

# **CAPACITY BUILDING WORKSHOP FOR ZOA COMMUNITY BASED PARALEGALS**

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ON DEEPENING THEIR KNOWLEDGE & SKILLS TO HANDLE GENERAL  
HUMAN RIGHTS BASED ISSUES THAT OCCUR IN REFUGEE  
SETTLEMENTS AND HOST COMMUNITIES

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## **LAW APPLICABLE**

THE 1995 CONSTITUTION OF THE REPUBLIC OF UGANDA

UNIVERSAL DECLARATION OF HUMAN RIGHTS

THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

AFRICAN CHARTER ON RIGHTS AND WELFARE OF CHILDREN

THE CHILDREN'S ACT, CAP 59

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THE VICTIM RELIEF ALLIANCE

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## Background

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Capacity building training for Community based Paralegals on human rights is an initiative of ZOA in relation to “**Support Program for Refugee Settlements and Hosting Communities in Northern Uganda (SPRS-NU)**”, a project implemented under the European Union Emergency Trust Fund (EUTF) by ZOA, DRC, SAVE THE CHILDREN and CEFORD. The fundamental objective of the training is to build capacity of the Paralegals on general human rights issues to equip them with knowledge and skills to competently address human rights based issues that are rampant in the refugee settlements and host communities of Rhino Camp settlement, Arua district. The training is facilitated by The Victim Relief Alliance (TVRA).

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## Preamble

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Human right is a very important subject that everybody must understand to peacefully and orderly coexist in the society. A community where people do not understand their rights, duties and entitlements is doomed and often a recipe for abuse, manipulation and denial of fundamental rights of members of that society. Governments therefore have an obligation to every time guarantee and respect institutions which are charged by the State with the responsibility of protecting and promoting human rights by providing them with adequate resources to function effectively while preserving their independence to do their work.

## Some Key Note Definitions

### Para legal

A legal assistant or a person with legal skills who works under the supervision of a lawyer.

### Human right

Is a legal entitlement of a person that cannot be taken away without injuring or affecting the livelihood of the person.

### **Human right Defender**

Is any person or group of persons working to promote human rights, ranging from individuals working in government bodies such as judges, police, prisons, state attorneys or human rights workers in civil society organizations like the media, youth, PWDs, private sector, women, etc. Human rights defenders can be of any age, from any part of the country and from all sorts of profession or other backgrounds.

### **Public defender**

Government lawyer who provides free legal defense services to a poor person accused of a crime.

### **Plea**

The first pleading by a criminal defendant where the defendant declares in open court that he or she is guilty or not guilty. Or the defendant's answer to the charges made in the indictment (accusation).

### **Bail: Also called bond.**

Money or property given to the court for the temporary release of a defendant to ensure that the defendant will return to court for hearing.

### **Habeas Corpus**

The name of a writ (summons, court order or injunction) having for its object to bring a person before a court. (Writ is a judicial order directing a person to do something).

### **Incarceration**

Imprisonment in a jail or penitentiary (prison). (Usually unlawful)

### **Legal aid**

Professional legal services available usually to persons or organizations unable to afford such services.

### **Legal custody**

Relationship with a child created by court order which gives a person legal responsibility for the physical possession of a minor and the duty to protect, care for and discipline the child.

### **Useful Quotations**

“A right delayed is a right denied” Martin Luther  
King Jr.

“Justice delayed is justice denied” Martin Luther  
King Jr.

“Do to someone what you want done unto you”  
Jesus Christ

“Without feelings of respect, what is there to  
distinguish men from beasts?” Confucius

## Legal provisions on Human rights

1. The 1995 Constitution of the Republic of Uganda, as amended at 15<sup>th</sup> Feb 2006

Chapter Four covers Protection and Promotion of Fundamental and Other Human Rights and Freedoms.

### 20. Fundamental and other human rights and freedoms.

(1) Fundamental rights and freedoms of the individual are inherent and not granted by the State.

(2) The rights and freedoms of the individual and groups enshrined in this Chapter shall be respected, upheld and promoted by all organs and agencies of Government and by all persons.

### 21. Equality and freedom from discrimination.

(1) All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.

(2) Without prejudice to clause (1) of this article, a person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability.

(3) For the purposes of this article, “discriminate” means to give different treatment to different persons attributable only or mainly to their respective descriptions by sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability.

(4) Nothing in this article shall prevent Parliament from enacting laws that are necessary for—

- (a) implementing policies and programmes aimed at redressing social, economic, educational or other imbalance in society; or
  - (b) Making such provision as is required or authorised to be made under this Constitution; or
  - (c) Providing for any matter acceptable and demonstrably justified in a free and democratic society.
- (4) Nothing shall be taken to be inconsistent with this article which is allowed to be done under any provision of this Constitution.

## **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.

## **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;

(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;

(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

(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.

(2) A person arrested, restricted or detained shall be kept in a place authorised by law.

(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.

(4) A person arrested or detained—

(a) for the purpose of bringing him or her before a court in execution of an order of a court; or

(b) upon reasonable suspicion of his or her having committed or being about to commit a criminal offence under the laws of Uganda, shall, if not earlier released, be brought to court as soon as possible but in any case not later than forty-eight hours from the time of his or her arrest.

(5) Where a person is restricted or detained—

(a) the next-of-kin of that person shall, at the request of that person, be informed as soon as practicable of the restriction or detention;

(b) the next-of-kin, lawyer and personal doctor of that person shall be allowed reasonable access to that person; and

(c) that person shall be allowed access to medical treatment including, at the request and at the cost of that person, access to private medical treatment.

(6) Where a person is arrested in respect of a criminal offence—

(a) the person is entitled to apply to the court to be released on bail, and the court may grant that person bail on such conditions as the court considers reasonable;

(b) in the case of an offence which is triable by the High Court as well as by subordinate court, if that person has been remanded in custody in respect of the offence for sixty days before trial, that person shall be released on bail on such conditions as the court considers reasonable ;

(c) in the case of an offence triable only by the High Court, if that person has been remanded in custody for one hundred and eighty days before the case is committed to the High Court, that person shall be released on bail on such conditions as the court considers reasonable.

(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.

(8) Where a person is convicted and sentenced to a term of imprisonment for an offence, any period he or she spends in lawful custody in respect of the offence before the completion of his or her trial shall be taken into account in imposing the term of imprisonment.

(9) The right to an order of habeas corpus shall be inviolable and shall not be suspended.

#### **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.

#### **25. Protection from slavery, servitude and forced labour.**

(1) No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced labour.

(3) For the purposes of this article, "forced labour" does not include—

(a) any labour required in consequence of the sentence or order of a court;

(b) any labour required of any person while that person is lawfully detained which, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which the person is detained;

(c) any labour required of a member of a disciplined force as part of that member's duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour which that person is required by law to perform in place of that service;

(d) any labour required during any period when Uganda is at war or in case of any emergency or calamity which threatens the life and well-being of the community, to the extent that the requiring of the labour is

reasonably justifiable in the circumstances of any situation arising or existing during the period or as a result of the emergency or calamity, for the purpose of dealing with that situation; or

(e) any labour reasonably required as part of reasonable and normal communal or other civic obligations.

## **26. Protection from deprivation of property.**

(1) Every person has a right to own property either individually or in association with others.

(2) No person shall be compulsorily deprived of property or any interest in or right over property of any description except where the following conditions are satisfied—

(a) the taking of possession or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health; and

(b) the compulsory taking of possession or acquisition of property is made under a law which makes provision for—

(i) prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property; and

(ii) a right of access to a court of law by any person who has an interest or right over the property.

## **27. Right to privacy of person, home and other property.**

(1) No person shall be subjected to—

(a) unlawful search of the person, home or other property of that person; or

(b) unlawful entry by others of the premises of that person.

(2) No person shall be subjected to interference with the privacy of that person's home, correspondence, communication or other property.

## **28. Right to a fair hearing.**

(1) In the determination of civil rights and obligations or any criminal charge, a person shall be entitled to a fair, speedy and public hearing before an independent and impartial court or tribunal established by law.

(2) Nothing in clause (1) of this article shall prevent the court or tribunal from excluding the press or the public from all or any proceedings before it for reasons of morality, public order or national security, as may be necessary in a free and democratic society.

(3) Every person who is charged with a criminal offence shall—

(a) be presumed to be innocent until proved guilty or until that person has pleaded guilty;

(b) be informed immediately, in a language that the person understands, of the nature of the offence;

(c) be given adequate time and facilities for the preparation of his or her defence;

(d) be permitted to appear before the court in person or, at that person's own expense, by a lawyer of his or her choice;

(e) in the case of any offence which carries a sentence of death or imprisonment for life, be entitled to legal representation at the expense of the State;

(f) be afforded, without payment by that person, the assistance of an interpreter if that person cannot understand the language used at the trial;

(g) be afforded facilities to examine witnesses and to obtain the attendance of other witnesses before the court.

(4) Nothing done under the authority of any law shall be held to be inconsistent with—

(a) clause (3)(a) of this article, to the extent that the law in question imposes upon any person charged with a criminal offence, the burden of proving particular facts;

(b) clause (3)(g) of this article, to the extent that the law imposes conditions that must be satisfied if witnesses called to testify on behalf of an accused are to be paid their expenses out of public funds.

(5) Except with his or her consent, the trial of any person shall not take place in the absence of that person unless the person so conducts himself or herself as to render the continuance of the proceedings in the presence of that person impracticable and the court makes an order for the person to be removed and the trial to proceed in the absence of that person.

(6) A person tried for any criminal offence, or any person authorised by him or her, shall, after the judgment in respect of that offence, be entitled to a copy of the proceedings upon payment of a fee prescribed by law.

(7) No person shall be charged with or convicted of a criminal offence which is founded on an act or omission that did not at the time it took place constitute a criminal offence.

(8) No penalty shall be imposed for a criminal offence that is severer in degree or description than the maximum penalty that could have been imposed for that offence at the time when it was committed.

(9) A person who shows that he or she has been tried by a competent court for a criminal offence and convicted or acquitted of that offence shall not again be tried for the offence or for any other criminal

offence of which he or she could have been convicted at the trial for that offence, except upon the order of a superior court in the course of appeal or review proceedings relating to the conviction or acquittal.

(10) No person shall be tried for a criminal offence if the person shows that he or she has been pardoned in respect of that offence.

(11) Where a person is being tried for a criminal offence, neither that person nor the spouse of that person shall be compelled to give evidence against that person.

(12) Except for contempt of court, no person shall be convicted of a criminal offence unless the offence is defined and the penalty for it prescribed by law.

## **29. Protection of freedom of conscience, expression, movement, religion, assembly and association.**

(1) Every person shall have the right to—

(a) freedom of speech and expression which shall include freedom of the press and other media;

(b) freedom of thought, conscience and belief which shall include academic freedom in institutions of learning;

(c) freedom to practice any religion and manifest such practice which shall include the right to belong to and participate in the practices of any religious body or organization in a manner consistent with this Constitution;

(d) freedom to assemble and to demonstrate together with others peacefully and unarmed and to petition; and

(e) freedom of association which shall include the freedom to form and join associations or unions, including trade unions and political and other civic organizations.

(2) Every Ugandan shall have the right—

(a) to move freely throughout Uganda and to reside and settle in any part of Uganda;

(b) to enter, leave and return to, Uganda; and

(c) to a passport or other travel document.

### **30. Right to education.**

All persons have a right to education.

### **31. Rights of the family.**

(1) A man and a woman are entitled to marry only if they are each of age of eighteen years and above and are entitled at that age—

(a) to found a family; and

(b) to equal rights at and in marriage, during marriage and at its dissolution.

(2) Parliament shall make appropriate laws for the protection of the rights of widows and widowers to inherit the property of their deceased spouses and to enjoy parental rights over their children.

**(2a) Marriage between persons of the same sex is prohibited.**

(3) Marriage shall be entered into with the free consent of the man and woman intending to marry.

(4) It is the right and duty of parents to care for and bring up their children.

(5) Children may not be separated from their families or the persons entitled to bring them up against the will of their families or of those persons, except in accordance with the law.

### **32. Affirmative action in favour of marginalised groups.**

(1) Notwithstanding anything in this Constitution, 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.

(2) Laws, cultures, customs and traditions which are against the dignity, welfare or interest of women or any other marginalised group to which clause (1) relates or which undermine their status, are prohibited by this Constitution.

(3) There shall be a commission called the Equal Opportunities Commission whose composition and functions shall be determined by an Act of Parliament.

(4) The Equal Opportunities Commission shall be established within one year after the coming into force of the Constitution (Amendment) Act, 2005.

(5) Parliament shall make laws for the purpose of giving full effect to this article.

### **33. Rights of women.**

(1) Women shall be accorded full and equal dignity of the person with men.

(2) The State shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement.

(3) The State shall protect women and their rights, taking into account their unique status and natural maternal functions in society.

(4) Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities.

(5) Without prejudice to article 32 of this Constitution, women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom.

**(6) Repealed.**

### **34. Rights of children.**

(1) Subject to laws enacted in their best interests, children shall have the right to know and be cared for by their parents or those entitled by law to bring them up.

(2) A child is entitled to basic education which shall be the responsibility of the State and the parents of the child.

(3) No child shall be deprived by any person of medical treatment, education or any other social or economic benefit by reason of religious or other beliefs.

(4) Children are entitled to be protected from social or economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development.

(5) For the purposes of clause (4) of this article, children shall be persons under the age of sixteen years.

(6) A child offender who is kept in lawful custody or detention shall be kept separately from adult offenders.

(7) The law shall accord special protection to orphans and other vulnerable children.

### **35. Rights of persons with disabilities.**

(1) Persons with disabilities have a right to respect and human dignity, and the State and society shall take appropriate measures to ensure that they realise their full mental and physical potential.

(2) Parliament shall enact laws appropriate for the protection of persons with disabilities.

### **36. Protection of rights of minorities.**

Minorities have a right to participate in decision-making processes, and their views and interests shall be taken into account in the making of national plans and programmes.

### **37. Right to culture and similar rights.**

Every person has a right as applicable to belong to, enjoy, practise, profess, maintain and promote any culture, cultural institution, language, tradition, creed or religion in community with others.

### **38. Civic rights and activities.**

(1) Every Uganda citizen has the right to participate in the affairs of government, individually or through his or her representatives in accordance with law.

(2) Every Ugandan has a right to participate in peaceful activities to influence the policies of government through civic organisations.

### **39. Right to a clean and healthy environment.**

Every Ugandan has a right to a clean and healthy environment.

### **40. Economic rights.**

(1) Parliament shall enact laws—

(a) to provide for the right of persons to work under satisfactory, safe and healthy conditions;

(b) to ensure equal payment for equal work without discrimination; and

(c) to ensure that every worker is accorded rest and reasonable working hours and periods of holidays with pay, as well as remuneration for public holidays.

(2) Every person in Uganda has the right to practise his or her profession and to carry on any lawful occupation, trade or business.

(3) Every worker has a right—

(a) to form or join a trade union of his or her choice for the promotion and protection of his or her economic and social interests;

(b) to collective bargaining and representation; and

(c) to withdraw his or her labour according to law.

(4) The employer of every woman worker shall accord her protection during pregnancy and after birth, in accordance with the law.

#### **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.

(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.

#### **42. Right to just and fair treatment in administrative decisions.**

Any person appearing before any administrative official or body has a right to be treated justly and fairly and shall have a right to apply to a court of law in respect of any administrative decision taken against him or her.

**43. General limitation on fundamental and other human rights and freedoms.**

(1) In the enjoyment of the rights and freedoms prescribed in this Chapter, no person shall prejudice the fundamental or other human rights and freedoms of others or the public interest.

(2) Public interest under this article shall not permit—

(a) political persecution;

(b) detention without trial;

(c) any limitation of the enjoyment of the rights and freedoms prescribed by this Chapter beyond what is acceptable and demonstrably justifiable in a free and democratic society, or what is provided in this Constitution.

**44. Prohibition of derogation from particular human rights and freedoms.**

Notwithstanding anything in this Constitution, there shall be no derogation from the enjoyment of the following rights and freedoms—

(a) freedom from torture and cruel, inhuman or degrading treatment or punishment;

(b) freedom from slavery or servitude;

(c) the right to fair hearing;

(d) the right to an order of habeas corpus.

#### **45. Human rights and freedoms additional to other rights.**

The rights, duties, declarations and guarantees relating to the fundamental and other human rights and freedoms specifically mentioned in this Chapter shall not be regarded as excluding others not specifically mentioned.

#### ***Human rights and freedoms during a state of emergency.***

#### **46. Effect of laws enacted for a state of emergency.**

(1) An Act of Parliament shall not be taken to contravene the rights and freedoms guaranteed in this Chapter, if that Act authorises the taking of measures that are reasonably justifiable for dealing with a state of emergency.

(2) The provisions of any enactment other than an Act of Parliament dealing with a state of emergency declared under this Constitution shall apply only to that part of Uganda where the emergency exists.

(3) Without prejudice to clause (1) of this article, an Act enacted in accordance with that clause may make provision for the detention of persons where necessary for the purposes of dealing with the emergency.

#### **47. Detention under emergency laws.**

Where a person is restricted or detained under a law made for the purpose of a state of emergency, the following provisions shall apply—

(a) he or she shall, within twenty-four hours after the commencement of the restriction or detention, be furnished with a statement in writing specifying the grounds upon which he or she is restricted or detained;

(b) the spouse or next-of-kin of or other person named by the person restricted or detained shall be informed of the restriction or detention and allowed access to the person within seventy-two hours after the commencement of the restriction or detention;

(c) not more than thirty days after the commencement of his or her restriction or detention, a notification shall be published in the Gazette and in the media stating that he or she has been restricted or detained and giving particulars of the provisions of the law under which his or her restriction or detention is authorized and the grounds of his or her restriction or detention.

#### **48. Review by the Uganda Human Rights Commission.**

(1) The Uganda Human Rights Commission shall review the case of a person who is restricted or detained and to whom article 47 of this Constitution applies, not later than twenty one days after the commencement of the restriction or detention, and after that, at intervals of not more than thirty days.

(2) A person who is restricted or detained shall be permitted and afforded every possible facility—

(a) to consult a lawyer of his or her choice or any group of persons who shall be permitted to make representations to the Uganda Human Rights Commission for the review of his or her case;

(b) to appear in person or by a lawyer of his or her choice at the hearing or review of his or her case.

(3) On a review of the case, the Uganda Human Rights Commission may order the release of that person, or uphold the grounds of the restriction or detention.

#### **49. Report to Parliament.**

(1) In every month in which there is a sitting of Parliament, the Minister responsible shall make a report to Parliament in respect of—

(a) the number of persons restricted or detained under the state of emergency; and

(b) the action taken in compliance with the findings of the Uganda Human Rights Commission.

(2) The Minister responsible shall publish every month in the Gazette and in the media—

(a) the number and names and addresses of the persons restricted or detained;

(b) the number of cases reviewed by the Uganda Human Rights Commission; and

(c) the action taken in compliance with the findings of the Uganda Human Rights Commission.

(3) For the avoidance of doubt, it is declared that at the end of the emergency declared under this Constitution, any person in or under restriction, detention or custody as a result of the declaration of emergency shall be released immediately, unless charged with a criminal offence in a court of law.

#### *Enforcement of rights and freedoms by courts.*

### **50. Enforcement of rights and freedoms by courts.**

(1) Any person who claims that a fundamental or other right or freedom guaranteed under this Constitution has been infringed or threatened is entitled to apply to a competent court for redress which may include compensation.

(2) Any person or organization may bring an action against the violation of another person's or group's human rights.

(3) Any person aggrieved by any decision of the court may appeal to the appropriate court.

(4) Parliament shall make laws for the enforcement of the rights and freedoms under this Chapter.

## International Law or statutes

### 1. Universal Declaration of Human Rights (UDHR)

#### Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

### **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.

### **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.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

### **Article 3**

Everyone has the right to life, liberty and security of person.

### **Article 4**

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

**Article 5**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

**Article 6**

Everyone has the right to recognition everywhere as a person before the law.

**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.

**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.

**Article 9**

No one shall be subjected to arbitrary arrest, detention or exile.

**Article 10**

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

**Article 11**

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or

international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

### **Article 12**

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

### **Article 13**

1. Everyone has the right to freedom of movement and residence within the borders of each State.

2. Everyone has the right to leave any country, including his own, and to return to his country.

### **Article 14**

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

### **Article 15**

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

## **Article 16**

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

## **Article 17**

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.

## **Article 18**

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

## **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.

## **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.

## **Article 21**

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

## **Article 22**

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

## **Article 23**

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
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.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

## **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, widowhood, old age or other lack of livelihood in circumstances beyond his control.

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.

## **Article 26**

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

## **Article 27**

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.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

## **Article 28**

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

### **Article 29**

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

### **Article 30**

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

## **Institutions Responsible for human rights issues in Uganda**

1. Uganda Human Rights Commission

### **52. Functions of the Human Rights Commission.**

(1) The commission shall have the following functions—

(a) to investigate, at its own initiative or on a complaint made by any person or group of persons against the violation of any human right;

(b) to visit jails, prisons, and places of detention or related facilities with a view to assessing and inspecting conditions of the inmates and make recommendations;

(c) to establish a continuing programme of research, education and information to enhance respect of human rights;

(d) to recommend to Parliament effective measures to promote human rights, including provision of compensation to victims of violations of human rights or their families;

(e) to create and sustain within society the awareness of the provisions of this Constitution as the fundamental law of the people of Uganda;

(f) to educate and encourage the public to defend this Constitution at all times against all forms of abuse and violation;

(g) to formulate, implement and oversee programmes intended to inculcate in the citizens of Uganda awareness of their civic responsibilities and an appreciation of their rights and obligations as free people;

(h) to monitor the Government's compliance with international treaty and convention obligations on human rights; and

(i) to perform such other functions as may be provided by law.

(2) The Uganda Human Rights Commission shall publish periodic reports on its findings and submit annual reports to Parliament on the state of human rights and freedoms in the country.

(3) In the performance of its functions, the Uganda Human Rights Commission shall—

(a) establish its operational guidelines and rules of procedure;

(b) request the assistance of any department, bureau, office, agency or person in the performance of its functions; and

(c) observe the rules of natural justice.

### **53. Powers of the commission.**

(1) In the performance of its functions, the commission shall have the powers of a court—

(a) to issue summons or other orders requiring the attendance of any person before the commission and the production of any document or record relevant to any investigation by the commission;

(b) to question any person in respect of any subject matter under investigation before the commission;

(c) to require any person to disclose any information within his or her knowledge relevant to any investigation by the commission; and

(d) to commit persons for contempt of its orders.

(2) The commission may, if satisfied that there has been an infringement of a human right or freedom, order—

(a) the release of a detained or restricted person;

(b) payment of compensation; or

(c) any other legal remedy or redress.

(3) A person or authority dissatisfied with an order made by the commission under clause (2) of this article has a right to appeal to the High Court.

(4) The commission shall not investigate—

(a) any matter which is pending before a court or judicial tribunal;

(b) a matter involving the relations or dealings between the Government and the Government of any foreign State or international organisation; or

(c) a matter relating to the exercise of the prerogative of mercy.

#### **54. Independence of the commission.**

Subject to this Constitution, the commission shall be independent and shall not, in the performance of its duties, be subject to the direction or control of any person or authority.

#### **55. Expenses of the commission.**

(1) The commission shall be self-accounting and all the administrative expenses of the commission, including salaries, allowances and pensions payable to persons serving with the commission, shall be charged on the Consolidated Fund.

(2) The chairperson and other members of the commission shall be paid such salaries and allowances as Parliament may prescribe.

#### **56. Removal of commissioners.**

The provisions of this Constitution relating to the removal of a judge of the High Court from office shall, with the necessary modifications, apply to the removal from office of a member of the commission.

#### **57. Staff of the commission.**

The appointment of the officers and other employees of the commission shall be made by the commission in consultation with the Public Service Commission.

#### **58. Parliament to make laws regarding functions of the commission.**

Parliament may make laws to regulate and facilitate the performance of the functions of the Uganda Human Rights Commission.

## Others are:

2. The Parliament of Uganda
3. The Parliamentary Standing committee on Human rights
4. The Courts
5. The police
6. CSOs e.g. HURINET-U, Uganda National NGO Forum, Foundation for Human rights Initiative, Citizen's Alliance Group, Uganda Law Society, Defenders Protection Initiative, African Centre for Treatment and Rehabilitation of Torture Victims, Office of the High Commission for Human Rights, The Human Rights Centre Uganda, etc
7. Political parties (advocacy)
8. Religious and spiritual organizations
9. Cultural and traditional institutions
10. Education institutions e.g. Universities
11. Etc

## Human rights challenges in Uganda

- Politically motivated killings e.g. in Kasese
- Disappearances (Christopher Aine, Amama Mbabazi Aide)
- Torture and other cruel/degrading treatment (Nalufena & safe houses)
- Poor prison and detention conditions (overcrowding, disease, hygiene, poor feeding, etc)
- Arbitrary arrests and detention of political leaders and activists.
- Poor funding of police and other security agencies to address HR issues.
- Arrest procedures and treatment of detainees (Arrest without issuing arrest warrants, house arrests and confinements, incarceration).
- Cases backlogs.
- Detainee's ability to challenge unlawful detentions in court.
- Amnesty
- Denial of fair public trial
- Interference from the executive

- Politically motivated judicial decisions
- Poor trial procedures
- Interference with private property or homes
- Media censorship/no press freedom
- Restricted internet freedom
- Restricted academic freedoms
- Denial of freedom to peacefully demonstrate
- Curtailed freedom of speech & expression e.g. cancelling press conference of political parties.
- Restricted content in news papers and tabloids
- Rape and domestic violence
- FGM and other harmful cultural practices
- Sexual harassment...etc

## **Recommendations**

- More funding to Human rights organizations and bodies
- Professionalization of security organs
- Responsive civil society
- Civic education
- More funding to judiciary to expedite cases
- etc