



KEYNOTE ADDRESS

**BY THE
DEPUTY CHIEF JUSTICE OF THE REPUBLIC OF UGANDA
HON. JUSTICE RICHARD BUTEERA**

**DELIVERED ON THE 75TH ANNIVERSARY OF THE
UNIVERSAL DECLARATION OF HUMAN RIGHTS**

AT THE

**HIGH-LEVEL NATIONAL DIALOGUE TO COMMEMORATE
THE INTERNATIONAL HUMAN RIGHTS DAY UNDER THE
THEME:**

**UNIVERSAL DECLARATION OF HUMAN RIGHTS
COMMEMORATION AT 75 YEARS, *EVALUATING
UGANDA'S PROGRESS IN THE PROTECTION AND
PROMOTION OF HUMAN RIGHTS***

HELD ON

**11TH DECEMBER 2023 AT
SHERATON HOTEL KAMPALA**

- **Hon. Deputy Speaker of Parliament, Right Mr. Thomas Tayebwa,**
- **Your Excellence the Ambassador of the Kingdom of the Netherlands, Ms. Karin Boven,**
- **Your Excellence the Ambassador of Germany, Mr. Matthias Schauer,**
- **Your Excellence the Deputy Ambassador of France, Ms Janyce Obrecht,**
- **My Lord Justice Batema and other Judicial officers present,**
- **Chairperson, Human Rights Committee of Parliament, Mr. Fox Odoi,**
- **The Country Representative Avocat Sans Frontières,**
- **The UNFPA Country Representative, Ms. Gift Malunga,**
- **Political Party Leaders Present,**
- **Members of the Academia and Media,**
- **Representatives of Civil Society Organizations,**
- **All Human Rights Defenders present,**
- **Members of the press,**
- **Invited Guests,**
- **Ladies and Gentlemen.**

Good morning.

I am delighted and feel honoured to have been invited to join you on this fine morning to make a keynote address on the International Human Rights Day when we are commemorating 75 years of the Universal Declaration of Human Rights (UDHR).

The presence of so many of us here, representing so many countries, is illustrative of our collective commitment to promotion and protection of Human Rights in Uganda and in the whole world.

Universal Declaration of Human Rights (UDHR) was adopted by the General Assembly on 10th December 1948. This was in response to the atrocities witnessed during World War II. For the first time in the history of mankind nations came together in recognition of the dignity of each human being to agree on the content of the human rights of all human beings. They acknowledged the close connection between violation of human rights and national and international peace. The

emphasis throughout the Declaration was on rights and freedoms applicable to every person everywhere.

On this occasion we should take stock and examine what has been achieved since the declaration. We should reflect on what needs to be accomplished in future. The commemoration compels us to reflect on the continuing relevance of the Universal Declaration to the political, social, economic and cultural environment we live in and how we can transform its promise into a living reality for all the people in the world we live in. The commemoration also reminds us of the tenets of the Universal Declaration, in so doing to reaffirm and to renew our attachment to these fundamental principles and to this vision.

When we observe the society we now live in, it's clear that a lot remains to be done in the field of human rights protection and promotion. It is not time yet for us to relax. We have only recently had cases of genocide in our region. We still have wars in the neighborhood. We have displaced people in all regions in the world. Conditions of "absolute poverty" in the world around us are a cause for shame. These are situations that call for all countries to reconsider their positions and renew their commitments to the promotion of human rights. We all must match our rhetoric with action.

The Declaration proclaims in its Preamble: "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world". Economic, social and cultural rights are set out with the same degree of affirmation and conviction as civil and political rights. Freedom of speech and belief are enshrined but also freedom from fear and want. Fair trial and the right of participatory and representative government sit shoulder to shoulder with the right to work, to equal pay for equal work, and the right to education. Both sets of rights are proclaimed as "the highest aspiration of the common people". All the people.

We must be honest, however, and recognise that there has been an imbalance in the promotion at the international level of economic, social and cultural rights and the right to development. Extreme poverty, illiteracy, homelessness and the vulnerability of children to

exploitation through trafficking and prostitution are telling indictments of leadership in our world as we end this millennium.

The Declaration has exerted a moral, political and legal influence throughout the world, far beyond the aspirations of its drafters. It has been the primary source of inspiration of all post-war international legislation in the field of human rights. All of the United Nations human rights treaties and resolutions as well as the regional human rights conventions – the European and American conventions and the African Charter on Human and Peoples’ rights – have been directly inspired by the Declaration. Virtually every international instrument concerned with human rights contains same reference to the Universal Declaration of Human Rights. Many subsequent declarations by the General Assembly of the United Nations adopted some provisions from the Universal Declaration of Human Rights.

Its detailed provisions have served as a model for many domestic constitutions and laws, regulations and policies that protect human rights. The 1995 Uganda Constitution borrowed a lot from the Declaration. Our courts and especially the Constitutional Court like many other courts the world over have had recourse to the provisions of the Declaration in interpretation of provisions of Constitution and national laws or directly applicable international law. Parliaments, Governments, lawyers and non-governmental organisations throughout the world invoke the Declaration when human rights issues are discussed.

Many of the provisions of the Declaration have become part of customary international law, which is binding on all states whether or not they are signatories to one or more multilateral conventions concerning human rights. Thus, what started its existence as a solemn but non-binding proclamation of rights and freedoms has, at least in some respects, if not all, acquired through state practice the status of universal law.

Twenty years after its adoption, its tenets were authoritatively endorsed by the 1968 Proclamation of Teheran and transformed into the provisions of the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights, both of which entered into force in 1976. It also inspired other world conferences

including the Beijing Platform of Action re-emphasising that women's rights are human rights. Indeed, one of the functions of the office of the High Commissioner for Human Rights established by the General Assembly in 1993 is to promote and protect the rights and freedoms contained inter alia in the Universal Declaration. In short, the Declaration has, since its adoption, assumed the mantle of a constitutional instrument, giving specificity to the concept of human rights in the United Nations Charter and radiating its benign influence throughout the planet.

The Ugandan perspective on the progress, protection and promotion of Human Rights

The UDHR was born on 10th December 1948. Uganda was then then a colony under British rule.

When the British came to Uganda, they found the indigenous people had their own concepts of human rights which served their own society then. The culture of the Uganda population was collectivist. The clans and tribes looked to their clan and tribal leaders as protectors of their community rights rather than the individual rights of their members. The tribal and clan leaders are respected and were given special status. Age, gender and other social issues define status and people were treated differently because of age and/or gender. The elders and tribal leaders resolve disputes and their decisions were respected. The community owned land together and the tribal leaders were the trustees. The rights of the clan or tribe were more important than the rights of the individual. If there was a marriage the family and the clan were involved. The children belonged to the whole larger family and to the clan. They were not children of only their father and mother. The community raised the children together.

The British came from an individualist culture where a child is taught from an early age about individual rights. They are taught early in their life that as human beings they are equal to everybody. Nobody is above or below you. You have to compete and survive as an individual. You have equal rights with everybody else. The child grows up with a universalist attitude where people have to be treated the same as individuals. The individual has rights and pursues his/her rights as an individual. Individual rights are the foundation of human rights. Individual land ownership was introduced by the British in Uganda. An individual gets married to another individual and the marriage or

divorce does not concern members of the family, clan or community. The Individual human rights of the Universalist societies was introduced in Uganda. The collectivist communities and their concepts of community rights continued to operate in their old setups in families, clans and tribes.

The conflict of concepts of understanding human rights in the collectivist sense and the Universalist sense of human rights continued in the colonial and postcolonial developments.

In view of the little time, we have for this presentation, I will not dwell much on human rights in the period of Uganda under colonial rule. There is little literature to show the UDHR principles were implemented in the country with any cautious passion.

Immediately after independence Uganda had peace for a short time. 1962 to 1966. In 1966, 5 ministers were detained under preventive detention legislation. The prime minister then took over power from the President under the pigeon hole Constitution after which we got the 1967 Constitution. This governed the Constitution up to the Idd Amin Coup of 1971. The ministers and the former prime Minister Benedicto Kiwanuka were released by Idd Amin. He was appointed Chief Justice. He was murdered by the same Idd Amin shortly after his appointment. There was short lived excitement and relief following Idd Amins' Coup.

Many other people were kidnapped and killed by the state in the Idd Amin era. A Commission of inquiry was set up to investigate the disappearances. The commission produced a report.

The Report of the Commission of Inquiry into the Disappearances of People in Uganda, 1974 (RCIDPU) –The report documented the killings and disappearances of people in Uganda since independence in 1962 and 1971 when Amin took power. The report was never implemented by government. This is a document to read when you study the human right of Uganda.

Another commission of Inquiry on violation of human rights was set up after the NRM government came into power in 1986. This is the Justice Oder Commission. It produced a report.

The Report of the Commission of Inquiry into Violations of Human Rights, 1994 (RCIVHR) – The Commission Documented the human rights violations that occurred in Uganda between 1962 and 1986 when the NRM came to power. Among its many

recommendations was a recommendation for the adoption of a new Constitution and the establishment of a human rights Commission. This is another document of interest for people interested in the issues of human rights in Uganda.

After the Justice Oder Commission Government appointed the Justice Odoki Commission to carry out a study and make recommendations for a new Constitution. The Commission Carried out countrywide consultations on the contents of the Constitution. It produced a report;

The Report of the Constitutional Commission, 1995 (RCC) - It made recommendation for the drafting of the 1995 Constitution, including its human rights provisions.

Following the Justice Odoki Commission, The Constituent Assembly was enacted and it promulgated the 1995 Constitution.

The 1995 Constitution can be described as a human rights-centered document. Chapter four of the Constitution is on human rights. This is the longest chapter of the whole constitution. In content it borrowed a lot from the UDHR.

The Constitution created the Uganda Human Rights Commission (UHRC), which is charged with the protection and promotion of human rights and freedoms under Article 51 of the Constitution.

The constitution gave powers to the Human Rights Commission to promote and protect Human Rights of all people with functions defined under Article 52 to include among others the power to:

- (a) Investigate on its own initiative or on complaint any violation of human rights.
- (b) The Commission can visit any jails, Prisons, and places of detention to assess and inspect conditions of the inmates and make recommendations.
- (c) the Commission can recommend to Parliament effective measures to promote human rights, including provision of compensation to victims of violations of human rights or their families.
- (d) the Commission has to create and sustain within society the awareness of the provisions of the constitution.
- (e) to monitor the Government's compliance with the international treaty and convention obligations on human Rights.

The 1995 Constitution under Article 50 gave the powers to The Courts and The Parliament of Uganda to promote and protect Human Rights.

Under the Article 50. Enforcement of rights and freedoms by courts.

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

Any person or group of persons can bring the claim to court and may appeal if not satisfied with the court’s decision to a higher court.

These are powers of court that individuals have used to defend and to protect their rights.

Under **Article 50 (4)** Parliament has the power to make laws for enforcement of the rights and freedoms under the Constitution.

Parliament has enacted various laws to protect human rights.

The same 1995 Constitution gives The Constitutional Court powers under Article 137 (3) to interpret the Constitution. Under Article 137 (3) (a) any person may petition the Court for a declaration that that any Act of Parliament or any other law or anything in or done under the authority of any law; or

(b) any act or omission by any person or authority is inconsistent with or in contravention of the Constitution. The Article also give the court power to award the necessary redress.

Individuals, NGO and various institutions have utilised these provisions of the Constitution and other laws to seek for redress in case of violations of human rights. They have used the article to challenge legislation and actions of Government they consider unconstitutional or an infringement on human rights.

In my view the establishment of a robust judicial and legislative system, a predictable election cycle as well as the continuous reporting on its international treaty obligations by the human rights commission, cements Uganda’s strong commitment to the safeguarding and upholding of human rights and the UDHR as a living document, 75 years later. The UHRC continues to stand as a beacon of human rights protection and promotion, with the UDHR as a guiding post to its work since its inception in 1997.

Ladies and Gentlemen,

My vision of the Universal Declaration, however, strays beyond its legal and political influence. The late Nelson Mandela former South African President once reminded us that the Declaration was adopted only a few months after the formation of the first apartheid Government. He said – and I quote: **“For all the opponents of this pernicious system, the simple and noble words of the Universal Declaration were a sudden ray of hope at one of our darkest moments. During the many years that followed, this document served as a shining beacon and an inspiration to many millions of South Africans. It was proof that they were not alone, but rather part of a great global movement against racism and colonialism, for human rights, peace and justice.”**

It is often said that rights which exist on paper are of no value. But paper, vision, commitment and action are the powerful tools of peace. The pages of the Universal Declaration, as Nelson Mandela observed, have been a source of courage to the downtrodden by showing them that they are not alone! They also interrogate our sense of solidarity. Notwithstanding the cruel fact of the persistence of human rights violations throughout the world this document has served and will continue to serve as a reminder that the world community cannot turn a blind eye to the suffering of the oppressed and the destitute and that it has a mandate to concern itself and, where possible, offer succour – beyond all frontiers.

Ladies and Gentlemen,

One need to look no further than the Preamble of the Declaration to realise that, while the world around us is evolving at a pace more rapid than at any other time in human history, the premises on which the Declaration is founded will remain valid and immutable forever. The Preamble speaks of “barbarous acts which have outraged the conscience of mankind”. It points out that “it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law”. It reminds us of the close connection between human rights observance and “friendly relations between nations”. It ends, with a phrase that goes to the heart of the commemoration of the 50th anniversary, that a “common understanding of the rights and freedoms is of the greatest importance for the full realisation of this pledge”. No-one reading these phrases today can fail to be struck by

their insight into the connection between denial of human rights and peace – domestic and international – and their enduring actuality.

Ladies and Gentlemen,

Thanks to the Universal Declaration, human rights have established themselves everywhere as a legitimate political and moral concern. The world community has pledged itself to promote and protect human rights. Ordinary citizens have in reference to the UDRH demanded for their rights in all regions of the world. The enforcement of Human Rights Law is developing in different of parts of the world through effective regional mechanisms.

I would venture to suggest that it has become an elevating force on the events of our world because it can be seen to embody the legal, moral and philosophical beliefs held by all peoples because it applies to all. It is precisely this notion of “universality” in the widest sense – that gives it its force. Its universal vocation to protect the dignity of every human being has captured the imagination of humanity. It is this vision that explains the enduring mission of the Declaration and its unsurpassable dominance as a statement of legal principles. We tamper with it at our peril.

Conclusion

I would before I conclude call on every one of us to uphold the promotion and protection of Human Rights.

It is important that all organs of the State, Government Agencies, Civil Society, Justice Actors and Every Citizen up holds the fight for promotion of Rule of Law and Human Rights through Collaboration, Coordination and supporting each other.

Our resolve in the Judiciary is to always stand firm in the promotion and protection of human rights. We understand that we cannot go far if we operated alone. We shall continue to work with The Human Rights Commission and its leadership together with others of similar interest in the promotion and protection of Human Rights. We should all work with the Human Rights Commission in its Vision to have **“a society that respects human rights and fulfils civic obligations”**. Allow me to congratulate the Chair Person of the Uganda Human Rights Commission **Ms. Mariam F. Wangadya** and the Country

Director Avocats Sans Frontieres (ASF) **Ms. Irene Winnie Anying** for jointly organising this High-Level Public Dialogue to mark the International Human Rights Day.

I Thank both of you for the passion and commitment to enhancing promotion and protection of Human Rights.

Thank you for listening to me.

For God and my country

In recognition the dignity of each human being.

Richard Buteera
DEPUTY CHIEF JUSTICE