



CEFROHT AND THE HUMAN RIGHTS (ENFORCEMENT) ACT, 2019.

**A NOVEL LEGAL TOOL FOR THE REALISATION OF
SUSTAINABLE BETTER LIVES FOR VULNERABLE
PERSONS IN UGANDA.**

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WHY?

1 Enforcement of rights and freedoms by Magistrate Courts: Courts near to people.

SECTION 5

Under this novel law, a Magistrate Court is now authorized to hear and give judgements relating to the enforcement or violation of human rights including social economic and cultural rights and in particular to promote the right to food, nature rights, economic rights, adequate living rights among others.

This novel law allows a person suffering a human rights violation to make their complaint in any language, orally or in writing or in any form to court.

In case a complainant of a human rights violation makes it orally or in any language other than English, the Magistrate shall reduce it in writing in the language of court (which is English).

Any person can access court without a lawyer or money involved and can make a claim before a magistrate.

2 Accessibility for environmental justice, food and economic justice for poor persons enabled

SECTION 6

An application to a court for a failure to respect a human right, must be made in a court responsible for the area where the failure to respect a human right occurred.

If a victim is not sure about the person against whom to complain against, she or he can complain about two or more persons and allow the Court to decide which person/s is responsible for the failure to respect a human right.

The Act allows any person who is an expert on a particular issue before the Court, to provide the Court with his or her knowledge on the issue; and any person can apply to the Court to provide his or her knowledge on the issue before the Court, as a friend of the Court. The Court may also request any person to provide his or her knowledge on the issue before the Court, as a friend of the Court.

Cases under this law are not bound to timeframes for provision of necessary notices as may be procedurally required.

Applications to the Court made under this law must not be refused by the Court for failing to fulfil any procedural or legal requirement.



3 Expansive orders and remedies from court

SECTION 9: Orders that may be made by court in human rights cases

Where the court determines that a fundamental right or freedom has been violated, unlawfully denied or should be enforced, the competent court shall issue orders it considers appropriate, including an order for compensation.

The court may in addition, order for-

- (a) the restitution of the victim to the original situation before the violation of his or her human rights and freedoms;
- (b) the rehabilitation of the victim including the provision of medical and psychological care; or
 - (i) measures aimed at the cessation of the continuing violation of human rights and freedoms;
 - (ii) verification of the facts, full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim, the victim's relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations;
 - (iii) restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim;
 - (iv) public apology, including acknowledgement of the facts and acceptance of responsibility;
 - (v) criminal and other judicial and administrative sanctions against persons liable for the violations;
 - (vi) guarantees of non-repetition;
- (c) Restitution, compensation, rehabilitation or any payment ordered by the competent court under this section shall be a civil debt owed to the victim of a human rights violation.
- (d) Any order made under this NOVEL LAW shall be complied with, within six months from the date of determination, unless appealed against.



4 Personal accountability of officers in government bodies

SECTION 10: Personal Liability for infringement of rights and freedoms

A public officer who, individually or in association with others, violates or participates in the violation of a person's rights or freedoms shall be held personally liable for the violation notwithstanding the state being vicariously liable for his or her actions.

Therefore, this novel law- the Human Rights (Enforcement) Act, 2019 gives effect to Article 50(4) of the Constitution by providing for the procedure of enforcing human rights under the Constitution. It facilitates redress for human rights violations for all.

This law has proved a strong enabler for sustainable access to justice by all based on the fact that it permits a Magistrate Court to hear and determine applications relating to the enforcement or violation of human rights and freedoms guaranteed in the Constitution.

It further provides that such application may be made in any language, orally or in writing or in any form, and where the application is made orally or in any language other than the language of court, the Magistrate shall reduce it in writing in the language of court . This is quite novel, as previously only the High Court had powers to hear cases of human rights violation .

It is an enabler of Legal empowerment, and social accountability. it provides easy, cheap and understandable human rights redress procedures. These are critical pathways for sustainable access to justice for the poor, vulnerable and marginalized individuals and communities.

Because poverty results from disempowerment, exclusion and discrimination, this law is the only solution to the intertwined challenges faced with many vulnerable and at-risk populations in Uganda. It enables legal empowerment and facilitates a process of systemic change through which the poor are protected and enabled to use the law to advance their rights and their interests as citizens and economic actors. It recognizes that

Therefore, this law confers power in human life to all persons manifested in land, property, money, food, economic activities and survival which all together are protected as a right to adequate living .

This law will help majority of Ugandans (90%) especially in rural communities, who cannot access adequate living justice .



THE URGENT NEED?

There is therefore an urgent need to enhance the capacity of justice actors and communities in human rights and redress procedures under the HREA.

Justice actors and seekers need to understand effective and sustainable tools to ease access to justice in the rural settings. This should be in the context of adequate living rights (ALRs), how to claim them, their connection to land and property rights, and how these relate with social, political and power dynamics in societies, and accountability procedures.

This can only be achieved through legally empowering grassroots communities and enhancing the capacity of justice actors within the justice administration system to provide the citizens, particularly the most vulnerable, with quality legal and other services to uphold their right to adequate living.