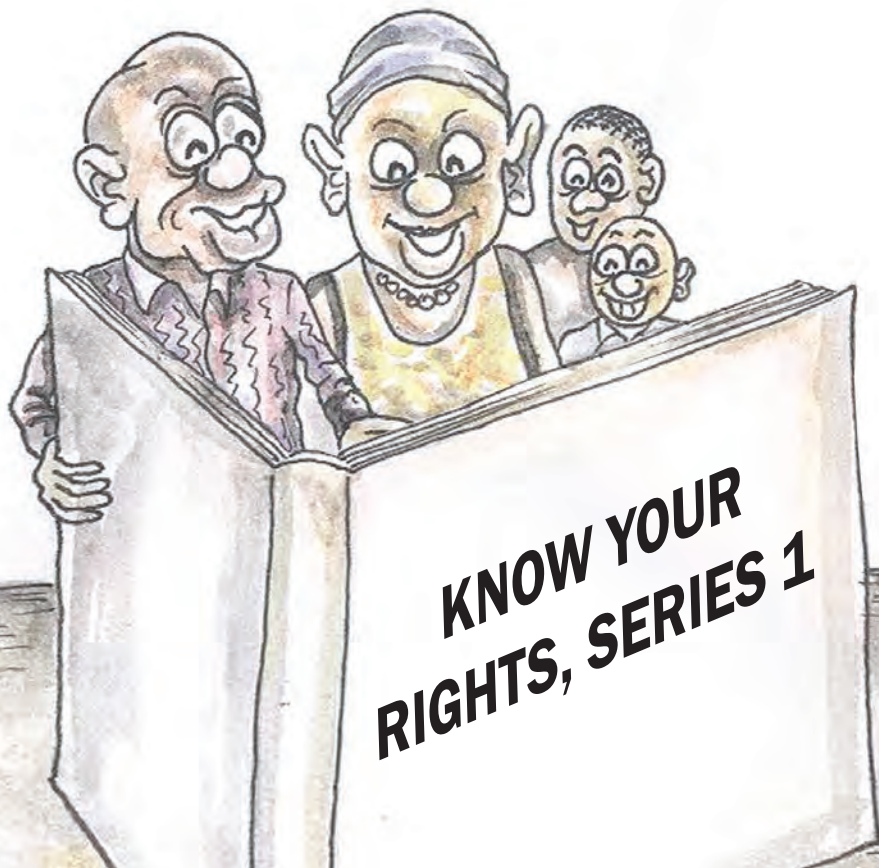




The Human Rights Centre Uganda



**CHAPTER FOUR OF THE 1995 CONSTITUTION
OF THE REPUBLIC OF UGANDA:
SIMPLIFIED AND ABRIDGED VERSION**

INTRODUCTION

Chapter Four of the 1995 Constitution of the Republic of Uganda contains fundamental human rights and freedoms that are inherent to all human beings. These are basic human rights that are universal, interconnected and are all equally important.

This booklet is the first in a series by the Human Rights Centre Uganda that has been translated into seven local languages commonly spoken in Uganda that is Acholi, Ateso, Kiswahili, Lango, Luganda, Runyankore, Rukiga, Runyoro and Rutooro.

The Centre is cognisant of the different translations that have been done by other organisations on the Constitution and has taken this initiative a step further by simplifying and abridging the articles contained in Chapter Four.

The Centre intends to keep the public updated and informed about their basic human rights and fundamental freedoms and we urge you to disseminate this information as widely as possible.

Special recognition goes to the Royal Norwegian Embassy and Irish Aid for the financial support that has enabled the production of this booklet. The Centre also wishes to thank the Uganda Law Reform Commission for its technical assistance rendered to the Centre in simplifying and abridging Chapter Four.

KNOW YOUR RIGHTS, SERIES 1

The Simplified Chapter 4 of the Constitution

Article 20

1. We are all born free with equal rights and dignity. Our rights are not given by the state.
2. Our rights and freedoms must be respected and promoted by the government, its organs and by all persons.

Article 21

1. We are all equal before the law and have the right to equal protection under the law
2. We should not be discriminated against or discriminate because of our sex, race, colour, tribe, birth, religion, social or economic standing, political opinion or disability of any kind.
3. Parliament must pass laws needed to eliminate discrimination or social marginalization in our society.

Article 22

1. We all have the right to life which must not be taken away except through a death sentence passed and confirmed by a competent court.
2. No abortion is allowed except as permitted by law

Article 23

1. One cannot be arrested or detained except for lawful reasons outlined in the constitution.
2. When one is arrested or detained, he/she must be told the reasons, be kept in a place allowed by law and be brought before court within forty eight hours

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3. When one is charged in court with a crime, he/she is entitled to be released on bail if the court agrees.
4. When one is unlawfully arrested or detained, he/she is entitled to be compensated for the illegal arrest or detention

Article 24

No one has the right to physically or mentally hurt or torture you whether by beating or other forms of mistreatment.

Article 25

1. No person shall be made a slave or held in servitude.
2. No person shall be made to do forced labour unless
 - i. It was ordered by a competent court
 - ii. It is work in prison necessary for keeping hygiene or maintaining the place of detention
 - iii. It is work required of a member of the armed forces
 - iv. It is work required during a period of emergency or calamity
 - v. It is reasonable work in fulfilment of communal or civic obligations.

Article 26

1. Everybody has the right to own property alone or jointly with other persons
2. One's property cannot be taken away except:
 - i. When it is needed for public use, or for the defence of the country, or public safety, order or to protect public morality or public health

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- ii. After prompt payment of fair and adequate compensation
3. No law shall stop any one going to court to challenge any forceful taking away of one's property.

Article 27

We all have the right to privacy of our bodies, homes and properties which cannot be unlawfully searched, or abused. Our homes and properties cannot unlawfully be searched, entered into or interfered with.

Article 28

1. We all have the right to a fair, speedy and public trial by a competent court or tribunal established by law.
2. When one is accused of committing a crime he/she;
 - i. is innocent until proved guilty or until he/she pleads guilty
 - ii. Must be immediately told of the nature of the offence in a language he/she understands
 - iii. Must be given adequate time to prepare for his or her defence
 - iv. Must be allowed to appear in court in person and or hire a lawyer of his or her choice
 - v. Is entitled to a lawyer at state expense if he/she is accused of a crime punishable by death or life imprisonment
 - vi. Has a right to an interpreter if he/she cannot understand the language used in the court
 - vii. Must be afforded facilities to question witnesses and to be assisted to call witnesses.
3. When one is accused of an offence, his/her trial must take place in his/ her presence unless the court orders that he or

- she should not be present on the grounds that his/her conduct during the trial makes it impossible for the trial to continue.
4. One cannot be charged or convicted of committing a criminal offence for acts or omissions that were not criminal offences at the time he/she committed the acts or omissions
 5. One cannot be tried or convicted of a criminal offence for which he/she has been pardoned in accordance with the law.
 6. One cannot be tried again for the same offence for which he/she has been convicted or acquitted unless ordered by a superior court on appeal or review of the case
 7. Except for contempt of court, all crimes must be defined by law. One cannot be convicted of a crime that is not defined and its penalty prescribed by law
 8. A husband or wife cannot be forced to testify against the other in a criminal trial.

Article 29

We all have;

- i. the right to freedom of conscience, thought and belief.
- ii. the freedom of speech and expression
- iii. the right to belong and practice a religion of our choice in accordance with the constitution
- iv. freedom to assemble and to demonstrate with others peacefully
- v. the freedom of association which includes the right to form and join associations, unions and political organisations
- vi. the freedom to move freely throughout Uganda and to reside and settle in any part of Uganda

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- vii. the freedom to enter, leave and to return to Uganda
- viii. a right to a passport or travel document.

Article 30

We all have the right to education.

Article 31

1. All men and women of or above the age of 18 years and above have the right to marry and found a family
2. Marriage between persons of the same sex is prohibited
3. Marriage can only be with the consent of the man and women
4. A husband and wife have equal rights at the time of the marriage, during their marriage as well as after the marriage is dissolved. These rights include equal rights over children, property etc
5. It is the duty of parents to care for and bring up their children
6. Children cannot be separated from their parents or guardians except in accordance with the law.
7. Parliament must make laws to protect the rights of widows and widowers over the property of deceased spouses and over their children.

Article 32

1. The state must take measures to improve the conditions of persons who have been disadvantaged because of their gender, age, disability or other historical reason, tradition or custom.
2. Any law, culture, custom or tradition which violates the dignity, welfare or interest of women or any marginalized group is illegal and prohibited by the constitution.

Article 33

1. All women are born free and equal in dignity and rights with men.
2. The state must provide facilities and opportunities for the advancement of the welfare and potential of women.
3. The state must protect women and their rights taking into account their unique status and maternal functions.
4. Women have the same rights as men and shall be afforded equal opportunities in political, economic and social activities.
5. Women have the right to affirmative action to address discrimination created by history, tradition or custom.

Article 34

1. All children have a right to know their parents and be taken care of by them or their guardians.
2. The state and parents of children are responsible for providing basic education to all the children.
3. No person shall deny a child medical treatment, education, or services because of religious or other beliefs.
4. No child shall be socially or economically exploited or perform work that interferes with the child's education or that is harmful to the child's physical, mental, moral or social development.
5. All orphans and vulnerable children have the right to special protection by the state.
6. A child offender in custody cannot be detained with adults

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Article 35

1. Persons with disability have a right to respect and human dignity.
2. The state shall take measures to ensure that persons with disabilities realize their full and mental potential.

Article 36

Minorities have the right to participate in decision making processes. National plans and programmes should take into account their views and interests.

Article 37

We all have the right to belong to, enjoy, practice, profess, maintain and promote our cultures, cultural institutions, language, tradition, belief or religion either alone or in association with others.

Article 38

1. We all have rights to choose our government and participate in the affairs of government individually or through elected representatives.
2. We all have the right to influence policies of government through peaceful activities either alone or through civic organisations.

Article 39

We have a right to a clean, healthy and safe environment.

Article 40

1. We all have the right to work and to safe and health conditions of work.
2. We all have the right to rest and leisure including reasonable working hours and holidays with pay.

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3. We all have the right to practice our profession and to engage in any lawful occupation, trade or business.
4. Every worker has the right to belong to a trade union of his/her choice and to exercise the right to collective bargaining and representation to protect his/her social and economic interests.
5. Every worker has the right to resign/refuse employment in accordance with the law.
6. All employed pregnant women are entitled to protection by their employers during pregnancy and after giving birth.

Article 41

We have the right to access information in possession of the state unless to receive the information can prejudice security of the state or violate the right to privacy of another person.

Article 42

We have a right to be treated justly and fairly by administrative officials or bodies and the right to challenge in court any administrative decisions that affects us.

Article 43

1. We all have a duty to respect the rights of others and in the enjoyment of our rights we must not infringe on the rights of others or the public interest.
2. The enjoyment of human rights may be limited in the public interest but public interest does not include;
 - i. Political persecution
 - ii. Detention without trial

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- iii. Any action or omission which would not be acceptable in a free and democratic society or which is not allowed by the constitution.

Article 44

The following rights cannot be taken away under any circumstances;

- i. Freedom not to be tortured or subjected to cruel, inhuman or degrading treatment or punishment
- ii. Freedom from slavery or servitude
- iii. The right to a fair hearing
- iv. The right to seek an order from court (habeas corpus) so as to be produced in court in order to challenge one's detention or imprisonment

Article 45

We are entitled to enjoy all the human rights and freedoms mentioned in the Constitution and all other rights not specifically mentioned in the constitution.

Article 46

Parliament can pass a law authorizing the taking of reasonable measures to deal with a state of emergency including authorizing the detention of persons where necessary for dealing with the emergency.

Article 47

Where a person is detained under a state of emergency;

- i. He/she shall be informed in writing of the reasons for the detention within 24 hours
- ii. The spouse or next of kin of any person named by him/her shall be informed within 72 hours

- iii. A notice of the detention shall be published in the gazette within 30 days of the detention specifying the grounds for the detention or restriction under the law.

Article 48

1. The Uganda Human Rights Commission must review the case of a person detained under emergency law within 21 days after the commencement of the detention/restriction and thereafter at intervals of not more than 30 days.
2. The Uganda Human Rights Commission may order the release of a person detained under an emergency law or uphold the grounds of restriction or detention.
3. A person detained/restricted under emergency law has the right to appear before the Uganda Human Rights Commission either personally or by a lawyer during the review of his/her case.

Article 49

1. When there is a state of emergency declared by government and Parliament is in session, the government must brief Parliament and publish every month;
 - i. The names and number of persons detained or restricted
 - ii. What action it has taken to comply with the recommendations of the Uganda Human Rights Commission
 - iii. The number of cases reviewed by the Uganda Human Rights Commission
2. At the end of an emergency declared under the constitution, any person detained/restricted under the emergency shall be released immediately unless charged with an offence.

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Article 50

1. We are all entitled to seek redress in court if a fundamental or other right guaranteed by the constitution is infringed or threatened and to appeal against the decision of the court.
2. Any person or organisation has the right to bring an action against the violation of another person's or group's human rights.
3. Parliament must make laws for the enforcement of our human rights and freedoms.

Article 53

If your rights are violated, you may complain to the Uganda Human Rights Commission which has the power to order for appropriate remedies, orders and redress.

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