



The Human Rights Centre Uganda



**OMUTWE GWA KANA GW'ENGYENDERWAHO
(KONSITYUSHONI) YA UGANDA, 1995:
EYOROBIZIIBWE KANDI EFUNZIIBWE**

Omutwe gwa kana gw'engyenderwaho (konsityushoni) ya Uganda, 1995: eyorobiziibwe kandi efunziibwe

ENTANDIKIRIRO

Omutwe gwa kana gw'Engyenderwaho (konsityushoni) ya Uganda gwona guri ahabugabe bw'abantu nk'oku boona babugira. N'obugabe bw'abantu obu ensi yona yaikiriziineho, hoono obwine akakwate bwona, kandi oburikwinganisa omugasho.

Akatabo aka n'ak'okubanza omuri bwona obw'ekitongore kya Human Rights Centre Uganda akatairwe omu ndimi mushanju z'omu Uganda: Orunyankore, Rukiga, Orucoli, Oruteso, Orushwahili, Orurango, Oruganda, Orunyoro/Orutooro.

Ekitongore kya Human Rights Centre Uganda nikimanya ngu hariho ebitongore ebindi ebyaherize kuhindura Engyenderwaho (konsityushoni) ya Uganda omu ndimi ezindi. Kwonka ekitongore eki kyo kyongyeireho kyashobooraho nangwa n'omubigufu aha bushonshoreki bwona obw'omutwe gwa 4 gw'Engyenderwaho (konsityushoni) ya Uganda.

Ekitongore nikyenda kuguma nikyegyesa abantu, nikibashoboorera ebikwatiraine n'obugabe bwabo nk'abantu. Nahabwekyo, naitwe nitukushaba ngu waheza kushoma akatabo aka ebirimu naiwe obijaanjaaze hoono ahu orikubaasa kuhika.

Nitwenda kwebaza omu muringo gw'omutaano ofiisi y'omujwekyerwa w'eihanga rya Norway omu Uganda hamwe n'ekitongore kya Irish Aid okututwera obuhwezi obutubaasiise kuteera akatabo aka. Nitwongera kusiima abakakiiko k'eby'ebiragiro omu Uganda (Uganda Law Reform Commission) ahabw'okutuhayo obukugu bwabo kutuyambaho omu kushoboorora n'okuta omu bigufu omutwe gwa 4 gw'Engyenderwaho (konsityushoni) ya Uganda.

MANYA OBUGABE BWAVE, EKICWEKA 1

Okushobororaho aha mutwe gwa kana gw'Engyenderwaho (konsityushoni) ya Uganda

Akashonshoreki namba 20

1. Twena nituzaarwa tutaine ekituhinzire, turikwinganisa obugabe n'ekitinisa ky'obuntu. Tuzaarwa n'obugabe bw'omuntu; gavumenti tiyo ebutuha.
2. Obugabe bwaitu nk'abantu nibuteekwa kuheebwa ekitiinisa kandi bukatunguurwa gavumenti, ebitongore byayo n'abantu boona.

Akashonshoreki namba 21

1. Omu mateeka twena nitwingana kandi twine obugabe bw'okuheebwa oburinzi omu muringo gurikwingana hatariho kushoorwa.
2. Titushemereire kushoorwa nari kushoorora abandi okurugiirira ahabuhangwa bwaitu nk'abakazi nari shi abashaija, amahanga gaitu, erangi, enganda, obuzaarwa, ediini, ebitiinisa nari obugaiga, enteekateeka omu by'obutegyeki nari shi oburema bw'omuringo gwona.
3. Eishengyero ry'eihanga nirateekwa kutaho ebiragiro ebirikwetengwa ahabw'okumaraho okushoorora omu bantu, okubagaya n'okubareka enyima.

Akashonshoreki namba 22

1. Twena twine obugabe bw'okugira amagara obutashemereire kuribatiirirwa okwihwaho kyaba kiri ekifubiro ky'okwitwa ekihairwe kandi kikahamibwa kooti ehikire.
2. Tihariho okwihamu enda okundi okurikwikirizibwa, okwihaho okwo kwatairwe omu biragiro.

Akashonshoreki namba 23

1. Omuntu tashemereire kukwatwa nari kuteebwa omu kihome kwihaho enshonga ezirikumukwatisa zaaba ziri omu biragiro nk'oku engyenderwaho y'eihanga erikuragiira.
2. Omuntu yaakwatwa nari shi akateebwa omu kihome, naateekwa kugambirwa enshonga ahabw'enki, kandi asibirwe omu mwanya ogurikwikirizibwa omubiragiro, atyo atwarwe omu kooti hatakahwireho eshaaha 48.
3. Omuntu yaajunaanwa omushango omu kooti, aine obugabe bw'okwemererwa, akarekurwa, obwo kooti yareeba ngu kishemereire.
4. Kuri omuntu naakwatwa nari akateebwa omu kihome omu buryo butaikiriziibwe biragiro, aine obugabe bw'okurihiirwa ahabw'okukwatwa nari kusibwa omu buryo butahikire.

Akashonshoreki namba 24

Tihariho omuntu aine obugabe bw'okukuhutaaza, okukuherebura, nari shi okukubonabonesa yaaba omu muringo gw'okuteera nari ogundi gwona.

Akashonshoreki namba 25

1. Tihariho omuntu oshemereire kuhindurwa omuhuuku nari kugyemwa kukorera busha.
2. Tihariho omuntu oshemererire kukora agyemirwe, okwihaho:
 - i. Kyaba kiragiirwe kooti ehikire
 - ii. Gwaba guri omurimo omu kihome ogurikwetaagisa ahabw'okurinda obwecumi omu mwanya ogwo
 - iii. Gwaba guri omurimo ogu omwisherukare weena arikuteekwa kukora.
 - iv. Gwaba guri omurimo gurikwetaagisa omu bunaku bw'akagwe nari habaho akabi.

MANYA OBUGABE BWAVE, EKICWEKA 1

- v. Guri omurimo ogushemereire kukorwa okuhikiiriza emirimo n’obujunaanizibwa bw’abantu omu kyanga.

Akashonshoreki namba 26

1. Buri muntu weena aine obugabebw’okutunga n’okugira ebintu bye we nk’omuntu nari akwataniise hamwe n’abandi.
2. Ebintu by’omuntu tiburikubaasa kumwihwaho, okwihaho:
 - i. Byaba nibyetengwa kukoresibwa ahabwoburungi bw’abantu boona, nari shi ahabw’okwerinda kw’eihanga, oburinzi bw’abantu, obutebeekana, emicwe n’emitwarize y’abantu nari shi amagara gaabo.
 - ii. Yaheza kushashurwa ebimuhikire kumushumbusha ebintu bye.
3. Tihariho ekiragiyo ekiraazibire omuntu weena ngu ataza omu kooti kuhakanisa eky’okumugyema kuhayo ebintu bye.

Akashonshoreki namba 27

Twena twine obugabe bw’okweherera ahabikwatiraine n’emibiri yaitu, amaka gaitu, n’ebintu byaitu, ebitashemereire kucaakwa nari kutwazibwa kubi omu muringo gw’okuhenda ebiragiyo. Amaka n’ebintu byaitu tibishemereire kucaakwa, okutaahwamu nari kukwatwaho omu muringo gutarikwikirizibwa ebiragiyo.

Akashonshoreki namba 28

1. Twena twine obugabe bw’okuhozesibwa omu buringaniza, omu rwatu, kandi omu bwangu omu kooti nari akakiiko, ebitairweho ebiragiyo.
2. Omuntu yaaba naajunaanwa omushango:
 - i. Naaba ataine rubanja okuhisya kyahamibwa ngu buzima kwo arwine nari she we wenka akarwikiriza.

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- ii. Naateekwa kugambirirwaho omushango gurikumujunaana, omu rurimi oru arikwetegyereza
 - iii. Naateekwa kuheebwa obwire burikumara okwetebeekanisa kwehozaho.
 - iv. Naateekwa kwikirizibwa kwija omu kooti omu buntu nari shi okugura puriida ou ayesiimiire.
 - v. Nateekwa kuheebwa puriida oshashuriirwe gavumenti, yaaba naajunaanwa omushango ogwine ekifubiro ky'okwitwa nari she okusibwa amagara ge goona.
 - vi. Aine obugabe bw'okuheebwa omuvunuuzi yaaba atarikwetegyereza orurimi orurikukoresibwa omu kooti
 - vii. Naateekwa kuhwerwa kubuuzi abajurizi ebibuuzo kandi nawe kweta abajurizi abe.
3. Omuntu yaaba naajunaanwa omushango, nateekwa kuba ariho omu buntu, okwihaho kooti yasharamu ngu tashemereire kubaho ahabw'okugira ngu emitwarize ye omu mushango nebaasa kuremesa kuguremesa kugyenda omu maisho.
 4. Omuntu tarikubaasa kujunaanwa nari kucwerwa omushango gurikutsibuka ahabiyakozire nari shi ebi yaremirwe kukora obu ebiragiyo byabaire bitakahamize ngu ebikorwa ebyo n'omushango.
 5. Omuntu tarikubaasa kuhozesibwa nari shi kusingisibwa omushango ogu yaabaire yasaasiirwe okurugiirira aha biragiyo.
 6. Omuntu tarikubaasa kuhozesibwa omurundi ogundi aha mushango ogu yabaire yaafubiriirwe nari shi yaasingire, kwihaho kooti erikukiraho yajurirwa nari ekasharamu ngu gugarukwemu.
 7. Okwihaho eky'okujooga kooti, emishango endiijo yoona neteekwa kuba eshoboroirweho omu biragiyo. Omuntu tarikubaasa kusingwa omushango ogutashoboroirwe omu biragiyo nari ogu ekifubiro kitarimu omu biragiyo.

MANYA OBUGABE BWAVE, EKICWEKA 1

8. Omu kuhurira emishango, omuntu tarikubaasa kugyemwa kuha obujurizi ahamushaija we nari shi omukazi we.

Akashonshoreki namba 29

Twena twine:

- i. Obugabe bw'okweshwijuma, okuteekateeka, n'okwikiriza omu kintu.
- ii. Obugabe bw'okugamba, okwatura, n'okweyoreka ekituri
- iii. Obugabe bw'okugira ediini n'okuramywa, twekundiire nk'oku engyenderwaho y'eihanga erikugamba.
- iv. Obugabe bw'okwerundaanira hamwe, n'okwesharinga n'abandi omu busingye.
- v. Obugabe bw'okweteerana nabandi, obariiremu obugabe bw'okutaho nari shi okuza omu omu bigombe by'abantu ba buriiho, eby'abakozi b'emirimo, n'eby'obutegyeki.
- vi. Obugabe bw'okugyenda omuri Uganda yoona hatatine kirikutuhinda, kandi n'okuraara narishi okuzingura omu kyanga kyona omu Uganda.
- vii. Obugabe bw'okuza omu Uganda, kurugamu kandi n'okugarukamu
- viii. Obugabe bw'okuheebwa paasipooti nari shi ebihandiiko by'okugyenderaho kuza aheeru y'eihanga

Akashonshoreki namba 30

Twena twine obusingye bw'okutunga obwegyese.

Akashonshoreki namba 31

1. Abashaija hamwe n'abakazi boona abaine emyaka 18 n'okukiramu baine obugabe bw'okushwera n'okushwerwa bakatandikaho amaka.

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2. Ebiragiro tibirikwikiriza obushwere obw'abashaija n'abashaija nari shi abakazi n'abakazi bagyenzi baabo.
3. Obushwere nibubaho omushaija n'omukazi baaba bekundiire
4. Omushaija n'omukazi we baine obugabe burikwingana baheza kushwerana; omu bushwere bwabo; kandi hoona n'obushwere bwaheza kuhwaho. Omwo obariiremu obugabe burikwingana aha baana, aha bintu hamwe n'ebindi.
5. N'omurimo gw'abazaire kureeberera n'okukuza abaana baabo.
6. Abaana tibarikubaasa kutaanisibwa n'abazaire baabo nari shi abakuza baabo okwihaho omu miringo ey'ebiragiro bikugamba.
7. Eishengyero ry'eihanga niriteekwa kukora ebiragiro by'okurinda obugabe bw'enfaakazi, n'abashaija abaafereirwe abakazi baabo, ebikwatiraine n'ebintu bya ba nyakufa hamwe n'abaana baabo.

Akashonshoreki namba 32

1. Gavumenti neteekwa kutaho oburyo bw'okwimusya omutindo gw'abantu abasigirwe enyima ahabw'obuhangwa bwabo nk'abakazi nari shi abashaija, emyaka, oburema nari ahabw'enshonga z'ebyabaireho, eby'enzaarwa nari emigyenzo.
2. Ekiragiro kyona, emitwarize, emigyenzo, nari eby'enzaarwa ebirikugayisa ekitiinisa, obugwagye nari shi bikaremesa ebishemereire abakazi n'abandi bantu abarikunagaijirwa nibihenda ebiragiro kandi engyenderwaho y'eihanga terikubiikiriza.

Akashonshoreki namba 33

1. Abakazi boona nibazaarwa bataine kirikubahinda kandi barikwinganisa n'abashaija obugabe n'ekitiinisa ky'obuntu.
2. Gavumenti neeteekwa kutaho oburyo, n'emigisha eby'okutuunguuiramu obugwagye bw'abakazi hamwe n'obwekambi bwabo.

MANYA OBUGABE BWAVE, EKICWEKA 1

3. Gavumenti neteekwa kurinda abakazi hamwe n’obugabe bwabo okurugirira aha mpangwa yaabo y’omutaano n’omwoga gwabo gw’ebyokuzaara.
4. Obugabe bw’abakazi nikyo kimwe nk’obw’abashaija; n’ahabw’ekyo nibateekwa kuheebwa emigisha nk’eyabashaija omu by’obutegyeki, eby’entaasya n’emirimo endiijo yoono.
5. Abakazi baine obugabe bw’okubangirwa bakarugayo omu kushoorwa okwareesirweho ebyafaayo, n’ebyabaireho kare eby’enzaarwa, ebyemicwe y’ensi hamwe n’emigyenzo.

Akashonshoreki namba 34

1. Abaana boona baine obugabe bw’okumanya abazaire baabo kandi bakareebererwa abazaire nari shi abakuza baabo.
2. Gavumenti hamwe n’abazaire baine obujunaanizibwa bw’okuha abaana boona obwegyese oburikutandikirwaho.
3. Tihariho omuntu weena oikiriziibwe kwima omwana obujanjabi, obwegyese nari obuheereza bwona ahabw’enyikiriza ye omu diini nari endiijo yoono.
4. Tihariho omwana nomwe oshemereire kukoreshwa haihi nk’omuhuuku nari shi kukora emirimo erikutabangura okwega kwe, ey’akabi aha nkura ye y’omubiri, ebiteekateeko, emicwe nari entuura ye.
5. Amafuuzi goona n’abaana abataine kihwera baine obugabe bw’okurindwa gavumenti omu muringo gw’omutaano.
6. Omwana okozire omushango tahikire kusibwa omu kihome kimwe n’abantu bakuru.

Akashonshoreki namba 35

1. Abantu abaine oburema baine obugabe bw’okuteebwamu ekitiinisa kyabo ky’obuntu.

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2. Gavumenti neteekwa kutaho oburyo n'enteekateeka z'okureeba ngu abantu abaine oburema baayambwa omu bwekambi bwabo babaasa kweyemerezaho

Akashonshoreki namba 36

Enganda eziine abantu ab'omuhendo gw'ahansi munonga baine obugabe bw'okwikirizibwa kuba omu by'okuteesa n'okusharamu ebiraakorwe ebirikubakwataho. Enteekateeka nan'enkora zaharurengo rw'eihanga zishemereire kuba zirimu enteekateeka yaabo hamwe n'ebibarikwenda.

Akashonshoreki namba 37

Twena twine obugabe bw'okwikiririza, n'okushemerererwa omu by'obuhangwa bwaitu; omwo obariiremu orurimi rwaitu, enyikiriza nari ediini, n'emitwarize; kandi hoona twine n'obugabe bw'okubitunguura buri omwe ahabwe nari shi tweteraine n'abantu abandi.

Akashonshoreki namba 38

1. Twena twine obugabe bw'okutoorana gavumenti yaitu kandi n'okubamu omu by'okuteesa n'okukora aha nshonga za gavumenti, buri omwe ahabwe wenka nari shi turikukurabira omu bajwekyerwa baitu.
2. Twena twine obugabe bw'okuhurirwa kandi ebiturikwenda bikaza omu nkora ya gavumenti, obwo twaba tubishabire omu miringo y'obusingye, buri omwe ahabwe wenka nari shi turikurabira omu bigombe.

Akashonshoreki namba 39

Twine obugabe bw'okutuura omu myanya eyecumi, etarikureeta endwara kandi etarimu kabi aha magara gaitu.

Akashonshoreki namba 40

1. Twena twine obugabe bw'okukora kandi kukorera omu myanya ecumirwe, etarimu kabi aha magara gaitu.

MANYA OBUGABE BWAWE, EKICWEKA 1

2. Twena twine obugabe bw'okuhuumuraho; kuruhuuka, hamwe n'okushemererwa, obariiremu eshaaha z'okukora ezinganiire, n'okuheebwa ebihuumuro bitashazirweho mushaara.
3. Twena twine obugabe bw'okukora emyoga y'emirimo yaitu kandi n'okukora emirimo y'emiringo yona, n'obushuubuzi, ebirikwirizibwa omu biragiro.
4. Buri mukozi aine obugabe bw'okuza omu kigombe ky'abakozi eki yasiima, kandi n'okukoresa obugabe bw'okuteisiza hamwe n'okujwekyerwa ahabw'okurwanirira okubaho kwe omu ntuura n'omu ntaasya.
5. Buri mukozi aine obugabe bw'okurekura nari kwanga omurimo omu muringo gurikukuratira ebiragiro.
6. Abakozi boona abaine enda nibateekwa kurindwa abarikubakoresa n'okuhitsya baheza kuzaara.

Akashonshoreki namba 41

Twine obugabe bw'okumanyisibwa ebirikufa omu gavumenti, okwihaho okumanya kwaitu kwaba nikubaasa kutabangura obukuumi bw'eihanga nari kutaahataaha omu bugabe bw'omuntu ondiijo bw'okwehereera.

Akashonshoreki namba 42

Twine obugabe bw'okutwarizibwa kurungi omu buringaaniza abeebembezi nari ebitongore. Kandi twine n'obugabe bw'okuhakanisa omu kooti eby'abeebembezi basharamu byaba nibitugwisa kubi.

Akashonshoreki namba 43

1. Twena twine obujunaanizibwa bw'okuha ekitiinisa obugabe bw'abandi bantu; kandi twaba nitushemerererwa omu bugabe bwaitu nituteekwa kureeba ngu titwaribatiirira obugabe bw'abandi nari shi titwashiisha oburungi bw'abantu.

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2. Okushemererwa omu bugabe bw'abantu nikubaasa kukyendeezibwaho n'ekigyendererwa ky'okurinda oburungi bwa boona. Kwonka oburungi bwa boona tikirikumanyisa:
 - i. Okuhiganisibwa ahabw'eby'obutegyeki
 - ii. Okusibwa otahozesiibwe
 - iii. Ekikorwa kyona nari okuremwa kukora ekishemereire; byona ebitarikwikirizibwa omwihanga ry'obugwagye, eririmu enkora ya demokurasi nari shi ebi engyenderwaho y'eihanga etarikwikiriza.

Akashonshoreki namba 44

Obugabe obu tiburikubaasa kwihwa aha muntu nobu hakubahoki:

- i. Obugabe bw'obutabonabonesibwa, kuhutaazibwa nari okukuhereburwa; okutwazibwa nari shi okufubirwa omu muringo mubi nk'otari muntu, okajoogwa, okagarurwa ahansi.
- ii. Obugabe bw'okutahindurwa muhuuku nari kugyemwa kukorera busha.
- iii. Obugabe bw'okuhozesibwa omu buringaniza
- iv. Obugabe bw'okuteererwa enduuru omu kooti ekaragiira ngu oreetwe omu kooti waaba osibirwe, nari shi abaawe batarikumanya ah'osibirwe. Reero mpaho obaase kuhakanisa okusibwa kwawe omu kooti.

Akashonshoreki namba 45

Twine kushemererwa omu bugabe bwaitu bwona obu egyenderwaho y'eihanga etuha, hamwe n'obwo bwona obu amahanga g'ensi gaikiriziineho nobu bwakuba butagambirweho omu ngyenderwaho y'eihanga.

Akashonshoreki namba 46

Eishengyero ry'eihanga niribaasa kutaho ekiragiro kirikuha oburyo oburinganiire obw'okutaho omu kurwanisa obwire bw'akabi n'obutabanguko; omwo obariiremu n'obushoboorozi bw'okusiba abantu ahu kirikwetaagisa.

Akashonshoreki namba 47

Omuntu yaasibwa omu bwire bw'akabi nari shi obutabanguko:

- i. Ashemereire kumanyisibwa omu buhandiikye omu shaaha 24 enshonga ezamusibisa
- ii. Omwami we nari omukyara we nari omunyabuzaare we ou yaagamba nateekwa kumanyisibwa omu shaaha 72.
- iii. Ekirango ky'okusibwa kwe nikiteekwa kushohozibwa omu rupapura rwa gavumenti ebiro 30 bitakahweireho kwiha asibwa. Ekirango nikiteekwa kuha enshonga ahabwenki yasibirwe nari shi oku yahinzirwe kwona omu mateeka.

Akashonshoreki namba 48

1. Akakiiko k'ebyobugabe bw'abantu omu Uganda (Uganda Human Rights Commission) nikateekwa kushwijuma omushango gw'omuntu osibirwe omu mateeka g'obwire bw'akatabanguko hatakahwaireho ebiro 21 omuntu aherize kusibwa nari ahinzirwe. Na bwanyima, kagume nikagushwijuma buri biro 30 bitakarengire.
2. Akakiiko aka nikabaasa kuragiira okurekurwa kw'omuntu ogwo asibirwe nari ahinzirwe. Kandi nabwo nikabaasa kuhamya enshonga ezi asibirwe nari akahindwa.
3. Omuntu osibirwe nari ohinzirwe omu mateeka g'obwire bw'akatabanguko aine obugabe bw'okureetwa omu kakiiko k'ebyobugabe bw'abantu omu buntu nari shi ajwekyeirwe puriida obwo omushango gwe gwaba nigushwijumwa.

Akashonshoreki namba 49

1. Gavumenti yaheza kurangiirira obwire bw'akatabanguko n'akabi kandi obwo eishengyero ry'eihanga ryaba nirishutama, neeteekwa kushobororera eishengyero kandi ekarangiriria buri kwezi:
 - i. Amaziina n'omuhendo gw'abantu abasibirwe n'abahinzirwe
 - ii. Ebi ekozireho okuta omu nkora ebi Akakiiko k'ebyobugabe bw'abantu omu Uganda kagihabwireho aha mishango y'abantu abo
 - iii. Omubaro gw'emishango eyi akakiiko kashwijumire
2. Aha muheru gw'akatabanguko nari shi akabi, akarangiriirwe omu mateeka g'engyenderwaho y'eihanga, omuntu weena osibirwe nari ohinzirwe, nateekwa kurekurwa ahonaaho okwihaho yaaba aine omushango ogundi gwona ugu yajunaanwa.

Akashonshoreki namba 50

1. Twena twine obugabe bw'okuza omu koori kuhwerwa twaba nituhurira ngu obugabe bwaitu bwaribatiirirwa nari shi buri ahari bujenje. Kandi hoona twine obugabe bw'okujurira twaba tutarikwikirizana n'ebi kooti yasharamu.
2. Omuntu weena nari ekigombe baine obugabe bw'okugira eki baakoraho kuhakanisa okuribatiirirwa kw'obugabe bw'omuntu ondiiho nari abantu abandi.
3. Eishengyero ry'eihanga nirateekwa kutaho ebiragiho kureeba ngu obugabe bw'abantu bwateebwa omu nkora.

Akashonshoreki namba 53

Obugabe bwawe bwaribatiirirwa, noobaasa kwetomboita omukakiiko k'ebyobugabe bw'abantu omu Uganda (Uganda Human Rights Commission) akaine obushoboorozi bw'okuragiira eky'okukukorera ekishemereire.

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