

What are Human Rights?

- Human rights are the basic values that are essential to human dignity.
- Human rights are legally guaranteed by human rights law.
- They protect individuals and groups against actions that interfere with fundamental freedoms and human dignity.
- Human rights impose obligations on governments.

According to the Universal Declaration of Human Rights (UDHR) Human rights are intrinsic values that give all human beings dignity.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. (UDHR, Article 1)

Principles of Human Rights:

- Fundamental** relates to the protection of fundamental interests which are an essential component of human well-being;
- Universality** simply means that human rights apply to everyone, every where in the world;
- Indivisibility** means that it is not sufficient to respect some human rights and leave out others. This principle recognises that in practice the violation of one right will respect for several other rights;
- Equality and non-discrimination:** This principle requires Eradication of legal, institutional, interpersonal and structural discrimination;
- Participation:** This principle requires free, active, meaningful and inclusive participation;
- Accountability:** this requires States and other duty bearers to be answerable for the observance of human rights.

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1 What are HUMAN RIGHTS?



State obligations, individual responsibilities, and human rights under the Uganda Constitution

Nature of state obligations created by Human Rights

The Human rights system creates three major obligations on the government. These include the obligations to: respect; protect and fulfil.

- a) **The obligation to respect:** requires government to refrain from interfering directly or indirectly with the enjoyment of human rights. *States have the obligation to work to ensure that no government practices, policies, programs, or legal measures violates human right, ensuring provision of services to all the population groups on the basis of equality and freedom from discrimination paying particular attention to the vulnerable and marginalized groups;*
- b) **The Obligation to protect:** calls upon government to prevent third parties from interfering with the enjoyment of the human rights. *For example this obligation calls upon government to prevent private companies from infringing on the right to Health .*
- c) **The obligation to fulfill:** this requires government to adopt appropriate measures towards full realizations of the rights such as appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the full realization of human right.

Responsibilities under Human Rights

- It is important to note that for every single right, there is a corresponding responsibility;
- This means that for one to enjoy the rights, they must behave in a way that allows the state to meet their rights and allow others to have their rights met;
- The human rights system therefore makes everyone responsible in the struggle for human rights;
- For example the right to freedom of expression – calls for a responsibility to tell the truth and not abuse the dignity of others in what one says in expressing themselves;
- Similarly in order to have the right of access to health care met - one has the corresponding responsibility to share the medical information needed for their treatment and complying with the prescribed treatment or rehabilitation procedures met to improve his or her health.

The Scope of Human Rights

Human rights are divided into two major categories. These are: the civil and political rights; and the economic, social, and cultural rights.

Civil and Political Rights: these are a class of rights that protect individuals' freedom from infringement by governments and private organizations, and ensure one's ability to participate in the civil and political life of the state without discrimination or repression.

For example the Civil Rights include ensuring of peoples' physical integrity and safety; protection from discrimination on any grounds and individual rights such as the freedoms of thought and conscience, speech and expression, religion, the press, and movement. On the other, the political rights include natural justice (procedural fairness) in law, and rights of participation in civil society and politics such as freedom of association, the right to assemble and the right to vote.

- a) **Economic, Social and Cultural Rights:** as the title suggests, these are rights which concern the economic, social and cultural issues of society. Examples include: the right to education, right to housing, right to adequate standard of living and the right to health.

Human Rights under the Ugandan Constitution

- Article 2 provides that the constitution is the supreme law of Uganda.
- This means that if any other law or custom is inconsistent with any of the provisions of the constitution, the constitution prevails.

List of rights under the Uganda Constitution

- Equality and freedom from discrimination. (article 21)
- Protection of right to life.(article 22)
- Protection of personal liberty.(article 23)
- Respect for human dignity and protection from inhuman treatment.(article 24)
- Protection from slavery, servitude and forced labour.(article 25)
- Protection from deprivation of property. (article 26)
- Right to privacy of person, home and other property.(article 27)
- Right to a fair hearing.(article 28)
- Protection of freedom of conscience, expression, movement, religion, assembly and association.(article 29)
- Right to education.(article 30)
- Rights of the family.(article 31)
- Affirmative action in favour of marginalised groups.(article 32)
- Rights of women.(article 33)
- Rights of children.(article34)
- Rights of persons with disabilities.(article 35)
- Protection of rights of minorities.(article 36)
- Right to culture and similar rights.(article 37)
- Civic rights and activities.(article 38)
- Right to a clean and healthy environment. (article 39)
- Economic rights.(article 40)
- Right of access to information.(article 41)
- Right to just and fair treatment in administrative decisions.(article 42)
- General limitation on fundamental and other human rights and freedoms.(article 43)

