

STANDING COMMITTEE ON HUMAN RIGHTS

**CHECKLIST FOR COMPLIANCE WITH HUMAN RIGHTS IN POLICY, BILLS, BUDGETS,
GOVERNMENT PROGRAMMES AND ALL BUSINESS HANDLED BY PARLIAMENT**

PARLIAMENT OF UGANDA

Forward by speaker:

It gives me great pleasure to write a forward to this innovative publication. It is the first of its kind in the history of our Parliament. The Checklist for Human Rights provides a mechanism to quickly alert Members of Parliament on the human rights implications of the provisions of a Bill, strategy, policy or government programme handled in Parliament. This checklist takes into account the specific rights contained in Chapter Four of the Constitution and requires every Minister or Member introducing any business in Parliament to answer specific questions relating to that business, in order to quickly alert the members of the human rights implications of the particular business.

It is noteworthy that, whereas the Constitution is emphatic on protecting and guaranteeing human rights and freedoms, there is no strategy to alert members of Parliament to the likely and possible inconsistencies that are embedded within the Bills, policy statements, budgets or other business presented to Parliament.

When applied, the test posed by this checklist shall guide the Committee on the issues to look out for in Bills, budgets, policy statements and other government programmes introduced in Parliament. The checklist will also guide with certainty the Executive and the Members of Parliament, the Committee members and other stakeholders on what they need to comply with, before introducing any business in the House.

I thank the Standing Committee on Human Rights for actualizing an idea that has been in our strategies and putting it into practice through this innovative idea of providing a guide that will go a long way to ensuring that the legislation or business churned out by Parliament is human rights compliant. Gratitude also goes to the British High Commission for sponsoring this very important publication.

For God and My Country

Rebecca A. Kadaga, MP

SPEAKER OF THE PARLIAMENT OF UGANDA

ACKNOWLEDGEMENT

The Human Rights Committee of the Parliament of Uganda was created on 21st May, 2012 with the mandate to ensure compliance with human rights standards in all business before Parliament. This is a wide mandate that required a sense of direction on how to proceed given the enormous business handled in Parliament which includes Bills, policy matters/ statements, petitions and motions.

In light of the above, there was dire need for a simple criteria against which an assessment of human rights compliance can be made. To address this need, the Committee, with the help of the British High Commission, embarked on developing a checklist to provide certainty to the Members and the Executive on what they need comply with before introducing any business in the House. Several stakeholders were consulted and indeed helped in shaping the issues contained herein.

The Human Rights Committee would therefore like to sincerely thank the British High Commission in Kampala, the Uganda Human Rights Commission, the Foundation for Human Rights Initiative, the Human Rights Network (HURINET), the Ministry of Justice and Constitutional Affairs and the United Nations Office of the High Commissioner for Human Rights for their commitment, support and encouragement during the development of this ground breaking piece of work.

Last but not least, the committee would like to pay special tribute to the Speaker of the 9th Parliament of the Republic of Uganda, Rt. Hon. Rebecca A. Kadaga, for spearheading the creation of the Committee, her continued encouragement and support in its work.

Jovah Kamateeka MP, **CHAIRPERSON**

Safia Nalule Juuko MP, **VICE CHAIRPERSON**

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CHECKLIST FOR COMPLIANCE WITH HUMAN RIGHTS IN POLICY, BILLS, BUDGETS, GOVERNMENT PROGRAMMES AND ALL BUSINESS HANDLED BY PARLIAMENT

1.0 INTRODUCTION AND BACKGROUND

Objective V of the National Objectives and Directive Principles of State Policy requires the State to guarantee, respect, and adequately facilitate institutions which protect and promote human rights.

Chapter Four of the Constitution guarantees the Protection and Promotion of Fundamental and Other Human Rights and Freedoms (articles 20 – 50). Chapter Four is sometimes referred to as the Bill of Rights since it embodies the whole body of rights and freedoms. Chapter Four also reiterates Uganda's commitment to protect human and peoples' rights arising out of international human rights instruments.

In order to enhance the protection and promotion of human rights in Uganda, Parliament under rule 146(1) (m) of the Rules of Procedure of Parliament established a Standing Committee on Human Rights to:

- (a) Track and report on human rights concerns in every business handled by Parliament;
- (b) Monitor government compliance with national and international human rights instruments to which Uganda is a party and follow up on Government periodic reports to international human rights monitoring bodies;
- (c) Examine the recommendations in the Uganda Human Rights Commission Reports and ensure that Government is held accountable in this regard;
- (d) Inquire into any matter relating to human rights in Uganda; and
- (e) Carry on such other functions relating to human rights as may be assigned to the Committee by Parliament. **(R.174)**

The Committee on Human rights therefore is mandated to play a special role as part of their overall scrutiny in protecting human rights and ensuring that every person or organ of government respects upholds and promotes human rights.

2.0 OBJECTIVE OF THE CHECKLIST

The checklist sets out a simple criterion against which an assessment of human rights compliance can be made by the Committee or any government department presenting any Bill, policy, budget or other programme to Parliament. It is intended to provide quick guidance to the Committee-

- (a) to ensure and determine that a rights-based approach informs the work and is reflected in Bills, programmes, budgets and other government policies.
- (b) in identifying the specific human rights aspects provided for in the various articles under Chapter Four of the Constitution and how they should be incorporated and catered for in government programmes, budgets and policies to ensure that there is non-discrimination, including on the basis of gender, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability, attention to vulnerabilities (minorities); accountability; empowerment and participation and inclusiveness.
- (c) to identify the capacity of duty-bearers (i.e., institutions/ government agencies) to meet their obligations in the relevant sectors, and
- (d) to build and provide for the capacity of rights-holders (beneficiaries) to make claims and realize their entitlements in the relevant aspects of human rights.

3.0 HUMAN RIGHTS

Human rights are the acceptable principles and standards of behaviour that a person is entitled to by virtue of their humanity. They are intrinsic or inherent in the human person whatever the nationality, sex, national or ethnic origin, religion, colour, language or any other status.

Protecting and promoting human rights ensures that every human being is treated with the basic dignity due to a person.

The Universal Declaration of Human Rights, agreed to by the nations of the world on 10 December 1948, sets out the basic rights and freedoms of all men, women and children.

3.1 HUMAN RIGHTS AND FREEDOMS UNDER THE CONSTITUTION

The following rights and freedoms are guaranteed by the Constitution:

- (a) Equality and freedom from discrimination- *article 21.*
- (b) Protection of right to life- *article 22.*
- (c) Protection of personal liberty- *article 23.*
- (d) Respect for human dignity and protection from inhuman treatment – *article 24.*
- (e) Protection from slavery, servitude and forced labour- *article 25.*
- (f) Protection from deprivation of property- *article 26.*
- (g) Right to privacy of person, home and other property- *article 27.*
- (h) Right to a fair hearing- *article 28.*
- (i) Protection of freedom of conscience, expression, movement, religion, assembly and association- *article 29*
- (j) Right to education –*article 30.*
- (k) Rights of the family- *article 31.*
- (l) Affirmative action in favour of marginalised groups –*article 32.*
- (m) Rights of women- *article 33.*
- (n) Rights of children-*article 34.*
- (o) Rights of persons with disabilities-*article 35.*
- (p) Protection of rights of minorities- *article 36.*
- (q) Right to culture and similar rights –*article 37.*
- (r) Civic rights and activities –*article 38.*
- (s) Right to a clean and healthy environment.- *article 39*
- (t) Economic rights-*article 40.*
- (u) Right of access to information- *article 41.*
- (v) Right to just and fair treatment in administrative decisions- *article 42.*
- (w) Human rights and freedoms additional to other rights-*article 45.*

3.2 DUTY TO RESPECT AND PROMOTE HUMAN RIGHTS

The duty of Parliament to respect and promote human rights is recognized and entrenched in article 20(2) of the Constitution and Objective V of the National Objectives and Directive Principles of State Policy.

4.0 BASIC PRINCIPLES OF HUMAN RIGHTS

Over time, the international community has developed and agreed upon certain basic principles which are now the cornerstone of understanding, interpreting and promoting human rights internationally, regionally and at national levels.

The principles are:

- (a) Human rights are universal and inalienable;
- (b) Human rights are indivisible;
- (c) Human rights are inter-dependent and inter-related;
- (d) Equality and non-discrimination;
- (e) Participation and inclusion; and
- (f) Accountability and rule of law

(a) Human rights are universal and inalienable

All human beings everywhere in the world are entitled to human rights by virtue of being human. Human rights are not specific to, or the preserve of, the people of Uganda or a group of people in Uganda. They are universal because every human being everywhere in the world is born with and entitled to the same rights. Human rights cannot be given up or taken away. They are inalienable.

(b) Human rights are indivisible

Whether the human rights are of a civil, cultural, economic, political or social nature, they all have equal status as rights since they are all inherent in the dignity of every human being. One right cannot be denied or restricted at the expense of another right since they are all equal.

(c) Human rights are inter-dependent and inter-related

The realisation, fulfilment or enjoyment of one human right often depends, wholly or in part, upon the realisation, fulfilment or enjoyment of other rights.

For example, the realisation or enjoyment of the right to access information may depend, in certain circumstances, on the realisation or enjoyment of the right to education or freedom of expression. Yet my freedom of expression may infringe someone else's right to privacy, or may infringe or offend their religious beliefs.

(d) Equality and non-discrimination

All human beings are equal and entitled to their human rights without discrimination of any kind, on the grounds of race, colour, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status.

(e) Participation and inclusion

Every person, including children, and all peoples are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil, economic, social, cultural and political development in which human rights and fundamental freedoms can be realised.

(f) Accountability and rule of law

States and other duty bearers are answerable for the observance of human rights. For this purpose, they have to comply with the legal norms and standards enshrined in human rights instruments. Where they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law.

In addition, laws, policies, budgets and other Government programmes must adhere to basic

minimum standards and be human rights compliant.

5.0 CHECKLIST

5.1 General

Rights and Freedoms in the Constitution are of two kinds: absolute rights and freedoms (non-derogable rights and freedoms) and rights and freedoms which are not absolute.

PART I - RIGHTS AND FREEDOMS FROM WHICH NO DEROGATION IS PERMITTED UNDER ARTICLE 44.

The Constitution does not permit the derogation or limitation from certain rights and freedoms guaranteed. These are commonly called the “non-derogable rights”. The non-derogable rights are absolute and the State cannot impinge upon them in any circumstances regardless of any perceived threat to public safety or national or global security.

The following are the non-derogable rights and freedoms in the Constitution-

1. Freedom from torture, cruel, inhuman or degrading treatment or punishment	Article 24 and Prevention of Torture Act, 2012
2. Freedom from slavery or servitude	Article 25(1)
3. The right to a fair hearing	Article 28
4. The right to an order of <i>habeas corpus</i>	Article 23(9)

PART II: IS THE BILL, POLICY OR PROGRAMME CONSISTENT WITH THE RIGHTS AND FREEDOMS PROTECTED IN CHAPTER FOUR OF THE CONSTITUTION?

A. General

(a) What is the purpose of the Bill, policy or programme?	
(b) (i) How does the Bill, policy or programme promote the rights and freedoms contained in Chapter Four? (ii) State the right or freedom and article of the Constitution to which the Bill, policy or programme directly or indirectly relates.	
(c) Is the purpose consistent with the rights and freedoms contained in Chapter Four?	
(d) Where inconsistent, state the right or freedom, article and extent of the inconsistency	

B. Specific rights and freedoms

1. Equality and freedom from discrimination under article 21.	Nature of failure to comply with article 21	Possible failure to comply with international and regional human rights instruments
(a) In assessing the purpose, scope and application of a Bill, policy or programme, can you identify the groups most likely to be affected by the proposed law? What are the specific gender implications?		
(b) Does the Bill, policy or programme give less favourable or more favourable treatment to any person or group of persons in any sphere of political, economic, social and cultural life or in any other respect?		
(c) Is the less favourable or more favourable treatment based on the sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability of the person or group of persons?		
1. Equality and freedom from discrimination under article 21. <u>continuation</u>	Nature of failure to comply with article 21	Possible failure to comply with international and regional human rights instruments
(d) Does the Bill, policy or Programme take into consideration gender? Example: Does the policy or programme provide for equal treatment and non discrimination in the provision of goods, facilities and services, recruitment or appointment of persons, access to public places or public vehicles, education, vocational training etc?		

<p>(e) Does the Bill, policy or programme have a negative effect on a person or group of persons due to their sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability?</p> <p><i>Example: Are the words of the Bill, policy or Programme neutral or sensitive to sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability?</i></p>		
<p>1. Equality and freedom from discrimination under article 21.</p>	<p>Nature of failure to comply with article 21</p>	<p>Possible failure to comply with international and regional human rights instruments</p>
<p>(f) (i) Does the less favourable treatment or negative effect (discrimination) disadvantage any person or group? (ii) Is the less favourable treatment (discrimination) part of any affirmative action in favour of a marginalised group? Specify the group and nature of affirmative action</p>		
<p>2. Protection of right to life under article 22.</p>	<p>Nature of failure to comply with article 22</p>	<p>Possible failure to comply with international human rights instruments</p>
<p>(a) (i) Does the Bill, policy or programme provide for intentionally depriving a person of life? (ii) Does the Bill, policy or programme have the effect of depriving a person of life?</p>		
<p>(b) If yes, does the Bill, policy or programme provide for a person to be deprived of life ONLY after conviction and sentence of court confirmed by the Supreme Court?</p>		

<p>(c) Does the implementation of the Bill, policy or programme threaten the life of any person? Example 1: Does the Bill, policy or programme restrict or deny access to basic needs to life, e.g. water, air, food etc? Example 2: Does the Bill, policy or programme give powers to persons to shoot at persons in a manner that endangers life?</p>		
<p>(d) Does the Bill, policy or programme have any safeguards or strategy to protect the lives of individuals or groups? Example: Does it provide for measures – (a) aimed at reducing infant mortality, epidemics, increasing life expectancy etc? (b) to protect lives in the case of terrorist or other attacks?</p>		
<p>3. Protection of personal liberty under article 23.</p>	<p>Nature of failure to comply with article 23</p>	<p>Possible failure to comply with international human rights instruments</p>
<p>(a) Does the Bill, policy or programme provide for the restriction of the liberty of any person?</p>		
<p>(b) Is the restriction for any of the purposes specified in article 23(1) of the Constitution? If yes, state specific purpose and paragraph under article 23(1)</p>		
<p>(c) Does the Bill, policy or programme provide for the person to be kept in a place authorised by law? <i>Example: state the place of restriction provided for in the Bill, policy or programme and the law establishing it.</i></p>		

<p>(d) Does the Bill, policy or programme provide for a person detained or whose liberty is restricted, to access a court of law?</p> <p>If yes, does the Bill, policy or programme specify the duration of the restriction or detention?</p>		
<p>(e) Does the Bill, policy or programme give access to the next-of-kin, lawyer and medical treatment?</p> <p>(i) Is there a clear procedure for informing the next-of-kin of the restriction, arrest or detention?</p> <p>(ii) Is the place of detention accessible to the next-of-kin, lawyer or personal doctor?</p>		
<p>4. Respect for human dignity and protection from inhuman treatment under article 24</p>	<p>Nature of failure to comply with article 24</p>	<p>Possible failure to comply with international human rights instruments</p>
<p>Does the Bill, policy or programme comply with the Prohibition and Prevention of Torture Act, 2012?</p> <p>(i) Does it authorise any action which falls within the definition of torture under the Act?</p> <p>(ii) Does it protect the dignity of a human being?</p> <p>(iii) Do the penalties or sanctions proposed by the Bill, policy or programme protect the dignity of a person?</p> <p><i>Example: what penalties or sanctions are proposed or provided for by the Bill, policy or programme. Do they humiliate the person as a human being?</i></p>		
<p>5. Protection from slavery, servitude and forced labour under article 25.</p>	<p>Nature of failure to comply with article 25</p>	<p>Possible failure to comply with international human rights instruments</p>
<p>(a) Does the Bill, policy or programme require any person to be held in servitude?</p>		

(b) Does the Bill, policy or programme require any person to perform any labour?		
(c) If yes, state the nature of the labour required to be performed		
(c) Is the person required to perform the labour, lawfully detained, convicted and sentenced, or a member of a disciplined force?		
6. Protection from deprivation of property under article 26.	Nature of failure to comply with article 26	Possible failure to comply with international human rights instruments.
(a) Does the Bill, policy or programme relate to property?		
(b) Does the Bill, policy or programme recognise the property of individuals or groups of persons?		
(c) Does the Bill, policy or programme give Government or any public body or authority any rights or obligations over property of individuals? <i>Example: does the Bill, policy or programme authorise or involve the laying of telephone, electricity or other utility service lines on or under property of individuals? Does the Bill, policy or programme require the consent of the individual property owners?</i>		
(d) Does the Bill, policy or programme provide or involve the acquisition of individual property by the Government or other public body or authority? If yes is the purpose and procedure for the acquisition clearly spelt out?		
(e) Does the Bill, policy or programme provide for payment of compensation prior to the acquisition?		

7. Right to privacy of person, home and other property under article 27	Nature of failure to comply with article 27	Possible failure to comply with international human rights instruments
<p>(a) Does the Bill, policy or programme require a person to identify with a particular behaviour, society or group of persons?</p> <p><i>Example: Does the Bill, policy or programme require a person to dress in a specific manner, use particular names or names from specific regions?</i></p>		
<p>(b) Does the Bill, policy or programme recognise and respect confidential information relating to the person, property, family of any person?</p> <p><i>Example: what measures does the Bill, policy or programme propose to safeguard the person and confidential information relating to property, family or home of any person?</i></p>		
<p>(c) Does the Bill, policy or programme require the express consent of the person before any interference with the private property, home or information relating to a person?</p>		
8. Right to a fair hearing- article 28.	Nature of failure to comply with article 28	Possible failure to comply with international human rights instruments.
<p>(a) Does the Bill, policy or programme provide for determination of any civil rights or obligation or criminal charges?</p>		
<p>(b) Is the determination done by an independent and impartial body?</p> <p><i>Example: Which body determines the rights or obligations and how is it constituted?</i></p>		

<p>(c) Does the Bill, policy or programme provide for less or more favourable terms to any of the parties? <i>Example: does it exclude principles of natural justice or require a decision to be made without hearing one of the parties?</i></p>		
<p>(d) State the measures that the Bill, policy or programme provides to ensure transparency?</p>		
<p>9. Protection of freedom of conscience, expression, movement, religion, assembly and association under article 29</p>	<p>Nature of failure to comply with article 29</p>	<p>Possible failure to comply with international human rights instruments</p>
<p>(a) Does the Bill, policy or programme impose any restrictions on the movement of any person? <i>Example: does the Bill, policy or programme require a person to obtain permission to move within the country?</i></p>		
<p>(b) Does the Bill, policy or programme make it difficult (expensive) to acquire a passport or other travel document?</p>		
<p>(c) Does the Bill, policy or programme restrict a person from forming one's thoughts, opinion or belief?</p>		
<p>(d) Does the Bill, policy or programme restrict the observance or practice of any religion?</p>		

<p>(e) Does the Bill, policy or programme limit any person from discussing, debating or voicing any matter?</p> <p><i>Example 1: Does the proposal prohibit the discussion of any subject</i></p> <p><i>Example 2: Does the proposal require any permission or approvals before discussion of a particular subject?</i></p>		
<p>(f) Does the Bill, policy or programme prohibit any person from gathering in any place?</p>		
<p>(g) Does the Bill, policy or programme restrict persons from imparting any information or ideas to the public?</p> <p>(h) If yes, state the nature of the information and restriction</p>		
<p>10. Right to education under article 30.</p>	<p>Nature of failure to comply with article 30</p>	<p>Possible failure to comply with international human rights instruments.</p>
<p>(a) Does the Bill, policy or programme provide for basic education?</p>		
<p>(b) Does the Bill, policy or programme make education available and accessible to all</p>		
<p>(c) Does the Bill, policy or programme provide options and choices for education?</p>		
<p>(d) Does the Bill, policy or programme provide for facilities to access basic education?</p>		
<p>11. Rights of the family under article 31.</p>	<p>Nature of failure to comply with article 31</p>	<p>Possible failure to comply with international human rights instruments</p>
<p>(a) Does the Bill, policy or programme recognise the family as the basic unit of society?</p> <p><i>Example: Does the Bill, policy or programme protect or promote the family?</i></p>		

<p>(b) Does the Bill, policy or programme restrict persons from founding a family?</p> <p><i>Example: Does the Bill, policy or programme impose conditions on persons before they enter into marriage?</i></p>		
<p>(c) Does the Bill, policy or programme provide less or more than favourable treatment to men or women in marriage?</p>		
<p>(d) Does the Bill, policy or programme provide for different treatment for men and women upon dissolution of marriage?</p>		
<p>12. Affirmative action in favour of marginalised groups under article 32.</p>	<p>Nature of failure to comply with article 32</p>	<p>Possible failure to comply with international human rights instruments</p>
<p>(a) Does the Bill, policy or programme provide 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?</p>		
<p>(b) If yes, state the group and nature of action or treatment</p>		
<p>(c) What is the purpose of the favourable treatment?</p>		
<p>(d) How does the favourable treatment redress the imbalance created by history, tradition or custom?</p>		

13. Rights of women under article 33.	Nature of failure to comply with article 33	Possible failure to comply with international human rights instruments
<p>Does the Bill, policy or programme-</p> <p>(a) accord full and equal dignity to the women, facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement with men;</p> <p>(b) protect women and their rights, taking into account their unique status and natural maternal functions in society;</p> <p>(c) give women the right of affirmative action for the purpose of redressing the imbalances created by history, tradition or custom?</p> <p><i>Example: What specific facilities or opportunities does it propose for empowering women to realise their full potential?</i></p>		
<p>(a) Does the Bill, policy or programme give less favourable treatment to women?</p> <p><i>Example: Will the implementation of the Bill, policy or programme affect women differently from men?</i></p>		
<p>(b) What is the role of women in the implementation of the Bill, policy or programme?</p>		
<p>(c) Does the Bill, policy or programme recognise and respect the unique status and natural maternal function of women?</p> <p>Example: State the specific measures that provide for the unique status and natural maternal function of women</p>		
14. Rights of children under article 34.	Nature of failure to comply with article 34	Possible failure to comply with international human rights instruments
<p>(a) Does the Bill, policy or programme affect children? If so, state how</p>		

(b) Does the Bill, policy or programme facilitate the education of children?		
(c) Does the implementation of the Bill, policy or programme		

15. Rights of persons with disabilities under article 35.	Nature of failure to comply with article 35	Possible failure to comply with international human rights instruments
(a) Does the Bill, policy or programme facilitate and promote persons with disabilities to realise their potential? If so, state the category of persons and how it affects them		
(b) Does the implementation of the Bill, policy or programme affect persons with disabilities? If so, state the category of persons and how it affects them <i>Example: Does the implementation of the Bill, policy or programme provide less of more favourable treatment to persons with disabilities?</i>		
(c) How are persons with disabilities involved in the implementation of the Bill, policy or programme?		
(d) Does the implementation of the Bill, policy or programme affect persons with disabilities? If so, state the category of persons and how it affects them.		
(e) Does the Bill, policy or programme provide facilities for persons with disabilities?		

16. Protection of rights of minorities under article 36.	Nature of failure to comply with article 36	Possible failure to comply with international human rights instruments
(a) Does the Bill, policy or programme affect minorities? If so, state the minorities and how they are affected		
(b) Which minorities were involved in developing the Bill, policy or programme and what were their views?		
(c) Does the implementation of the Bill, policy or programme involve minorities?		
17. Right to culture and similar rights under article 37.	Nature of failure to comply with article 37	Possible failure to comply with international human rights instruments
(a) Does the Bill, policy or programme facilitate persons to enjoy practice and promote their culture?		
(b) Does the Bill, policy or programme restrict any person from practising any culture, creed or tradition? If so, state the persons and the tradition or culture restricted		
(c) What are the cultural, social, economic and political factors that may affect the gender impact of Bill, policy or programme?		

18. Civic rights and activities under article 38.	Nature of failure to comply with article 38	Possible failure to comply with international human rights instruments
(a) Does the Bill, policy or programme facilitate the public to participate in affairs of government? If so, state how		
(b) Does the Bill, policy or programme restrict any person from participating in the affairs of government?		
(c) Does the Bill, policy or programme restrict any person from voting or standing for election?		
(d) Does the Bill, policy or programme restrict or qualify the appointment of person to serve in the civil service of government		
19. Right to a clean and healthy environment under article 39	Nature of failure to comply with article 39	Possible failure to comply with international human rights instruments
(a) Does the Bill, policy or programme facilitate and promote the improvement of any aspects of environmental and industrial Hygiene?		
(b) Does the Bill, policy or programme safeguard persons from any adverse effects of environment		
(c) Does the Bill, policy or programme require persons to take a clean and healthy environment into account in the planning, development, housing and budgeting processes?		

20. Economic rights under article 40.	Nature of failure to comply with article 40	Possible failure to comply with international human rights instruments
(a) Does the Bill, policy or programme include and integrate every person in the economy? If not, which persons are excluded?		
(b) Does the Bill, policy or programme prevent any person from earning a living in a trade or profession chosen by the person?		
(c) Does the Bill, policy or programme provide less or more favourable treatment to person in finding work, <i>Example: Does it discriminate against any person in finding work- does the form of recruitment take into account women or persons with disability, e.g. blind, deaf etc</i>		
(d) Does the Bill, policy or programme provide less or more favourable opportunities to person at work?		
(e) Does the Bill, policy or programme facilitate a person to find work or earn a living? <i>Example: Does the Bill, policy or programme include measures for training and retraining, vocational guidance or rehabilitation?</i>		
(f) Does the Bill, policy or programme provide standards for person to work in safe and health conditions? If yes, state the nature of standards or conditions provided		
(g) Does the Bill, policy or programme restrict person from forming, joining or promoting trade unions?		
(h) Does the Bill, policy or programme prevent a person from withdrawing his or her labour?		

21. Right of access to information under article 41.	Nature of failure to comply with article 41	Possible failure to comply with international human rights instruments
(a) Does the Bill, policy or programme recognise the freedom of persons to access information?		
(b) Does the Bill, policy or programme restrict information that should be accessed? If so, state the nature of the restriction and information restricted.		
(c) Does the Bill, policy or programme give any conditions for accessing informatio		
(d) Are the conditions in (c) above consistent with the Access to Information Act, 2005		
22. Right to just and fair treatment in administrative decisions under article 42.	Nature of failure to comply with article 42	Possible failure to comply with international human rights instruments
(a) Does the Bill, policy or programme give discretionary powers to a minister or other administrative official?		

<p>(b) Does the Bill, policy or programme set any limitation or conditions on the exercise of the discretion or powers</p> <p>Example: Does it provide for principles of natural justice to be applied in the decision making process?</p>		
<p>(e) Does the Bill, policy or programme provide for any person to appeal or review the decision of the administrative authority?</p>		
<p>23. Human rights and freedoms additional to other rights under article 45.</p>	<p>Nature of failure to comply with article 45</p>	<p>Possible failure to comply with international human rights instruments</p>
<p>(a) Does the Bill, policy or programme provide or promote rights or freedoms not specifically expressed in the Constitution</p>		
<p>(b) If yes state the nature of the right or freedom</p>		

PART III - GENERAL LIMITATION ON FUNDAMENTAL AND OTHER HUMAN RIGHTS AND FREEDOMS.

General

Article 43 of the Constitution requires that in the enjoyment of rights and freedoms a person does not prejudice the rights and freedoms of others or the public interest. Public interest does not permit any limitation of the enjoyment of the rights and freedoms prescribed in Chapter Four beyond what is reasonably justifiable in a free and democratic society or what is provided for in the Constitution.

Once it is established that the proposal contained in a Bill, policy or programme is inconsistent with a right or freedom guaranteed in Chapter Four of the Constitution, the next step is to determine whether the provision, Bill, policy or programme is demonstrably acceptable and justifiable in a free and democratic society under article 43 of the Constitution.

It is the responsibility of the Ministry or Department or Agency sponsoring the Bill, policy or programme to provide to the Committee the information necessary to “demonstrably justify” the limitation.

Specific	Nature of tification under article 43	Possible failure to comply with ernational human rights instruments.
(a) What is the nature of the right or freedom concerned? (economic, civic, minorities or special groups (women, children), life or security of person, property, fair hearing etc		
(b) What is the purpose of the limitation? <i>Example: the objective of the limitation must be important to warrant a limitation of a human right or freedom</i>		
(c) Is the limitation necessary in the interests of defence, public safety, public order, public morality, public health, or the general public interest?		
(d) What is the nature and extent of the limitation (is it an outright restriction or indirect)? (e) What is the relationship between the limitation and its purpose - Does the limitation impose greater restrictions on the right or freedom concerned than are necessary to achieve its purpose?		
(f) Are there are any less restrictive means of achieving the purpose of the limitation? e.g. administrative action ?		

B. Specific	Nature of justification under article 43	Possible failure to comply with international human rights instruments.
(a) What is the nature of the right or freedom concerned? (economic, civic, minorities or special groups (women, children), life or security of person, property, fair hearing etc		
(b) What is the purpose of the limitation? <i>Example: the objective of the limitation must be important to warrant a limitation of a human right or freedom</i>		
(c) Is the limitation necessary in the interests of defence, public safety, public order, public morality, public health, or the general public interest?		
(d) What is the nature and extent of the limitation (is it an outright restriction or indirect)?		
(e) What is the relationship between the limitation and its purpose - Does the limitation impose greater restrictions on the right or freedom concerned than are necessary to achieve its purpose?		

Appendix:

Members of Parliament of the First Committee on Human Rights in the 9th Parliament

Name	Constituency	Party Name	Role(s)
Kamateeka Jovah	Woman Rep. Mitooma	NRM	Chairperson
Nalule Safia	Pwd Female Rep.	NRM	Vice Chairperson
Ababiku Jessica	Woman Rep. Adjumani	INDEPENDENT	Member
Alaso Alice Asianut	Woman Rep. Serere	FDC	Member
Arinaitwe Rwakajara K.	Workers' Rep.	NRM	Member
Atim Ogwal Cecilia Barbara	Woman Rep. Dokolo	FDC	Member
Atim Joy Ongom	Woman Rep. Lira	INDEP.	Member
Bakireke Nambooze Betty	Mukono Mun.	DP	Member
Ebil Fred	Kole County	UPC	Member
Fungaroo Kaps Hassan	Obongi County	FDC	Member
Iriama Margaret	Woman Rep.	NRM	Member
Kakoba Onyango	Buikwe County North	NRM	Member
Karungi Elizabeth	Woman Rep. Kanungu	NRM	Member
Kasibante Moses	Rubaga Div. North	INDEPENDENT	Member
Kiwanda Godfrey Ssubi	Mityana County North	NRM	Member
Kusasira Peace K.Mubiru	Woman Rep. Mukono	NRM	Member
Lubogo Kenneth	Bulamogi County	NRM	Member
Muhumuza David	Mwenge County North	NRM	Member
Mutyabule Florence Tibafana	Mwenge County North	NRM	Member
Nansubuga Seninde Rosemary	Woman Rep. Wakiso	NRM	Member
Ninsiima Ronah Rita	Woman Rep. Kabale	INDEPENDENT	Member
Nyirabashitsi Sarah Mateke	Woman Rep. Kisoro	NRM	Member
Okumu Ronald Reagan	Aswa County	FDC	Member
Ongalo Obote Clement	Kalaki County	NRM	Member
Ssasaga Isaiah Johnny	Budadiri County East	FDC	Member
Mohammed Kawuma	Entebbe Municipality	DP	Member