

# UGANDA

HUMAN RIGHTS GUIDE



**KUCHU TIMES**

*Our Voices, Our Stories, Our Lives*



**HUMAN  
RIGHTS  
FOUNDATION**

Dear Reader,

All citizens are entitled to know their rights and liberties in order to exercise and defend them. You hold in your hands a great tool that you can use to familiarize yourself with your rights and responsibilities as you ask others to join you. You are a free individual, your rights are inherent, and as such, you are worthy of enjoying your rights.

In this text, Kuchu Times Media Group, in collaboration with Human Rights Foundation, describes the fundamental rights that must always be respected and protected. Then, we explain what each of these rights means in your everyday life and invite you to form your own opinions about them.

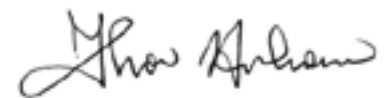
Some of these rights may seem like inaccessible luxuries in everyday life, but they are not—you were born with these rights and the government has an obligation to respect them. Today, human rights are considered essential to a free and, in the most meaningful sense, democratic society.

Any struggle for genuine freedom requires knowledge of the most fundamental human rights contained in this guide. We invite you to read this guide carefully.

For dignity and respect for human rights,



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# INTRODUCTION



- As of 2014, Uganda's population was 37 million people, with women representing 50.03% of the total population.
- It has one of the youngest populations in the world, with 48.1% of the population falling between the ages of 0 and 14 years old.
- The country is religiously diverse - 41.9% of the population is Roman Catholic, 35.9% is Anglican, 12.1% is Muslim, and the rest follow traditional religions.
- While English is the official language, the country enjoys rich ethnic and linguistic diversity – speaking Bantu, Nilotic, and Central Sudanic.

The Republic of Uganda is a landlocked country located in East Africa, bordered by Kenya to the East, Democratic Republic of Congo to the West, South Sudan to the North, and Tanzania to the South. Uganda was ruled by the British as a protectorate from 1894 until achieving independence on October 9, 1962.

In Uganda, the president is both head of state and head of government. Uganda's current president, Yoweri Kaguta Museveni, has remained in power for thirty years since first taking office in 1986. The president's powers are exercised through appointed leaders, such as the vice president and prime minister. Citizens elect members of parliament who are representative of each district and special interest groups, including women, youth, workers, and the army.

In 1995, Uganda adopted a democratic constitution, which contains a bill of rights under Chapter Four (see appendix). The bill of rights derives many of its protections from the International Bill of Human Rights, including the Universal Declaration of Human Rights. Uganda is also party to various international and regional human rights instruments, including the Convention on Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on Rights of People Living with Disabilities, and the African Charter on Human and People's Rights.



Uganda's numerous human rights issues stem largely from political and historical conflicts, particularly the 26-year-long war in Northern Uganda that resulted in violations committed by both the Lord's Resistance Army (LRA) and Uganda People's Defence Force (UPDF). The war has resulted in hundreds of thousands of internally displaced persons as the country continues to grapple with the region's highest refugee hosting rates.

Torture and extrajudicial killings are key human rights concerns in Uganda, particularly during politically charged situations such as general elections. LGBT rights have also been at the forefront of Uganda's public discourse since the proposal of the Anti-Homosexuality Act before the national legislature in 2009. Other key human rights concerns include the right to health (especially regarding maternal mortality rates), the right to education, and the freedoms of expression and association.

This guide is aimed at creating a citizenry that is informed on the rights that Uganda has agreed to protect in its constitution and the regional and international agreements it has signed. By virtue of being human, you are entitled to these rights. They are inherent and are independent of the state. They are meant to be enjoyed by each and every individual without discrimination.



# EQUALITY

## AND FREEDOM FROM DISCRIMINATION

All humans are entitled to equal protection under the law regardless of political, economic, social, or cultural affiliation; the rules set by law apply to everyone equally. No one is above the law.

### THIS MEANS THAT

You must be treated the same as everybody else. You cannot be discriminated against on the grounds of your gender, skin color, tribe, origin, disability, economic status, or your religious and political beliefs. You must not be treated differently under the law for any reason.



### HAVE YOU ASKED YOURSELF?

- Can I be accused of being a terrorist because of my religion?
- Can a woman inherit land and other property?
- Can I apply for any job that interests me?
- Can I readily access public buildings?

### EXAMPLES OF VIOLATIONS

- Banning some people from putting up campaign posters while allowing others to do so
- Preventing girls from inheriting land from their parents
- Asking some religious groups to register as organizations before they are allowed to practice their faith
- Restricting work promotions to married employees
- Refusing to hire a woman for a job because she is pregnant



### CASE STUDY

In June 2015, the Directorate of Citizenship and Immigration Control in Kampala, Uganda sought to hire new employees to fill 300 available positions. As part of the recruitment exercise the applicants were subjected to fitness drills, even though these were not required for the job.

More than 100 pregnant women and 50 people with disabilities were disqualified upon appearing for the fitness test. The failure to design fitness tests to accommodate these groups of people was discriminatory.

Relevant legal instruments:

- *1995 Constitution of Uganda – Article 21*
- *International Covenant on Civil and Political Rights – Article 2*

## PROTECTION OF THE RIGHT TO LIFE AND DIGNITY

You have the right to life.



### THIS MEANS THAT

You are the owner of your life. You are nobody's property. You belong to neither the government nor the state. You have the same rights as every human being. Those rights must always be respected. You do not need the permission of any government to exercise your rights. You belong to yourself and to nobody else.

### HAVE YOU ASKED YOURSELF?

- Can I buy the food that I need to stay healthy?
- Can I access the health services that I need to stay alive?
- Can I participate in beating a suspected criminal?
- Is the government providing services to protect my right to life?

### EXAMPLES OF VIOLATIONS

- Mob justice where people are beaten and burnt on the street
- Disappearances of activists
- Lack of emergency health services like ambulances and basic medicines in hospitals
- Police officers shooting live bullets to disperse public gatherings
- High rates of maternal mortality (mothers dying while giving birth) due to poor prenatal healthcare



### CASE STUDY

Mob justice is one of the most commonly cited violations of the right to life. In Uganda, there are many reported cases of a suspected thief being beaten to death or set on fire by an angry crowd.

Killing someone who is suspected of stealing violates the right to life. If someone is caught in the act of stealing, they should be taken to law enforcement officers who will treat them like suspects and take them to court.

Relevant legal instruments:

- *1995 Constitution of Uganda – Article 22*
- *International Covenant on Civil and Political Rights – Article 6*



## RESPECT FOR HUMAN DIGNITY AND PROTECTION FROM INHUMAN TREATMENT

Everybody has a right to dignity, and the right to live free from torture and other cruel or degrading treatment.



Police use force to disperse peaceful protesters (top left). Women activists stripped of their clothes by the police during a protest in Kampala (top right). Ingrid Turinawe, an opposition activist from the Forum for Democracy, was arrested after the Walk to Work Protest following the 2011 elections (bottom left). Kizza Besigye, the leader of the opposition party FDC, is dragged away from a protest by the police (bottom right).

### THIS MEANS THAT

Everyone must be treated in a nonviolent and acceptable manner, especially by law enforcement officers such as the police, crime preventers, security agencies, and the military. You must not be subjected to or threatened with any physical harm by these officers and other authorities.

### HAVE YOU ASKED YOURSELF?

- Can I be undressed by the police?
- Can security officials slap me when I ask a question?
- Have I ever been threatened verbally or physically?
- Are there services like ramps and wheelchairs for people living with disabilities?

### EXAMPLES OF VIOLATIONS

- Having clothes ripped off during an arrest
- Being caned at school
- Being physically searched by a police officer of the opposite sex
- Police physically and sexually harassing women during arrests



### CASE STUDY

In 2012, police officers arrested local politician Ingrid Turinawe and an official was caught on camera squeezing her breast. By 2015, police officers resorted to undressing another local political activist, Ms. Fatuma Naigaga, during an attempt to stop opposition leaders from campaigning in Rukungiri district.

These incidents were heavily criticized by human rights activists and the general public, who pointed out that undressing women and fondling them amounts to cruel and degrading treatment. These actions also constitute a violation of the women's right to dignity, which is protected under Uganda's constitution.

Relevant legal instruments:

- *1995 Constitution of Uganda – Article 24*
- *International Covenant on Civil and Political Rights – Articles 7 & 8*

# FREEDOM OF CONSCIENCE, MOVEMENT, EXPRESSION, RELIGION, ASSEMBLY, AND ASSOCIATION

You have the right to say what you think and to share your thoughts with other people. You have the right to share your opinions with newspapers, as well as other media outlets, and within a learning environment, such as a classroom.



## THIS MEANS THAT

You cannot be arrested or imprisoned for your opinions or beliefs. You can also exercise your religion and join religious groups freely. You must be allowed to practice your culture and join any culture of your liking. You have a right to meet with people and to publicly disagree with and challenge government policies in a peaceful, nonviolent manner. You can stand to be elected for any position within government.

## HAVE YOU ASKED YOURSELF?

- Can I express my opinion publicly?
- Can I attend public gatherings?
- Can I think differently from the rest of the public, and can I express this disagreement publicly?
- Can I express my opinions in writing?
- Can I disagree with politicians and policymakers?
- Can the government tell me what I can and cannot wear?



## EXAMPLES OF VIOLATIONS

- Being beaten up by police officers while attending a peaceful demonstration
- Being arrested for writing an article or speaking at a radio station
- The police refusing to grant permission for peaceful assembly
- Having your meeting closed by police and other government officials
- Refusing the Kabaka to visit parts of his Kingdom

## CASE STUDY

In 2011, opposition politicians and their supporters participated in the walk-to-work protests to express their discontent against spiraling food and fuel prices. Numerous opposition leaders, including Rtd. Col. Dr. Kizza Besigye and Mr. Norbert Mao were among those arrested by security officers for engaging in this act of civil disobedience. The clashes with law enforcement officers also led to the deaths of five people, including three from Gulu and a two-year-old girl from Masaka district.

The actions of the security agents were a violation of people's freedom of movement and freedom of expression, which are both guaranteed under Uganda's constitution.

Relevant legal instruments:

- 1995 Constitution of Uganda – Articles 29, 37, and 38
- International Covenant on Civil and Political Rights – Articles 18, 19, 21, and 22



## PROTECTION OF PERSONAL LIBERTY

You have the right to exercise your will and to move around freely. The only restraints on personal liberty that are permissible are those imposed by law to safeguard the physical, moral, political, and economic welfare of others.



### THIS MEANS THAT

You are free to move around and cannot be detained or arrested without proper justification by law enforcement. If you are detained or arrested, you should be informed of the reasons for arrest in a language that you understand. If you are accused of a crime, you are entitled to fair treatment during your trial, which includes having access to a lawyer for your defense and having access to medical treatment when you are in custody.

### HAVE YOU ASKED YOURSELF?

- Can I be taken to an unknown location upon being arrested?
- Can I be arrested for walking home at night?
- Can I be kept in prison without being informed of the reasons for my arrest?
- Can I talk to a lawyer when I am arrested?
- Can I be arrested without a warrant?



### EXAMPLES OF VIOLATIONS

- Being arrested without any reason given
- Being arrested or detained by unidentified people
- Being detained in an unknown location

Relevant legal instruments:

- 1995 Constitution of Uganda - Article 23



## PROTECTION FROM SLAVERY, SERVITUDE, AND FORCED LABOR

You must not be exploited at work. You must not be forced to engage in any work against your will.



### THIS MEANS THAT

You must receive compensation for your labor and time. It is not considered forced labor if you engage in work as part of a prison sentence, if you carry out cleaning work while in lawful custody, or perform work which is required by a member of the armed forces.

### HAVE YOU ASKED YOURSELF?

- Have I agreed to the work I am doing?
- Am I paid for the work I have done?
- Will I be threatened if I refuse to do this work?
- Can I leave a job when I am tired of it?

### EXAMPLES OF VIOLATIONS

- Working in an office without pay or without the ability to resign
- Being forced to work on terms you have not agreed to
- Being threatened with harm for attempting to leave your job

### CASE STUDY

In 2015, newspapers in Uganda reported stories of young women and girls who were taken to the Middle East to work as maids.

The women were recruited in Uganda by companies or individuals who paid for travel arrangements and initial accommodations. In exchange for this, the women were required to surrender their passports to the recruiters until they paid off the expenses incurred by the recruiter. The women were not allowed to leave the job if they found that they were underpaid. They were also prohibited from returning to Uganda because their travel documents had been confiscated. This is a form of slavery and forced labor since the women were, and still are, forced to work in harsh conditions with little pay, typically against their will.

Relevant legal instruments:

- 1995 Constitution of Uganda - Article 25





## PROTECTION FROM DEPRIVATION OF PROPERTY

You have the right to own property.



### THIS MEANS THAT

You can own land, a house, a phone, a computer, or any other piece of property independently or with other people. The government may only acquire your property if public interest is at stake, such as issues of public safety, use, or health. Neither the government nor any other independent body can take away your property without paying you for it and/or providing you with fair compensation before your property is taken away. You have the right to sell, buy, rent, or donate your property and use it in any way that you like.

### HAVE YOU ASKED YOURSELF?

- Can I buy property in any location?
- Can I sell my business?
- Can I inherit land from my family?
- Can I do what I want with things that I own?

### EXAMPLES OF VIOLATIONS

- Having the government take over your land before paying you in full
- Having your property seized without lawful justification (e.g. land grabbing)
- Having your land taken away from you by unhappy family members
- Being chased away from your land



### CASE STUDY

On August 25, 2014, around 200 families were evicted from 250 acres of land in Rwamutonga village, Bugambe sub-county in Hoima for oil exploration activities. The evictions resulted from the registered owner selling the land to allow for the construction of an oil factory. The communities did not receive any compensation and were given no advance notice to vacate the land.

The communities challenged the eviction and lack of compensation in the High Court of Masindi. As of early 2016, the case is ongoing.

Relevant legal instruments:

- *1995 Constitution of Uganda – Article 26*
- *International Covenant on Civil and Political Rights – Article 17*

## RIGHT TO PRIVACY OF PERSON, HOME, AND PROPERTY

You have the right to privacy. Your house is your space and no one can interfere in communications you carry out in your own home.



### THIS MEANS THAT

No one is allowed to enter your property without your permission or lawful justification. Your home is a sanctuary for you and anyone you feel comfortable sharing your space with; no one can force himself or herself into your space. You cannot be physically searched by anyone without your permission. No one can intercept your emails, your phone calls, or any other means of communication without proper authorization from you or a court of law.

### HAVE YOU ASKED YOURSELF?

- Can people enter my house without my permission?
- Can I talk to whomever I choose?
- Can my bag be searched without my permission?
- Can bodaboda men tell the government where I go every day?
- Am I afraid to keep things in my house?
- Do I worry that my conversations are being recorded?

### EXAMPLES OF VIOLATIONS

- Having your communication unlawfully intercepted by government
- Being searched by a police officer without a reason
- Being targeted by Operation Fungua Macho, a secret government surveillance programme intended to crash protests in Kampala
- Having the clothes you are wearing forcibly removed from your person



### CASE STUDY

In 2007, a local council official entered and searched the home of an LGBT rights activist and subsequently seized work-related material from the activist's house. Additionally, a guest who was staying with the activist was subjected to a body search. All this was done without probable cause and without a warrant authorizing these actions. The activist presented these actions to the court of law in Uganda, which determined that the search was unlawful and constituted a violation of the right to privacy.

Similarly, in 2010, a local tabloid called The Rolling Stone published the names of suspected homosexuals, including LGBT rights advocates. Associates were quoted as saying that activists were recruiting children into homosexuality and that they should be hanged. The activists sued the tabloid, and the court ruled that publishing the individuals' names was a violation of the rights to privacy and dignity, as well as the freedom of movement. The court also added that identifying oneself as an LGBT person does not warrant an invasion of privacy by the media.

Relevant legal instruments:

- 1995 Constitution of Uganda - Article 27
- International Covenant on Civil and Political Rights - Article 17



# RIGHT TO A FAIR HEARING

You have a right to be heard by a neutral, objective, and unbiased body.



## THIS MEANS THAT

If you are accused of a crime, you must be given the opportunity to present evidence for your case and have a fair and reasonably speedy public hearing. You must be tried before a tribunal, as authorized under the law. If you are accused of a criminal offense, you are considered “innocent until proven guilty.” You must be given an adequate amount of time to prepare your defense and must be informed of the reasons for your arrest. You must have access to the legal representation of your choice and during your trial the proceedings against you must be presented in a language that you speak. In a criminal case, the government is charged with proving its case; you can choose whether or not to say anything.

## HAVE YOU ASKED YOURSELF?

- Can I be arrested without reason?
- Can I be tried by a local authority or a clan meeting?
- Have I been told of the reasons for my arrest?
- Do I understand the charges against me?

## EXAMPLES OF VIOLATIONS

- Being arrested for walking to work
- Being arrested for hooting on the road
- Being denied access to my lawyer or my family members during my trial
- Being taken to court on false charges
- Being arrested because of a family dispute



## CASE STUDY

In Uganda, there are many instances in which a person is arrested or detained by the police without being informed of the reason for his or her arrest. During the election season in February 2016, many activists were arrested or banned from leaving their homes. The police did not offer any reasons for the arrests. Furthermore, they did not allow the activists to speak to their lawyers or family members. This is a violation of the right to a fair hearing. Anyone accused of an offense has the right to be informed of what crime they are alleged to have committed and the right to a lawyer.

Relevant legal instruments:

- *1995 Constitution of Uganda* – Article 28 and 42
- *International Covenant on Civil and Political Rights* – Articles 3, 9, 10, 14, 15, and 26

# RIGHT TO EDUCATION

You have a right to education. You have the right to go to the school of your preference and choose the courses you would like to study.



*Students are routinely expelled from school for being pregnant and miss their chance for an education.*

## THIS MEANS THAT

You have a right to get an education in order to enjoy your other rights and to expand upon your economic or social opportunities.

## HAVE YOU ASKED YOURSELF?

- Can I apply to any university I want?
- Can I choose courses that interest me?
- Can I attend training sessions or events of my choosing?
- Are there good schools where I live?
- Are there special needs teachers at my school?
- Is there sex education at my school?
- Have I been taught how to read and write?

## EXAMPLES OF VIOLATIONS

- Being expelled because you are pregnant
- Being expelled because of your romantic relationship
- Lack of qualified teachers
- Lack of proper shelter for study
- Lack of books and other educational materials to use throughout your studies



## CASE STUDY

Getting pregnant while in school is one of the major challenges to girls who want to exercise the right to education. Only 51 out of 100 girls are able to complete primary school once they have enrolled. Many girls are suspended or expelled from school when teachers discover that they are pregnant. Schools sometimes refuse to re-admit students who have given birth. Some parents also refuse to pay school fees for their daughters once they realize that they are pregnant. These actions deny pregnant girls and new mothers the right to an education.

Relevant legal instruments:

- 1995 Constitution of Uganda - Article 30
- International Covenant on Economic, Social and Cultural Rights - Articles 13 and 14



# RIGHT TO FAMILY

You have the right to start a family by marrying whomever you choose and determining when you are ready to get married and start a family.



*Men negotiate widow inheritance in Northern Uganda  
Photo credit: Danny and Leonie Graham*

## THIS MEANS THAT

You can choose whether or not you want to get married. Adults can marry whomever they choose and can decide whether or not they want to have children. No one can force you to get married or have children.

## HAVE YOU ASKED YOURSELF?

- Do I want to get married?
- Do I want to have children?
- Do I have a say in how my children are raised?
- Is my consent necessary in order to marry someone?
- Can I leave my marriage if it is no longer working?
- Can I inherit my spouse's property?
- Can I adopt a child or look after a child who is not mine?
- Who owns the property when my spouse and I get married?

## EXAMPLES OF VIOLATIONS

- Young girls being forced to get married against their will, especially by their parents
- Demanding a refund for bride wealth when a marriage fails
- Being refused the right to see your children without lawful justification
- Denying adopted children the right to inherit property
- Being forced by your spouse to have sex
- Being chased from work because you are pregnant



## CASE STUDY

In northern and eastern Uganda, inheriting widows is very common. Widow inheritance is a practice where a male in-law marries a widow after her husband has passed away. If the widow refuses to marry her in-law, she is chased away from the family's land and her children may be taken away from her.

Widow inheritance violates the right to start a family with a partner of one's own choosing. It also contributes to the spread of HIV/AIDS among extended family members.

Relevant legal instruments:

- 1995 Constitution of Uganda - Article 32
- International Covenant on Economic, Social and Cultural Rights - Article 10





- I can meet with anyone of my choice.
- I can publicly express my opinion if I disagree with the government.
- I can ask the government for information about issues I am concerned about.
- I can join any religious institution of my choice.
- I can participate in peaceful, civil disobedience like walk-to-work protests.
- I can form a company and carry out any business of my choosing.
- I can marry whomever I choose and can elect whether or not I want to have children.
- I can join any political party or human rights organization of my choice.
- I can find international organizations to tell my story and share my views.

## ADDITIONAL RESOURCES

Local organizations and their focus areas:

- Chapter Four Uganda, human rights and civil liberties, see <http://chapterfouruganda.com/>
- Foundation for Human Rights Initiative (FHRI), human rights, see <http://www.fhri.or.ug/>
- Human Rights Awareness and Promotion Forum (HRAPF), LGBTI rights, sex workers, women living with HIV/AIDS and land rights, see <http://www.hrapf.org/>
- MIFUMI, women's rights and domestic violence, <http://www.mifumi.org/>
- Sexual Minorities Uganda (SMUG), LGBTI rights, see <https://sexualminoritiesuganda.com/>
- Uganda Association of Women Lawyers (FIDA). <http://www.fidauganda.org/>
- Uganda Human Rights Commission, Government body, human rights, <http://www.uhrc.ug/>
- Uganda Land Alliance, land rights, <http://ulaug.org/>
- Uganda Police Force, Professional standards unit, <http://www.upf.go.ug/>
- Kuchu Times Media Group [www.kuchutimes.com](http://www.kuchutimes.com)

Online resources:

- Uganda Legal Information Institute (ULII), Laws of Uganda, see <http://ulii.org/>
- Uganda Human Rights Commission (UHRC), Human Rights Inquiries, see <http://www.uhrc.ug/your-rights>
- Parliament Watch Uganda, information about Parliament, see <http://parliamentwatch.ug/>

# APPENDICES

## APPENDIX 1 - THE CONSTITUTION OF THE REPUBLIC OF UGANDA

### CHAPTER FOUR - PROTECTION AND PROMOTION OF FUNDAMENTAL 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, or 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, or 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 or 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.

(5) 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 authorized by law.

#### 23. Protection of personal liberty

(1) No person shall be deprived of personal liberty except in any of the following:

(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 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; 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 authorized 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 authorized 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) 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 a subordinate court, the person shall be released on bail on such conditions as the court considers reasonable, if that person has been remanded in custody in respect of the offence before trial for one hundred and twenty days;

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

(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, 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;

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

(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) paragraph (a) of clause (3) 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) paragraph (g) of clause (3) 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 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 organisation 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 organisations.

(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) Men and women of the age of eighteen years and above, have the right to marry and to found a family and are entitled to equal rights 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.

(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) Parliament shall make relevant laws, including laws for the establishment of an equal opportunities commission, for the purpose of giving full effect to clause (1) of 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) Laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status are prohibited by this Constitution.

### 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 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 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 enjoyment of the following rights and freedoms-

- (a) freedom from torture, 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 Human 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 emergency 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 authorised and the grounds of his or her restriction or detention.

#### **48. Review by 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-

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

(b) the action taken in compliance with the findings of the 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;

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

(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 freedom guaranteed under this Constitution has been infringed or threatened, is entitled to apply to a rights and competent court for redress which may include compensation.

(2) Any person or organisation 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.

#### ***Uganda Human Rights Commission***

#### **51. Uganda Human Right Commission**

(1) There shall be a Commission called the Uganda Human Rights Commission.

(2) The Commission shall be composed of a Chairperson and not less than three other persons appointed by the President with the approval of Parliament.

(3) The Chairperson of the Commission shall be a Judge of the High Court or a person qualified to hold that office.

(4) The Chairperson and members of the commission shall be persons of high moral character and proven integrity and shall serve for a period of six years and be eligible for re-appointment.

#### **52. Functions of 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 periodical 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

(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; or

(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 control authority.

## APPENDIX 2: INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)

**Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966  
entry into force 23 March 1976, in accordance with Article 49**

**Uganda's Accession to the ICCPR: 21 June 1995**

### Part II:

#### **Article 2**

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, 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.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(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;

(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;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

#### **Article 3**

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

### Part III:

#### **Article 6**

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered

by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

#### **Article 7**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

#### **Article 8**

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

2. No one shall be held in servitude.

3.

(a) No one shall be required to perform forced or compulsory labour;

(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:

(i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;

(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;

(iv) Any work or service which forms part of normal civil obligations.

#### **Article 9**

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such



grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

#### **Article 10**

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2.

(a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

#### **Article 14**

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly

and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

#### **Article 15**

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal 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 when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

#### **Article 17**

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

#### **Article 18**

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

#### **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.

#### **Article 21**

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

#### **Article 22**

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

#### **Article 26**

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

### APPENDIX 3: INTERNATIONAL COVEN (ICESCR)

**Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966  
entry into force 3 January 1976, in accordance with article 27**

**Uganda's Accession to the ICESCR: 21 January 1987**

#### **Part III:**

#### ***Article 10***

**The States Parties to the present Covenant recognize that:**

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.
2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.
3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

#### ***Article 13***

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
  - (a) Primary education shall be compulsory and available free to all;
  - (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
  - (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
  - (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary

education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

#### ***Article 14***

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

### APPENDIX 4: LIST OF OTHER RELEVANT INSTRUMENTS

#### A. INTERNATIONAL INSTRUMENTS:

1. Convention on Elimination of all forms of Discrimination Against Women (CEDAW)
2. Convention Against Torture and other cruel, Inhuman or degrading treatment (CAT)
3. International Covenant on Rights of People living with Disabilities (ICRPD)

#### B. REGIONAL INSTRUMENTS:

1. The African Charter on Human and People's Rights
2. The Protocol on the African Court
3. The African Charter on the Rights and Welfare of the Child (the Children's Charter)
4. Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (The Maputo Protocol)





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Human Rights Foundation (HRF) is a nonpartisan nonprofit organization that promotes and protects human rights globally, with a focus on closed societies. Its mission is to ensure that freedom is both preserved and promoted around the world. HRF seeks, in particular, to sustain the struggle for liberty in those areas where it is most under threat.

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Kuchu Times Media Group (KTMG) is a new media initiative that was formed to provide a platform to the Lesbian Gay Bisexual Transgender and Intersex (LGBTI) community in Uganda, and in Africa more broadly. KTMG is aimed at achieving positive attitude changes in the struggle for equality and freedom by sharing, educating, and informing African communities about the lived realities of the LGBTI community. This media platform is a website, radio, television and print magazine where the day to day lived realities of the LGBTI community are shared through debates, talk shows, discussions, stories, and movies/documentaries. KTMG also acts as a one-stop-shop news center for allies, scholars, students, families and friends, researchers, activists, and well-wishers. Many online platforms about LGBTI work and projects exist, but only KTMG acts as an information center for the continent. This platform has attracted more than 1.7 million viewers in one year and more than 2 million downloads of the first edition of Bombastic magazine.

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