Suppression of Forced Labour: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_248908.pdf</p> <p>A new “working paper” published by the ILO in February 2015 provides additional historical perspective on the evolution of the concept of forced labour under international law: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_342966.pdf</p> <p>The issue of forced labour is under increased international attention after the passage of the <i>UK Modern Slavery Act</i>, which includes reporting requirements for the operations and supply chains of UK companies.</p>
International Performance Standards	
International Finance Corp (IFC) Performance Standards on Social and Environmental Sustainability	<p>Performance Standard #2 Labour & Working Conditions</p> <p>Requirement 22 – Forced Labor</p> <p>The client will not employ forced labor, which consists of any work or service not voluntarily performed that is exacted from an individual under threat of force or penalty. This covers any kind of involuntary or compulsory labor, such as indentured labor, bonded labor, or similar labor – contracting arrangements. The client will not employ trafficked persons.</p>
OECD Guidelines on	Chapter V. Employment and Industrial Relations

Freedom from Forced Labour	
Multinational Enterprises	1. c) Contribute to the elimination of all forms of forced or compulsory labour and take adequate steps to ensure that forced or compulsory labour does not exist in their operations.
National and African Law	
Domestic Legal Protections in Uganda	<p>The Constitution prohibits slavery, servitude and forced labour. The Prevention of Trafficking in Persons Act 2009 further prohibits all forms of trafficking with a maximum punishment of 15 years to life imprisonment. Prison labour is not considered as forced labour under Uganda's penal system and those committed to casual labour outside the prisons are entitled to their earnings.</p> <p><u>Domestic workers</u></p> <p>The Government, through its education policies including UPE and USE, is increasing school enrolment and dealing with drop rates, especially of the girl child, who often end up recruited into domestic labour.</p> <p>The Government has also adopted measures to protect domestic workers recruited for work outside Uganda. This has been done by engaging receiving countries to take measures to protect Ugandan domestic workers. In some reported cases, the Government has worked with overseas missions to bring home abused Ugandan domestic workers. The Government has also taken administrative measures through the Ministry of Gender, Labour and Social Development to reduce human trafficking. Additionally, a department to investigate and handle cases of trafficking has been established in the UPF.</p> <p>In 2015, the UHRC highlighted the conditions of domestic workers in terms of work, remuneration, lack of social benefits and child labour, among others. The UHRC made several recommendations which the Government will study and implement.</p> <p>Additionally, the Government in its NAP has set out to: register and regulate institutions recruiting domestic workers; protect them from abuse and exploitation; and establishing a minimum wage.</p> <p>Relavant Laws</p> <ul style="list-style-type: none"> • Prevention of Trafficking in Persons Act 2009 • Employment Act 2006 plus its regulations • Constitution of the Republic of Uganda, 1995 • Children's Act Cap 59 • Penal Code Act Cap 120 <p>Responsible agencies</p> <ul style="list-style-type: none"> • Ministry of Gender, Labour and Social Development • Ministry of Internal Affairs • Uganda Human Rights Commission • Uganda Police Force <p>National policies</p> <ul style="list-style-type: none"> • National Employment Policy of 1997 • National Strategy for Gender Development of 2005

Freedom from Forced Labour

African Union Law and Requirements

African Charter on Human and Peoples' Rights
(Ratified by Uganda 10/05/1986)

ARTICLE 5

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited

ARTICLE 6

Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.

ARTICLE 12

1. Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.
2. Every individual shall have the right to leave any country including his own, and to return to his country.
3. This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality.
4. Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with the law of those countries and international conventions.
5. A non-national legally admitted in a territory of a State Party to the present Charter, may only be expelled from it by virtue of a decision taken in accordance with the law.
6. The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups.

ARTICLE 15

Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work

ARTICLE 22

7. All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.
8. States shall have the duty, individually or collectively, to ensure the exercise of the right to development.

Source: <http://www.achpr.org/instruments/achpr/>

See also:

- Guidelines and Principles on Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights

Source : <http://www.achpr.org/instruments/economic-social-cultural/>

- State Party reporting guidelines for Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights (Tunis Reporting Guidelines)

Freedom from Forced Labour	
	<p>Source: http://www.achpr.org/files/instruments/economic-social-cultural-guidelines/achpr_instr_tunis_reporting_guidelines_esc_rights_2012_eng.pdf</p> <ul style="list-style-type: none"> • Pretoria Declaration on Economic, Social and Cultural Rights in Africa Source: http://www.achpr.org/instruments/pretoria-declaration/
Corporate Policies and Procedures	
<p>TotalEnergies Human Rights Guide</p>	<p>Prohibition on Forced Labour</p> <p>Forced labour means any work or service exacted from any individual under the threat of some penalty or punishment and for which the individual did not volunteer. In particular, it is characterised by a restriction on freedom of movement, coercion of the worker and lack of free consent from the worker.</p> <p>In accordance with international guidelines and standards, each Business unit must ensure that its employees have freely chosen their jobs and they are free to leave them under their terms of employment.</p> <p>For instance, requesting deposit guarantees from employees to have access to safety protection equipment or other material is not allowed. Every employment contract must state the component parts of the job (salary, working conditions, working time and especially the issue of overtime, etc.). Business units must pay fair and equitable remuneration, regularly and personally to each of their employees.</p> <p>The Group applies these provisions universally, including in countries where these ILO standards have not been implemented into national law. (p.22)</p>

Freedom of Association and Collective Bargaining	
International Human Rights Law	
Universal Declaration of Human Rights	<p>Article 20: (1) Everyone has the right to freedom of peaceful assembly and association. (2) No one may be compelled to belong to an association.</p> <p>Article 23(4): Everyone has the right to form and to join trade unions for the protection of his interests.</p>
International Covenants	<p>International Covenant on Civil and Political Rights, Article 22 protects the right to form or join all types of association such as political parties, religious societies, sporting and other recreational clubs, non-governmental organisations and trade unions. This right shall not be restricted, except by lawful regulation necessary to protect the interests of national security, public safety, public order, public health or morals, or the protection of the rights and freedoms of others.</p> <p>Companies' activities are most likely to impact on the right insofar as it relates to trade unions and other employee representative bodies. Article 8 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) focuses on trade unions alone. Companies respect the right when they respect the right of workers to form trade unions or, when operating in countries where trade union activity is unlawful, they recognise legitimate employee associations with whom the company can enter into dialogue about workplace issues. Companies should also ensure that their activities do not undermine other legitimate organisations, such as political parties. Companies may also promote enjoyment of the right by speaking out in appropriate circumstances, publicly or privately, about laws that curtail the right.</p> <p>Other protections for the right to freedom of association and collective bargaining are contained in the International Covenant on Civil and Political Rights, Article 21; the International Covenant on Economic, Social and Cultural Rights, Article 8; the ILO Freedom of Association and Protection of the Right to Organize Convention C87, Articles 2-5; ILO Right to Organize and Collective Bargaining C98, Articles 1, 3 and 4; ILO Collective Bargaining Convention C154, Articles 5 and 8; ILO Workers Representatives Convention C135, Articles 1 and 2; Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, Articles 41-43, 48-52 and 57.</p> <p>Related rights: freedom of opinion expression; freedom of assembly; right to take part in political life; right to form trade unions.</p>
Additional human rights standards or guidance	<p>The ILO Committee on Freedom of Association was established to examine complaints by employers' and worker's organizations about violations of freedom of association, whether or not the member State concerned has ratified these conventions.</p> <p>The MNE Declaration refers to the important contribution enterprises can make to the enjoyment of basic human rights, including freedom of association, throughout the world (art 1) and provides more detailed guidance in the section on Industrial Relations (articles 42-48).</p>

Freedom of Association and Collective Bargaining	
International Performance Standards	
<p>IFC Performance Standards on Social and Environmental Sustainability</p>	<p>Performance Standard #2 Labour & Working Conditions</p> <p>In countries where national law recognizes workers' rights to form and to join workers' organizations of their choosing without interference and to bargain collectively, the client will comply with national law. Where national law substantially restricts workers' organizations, the client will not restrict workers from developing alternative mechanisms to express their grievances and protect their rights regarding working conditions and terms of employment. The client should not seek to influence or control these mechanisms. In either case described in paragraph 13 of this Performance Standard, and where national law is silent, the client will not discourage workers from electing worker representatives, forming or joining workers' organizations of their choosing or from bargaining collectively, and will not discriminate or retaliate against workers who participate, or seek to participate, in such organizations and collective bargaining. The client will engage with such workers' representatives and workers' organizations, and provide them with information needed for meaningful negotiation in a timely manner. Workers' organizations are expected to fairly represent the workers in the workforce.</p>
<p>OECD Guidelines on Multinational Enterprises</p>	<p>Chapter II General Policies Recommendations 10, 11</p> <p>Chapter V Employment and Industrial Relations Recommendations 1,2,3,7</p> <p>Respect the right of workers employed by the multinational enterprise to establish or join trade unions and representative organisations of their own choosing. b) Respect the right of workers employed by the multinational enterprise to have trade unions and representative organisations of their own choosing recognised for the purpose of collective bargaining, and engage in constructive negotiations, either individually or through employers' associations, with such representatives with a view to reaching agreements on terms and conditions of employment.</p>
Domestic and African Law	
<p>Domestic Legal Protections in Uganda</p>	<p>The constitution protects the freedom of assembly, association and expression. Freedom of association as enshrined under Article 29 of the Constitution includes the right to form and join a trade union; the right to union recognition and collective bargaining; and the right to strike. Anti-union discrimination is prohibited, and it is a criminal offence for employers to interfere in workers' right to organise. The Labour Unions Act 2006 and the Labour Disputes (Arbitration and Mediation) Act 2006 regulate trade unions, collective bargaining and industrial relations.</p> <p>The Public Order Management Act makes provisions for the management of peaceful assembly and association.</p> <p>Trade unions are empowered to operate independently of the political system, with worker representatives filling five seats in parliament.</p>

Freedom of Association and Collective Bargaining

The Ministry of Gender, Labour and Social Development is the lead Ministry responsible for labour administration in the country. The two national trade union federations are the National Organisation of Trade Unions (NOTU) and the Confederation of Free Trade Unions (COFTU), with all trade unions required to join them. NOTU adopted a new constitution in 2012, including youth and women committees and informal sector associations.

A Labour Advisory Board was created in September 2011 as a forum to advise the government on labour legislation and policy. Currently, it is non-functional with the expiry of terms of its members. The Registrar of Labour Unions is responsible for ensuring compliance with the rights to join and form trade unions and can investigate employers for compliance with these rights.

In May 2013, a National Tripartite Charter on Labour Relations was signed by representatives from the Ministry of Gender, Labour and Social Development, the Federation of Uganda Employers, NOTU and the Central Organisation of Free Trade Unions. The Charter aims to improve labour relations and reduce employer/employee conflicts.

Freedom of association

The Constitution and the Labour Unions Act of 2006 recognise the right to form and join trade unions. Under the Labour Unions Act 2006, the formation and registration of unions requires no prior authorisation or approval by the Registrar of the Ministry of Gender, Labour and Social Development, and there is no requirement for a minimum number of members.

The Labour Unions Act prohibits an employer from interfering with the formation or administration of a labour union.

The Special Rapporteurs on freedom of expression, on freedom of peaceful assembly and of association and on human rights defenders raised concerns about the alleged non-compliance with international human rights law and standards of a bill regulating associations that appeared to seriously restrict the right to freedom of association. The Special Rapporteurs also raised concerns over the alleged temporary arrest and repeated harassment of a human rights defender.

The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families expressed concern that the constitutional guarantee of freedom of association, including the freedom to join trade unions, applied to documented migrants only and recommended that Uganda take all the measures necessary, including legislative amendments, to guarantee migrant workers in an irregular situation the right to take part in trade union activities and to freely join trade unions. The Committee expressed concern that section 76 of the Uganda Citizenship and Immigration Control Act prohibited migrant workers from becoming members of the executive committee of a trade union or youth movement.

Collective Bargaining

The Constitution and the Labour Unions Act guarantee the right to collective bargaining; companies are required to enter into collective

Freedom of Association and Collective Bargaining

bargaining agreements (CBAs) with registered unions. The government recognised unions for negotiation; public service unions were able to negotiate employment terms and wages. Unions must obtain a document of recognition prior to engaging in collective bargaining.

Right to Strike

The Constitution guarantees the freedom to assemble and to demonstrate peacefully.

Government policy requires the labour force and management to 'make every effort to reconcile labour disputes before resorting to strike action'. This directive reportedly presented unions with a complicated set of restrictions; if reconciliation failed, the labour force should give notice and submit its grievances to the Ministry of Labour, who often delegated the dispute to the Industrial Court. The Minister of Gender, Labour and Social Development reportedly seldom permitted strikes without a decision from the Industrial Court that 'every effort' had been exhausted.

Mechanisms exist within each security agency for punishing security personnel that use excessive force during peaceful assemblies. There are disciplinary mechanisms within the police and the army to punish such errant officers. Furthermore, they can be prosecuted under the Prevention and Prohibition of Torture Act of 2012.

Security personnel have been trained to respect human rights including freedom of expression and assembly. Security agencies have partnered with several institutions, such as UHRC, UNICEF, UN OHCHR, ACTV, Save the Children and the Refugee Law Project to train their personnel.

The UN country team stated that, during the period under review, the Government had enacted a number of laws, including the Public Order Management Act, that restricted the exercise of public freedoms. The country team recommended taking urgent steps to provide clear guidelines and procedures in the application of the Act in line with human rights standards. On 9 August 2013, the Special Rapporteurs on freedom of peaceful assembly and of association, on human rights defenders and on freedom of expression expressed concern at the passage of the Public Order Management Bill and urged Uganda to repeal it because it was part of an increasingly hostile environment for civil society and human rights defenders.

Relevant Laws

- Labour Disputes (Arbitration and Mediation) Act, 2006
- Labour Unions Act, 2006
- Employment Act, 2006
- Employment Regulations, 2011
- National Tripartite Charter on Labour Relations, 2013
- Constitution of the Republic of Uganda, 1995
- Public Order Management Act (2013)
- Prevention and Prohibition of Torture Act, 2012

Responsible Agencies

- Ministry of Gender, Labour and Social Development
- Uganda Human Rights Commission

Freedom of Association and Collective Bargaining	
African Union Law and Requirements	<p>African Charter on Human and Peoples' Rights (Ratified by Uganda 10/05/1986)</p> <p>ARTICLE 10</p> <ol style="list-style-type: none"> 1. Every individual shall have the right to free association provided that he abides by the law. 2. Subject to the obligation of solidarity provided for in Article 29, no one may be compelled to join an association. <p>ARTICLE 11</p> <p>Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law, in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.</p> <p>Source : http://www.achpr.org/instruments/achpr/</p> <p>See also: Policing Assemblies in Africa (Guidelines)</p> <p>Source: http://www.achpr.org/instruments/policing-assemblies-in-africa/</p> <p><u>See also:</u></p> <ul style="list-style-type: none"> • Guidelines and Principles on Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights Source : http://www.achpr.org/instruments/economic-social-cultural/ • State Party reporting guidelines for Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights (Tunis Reporting Guidelines) Source: http://www.achpr.org/files/instruments/economic-social-cultural-guidelines/achpr_instr_tunis_reporting_guidelines_esc_rights_2012_eng.pdf • Pretoria Declaration on Economic, Social and Cultural Rights in Africa Source: http://www.achpr.org/instruments/pretoria-declaration/
Corporate Policies and Procedures	
TotalEnergies Human Rights Guide	<p>Collective Bargaining and Freedom of Association</p> <p>Collective bargaining is one form of social dialogue. It refers to a process whereby employee representatives and employers, or their representatives, negotiate the actual application of employment terms and working conditions (salary, working time, vocational training, welfare, etc.) and enter into mutually acceptable collective agreements.</p> <p>Freedom of association represents the workforce's right to form and join organisations to promote and protect their interests in the workplace.</p>

Freedom of Association and Collective Bargaining

Collective bargaining and freedom of association help to ensure fair employment terms and working conditions.

Unfair communication from a Business unit which is intended to influence employees' decisions with regard to union representation and/or membership is prohibited.

In some regions, the right to unionize and bargain collectively may be restricted. Under such circumstances, other forms of workers meetings and independent representation should be implemented by the Group's Business units (e.g., ensuring that informal channels of communication between management and employees concerning work related issues are in place with identified contacts). (p. 21)

Working Conditions

International Human Rights Law

Universal Declaration of Human Rights

Article 7: The right to enjoy just and favourable working conditions has various components, which are all highly relevant to the actions of companies as they concern the treatment of employees. This Article recognises that States must protect the right to remuneration that provides workers with fair wages and equal remuneration for work of equal value, and that women must be guaranteed conditions of work not inferior to those enjoyed by men. Remuneration must also be enough to provide workers with a decent living for themselves and their families. Article 7 furthermore comprises a right to healthy and safe conditions of work, a right to equality of opportunity for promotion, and a right to rest, leisure and holidays as part of conditions at work.

The interpretation of Article 7 is influenced by the corresponding International Labour Organization (ILO) Conventions, which elaborate in greater detail the labour standards set out in the Covenant:

- ILO standards generally prescribe that employees should not be required to work more than 48 hours per week, or ten hours a day, though these rules are subject to some exceptions.
- ILO conventions relating to the issue of rest and leisure are also relevant to the issue of working hours. For example, it is specified that there should be at least one day off in every seven, and that a minimum of three weeks' paid holiday (not including public holidays) be available for every year of full-time service.
- A minimum wage should be 'fair' and enable families to enjoy the right to a standard of living that includes adequate food, clothing and housing (Article 11 of the Covenant). This is reinforced by the corresponding ILO convention, which dictates that the setting of minimum wages should, for example, take into account issues such as the cost of living and the needs of workers and their families. Companies should at least comply with minimum wages mandated by government minimum wage legislation. Wages should be paid regularly and in full, without unauthorised deductions or restrictions.

With regard to all working conditions, States should require employers to co-operate with independent inspection services to ensure compliance with legal requirements.

Companies can have a significant impact on the enjoyment of the various rights in Article 7 in their capacity as employers.

Additional human rights standards

Article 23(3): Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

Article 24: Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25(1): Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability,

Working Conditions	
	widowhood, old age or other lack of livelihood in circumstances beyond his control.
International Covenants	In addition, international standards related to wages, benefits, holidays and hours can be found in the International Covenant on Economic, Social and Cultural Rights, Articles 7, 10 and 11; the International Covenant on Civil and Political Rights, Article 23; the Convention on the Elimination of All Discrimination Against Women, Article 11; Convention on the Rights of the Child, Article 5; ILO Minimum Wage Fixing Convention C131, Article 3; ILO Social Policy Convention C117, Article 5; ILO Tripartite Declaration of Principles concerning Multilateral Enterprises and Social Policy, Article 34; ILO Holidays with Pay (Revised) Convention C132, Article 4(2); ILO Maternity Protection Convention C183, Article 4; ILO Hours of Work (Industry) Conventions C1 and C14; ILO Hours of Work (Commerce and Offices) Convention C30, Articles 3 and 4; ILO Weekly Rest (Commerce and Industry) Convention C106; ILO Forty-Hour Week Convention C47.
Additional human rights standards or guidance	<p>International Committee on Economic, Social and Cultural Rights, General Comment No. 23 (2016) on the Right to just and favorable conditions of work.</p> <p>The importance of decent work in achieving sustainable development is highlighted by SDG 8 which aims to "promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all".</p>
International Performance Standards	
IFC Performance Standards on Social and Environmental Sustainability	<p>Performance Standard #2 Labour & Working Conditions - contains an expectation that the organization will adopt and implement human resource policies and procedures appropriate to its size and workforce that set out its approach to managing workers consistent with the requirements of this Performance Standard and national law.</p> <p>The organization is also expected to provide workers with documented information that is clear and understandable, regarding their rights under national labor and employment law and any applicable collective agreements, including their rights related to hours of work, wages, overtime, compensation, and benefits upon beginning the working relationship and when any material changes occur.</p>
OECD Guidelines on Multinational Enterprises	Employment and industrial standards suggest that organizations observe standards of employment and industrial relations not less favourable than those observed by comparable employers in the host country and that employment and industrial relations standards are understood to include compensation and working-time arrangements.
National and African Law	
Domestic Legal	<p><u>Working conditions</u></p> <ul style="list-style-type: none"> • Minimum wage: 6 000 UGX (\$2.30 USD) per month

Working Conditions	
<p>Protections in Uganda</p>	<p>Living wage: 110 000 – 720 000 UGX (\$42 – 279 USD) per month, depending on children</p> <ul style="list-style-type: none"> • Standard working hours per week: 56 hours (in industries that employ workers on an hourly basis) <i>International Standard: 48 hours</i> • Overtime pay rate: 1,5 times (if exceeds 48 hours per week) <i>International Standard: 1,25 times</i> • Holidays with pay, per year : For every four months of continuous employment, an employee is entitled to seven days of paid annual leave <i>International Standard: 3 weeks</i> • Maximum daily working hours: 10 hours <i>International standard: 10 hours</i> • Maximum weekly working hours: 48 hours (or 56, including overtime, with employee agreement) <i>International standard: 48 hours</i> • Uninterrupted weekly rest period: 24 hours per 7 days <i>International Standard: 24 hours per 7 days</i> <p>The constitution articulates the protection of workers' rights (art 40), which includes the recognition of just and favourable conditions of work. Major legislation on working conditions in Uganda includes the Workers Compensation Act 2000 and the Employment Act 2006, which regulate employment conditions including wages, working hours, leave and termination of employment.</p> <p>Uganda is party to the East African Community Free Trade Agreement, which contains labour provisions on gender equality, working conditions and discriminatory law and practices. In 2013 Uganda and Kenya concluded a bilateral agreement to waive the work permit fees to allow for free movement of labour between the two countries. In 2014, Uganda promised to waive work permit fees for all EAC citizens, following Rwanda and Kenya.</p> <p><u>Wages</u></p> <p>According to the Foundation for Human Rights Initiative, union representatives and employees had unanimously expressed the need for a law providing for a minimum wage. The minimum wage was set at UGX 54,000 (US\$21.10) per month in 2003, but has not been implemented, with the 1984 rate of UGX 6,000 (US\$2.30) per month still being recognised.</p> <p>In June 2015, the Cabinet approved the members of a Minimum Wages Advisory Board, which will undertake studies and make proposals about a minimum wage for government consideration.</p> <p><u>Working hours</u></p> <p>The standard workweek is 40 hours for workers paid on an hourly rate. Overtime pay is set at 1.5 times the standard rate, in line with the international standard.</p>

Working Conditions

The Employment Act sets the maximum working hours per week at 48. Upon agreement between the employer and employee, working hours can be increased, provided they do not exceed an average of 10 hours per day or 56 per week over a three-week period. While international standards allow exceptions to the maximum workweek, hours should not exceed an average of eight hours per day over a three-week period.

Leave

Under the Employment Act, workers are entitled to minimum weekly rest period is 24 hours and three weeks of holiday per year, which complies with the international standard. Workers have the right to sick pay. Women are entitled to two months of paid maternity leave and fathers have the right to four days' paternity leave.

Social Security

The Constitution highlights social security in its National Objectives and Directive Principles of State Policy, including protection of the aged, fulfilment of general social and economic objectives and the provision of medical services. The constitution is, however, silent on matters of disability, unemployment and illness, falling short of international norms.

Social security schemes consist of contributory and or compulsory social insurance for formal workers. These are known as the National Social Security Fund (NSSF) and the Public Service Pension Schemes (PSPS) that cover all public servants and exclude people active in the informal sector (ILO 2018). The government is planning to introduce a nationwide Social Health Insurance scheme (SHI) in the future, which would also cover workers from the informal economy.

The NSSF is the main contributory social protection scheme and provides support to workers engaged in the formal sector in the form of old-age pensions, and benefits for disabilities following work injuries. The scheme is mandatory for businesses with more than five employees and voluntary for smaller firms. As of June 2011, the NSSF had a membership of equivalent to 1.3% of the population and has achieved limited success (DTCIDC 2016).

Micro-financed insurance schemes are an option for informal economy workers and are privately run through either micro-finance institutions or health-care providers. This type of scheme provides accident and health insurance although these have had limited uptake, due to the cost of membership.

The proportion of the population covered by a government or private social protection is estimated at 3.5% of GDP, which is lower than the 4.3% average across SSA. The proportion of people covered by health protection is 2%, compared with an average across Africa of 25%.

Relevant laws

- Minimum Wages Advisory Boards and Wages Councils Acts, 1964
- Minimum Wage Statutory Instrument No. 68 of 1984
- Employment Act, 2006
- Workers Compensation Act, 2000

Working Conditions	
	<ul style="list-style-type: none"> Labour Union Arbitration and Settlement Act 2006 <p>Responsible agencies</p> <ul style="list-style-type: none"> Ministry of Gender, Labour and Social Development Ministry of Finance, Planning and Economic Development National Social Security Fund Minimum Wages Advisory Board Uganda Human Rights Commission <p>Development framework</p> <ul style="list-style-type: none"> National Development Plan 2011 - 2015 National Development Plan 2016 - 2022 Decent Work Country Programme (2013 - 2017)
African Union Law and Requirements	<p>African Charter on Human and Peoples' Rights (Ratified by Uganda 10/05/1986)</p> <p>ARTICLE 15 Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.</p> <p>ARTICLE 22</p> <ol style="list-style-type: none"> All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind. States shall have the duty, individually or collectively, to ensure the exercise of the right to development. <p>Source: http://www.achpr.org/instruments/achpr/</p> <p>See also:</p> <ul style="list-style-type: none"> Guidelines and Principles on Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights Source : http://www.achpr.org/instruments/economic-social-cultural/ State Party reporting guidelines for Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights (Tunis Reporting Guidelines) Source: http://www.achpr.org/files/instruments/economic-social-cultural-guidelines/achpr_instr_tunis_reporting_guidelines_esc_rights_2012_eng.pdf Pretoria Declaration on Economic, Social and Cultural Rights in Africa Source: http://www.achpr.org/instruments/pretoria-declaration/
Corporate Policies and Procedures	
TotalEnergies Human Rights Guide	<p>Collective Bargaining and Freedom of Association</p> <p>The Group pays special attention to employees' working conditions, respect for individuals and their privacy, a discrimination-free environment and health and safety, irrespective of the political and social context or any complexities encountered in the countries where we operate. (p. 16)</p>

Working Conditions

Human Rights and labour issues at stake in the workplace are decent working conditions and remuneration, prohibition of forced labour and child labour (...), workplace health and safety, the establishment of an employment contract, working hours, rest and parental leave: ensuring that the workplace is free from discrimination and harassment; freedom of speech, association and collective bargaining, freedom of thought, conscience and religion, respect for private life and personal data. (p. 17)

Workplace Health & Safety	
International Human Rights Law	
Universal Declaration of Human Rights	Universal Declaration of Human Rights, Article 7: The right to enjoy just and favourable working conditions has various components, including a right to healthy and safe conditions of work.
International Covenants	<p>International Covenant on Economic, Social and Cultural Rights, Articles 6 and 7: Safe and healthy working conditions are related to the right to work and the right to just and favourable working conditions.</p> <p>ILO standards require governments to adopt, in consultation with appropriate employer and employee organisations, a national occupational health and safety (OHS) policy aimed at reducing accidents and injuries to health arising in the course of employment, and to minimise the causes of inherent workplace hazards. That policy should address, for example, the provision of adequate OHS training regarding the use and maintenance of the 'material elements of work', including workplace environment, tools, machinery and equipment. Workers must be able to remove themselves from work situations where imminent and serious health dangers are reasonably perceived, without undue consequences.</p> <p>With regard to all working conditions, States should require employers to co-operate with independent inspection services to ensure compliance with legal requirements.</p>
Additional human rights standards or guidance	See ILO Convention 155 Concerning Occupational Health and Safety and the Working Environment (1981), Articles 4, 5 and 13. See also ILO Convention 161 on Occupational Health Services (1985); the Convention on the Elimination of All Forms of Discrimination against Women, Article 11.
International Performance Standards	
IFC Performance Standards on Social and Environmental Sustainability	<p>Performance Standard 1 Emergency Preparedness and Response Requirements 20-21</p> <p>20. Where the project involves specifically identified physical elements, aspects and facilities that are likely to generate impacts, the ESMS will establish and maintain an emergency preparedness and response system so that the client, in collaboration with appropriate and relevant third parties, will be prepared to respond to accidental and emergency situations associated with the project in a manner appropriate to prevent and mitigate any harm to people and/or the environment.</p> <p>Performance Standard 2 (Labour & Working Conditions) includes the promotion of safe and healthy working conditions and the health of workers.</p> <p>Requirement 23 – Occupational Health and Safety A specific section is allocated to Occupational Health & Safety which states: The organization will provide a safe and healthy work environment, taking into account inherent risks in its particular sector and specific classes of hazards in the client's work areas, including physical, chemical,</p>

Workplace Health & Safety	
	<p>biological, and radiological hazards, and specific threats to women. The client will take steps to prevent accidents, injury, and disease arising from, associated with, or occurring in the course of work by minimizing, as far as reasonably practicable, the causes of hazards. In a manner consistent with good international industry practice, as reflected in various internationally recognized sources including the World Bank Group Environmental, Health and Safety Guidelines, the client will address areas that include the (i) identification of potential hazards to workers, particularly those that may be life-threatening; (ii) provision of preventive and protective measures, including modification, substitution, or elimination of hazardous conditions or substances; (iii) training of workers; (iv) documentation and reporting of occupational accidents, diseases, and incidents; and (v) emergency prevention, preparedness, and response arrangements. Additional information related to emergency preparedness and response is contained within Performance Standard 1 (below).</p>
<p>OECD Guidelines on Multinational Enterprises</p>	<p>Chapter 5 is dedicated to employment and industrial relations, aligning with the international labour standards of the ILO.</p> <p>(Para 4) Organizations are to take adequate steps to ensure occupational health and safety in their operations. The reference to occupational health and safety implies that multinational enterprises are expected to follow prevailing regulatory standards and industry norms to minimise the risk of accidents and injury to health arising out of, linked with, or occurring in, the course of employment. This encourages enterprises to work to raise the level of performance with respect to occupational health and safety in all parts of their operation even where this may not be formally required by existing regulations in countries in which they operate. It also encourages enterprises to respect workers' ability to remove themselves from a work situation when there is reasonable justification to believe that it presents an imminent and serious risk to health or safety.</p> <p>Reflecting their importance and complementarities among related recommendations, health and safety concerns are echoed elsewhere in the <i>Guidelines</i>, most notably in chapters on Consumer Interests and the Environment. The ILO Recommendation No. 194 of 2002 provides an indicative list of occupational diseases as well as codes of practice and guides which can be taken into account by enterprises for implementing this recommendation of the <i>Guidelines</i>.</p> <p>Chapter II, General Policies Recommendations 10, 11</p> <p>Chapter VI, Environment Recommendation 7</p> <p>Chapter IX, Science and Technology Recommendation 5</p>
National and African Law	
<p>Domestic Legal</p>	<p>All employers are expected to ensure that their workers are employed in a safe and conducive environment to ensure the protection of workers in the course of their duty. The Occupational Safety and Health Act 2006</p>

Workplace Health & Safety	
<p>Protections in Uganda</p>	<p>also makes it the duty of every worker to take reasonable care for their health and safety and of any other person who may be affected by his act or omission. The law covers foreign and migrant workers as well as local workers.</p> <p>Social security schemes consist of contributory and or compulsory social insurance for formal workers. These are known as the National Social Security Fund (NSSF) and the Public Service Pension Schemes (PSPS) that cover all public servants and exclude people active in the informal sector (ILO 2018). The government is planning to introduce a nationwide Social Health Insurance scheme (SHI) in the future, which would also cover workers from the informal economy.</p> <p>The NSSF is the main contributory social protection scheme and provides support to workers engaged in the formal sector in the form of old-age pensions, and benefits for disabilities following work injuries. The scheme is mandatory for businesses with more than five employees and voluntary for smaller firms. As of June 2011, the NSSF had a membership of equivalent at 1.3% of the population and has achieved limited success (DTCIDC 2016).</p> <p>Micro-financed insurance schemes are an option for informal economy workers and are privately run through either micro-finance institutions or health-care providers. This type of scheme provides accident and health insurance although these have had limited uptake, due to the cost of membership.</p> <p>The proportion of the population covered by a government or private social protection is estimated at 3.5% of GDP, which is lower than the 4.3% average across SSA. The proportion of people covered by health protection is 2%, compared with an average across Africa of 25%.</p> <p>Occupational Health and Safety</p> <p>The MGLSD, through the Department of Occupational Safety and Health (DOSH), is responsible for administration and enforcement of the Occupational Safety and Health (OSH) Act 2006. Despite government efforts to improve safety and health of all workers in the country, limited change has occurred due to lack of regulators enforcing the Act.</p> <p>The management of OSH risks within the workplace is not recognised as a priority by the owners of business and supervisors of staff, and Uganda's labour productivity is the lowest in East Africa due to poor working conditions (Office of the Auditor General 2016).</p> <p>Relevant laws</p> <ul style="list-style-type: none"> • Employment Act, 2006 • Employment Regulations, 2011 • National Employment Policy 2011 • Occupational Safety and Health Act, 2006 • Labour Dispute Arbitration Settlements Act 2006 <p>Responsible agencies</p> <ul style="list-style-type: none"> • Ministry of Gender, Labour and Social Development • Directorate of Labour (Departments of Occupational Health and Safety; Labour industrial relations and productivity and Employment services)

Workplace Health & Safety	
	<ul style="list-style-type: none"> • Ministry of Public Service • Uganda Human Rights Commission • Uganda National Bureau of Standards • Medical Arbitration Board • Industrial Court <p>Development Frameworks</p> <ul style="list-style-type: none"> • National Development Plan 2011 – 2015 • Uganda Social Development Sector Strategic Investment Plan 2011/12-2015/2016 • National OSH Policy (under way)
African Union Law and Requirements	<p>African Charter on Human and Peoples' Rights (Ratified by Uganda 10/05/1986)</p> <p>ARTICLE 15 Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.</p> <p>ARTICLE 16</p> <ol style="list-style-type: none"> 1. Every individual shall have the right to enjoy the best attainable state of physical and mental health. 2. State Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick. <p>ARTICLE 18</p> <ol style="list-style-type: none"> 1. The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral. 2. The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community. 3. The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of women and the child as stipulated in international declarations and conventions. 4. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs. <p>ARTICLE 24 All peoples shall have the right to a general satisfactory environment favourable to their development.</p> <p>Source : http://www.achpr.org/instruments/achpr/</p> <p><u>See also:</u></p> <ul style="list-style-type: none"> • Guidelines and Principles on Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights Source: http://www.achpr.org/instruments/economic-social-cultural/ • State Party reporting guidelines for Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights (Tunis Reporting Guidelines) Source: http://www.achpr.org/files/instruments/economic-social-cultural-guidelines/achpr_instr_tunis_reporting_guidelines_esc_rights_2012_eng.pdf

Workplace Health & Safety	
	<ul style="list-style-type: none"> • Pretoria Declaration on Economic, Social and Cultural Rights in Africa Source: http://www.achpr.org/instruments/pretoria-declaration/
Corporate Policies and Procedures	
<p>TotalEnergies Human Rights Guide</p>	<ul style="list-style-type: none"> • The Group pays special attention to employees' working conditions, respect for individuals and their privacy, a discrimination-free environment and health and safety, irrespective of the political and social context or any complexities encountered in the countries where we operate. (...) We also make sure that the Global Agreement's principles related to the promotion of Human Rights and health and safety in the workplace are communicated and promoted among our contractors and suppliers. If these principles are not respected, we take the necessary actions, which may go as far as terminating the contract. (p. 16) • Human Rights and labour issues at stake in the workplace are decent working conditions and remuneration, prohibition of forced labour and child labour, workplace health and safety, the establishment of an employment contract, working hours, rest and parental leave: ensuring that the workplace is free from discrimination and harassment; freedom of speech, association and collective bargaining, freedom of thought, conscience and religion, respect for private life and personal data. (p. 17)

Information and Consultation	
International Human Rights Law	
Universal Declaration of Human Rights	Article 19 Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.
International Covenants	<u>International Covenant on Civil and Political Rights</u> Article 19 1. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals.
International Performance Standards	
IFC Performance Standards on Social and Environmental Sustainability	Performance Standard 1 Assessment and Management of Environmental and Social Risks and Impacts, paragraphs 25-30. Objectives <ul style="list-style-type: none"> • To ensure that grievances from Affected Communities and external communications from other stakeholders are responded to and managed appropriately. • To promote and provide means for adequate engagement with Affected Communities throughout the project cycle on issues that could potentially affect them and to ensure that relevant environmental and social information is disclosed and disseminated.
OECD Guidelines on Multinational Enterprises	II. General Policies 14. Engage with relevant stakeholders in order to provide meaningful opportunities for their views to be taken into account in relation to planning and decision making for projects or other activities that may significantly impact local communities.
Domestic and African Law	
Domestic Legal Protections in Uganda	41. Right of access to information. (1) Every citizen has a right of access to information in the possession of the State or any other organ or agency of the State except where the release of the information is likely to prejudice the security or sovereignty of the State or interfere with the right to the privacy of any other person.

Information and Consultation	
	(2) Parliament shall make laws prescribing the classes of information referred to in clause (1) of this article and the procedure for obtaining access to that information.
African Union Law and Requirements	<p>African Charter on Human and Peoples' Rights (Ratified by Uganda 10/05/1986)</p> <p>Article 9</p> <ol style="list-style-type: none"> 1. Every individual shall have the right to receive information. 2. Every individual shall have the right to express and disseminate his opinions within the law. <p>Source : http://www.achpr.org/instruments/achpr/</p>
Corporate Policies and Procedures	
TotalEnergies Human Rights Guide	See: "Human Rights and Local Communities"

Land and Resettlement	
International Human Rights Law	
Universal Declaration of Human Rights	Article 17: Everyone has the right to own property... no one shall be arbitrarily deprived of his property.
International Covenants	Article 11 of the International Covenant on Economic, Social and Cultural Rights: Right to an adequate standard of living, including the right to housing and food. ^(L) _{SEP}
Additional human rights standards or guidance	UN Office of the High Commissioner for Human Rights, "Basic Principles and Guidelines on Development Based Evictions and Displacements."
International Performance Standards	
IFC Performance Standards on Social and Environmental Sustainability	<p>Performance Standard #5 Land Acquisition and Involuntary Resettlement recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons that use this land.</p> <p>Introduction & Objectives Requirements: Community Engagement, Resettlement and Livelihood Restoration – Planning and Implementation, Compensation and Benefits for Displaced Persons, Physical Displacement, Economic Displacement, Grievance Mechanism</p> <p>IFC Handbook for Preparing a Resettlement Action Plan https://commdev.org/userfiles/ResettlementHandbook.pdf</p>
OECD Guidelines for Multinational Enterprises (MNEs)	Chapter II, General Policies. Recommendations 10, 11 Chapter III, Disclosure, Recommendations 3, 4; Commentary 30, 31, 32, 33
National and African Law	
Domestic Legal Protections in Uganda	<p>Existing land law vests land ownership in the citizens of Uganda. Article 26 of the Constitution states that every person has a right to own property individually or in association with others, and recognises the right to fair and adequate compensation in instances of compulsory land acquisition.</p> <p><u>Tenure</u></p> <p>Four types of tenure systems are recognised under the constitution and the 1998 Land Act: freehold, leasehold, <i>mailo</i> (colonial) and customary tenure. The only tenure that has a detailed governance framework is leasehold tenure. Leaseholds are time bound and are the only tenure option available to foreign companies and citizens. Citizens may lease for up to 99 years; non-citizens may lease land for up to 49 years. Foreign</p>

Land and Resettlement

companies can own properties and businesses, but are restricted in terms of land ownership. They may lease land for between 49 and 99 years with approval of the Uganda Investment Authority.

With all land tenures, one can obtain a title of ownership. Individuals who own customary land but do not have land titles may pick up an application form from the Areal Land Committee and the District Land Board for UGX 5,000 (US\$2). The application will be dealt with by the Land Board, along with local elders, to confirm the boundaries. They then issue a certificate which can be used to sell land or support claims for compensation.

In respect to customary tenure, 75 percent of the land in Uganda is owned under customary tenure. Customary tenure is still important for land ownership, and tensions frequently arise over the acquisition, ownership and utilisation of land due to conflicting land-use systems and the clash between modern and traditional legal practices, which may differ between ethnic groups. Customary land remains largely unrecorded, leaving customary landowners in fear that they may lose land due to lack of authentic documentation proving ownership. Women, children and persons with disabilities were reportedly particularly vulnerable.

In October 2015, the Constitutional Court that declared Section 7(1) of the Land Acquisition Act as unconstitutional and in contravention of Article 26 of the Constitution. The court nullified the section giving government powers to take possession of citizens' land before compensation citing violation of the right to property.

One major dilemma is that although the Land Act Cap 227 1998 and the Land Acquisition Act Cap 226 provide for acquisition of land these laws are not comprehensive enough in respect to the process of acquisition, compensation and resettlement.

National Land Policy, 2013

In February 2013, the National Land Policy was passed with the goal of ensuring efficient and equitable management of Uganda's land resources to reduce poverty and create wealth. In 2014, Human Rights Watch reported that the policy was progressive in recognising minority groups' rights. It required the Government to ensure that communities retained rights over ancestral lands and received prompt, adequate and fair compensation in cases of relocations.

The objectives of the National Land Policy (2013) are to:

- stimulate the contribution of the land sector to overall socio-economic development, wealth creation and poverty reduction in Uganda
- harmonise and streamline the complex tenure regimes in Uganda for equitable access to land and security of tenure
- clarify the complex constitutional and legal framework for sustainable management and stewardship of land resources
- re-dress historical injustices to protect the land rights of groups and communities marginalised in the past or on the basis of gender, religion, ethnicity and other forms of vulnerability
- to achieve balanced growth and social equity ensure planned, affordable and orderly development of human settlements for both

Land and Resettlement	
	<p>rural and urban areas, including infrastructure development (GOU 2013b).</p> <p>The MLHUD is responsible for policy formulation and the oversight of the land sector nationally. The ministry is composed of three directorates, two of which are central in land management: the directorate of land management; and the directorate of physical planning and urban development. At the district level, land is administrated by the district land office, district land board and district tribunal (currently not functional). The DLO provides technical services to the district administration and the DLB. The DLB is responsible for holding and allocating land in the district, facilitating the registration and transfer of interests in land and compiling and maintaining rates of compensation payable (i.e., crops, non permanent buildings).</p> <p>At the subcounty level, land is administrated by an area land committee and a recorder. In 2016, an online cadastre was launched for the mining sector, which aims to reduce conflicts between different land owners who are involved in mining activities.</p> <p>The Committee on Economic, Social and Cultural Rights recommended that Uganda harmonize its legal framework governing land rights and that all land-related laws, notably the Land Act and the Forest Act, be amended in the light of the land policy of 2013, which provides additional protection to customary landowners and protects indigenous peoples' right to land.</p> <p>Relevant Laws</p> <ul style="list-style-type: none"> • Constitution of the Republic of Uganda, 1995 • Land Act, Cap 227 • Land Amendment Acts of 2001, 2004 & 2010 • Registration of Titles Act Cap 230 • Land Acquisition Act Cap 226 • National Land Policy 2013 • Investment Code Act Cap 92 <p>Responsible Ministries</p> <ul style="list-style-type: none"> • Ministry of Energy and Mineral Development • Ministry of Lands, Housing and Urban Development • Uganda Investment Authority • Uganda Land Commission <p>Development Frameworks</p> <ul style="list-style-type: none"> • Albertine Graben Region Physical Development Plan 2015
African Union Law and Requirements	<p>African Charter on Human and Peoples' Rights (Ratified by Uganda 10/05/1986)</p> <p>Article 14 The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.</p> <p>Article 21</p>

Land and Resettlement	
	<p>1. All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.</p> <p>2. In case of spoliation the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.</p> <p>3. The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic cooperation based on mutual respect, equitable exchange and the principles of international law.</p> <p>4. States parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African unity and solidarity.</p> <p>5. States parties to the present Charter shall undertake to eliminate all forms of foreign economic exploitation particularly that practiced by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.</p> <p>Article 24 All peoples shall have the right to a general satisfactory environment favourable to their development.</p> <p>Source: http://www.achpr.org/instruments/achpr/</p> <p><u>See also:</u></p> <ul style="list-style-type: none"> Guidelines and Principles on Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights Source : http://www.achpr.org/instruments/economic-social-cultural/ State Party reporting guidelines for Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights (Tunis Reporting Guidelines) Source: http://www.achpr.org/files/instruments/economic-social-cultural-guidelines/achpr_instr_tunis_reporting_guidelines_esc_rights_2012_eng.pdf Pretoria Declaration on Economic, Social and Cultural Rights in Africa Source: http://www.achpr.org/instruments/pretoria-declaration/
Corporate Policies and Procedures	
<p>TotalEnergies Human Rights Guide</p>	<p>Property Rights, Access to Land, and Cultural Heritage</p> <p>Property rights are covered by Article 17 of the Universal Declaration of Human Rights, to which the Group's Code of Conduct refers:</p> <ol style="list-style-type: none"> “Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property.» <p>Access to land</p> <p>Business units' operations may have a specific impact on land and property rights, as temporary or permanent land access may be necessary. Depending on the specific societal context such as population density, land occupation and use, livelihood patterns etc. there may be negative impacts on livelihoods including the possibility of economic and/or physical displacement. The Group applies international best</p>

Land and Resettlement

practice in its land access and acquisition process in order to avoid or minimize Human Rights impacts. This includes avoiding any physical displacement whenever possible, establishing clear and transparent procedures in consultation with affected people, proposing replacement land of equal quality whenever possible, providing support for livelihood restoration, ensuring people are compensated appropriately and by paying specific attention to vulnerable people and households.

Cultural heritage

Certain territories may have essential value in terms of cultural and natural heritage. Cultural and natural heritage includes sites that have architectural, archaeological, artistic, historical and unique natural environmental features that embody cultural values and hold particular historical, anthropological, artistic or scientific values. Cultural heritage may not only have significant value to the local community and users of the cultural heritage, but may also have universal value from the point of view of history, art or science. Before accessing land, the potential impacts both on natural and cultural heritage are identified. Consultation with specialists such as archeologists, local communities and local NGOs who are knowledgeable on the local heritage of the land is undertaken. The perspectives of the local community who have used and/or use the tangible or intangible cultural heritage to develop and preserve their cultural identity should be taken into account. (p. 27-28)

The Right to an Adequate Standard of Living

In accordance with internationally recognized Human Rights standards, the right to an adequate standard of living is understood to establish a minimum entitlement to food, clothing and housing. (Article 25 of the Universal Declaration of Human Rights (UDHR) and Article 11 of the International Covenant on Economic, Social and Cultural Rights).

Business units' operations may require intensive use of resources such as water, and of other infrastructure and essential services like sewage treatment which can place them under strain. In such situations, Business units should investigate to what extent the local community will be affected by their activities in order to ensure that the operation's use of locally provided resources does not negatively affect the local population.

Stakeholder consultations should be held and the local authorities responsible, for example for water, should also be consulted so that a plan is put in place before initiating operations. Particular attention should be paid to identifying and including disenfranchised individuals in the community, such as women, persons of disadvantaged-caste, ethnic origins, and immigrants. The needs of these individuals and their dependence on local natural resources might not always be taken into account by government and local leaders during negotiations with the Business units over land usage and natural resources. (p. 28)

Road Safety	
International Human Rights Law	
Universal Declaration of Human Rights	<p>Article 3: Everyone has the right to life, liberty and security of person.</p> <p>Article 25(1): Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family</p>
International Covenants	<p>Article 12:</p> <p>1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.</p> <p>International Covenant on Civil and Political Rights, article 6.</p>
Additional human rights standards or guidance	<p>The UN proclaimed 2011-2020 as the International Decade of Road Safety</p> <p>There are various UN and World Health Organization documents related to road safety: http://www.un.org/en/roadsafety/documents.shtml</p>
Other International Standards	
IFC Performance Standards on Social and Environmental Sustainability	<p>Performance Standard 1. Emergency Preparedness and Response. 20. Where the project involves specifically identified physical elements, aspects and facilities that are likely to generate impacts, the ESMS will establish and maintain an emergency preparedness and response system so that the client, in collaboration with appropriate and relevant third parties, will be prepared to respond to accidental and emergency situations associated with the project in a manner appropriate to prevent and mitigate any harm to people and/or the environment.</p> <p>Performance Standard 4. Objectives, Community Health, Safety and Security. Recognizes that project activities, equipment, and infrastructure can increase community exposure to risks and impacts. While acknowledging the public authorities' role in promoting the health, safety, and security of the public, this Performance Standard addresses the client's responsibility to avoid or minimize the risks and impacts to community health, safety, and security that may arise from project related-activities, with particular attention to vulnerable groups.</p>
OECD Guidelines on Multinational Enterprises	<p>Section VI (Environment) contains guidelines relating to the protection of personal and environmental health and safety: administrative practices in the countries in which companies operate, and in consideration of relevant international agreements, principles, objectives, and standards, take due account of the need to protect the environment, public health and safety, and generally to conduct activities in a manner contributing to the wider goal of sustainable development.</p> <p>Chapter II, General Policies Recommendations 10, 11</p> <p>Chapter III, Disclosure Recommendations 3,4</p>

Road Safety	
	Commentary 30, 31,32,33
National and African Law	
Domestic Legal Protections in Uganda	<p>Uganda Traffic and Road Safety Laws and Regulations: http://www.works.go.ug/document-category/traffic-and-road-safety-laws-regulations/</p> <p>The Ugandan constitution protects the right to life:</p> <p>22. Protection of right to life. (1) No person shall be deprived of life intentionally except in execution of a sentence passed in a fair trial by a court of competent jurisdiction in respect of a criminal offence under the laws of Uganda and the conviction and sentence have been confirmed by the highest appellate court.</p> <p><i>Source: Uganda Human Rights and Business Country Guide, p.73-7</i></p>
African Union Law and Requirements	<p>African Charter on Human and Peoples' Rights (Ratified by Uganda 10/05/1986)</p> <p>ARTICLE 4 Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.</p> <p>ARTICLE 6 Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.</p> <p>Article 16 1. Every individual shall have the right to enjoy the best attainable state of physical and mental health. 2. States parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.</p> <p>Article 24 All peoples shall have the right to a general satisfactory environment favourable to their development.</p> <p><i>Source: http://www.achpr.org/instruments/achpr/</i></p>
Corporate Policies and Procedures	
TotalEnergies Human Rights Guide	<p>The Group undertakes activities that have social and environmental impacts at the local level. The Group acknowledges our corporate responsibility, and pays special attention to managing these impacts which can strengthen our Business units' social licence to operate. In line with internationally recognized Human Rights standards, Business units should:</p> <ol style="list-style-type: none"> 1. Engage with stakeholders on a regular basis, 2. Avoid, minimize, mitigate and remedy negative impacts on local communities related to their operations. <p>N.B. Road safety is one of Total's 12 Golden Rules.</p>

Cultural Rights	
International Human Rights Law	
Universal Declaration of Human Rights	<p>Article 27</p> <p>1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.</p>
International Covenants	<p>International Covenant on Economic, Social and Cultural Rights Article 15</p> <p>1. The States Parties to the present Covenant recognize the right of everyone:</p> <p>(a) To take part in cultural life;</p> <p>(b) To enjoy the benefits of scientific progress and its applications;</p> <p>(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.</p> <p>2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.</p>
Additional human rights standards or guidance	<p>UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage</p>
International Performance Standards	
International Finance Corp (IFC) Performance Standards on Social and Environmental Sustainability	<p>Performance Standard 8 and an accompanying guidance note are dedicated to cultural heritage, which is consistent with the Convention Concerning the Protection of the World Cultural and Natural Heritage, and includes the main objective of protecting cultural heritage from the adverse impacts of project activities, and supporting its preservation; and promoting the equitable sharing of benefits from the use of cultural heritage in business activities.</p> <p>The standard applies to heritage regardless of whether it is legally protected or it has been previously disturbed. There is a focus on tangible cultural heritage but there is also a provision for intangible heritage referring to the commercialization of intangible heritage by the project proponent.</p> <p>Ideally, the applicability of this Performance Standard is established during the environmental and social risks and impacts identification process.</p> <p>Where the risk and identification process determines that there is a chance of impacts to cultural heritage, the client will retain competent professionals to assist in the identification and protection of cultural heritage. Where a project may affect cultural heritage, the client will consult with Affected Communities within the host country which use, or have used within living memory, the cultural heritage for long-standing cultural purposes.</p>

Cultural Rights	
	*There are also separate and distinct 'Chance Find' Procedures
OECD Guidelines for Multinational Enterprises (MNE's)	Chapter II, General Policies
National and African Law	
Domestic Legal Protections in Uganda	<p>The Constitution does not mention an express protection for indigenous peoples but provides for affirmative action in favour of marginalised groups.</p> <p>The Ugandan Constitution provides that "every effort shall be made to integrate all the peoples of Uganda while at the same time recognising the existence of their ethnic, religious, ideological, political and cultural diversity" and that "the State shall take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them" (articles III and 32).</p> <p>The Constitution promotes national unity, peace and stability while calling on every effort to be made to integrate all Ugandans. It recognises the existence of ethnic, religious, ideological, political and cultural diversity. The Constitution affirms that the state must take measures of affirmative action in order to redress imbalances suffered by marginalised groups. It defines marginalised groups based on gender, age, disability or any other reason resulting from history, tradition or custom. Furthermore, Article 21 prohibits discrimination based on race, colour, sex, religion, political opinion, social standing or ethnic origin, HIV status or disability.</p>
African Union Law and Requirements	<p>African Charter on Human and Peoples' Rights (Ratified by Uganda 10/05/1986)</p> <p>Article 17</p> <ol style="list-style-type: none"> 1. Every individual shall have the right to education. 2. Every individual may freely, take part in the cultural life of his community. 3. The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State. <p>Article 19</p> <p>All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.</p> <p>Article 20</p> <ol style="list-style-type: none"> 1. All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self- determination. They shall freely determine their political status and shall pursue their economic

Cultural Rights	
	<p>and social development according to the policy they have freely chosen.</p> <p>Article 22 1. All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind. 2. States shall have the duty, individually or collectively, to ensure the exercise of the right to development.</p> <p>Article 29 The individual shall also have the duty: (...) 7. To preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well being of society; (...)</p> <p>Source: http://www.achpr.org/instruments/achpr/</p>
Corporate Policies and Procedures	
<p>TotalEnergies Human Rights Guide</p>	<p>Property Rights, Access to Land, and Cultural Heritage</p> <p>Property rights are covered by Article 17 of the Universal Declaration of Human Rights, to which the Group's Code of Conduct refers: 1. Everyone has the right to own property alone as well as in association with others. 2. No one shall be arbitrarily deprived of his property.</p> <p>Cultural heritage</p> <p>Certain territories may have essential value in terms of cultural and natural heritage. Cultural and natural heritage includes sites that have architectural, archaeological, artistic, historical and unique natural environmental features that embody cultural values and hold particular historical, anthropological, artistic or scientific values. Cultural heritage may not only have significant value to the local community and users of the cultural heritage, but may also have universal value from the point of view of history, art or science. Before accessing land, the potential impacts both on natural and cultural heritage are identified. Consultation with specialists such as archeologists, local communities and local NGOs who are knowledgeable on the local heritage of the land is undertaken. The perspectives of the local community who have used and/or use the tangible or intangible cultural heritage to develop and preserve their cultural identity should be taken into account. (p. 27-28)</p>

Government Security Forces	
Universal Declaration of Human Rights	Article 3: "Everyone has the right to life, liberty and security of person."
International Covenant on Civil and Political Rights	<p>Article 6: The right to life entails the right not to be deprived of life arbitrarily or unlawfully, and the right to have one's life protected. Related rights include the right to liberty and security of the person, and the right to freedom from torture and cruel, inhuman or degrading treatment.</p> <p>Article 9: The rights to liberty and security of person prohibit unlawful or arbitrary detention of any kind. 'Arbitrary' (or unreasonable) detention is prohibited even if authorised under a state's domestic laws. 'Lawful' detention, whether in a prison, a psychiatric institution, an immigration facility, or in some other incarceration facility, must always be authorised by government organs, such as courts or appropriate independent administrative bodies. All detainees must be able to challenge the legality of their detentions before judicial bodies. Corporations may attract allegations of complicity in government abuses of this Article if they facilitate the arbitrary or unlawful detention of persons.</p> <p>This Article also recognises the right to security of people, whether in or out of detention. This part of the Article has the greatest potential relevance for companies. Security of the person encompasses protection from physical attacks, threats of physical attack, or other severe instances of harassment. In this respect the right to security of person covers less severe forms of ill-treatment than those prohibited under Article 6 (the right to life) and Article 7 (freedom from torture, cruel, inhuman and/or degrading treatment or punishment).</p>
Constitution of Uganda	<p>22. Protection of right to life. (1) No person shall be deprived of life intentionally except in execution of a sentence passed in a fair trial by a court of competent jurisdiction in respect of a criminal offence under the laws of Uganda and the conviction and sentence have been confirmed by the highest appellate court. (2) No person has the right to terminate the life of an unborn child except as may be authorised by law.</p> <p>23. Protection of personal liberty. (1) No person shall be deprived of personal liberty except in any of the following cases — (a) in execution of the sentence or order of a court, whether established for Uganda or another country or of an international court or tribunal in respect of a criminal offence of which that person has been convicted, or of an order of a court punishing the person for contempt of court; (b) in execution of the order of a court made to secure the fulfillment of any obligation imposed on that person by law; (c) for the purpose of bringing that person before a court in execution of the order of a court or upon reasonable suspicion that that person has committed or is about to commit a criminal offence under the laws of Uganda; (d) for the purpose of preventing the spread of an infectious or contagious disease; (e) in the case of a person who has not attained the age of eighteen years, for the purpose of the education or welfare of that person;</p>

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	<p>(f) in the case of a person who is, or is reasonably suspected to be, of unsound mind or addicted to drugs or alcohol, for the purpose of the care or treatment of that person or the protection of the community;</p> <p>(g) for the purpose of preventing the unlawful entry of that person into Uganda, or for the purpose of effecting the expulsion, extradition or other lawful removal of that person from Uganda or for the purpose of restricting that person while being conveyed through Uganda in the course of the extradition or removal of that person as a convicted prisoner from one country to another; or</p> <p>(h) as may be authorised by law, in any other circumstances similar to any of the cases specified in paragraphs (a) to (g) of this clause.</p> <p>(2) A person arrested, restricted or detained shall be kept in a place authorised by law.</p> <p>(3) A person arrested, restricted or detained shall be informed immediately, in a language that the person understands, of the reasons for the arrest, restriction or detention and of his or her right to a lawyer of his or her choice.</p> <p>(7) A person unlawfully arrested, restricted or detained by any other person or authority shall be entitled to compensation from that other person or authority whether it is the State or an agency of the State or other person or authority.</p> <p>24. Respect for human dignity and protection from inhuman treatment. No person shall be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment.</p> <p>27. Right to privacy of person, home and other property.</p> <p>(1) No person shall be subjected to—</p> <p>(a) unlawful search of the person, home or other property of that person; or</p> <p>(b) unlawful entry by others of the premises of that person.</p> <p>(2) No person shall be subjected to interference with the privacy of that person's home, correspondence, communication or other property.</p> <p>29. Protection of freedom of conscience, expression, movement, religion, assembly and association.</p> <p>(2) Every Ugandan shall have the right—</p> <p>(a) to move freely throughout Uganda and to reside and settle in any part of Uganda;</p> <p>(b) to enter, leave and return to, Uganda; and</p> <p>(c) to a passport or other travel document.</p>
African Charter on Human and Peoples' Rights	<p>Article 4: Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.</p> <p>Article 5: Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.</p> <p>Article 6: Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.</p>

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	<p>Article 7:</p> <ol style="list-style-type: none"> 1. Every individual shall have the right to have his cause heard. This comprises: <ol style="list-style-type: none"> 1. The right to an appeal to competent national organs against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force; 2. The right to be presumed innocent until proved guilty by a competent court or tribunal; 3. The right to defence, including the right to be defended by counsel of his choice; 4. The right to be tried within a reasonable time by an impartial court or tribunal. 2. No one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender. <p>Article 8: Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.</p> <p>Article 9:</p> <ol style="list-style-type: none"> 1. Every individual shall have the right to receive information. 2. Every individual shall have the right to express and disseminate his opinions within the law. <p>Article 10:</p> <ol style="list-style-type: none"> 1. Every individual shall have the right to free association provided that he abides by the law. 2. Subject to the obligation of solidarity provided for in Article 29, no one may be compelled to join an association. <p>Article 11: Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law, in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.</p> <p>Article 12:</p> <ol style="list-style-type: none"> 1. Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.
Voluntary Principles on Security and Human Rights	<p>Voluntary Principles on Security and Human Rights provide an internationally recognized framework for mining and energy companies to manage human rights aspects of security provisioning based on the following 3 pillars:</p> <ol style="list-style-type: none"> 1. Risk Assessment – identification of security risks, potential for violence, human rights records, rule of law, conflict analysis, equipment transfers 2. Interactions between companies and public security – security arrangements, deployment & conduct, consultation & advice, responses to human rights abuses

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	<p>3. Interactions between companies and Private Security – guidance for situations where host governments are unwilling or unable to provide adequate security to protect a company's personnel or assets.</p> <p>The VPSHR incorporates international human rights standards for security forces, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Articles 1, 4, 5, 7, 8, 9, 19 and 20.</p>
IFC Performance Standards	<p>IFC Performance Standard #4 on Community Health, Safety and Security, paras. 12 to 14.</p> <p>IFC Good Practices Handbook on Managing Risk for Security Sector</p>

Women's Rights and Gender Equality	
International Human Rights Law	
<p>Universal Declaration of Human Rights</p>	<p>Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.</p> <p>Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.</p> <p>Article 23(2): Everyone, without any discrimination, has the right to equal pay for equal work.</p> <p>Non-discrimination and equality of men and women are also "cross-cutting" or "transversal" principles that are set forth in every major international human rights treaty.</p>
<p>International Covenants</p>	<p>Articles 2 and 3 of the International Covenant on Civil and Political Rights</p> <p>Articles 2 and 3 of the International Covenant on Economic, Social and Cultural Rights</p> <p>ILO Convention 111 on Discrimination (Employment and Occupation).</p> <p>Convention on the Elimination of All Forms of Discrimination Against Women</p>
<p>Additional human rights standards or guidance</p>	<p>Women's Empowerment Principles (2010): Developed in collaboration between UN Women and the UN Global Compact, the Women's Empowerment Principles are a set of principles for businesses offering guidance on how to empower women in the workplace, marketplace and community.</p> <p>Sustainable Development Goals: Goal 5 – Achieve Gender Equality and Empower all women and Girls.</p>
International Performance Standards	
<p>International Finance Corp (IFC) Performance Standards on Social and Environmental Sustainability</p>	<p>PS2 – Labor and Working Conditions:</p> <p>Requirement 15, Non-Discrimination & Equal Opportunity. The client will not make employment decisions on the basis of personal characteristics unrelated to inherent job requirements. The client will base the employment relationship on the principle of equal opportunity and fair treatment, and will not discriminate with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, and disciplinary practices. The client will take measures to prevent and address harassment, intimidation, and/or exploitation, especially in</p>

	<p>regard to women. The principles of non-discrimination apply to migrant workers. In countries where national law provides for non-discrimination in employment, the client will comply with national law. When national laws are silent on non-discrimination in employment, the client will meet this Performance Standard. In circumstances where national law is inconsistent with this Performance Standard, the client is encouraged to carry out its operations consistent with the intent the above without contravening applicable laws. Special measures of protection or assistance to remedy past discrimination or selection for a particular job based on the inherent requirements of the job will not be deemed as discrimination, provided they are consistent with national law.</p>
<p>Domestic Legal Protections in Uganda</p>	<p>The Constitution and the Employment Act 2006 prohibit discrimination on the grounds of race, colour, sex, religion, political opinion, social standing or ethnic origin, HIV status or disability. Uganda's 1995 Constitution recognises the existence of ethnic, religious, ideological, political and cultural diversity and stipulates that the state must take measures of affirmative action in order to redress imbalances suffered by marginalised groups. It recognises discrimination based on gender, age, disability or any other reason resulting from history, tradition or custom. Law also provides that other categories that are not explicitly mentioned in the constitution, namely language, opinion, property, birth or other status are not excluded. The Uganda Human Rights Commission and the Equal Opportunities Commission are mandated to promote human rights and equality, including marginalised groups such as persons with disabilities and ethnic minorities. The Equal Opportunities Act 2007 aims to ensure affirmative action for all marginalised groups.</p> <p>Establishment of Equal Opportunities Commission</p> <p>The Equal Opportunities Commission (EOC) was established with mandate to eliminate discrimination and inequalities against any individual or group of persons on the grounds of sex, age, race, colour, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability, and take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom for the purpose of redressing imbalances which exist against them; and to provide for other related matters.</p> <p>The Commission has since registered, investigated, assessed and redressed over 370 complaints relating to marginalisation and discrimination; particularly in the areas of land rights, employment, and denial of access to social services. The Commission has also conducted audits of compliance to equal opportunities and affirmative action among Government ministries, departments, agencies, local governments and the private sector. Further, the Commission has developed, conducted and managed information and educational programmes to facilitate awareness and understanding, as well as acceptance of equal opportunities among several State and non-State actors.</p> <p>The Employment Act guarantees equal pay for equal work, prohibits sexual harassment and guarantees 60 days of maternity leave at full wages.</p>

	<p>The Domestic Violence Act 2010 and the Penal Code Amendment Act 2007 reportedly did not protect or provide effective remedy for sexual harassment or rape.</p> <p>The Sexual Offences Bill seeks to consolidate all laws relating to sex offences, provide clear rules and sanctions, reduce sexual offences and provide compensation and justice for victims is being discussed since 2002 but has yet to be adopted.</p> <p>In order to increase participation of women in developing and implementing development plans, the Government worked with civil society organizations to increase women participation in the economic planning process such as the Uganda Women Entrepreneurship Programme (UWEP). There are still challenges of ensuring that rural women are actively integrated in the economy. The National Development Plan 2015/16 – 2019/20 (NDP II) provides for an increase in access to agricultural finance with specific options for women farmers in rural areas.</p> <p>Relevant Laws</p> <ul style="list-style-type: none"> • Employment Act, 2006 • Equal Opportunities Act, 2007 <p>Responsible agencies</p> <ul style="list-style-type: none"> • Ministry of Gender, Labour and Social Development • Industrial Court • Uganda Aids Commission • Uganda Human Rights Commission • Equal Opportunities Commission • Federation for Uganda Employers • Parliamentary Committee on Human Rights • Parliamentary Committee on Gender, Labour and Social Development • Parliamentary Committee on Social Services
<p>African Union Law and Requirements</p>	<p>African Charter on Human and Peoples' Rights</p> <p>Article 2: Every individual shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status.</p> <p>Article 3:</p> <ol style="list-style-type: none"> 3. Every individual shall be equal before the law 4. Every individual shall be entitled to equal protection of the law <p>Article 15: Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.</p> <p>Article 18:</p> <ol style="list-style-type: none"> 5. The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral.

	<p>6. The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community.</p> <p>7. The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of women and the child as stipulated in international declarations and conventions.</p> <p>8. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.</p> <p>Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (adopted 2003, entered into force 2005)</p> <p>Article 13 - Economic and Social Welfare Rights States Parties shall adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic opportunities. In this respect, they shall:</p> <p>a) promote equality of access to employment;</p> <p>b) promote the right to equal remuneration for jobs of equal value for women and men;</p> <p>c) ensure transparency in recruitment, promotion and dismissal of women and combat and punish sexual harassment in the workplace;</p> <p>d) guarantee women the freedom to choose their occupation, and protect them from exploitation by their employers violating and exploiting their fundamental rights as recognised and guaranteed by conventions, laws and regulations in force;</p> <p>e) create conditions to promote and support the occupations and economic activities of women, in particular, within the informal sector;</p> <p>f) establish a system of protection and social insurance for women working in the informal sector and sensitise them to adhere to it;</p> <p>g) introduce a minimum age for work and prohibit the employment of children below that age, and prohibit, combat and punish all forms of exploitation of children, especially the girl-child;</p> <p>h) take the necessary measures to recognise the economic value of the work of women in the home;</p> <p>i) guarantee adequate and paid pre and post-natal maternity leave in both the private and public sectors;</p> <p>j) ensure the equal application of taxation laws to women and men;</p> <p>k) recognise and enforce the right of salaried women to the same allowances and entitlements as those granted to salaried men for their spouses and children;</p> <p>l) recognise that both parents bear the primary responsibility for the upbringing and development of children and that this is a social function for which the State and the private sector have secondary responsibility;</p> <p>m) take effective legislative and administrative measures to prevent the exploitation and abuse of women in advertising and pornography.</p> <p>Article 23 - Special Protection of Women with Disabilities The States Parties undertake to:</p> <p>a) ensure the protection of women with disabilities and take specific measures commensurate with their physical, economic and social needs to facilitate their access to employment, professional and vocational training as well as their participation in decision-making;</p>
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	<p>b) ensure the right of women with disabilities to freedom from violence, including sexual abuse, discrimination based on disability and the right to be treated with dignity.</p> <p>Other relevant instruments of soft law</p> <ul style="list-style-type: none"> • Banjul Declaration of the 59th Ordinary Session of the African Commission on Human and Peoples' Rights under the theme "Women's Rights: Our Collective Responsibility", encouraging states to take measures to improve the situations of women's rights, indigenous women, persons living with HIV/AIDS, refugees, older persons and persons with disabilities, and the youth • Declaration on Gender Equality in Africa
Corporate Policies and Procedures	
<p>TotalEnergies Human Rights Guide</p>	<p>Avoiding Discrimination</p> <p>Diversity is a decisive factor for the Group's competitiveness and attractiveness, and for our ability to innovate and adapt. Any form of discrimination, as characterised by unfair and unfavourable treatment of certain individuals, because of their origin, gender, age, disability, sexual orientation and gender identity, or affiliation with a political, religious, union organization or minority group is unacceptable.</p> <p>Discrimination negatively impacts a person's employment opportunities and results in unequal treatment in the workplace.</p> <p>To comply with international and national law on anti-discrimination, any form of discrimination in the workplace, in particular against vulnerable employees (e.g., young workers; pregnant women, etc.), must be prevented.</p> <p><i>Please refer to Box 3 (p.19): Respect for Human Rights goes beyond legal compliance</i></p> <p>All workers must be treated fairly with respect to all policies, conditions and benefits of employment, such as hiring, advancement, placement, training, remuneration and dismissals.</p> <p>This means that:</p> <ul style="list-style-type: none"> • All employment-related decisions should be based on relevant and objective factors (such as merit, experience, tasks, skills, etc), and consistent procedures should be followed in decision-making processes. • Employee compensation should be based on the concept of equal work for equal value, and differences in rates of remuneration between workers must correlate specifically to objective job criteria and performance. <p>Practically, when benefits are offered (such as health insurance or pension schemes) to spouses and dependents of employees, these benefits are also extended to same sex couples and employees with adopted children.</p> <p>For example, prohibiting candidates from working in Group's Business units based on criteria such as appearance (e.g., high body mass index, piercings, long hair, etc.), gender, and disability is not allowed.</p>

	<p>Any limitation for objective reasons (e.g., safety) should be strictly documented.</p> <p>The implementation of local legal requirements or affirmative action by a Business unit on matters such as local content policies should be in line with the applicable local law and Human Rights standards.</p> <p><i>For example, local content recruitment processes, hiring of local businesses for works and/or services, community investment decisions etc, should be based on clear, objective, transparent and fair criteria. For practical examples of "Do's and Don'ts" in the supply chain to consider in this domain, please check the Sustainable Purchasing Awareness Card on Discrimination (p. 18 – 19)</i></p> <p>Avoiding and Addressing any Form of Harassment</p> <p>Harassment is defined as a repeated action of a harmful, cruel, threatening or humiliating nature directed at one individual or group of individuals. This offence constitutes an infringement of human dignity and of the right to fair and decent working conditions.</p> <p>Sexual harassment and other forms of harassment and discrimination in the workplace play a significant role in inhibiting in particular the advancement of ethnic or gender minorities and women in the workplace. Therefore, a working environment where people are treated with respect and dignity and without fear of intimidation or harassment should be put in place.</p> <p>To protect workers against harassment from both co-workers and management prevention policies, open communication, training and a speak-up climate to allow workers to report any incidents of harassment to a complaints mechanism, should also be implemented and ensured.</p> <p>If a complaint of harassment is made, it is of utmost importance for managers to respond to the complaint in an efficient, timely and responsible manner, and ensure that the employee does not suffer any retaliation as a result of the complaint made in good faith. (p. 19)</p> <p>Actions and Recommendations</p> <p>In the event of alleged harassment or discrimination or any other infringement of Human Rights linked to the working environment, the Ethics Committee is available to all Group employees and other stakeholders.</p> <p>Special contact points are also available to employees:</p> <ul style="list-style-type: none"> • Line management: the immediate superior and line management are tasked in particular to identify behaviour of employees that is contrary to the Code of Conduct, and to act where there are issues. Managers are also required to protect confidentiality and personal data. • Human Resources and Legal Divisions play a key role when informed of an infringement, and may listen to and advise individuals. The occupational health practitioner and employees' representatives can also be consulted when needed. (p. 21)
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Grievance Mechanisms	
International Human Rights Law	
Universal Declaration of Human Rights	<p>Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.</p> <p>Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.</p>
International Covenants	<p>International Covenant on Civil and Political Rights, Article 2: 3. Each State Party to the present Covenant undertakes:</p> <p>(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;</p> <p>(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;</p> <p>(c) To ensure that the competent authorities shall enforce such remedies when granted.</p>
Additional human rights standards or guidance	<p>The responsibility for States and companies to provide grievance mechanisms for rights-holders is an integral part of the UN "Protect, Respect and Remedy" framework for business and human rights. The responsibility to provide grievance mechanisms is related to the human right to access to remedy.</p> <p>The Guiding Principles for Business and Human Rights were adopted by the UN Human Rights Council, and contain the following principles related to State-based and company-based grievance mechanisms:</p> <p>Guiding Principle 26: States should take appropriate steps to ensure the effectiveness of domestic judicial mechanisms when addressing business-related human rights abuses, including considering ways to reduce legal, practical and other relevant barriers that could lead to a denial of access to remedy.</p> <p>Guiding Principle 27: States should provide effective and appropriate non-judicial grievance mechanisms, alongside judicial mechanisms, as part of a comprehensive State-based system for the remedy of business-related human rights abuse.</p> <p>Guiding Principle 29: To make it possible for grievances to be addressed early and remediated directly, business enterprises should establish or participate in effective operational-level grievance mechanisms for individuals and communities who may be adversely impacted.</p> <p><i>Commentary</i></p>

	<p>Operational-level grievance mechanisms perform two key functions regarding the responsibility of business enterprises to respect human rights.</p> <ul style="list-style-type: none"> • First, they support the identification of adverse human rights impacts as a part of an enterprise's on-going human rights due diligence. They do so by providing a channel for those directly impacted by the enterprise's operations to raise concerns when they believe they are being or will be adversely impacted. By analyzing trends and patterns in complaints, business enterprises can also identify systemic problems and adapt their practices accordingly • Second, these mechanisms make it possible for grievances, once identified, to be addressed and for adverse impacts to be remediated early and directly by the business enterprise, thereby preventing harms from compounding and grievances from escalating. <p>Such mechanisms need not require that a complaint or grievance amount to an alleged human rights abuse before it can be raised, but specifically aim to identify any legitimate concerns of those who may be adversely impacted. If those concerns are not identified and addressed, they may over time escalate into more major disputes and human rights abuses.</p> <p>General Principle 31: In order to ensure their effectiveness, non-judicial grievance mechanisms, both State- based and non-State-based, should be:</p> <p>(a) Legitimate: enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes;</p> <p>(b) Accessible: being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access;</p> <p>(c) Predictable: providing a clear and known procedure with an indicative timeframe for each stage, and clarity on the types of process and outcome available and means of monitoring implementation;</p> <p>(d) Equitable: seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms;</p> <p>(e) Transparent: keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake;</p> <p>(f) Rights-compatible: ensuring that outcomes and remedies accord with internationally recognized human rights;</p> <p>(g) A source of continuous learning: drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms;</p> <p>Operational-level mechanisms should also be:</p> <p>(h) Based on engagement and dialogue: consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances.</p> <p>See Shift, "Remediation, Grievance Mechanisms and the Corporate</p>
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	<p>Responsibility to Respect Human Rights" (2014)</p> <p>See also: ICMM Handbook: Human Rights in the Mining & Metals Sector - Handling and Resolving Local Level Concerns & Grievances</p>
International Performance Standards	
<p>IFC Performance Standards on Social and Environmental Sustainability</p>	<p>PS1, para 35: Grievance Mechanism for Affected Communities: Where there are Affected Communities, the client will establish a grievance mechanism to receive and facilitate resolution of Affected Communities' concerns and grievances about the client's environmental and social performance. The grievance mechanism should be scaled to the risks and adverse impacts of the project and have Affected Communities as its primary user. It should seek to resolve concerns promptly, using an understandable and transparent consultative process that is culturally appropriate and readily accessible, and at no cost and without retribution to the party that originated the issue or concern. The mechanism should not impede access to judicial or administrative remedies. The client will inform the Affected Communities about the mechanism in the course of the stakeholder engagement process.</p>
<p>OECD Guidelines on Multinational Enterprises</p>	<p>Enterprises should, within the framework of internationally recognised human rights, the international human rights obligations of the countries in which they operate as well as relevant domestic laws and regulations: ... 6. Provide for or co-operate through legitimate processes in the remediation of adverse human rights impacts where they identify that they have caused or contributed to these impacts.</p> <p>Human Rights Chapter (para 46) the <i>Guidelines</i> recommend that enterprises have processes in place to enable remediation. Some situations require cooperation with judicial or State-based non-judicial mechanisms. In others, operational-level grievance mechanisms for those potentially impacted by enterprises' activities can be an effective means of providing for such processes when they meet the core criteria of: legitimacy, accessibility, predictability, equitability, compatibility with the <i>Guidelines</i> and transparency, and are based on dialogue and engagement with a view to seeking agreed solutions. Such mechanisms can be administered by an enterprise alone or in collaboration with other stakeholders and can be a source of continuous learning. Operational level grievance mechanisms should not be used to undermine the role of trade unions in addressing labour-related disputes, nor should such mechanisms preclude access to judicial or non-judicial grievance mechanisms, including the National Contact Points under the <i>Guidelines</i>.</p>
National and African Law	
<p>Domestic Legal Protections in Uganda</p>	<p>The highest court of the formal justice system is the Supreme Court of Uganda, which deals with all matters concerning the constitution, including human rights allegations. Cases must first go through other lower courts such as the Constitutional Court, the Court of Appeal and the High Court before proceeding to the Supreme Court. In addition to this, there are specialized courts or tribunals that form part of the judicial structure, including the Industrial Court and the Tax Appeals Tribunal.</p>

Access to justice remains a problem, as reported by the UHRC. Barriers that impede access include poverty, public unfamiliarity with the litigation process and the technical nature of the law. The poor reportedly cannot afford transport costs or legal representation, which is confined to urban areas. Global Rights reported in 2012 that indigenous groups had limited avenues for access to justice and few remedies for abuses of their rights. In Bundibugyo, where the majority of the Batwa live, there were no private law firms or paralegals, or a resident state attorney, and only one of the five courts was functional.

In 1995, Uganda established the Human Rights Commission (UHRC) to enforce the human rights of the population. The UHRC is mandated to investigate complaints made by individuals or groups, to raise awareness of human rights to the public and to defend the constitution. The UHRC tribunal can hear complaints of human rights violations and does so in a quasi-judicial process. Appeals can be made from the UHRC to the High Court. The UHRC reserves the right to order payment of compensation or any other legal remedy, including mediation, for individuals whose labour rights have been infringed upon. However, the UHRC does not have the authority to hold human rights abusers criminally liable.

The Equal Opportunities Commission (EOC) also has the powers of court to eliminate discrimination and inequalities against marginalised persons or groups. The EOC can investigate cases on its own initiative or through complaints received by persons or groups who have been discriminated against or marginalised. The EOC can refer the case to another institution, tribunal or authority, or order any entity to take steps that will promote equal opportunities.

Communities that have been impacted by International Finance Corporation (IFC) or Multilateral Investment Guarantee Agency (MIGA) projects can make complaints to the Compliance Advisor Ombudsman (CAO), a dispute resolution mechanism that mediates between individuals and companies. The CAO conducts investigations and provides a forum for mediation, information-sharing and facilitated dialogue.

According to the Uganda Legal Information Institute, arbitration and conciliation takes place and are governed by the Arbitration and Conciliation Act 2010.

The Business Anti-Corruption Portal reported in 2015 that bribery of court officials was common, and contributed to the public's avoidance of the judicial system. Judicial decisions were reportedly often based on ethnicity.

Obstacles for access to justice included affordability and the long distances from rural towns to police stations or magistrates' courts. In rural areas, many communities reportedly faced challenges in accessing formal justice mechanisms such as protracted litigation processes, huge costs of suits which can be afforded by businesses or respondents; increasing the importance of traditional justice mechanisms.

Uganda has ratified the protocol providing jurisdiction to the African Court on Human and Peoples' Rights, a regional court that aims to

	<p>ensure protection of the rights established under the African Charter on Human and Peoples' Rights. The Court handles complaints submitted by the African Commission, state parties to the protocol or African intergovernmental organisations. Uganda has, however, not granted jurisdiction to the court to deal with cases submitted by individuals or non- governmental organisations. No Ugandan case has been filed at the court.</p> <p>Child Labour</p> <p>The Child and Family Protection Unit (CFPU) of the Uganda Police Force has officers trained in protection of children at local, district and national levels. In low-level police posts, CFPU liaison officers respond to child-related complaints. These officers have received training on family and child laws, and in turn trained other local police officers. CFPU is responsible for investigating cases related to crimes committed against or involving children, while the Ministry of Justice and the Directorate for Public Prosecutions were responsible for prosecuting such charges.</p> <p>The UHRC has the mandate to monitor, document and report on the situation of child labour in the country, through its receipt, investigations and adjudication of related complaints. It however does not have the authority to hold human rights abusers criminally liable.</p> <p>Forced Labour</p> <p>A special Investigations Unit in the Uganda Police Force handles cases of human trafficking and debt bondage. If sanctioned by the Directorate of Public Prosecutions, cases proceed to the Magistrate courts for prosecution. The Anti-Trafficking Law enforcement efforts have decreased from 28 prosecutions in 2012 to 4 in 2014. Related complaints can also be lodged at with the Uganda Human Rights Commission. In 2012, the Uganda Human Rights Commission received a total of 233 complaints of workers who were working beyond the legal 48 hours per week.</p> <p>Occupational Health & Safety</p> <p>Labour inspectors have the power to prosecute employers who violate occupational health and safety rights before a magistrate's court upon complaints from workers whose rights have been violated. One of the achievements by the Directorate of Labour Productivity and Employment in FY 2014/15 was that a total of 140 reported cases of violation of labour standards in work places were settled, while 100 labour complaints registered and settled.</p> <p>Labour disputes which are not settled are referred to the Industrial Court, which became operational in 2013 after a five-year hiatus. 40 disputes were referred to the Industrial Court by the Directorate of Labour Productivity and Employment in FY 2014/15.</p> <p>Although judges were appointed and the Court was technically operational, it had a five-year case backlog, poor structure and location and inadequate staffing and funding. As of 2015, it had over 400 cases of employer-employee disputes to be settled. 153 Ordinary courts of law reportedly could not effectively handle disputes as labour matters were not fully appreciated by some lawyers.</p>
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	<p>The UHRC reserves the right to order payment of compensation or any other legal remedy, including mediation, for individuals whose labour rights have been infringed upon. However, the UHRC does not have the authority to hold human rights abusers criminally liable.</p> <p>There have been challenges to the continued functionality of the Medical Arbitration Board, which is supposed to handle issues of compensation of injured workers. As of 2015, it had 150 such cases to handle.</p> <p>Working Conditions</p> <p>The Department of Labour, Industrial Relations and Productivity division of the Ministry of Gender, Labour and Social Development is tasked with dispute resolution, handling individual labour complaints and administration of workers' compensation.</p> <p>Although the Industrial Court is operational after many years without operating, it has a five-year case backlog, poor structure and location and inadequate staffing and funding. It currently has over 400 cases of employer-employee disputes to be settled on issues of non-payment of wages, unfair termination, sexual harassment and discrimination, among others.</p> <p>The UHRC reserves the right to order payment of compensation or any other legal remedy, including mediation, for individuals whose labour rights have been infringed upon. However, the UHRC does not have the authority to hold human rights abusers criminally liable.</p> <p>Environment</p> <p>The Constitution stipulates that any person who feels their right to a clean and healthy environment has been infringed may apply to a competent court for redress. Compensation for environmental or pollution damage is settled by the court in the region where the damage was caused.</p> <p>The Court of Appeal, which acts as the constitutional Court, is responsible for interpretation of the constitution. Individuals whose rights have been violated by an act of Parliament, law or omission of action by a person or authority may petition the Constitutional Court for a declaration and redress.</p> <p>Local environmental authorities are entitled to bring action against any person whose activities negatively impact the environment and can levy a range of punishments, including: mandating that the actor discontinue harmful acts to the environment; assigning public officers to prevent the act from occurring; or ordering an environmental audit of ongoing activity.</p> <p>Persons who have been denied a request for information may lodge an internal appeal or application with the court or lodge a complaint to the Chief Magistrate. If the decision of the Chief Magistrate is unsatisfactory to the person aggrieved, they may appeal to the High Court within 21 days.</p> <p>Land</p>
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	<p>Land disputes are resolved through numerous mechanisms, from Local Council Courts to Magistrates Courts all the way to the Supreme Court. The High Court has a Land Division dedicated to dealing specifically with land disputes. Resettlement Area Plans provide for a mechanism and so does the Land Acquisition Act Cap 223.</p> <p>Uganda Land Alliance reported in 2013 that there was a lack of clear avenue for filing grievances on compensation or other land-related issues. The Business Anti-Corruption Portal reported in 2013 that, because land speculators included Ugandan Army officials, cabinet ministers and high-profile businesspeople, sustenance farmers and poor families had little recourse to complain or receive compensation.</p> <p>The IS Academy stated in 2012 that there was a large gap in land dispute resolution systems, and that in general local courts handled land issues after District Land Tribunals were shut down in 2006 due to staffing and funding challenges. Local courts reportedly competed with customary dispute resolution mechanisms. Customary dispute resolution institutions that handled disputes related to land, in addition to alternative dispute resolutions, had not been legally accepted and were not officially mandated. The National Land Policy aims to legally recognise both customary and statutory systems in land rights administration, dispute resolution and land management by giving the power to undertake these functions to customary authorities.</p> <p>International Alert reported in 2013 that disputes over land, including inter-district and inter-ethnic conflicts, were reported to local councils. However, informal institutions such as clans or families were perceived to be more effective in rural areas than formal institutions.</p> <p>For the purposes of clarity, it must be noted that the Traditional institutions or the alternative dispute resolution mechanisms are recognised by the constitution, and may adjudicate disputes over customary tenure and settle disputes between persons over land issues. If one party does not agree with the traditional leaders' ruling, they can take the case to the Local Council Court or the Magistrates Court.</p> <p>The UHRC referred 482 complaints over land disputes to other institutions in 2012, an increase from 369 complaints in 2011 and 479 complaints of land disputes were received by the UHRC in 2014.</p> <p>Revenue Transparency & Management</p> <p>The Anti-Corruption Division of the High Court was established in Kampala in 2005, and deals with corruption cases for the whole of Uganda. It functions at a satisfactory level, according to the Uganda Law Society, but has problems with delays and lost documents due to all cases being transferred to Kampala.</p> <p>The Court of Appeal, which acts as the constitutional Court, is responsible for interpretation of the constitution. Individuals whose rights have been violated by an act of Parliament, law or omission of action by a person or authority may petition the Constitutional Court for a declaration and redress.</p>
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	<p>URA has a tax appeals tribunal to review any taxation decision made by URA. The tax investigation department is tasked with investigating companies or businesses that evade taxes. Cases are forwarded to legal services for prosecution. The anti-corruption court has jurisdiction over these cases. Convictions are published in the newspapers. The Centre for Arbitration and Dispute Resolution was developed to assist in commercial disputes. The Ugandan government accepts binding arbitration with foreign investors, and authorises binding arbitration between private parties in accordance with the 1958 New York Convention.</p> <p>The Inspectorate of Government/Ombudsman is responsible to parliament, and has the power to investigate, arrest and prosecute cases involving corruption and the abuse of authority or public office.</p> <p>According to a 2012 report by KPMG, an estimated 80 percent of commercial disputes were settled outside the formal court system to save money and time.</p> <p>Security & Conflict</p> <p>Any individual is entitled to make a complaint against any police officer who has infringed their rights, and is entitled to any legal redress available. The Justice Law and Order Sector Annual Performance Report 2012/13 reported that the Uganda Police Force received and investigated 9,748 complaints of human rights violations by police authorities, of which 3,059 were criminal cases, 638 were handled through internal disciplinary mechanisms, 4,500 were concluded and 2,046 were dismissed due to lack of evidence.</p> <p>The functioning of the police was constrained due to limited resources, including low pay and deficient vehicles, equipment and training.</p> <p>The Court of Appeal, which acts as the constitutional Court, is responsible for interpretation of the constitution. Individuals whose rights have been violated by an act of Parliament, law or omission of action by a person or authority may petition the Constitutional Court for a declaration and redress.</p> <p>The Tribunal of the UHRC can hear complaints of human rights violations and does so in a semi-formal process. Appeals can be made from the UHRC to the High Court. The UHRC received 357 complaints in 2014 over violations on the freedom from torture and ill-treatment compared to 303 complaints in 2012.</p> <p><i>Uganda Human Rights and Business Country Guide</i></p>
<p>African Union Law and Requirements</p>	<p>African Charter on Human and Peoples' Rights:</p> <p>Article 3:</p> <ol style="list-style-type: none"> 1. Every individual shall be equal before the law 2. Every individual shall be entitled to equal protection of the law <p>Article 26:</p> <p>State Parties to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the</p>

	<p>promotion and protection of the rights and freedoms guaranteed by the present Charter.</p> <p>Part II: Measures of Safeguard Chapter I: Establishment and Organisation of the African Commission on Human and Peoples' Rights</p>
<p>TotalEnergies Human Rights Guide</p>	<p>Anyone adversely affected by our Business units' activities should have access to a grievance mechanism where they can report any complaint about our operations, without discrimination or fear of repercussion.</p> <p>Effective grievance mechanisms should be put in place by Business units. The grievance procedure should be designed in collaboration with representatives from the local community to reflect their needs and interests and to create ownership and trust in this mechanism.</p> <p>To be effective, grievance mechanisms should be accessible to, and understood by, local people and communities including isolated and/or vulnerable groups and illiterate people. The mechanism should be well known, transparent (e.g., the complainant is informed of the progress in the management of his/her complaint), and based on participation and dialogue with the complainant and with local communities. It should also be compliant with local laws and internationally recognized Human Rights, and a source of continuous learning.</p> <p>Any individual or organization filing a grievance should receive notification of the findings regarding the particular complaint and whether corrective action will be taken.</p> <p>If the individual or organization disagrees with the decision, he or she should have recourse to some reasonable form of dispute resolution process to settle the claim.</p>

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