

**COMMUNITY TRAINING  
GUIDE ON CLAIMING  
ADEQUATE LIVING RIGHTS  
USING  
THE HUMAN RIGHTS  
(ENFORCEMENT) ACT 2019**

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# FOREWORD

Dear Trainers and Learners,

The majority of the population in Uganda face poverty, cannot read, and have limited or no knowledge of their human rights but also of the laws that protect them like the Constitution and the Human Rights Enforcement) Act, 2019.

This Community Training Guide will provide information on human rights and the law, it will show how people can be able to use the law to protect their rights and where they can go when their rights are violated.

The community guide has been developed based on the experiences gained by the Centre for Food and Adequate Living Rights (CEFROHT) with the support of the International Development Law Organization (IDLO) to enhance sustainable access to justice for adequate living rights in rural vulnerable communities of Buyende, Kiboga and Kyankwanzi Districts.

This Community Training Guide will act as a resource for the Protection of Human Rights. It is a user-friendly guide that Community Advocacy Groups (CAGs) and Local Council I (LCs) can use in their training and also as a resource. This Training Resource offers basic information and activities to increase skills in the protection of human rights. The Training Resource is unique because it covers, in plain language, what human rights are, how one can protect their human rights and what solutions are available in case ones' human rights are violated. Please use this Training Resource to lead others to Protect Human Rights in your Communities.

You can be the change.

We thank you all.



**Mr. Kabanda David**

Executive Director  
CEFROHT-Uganda

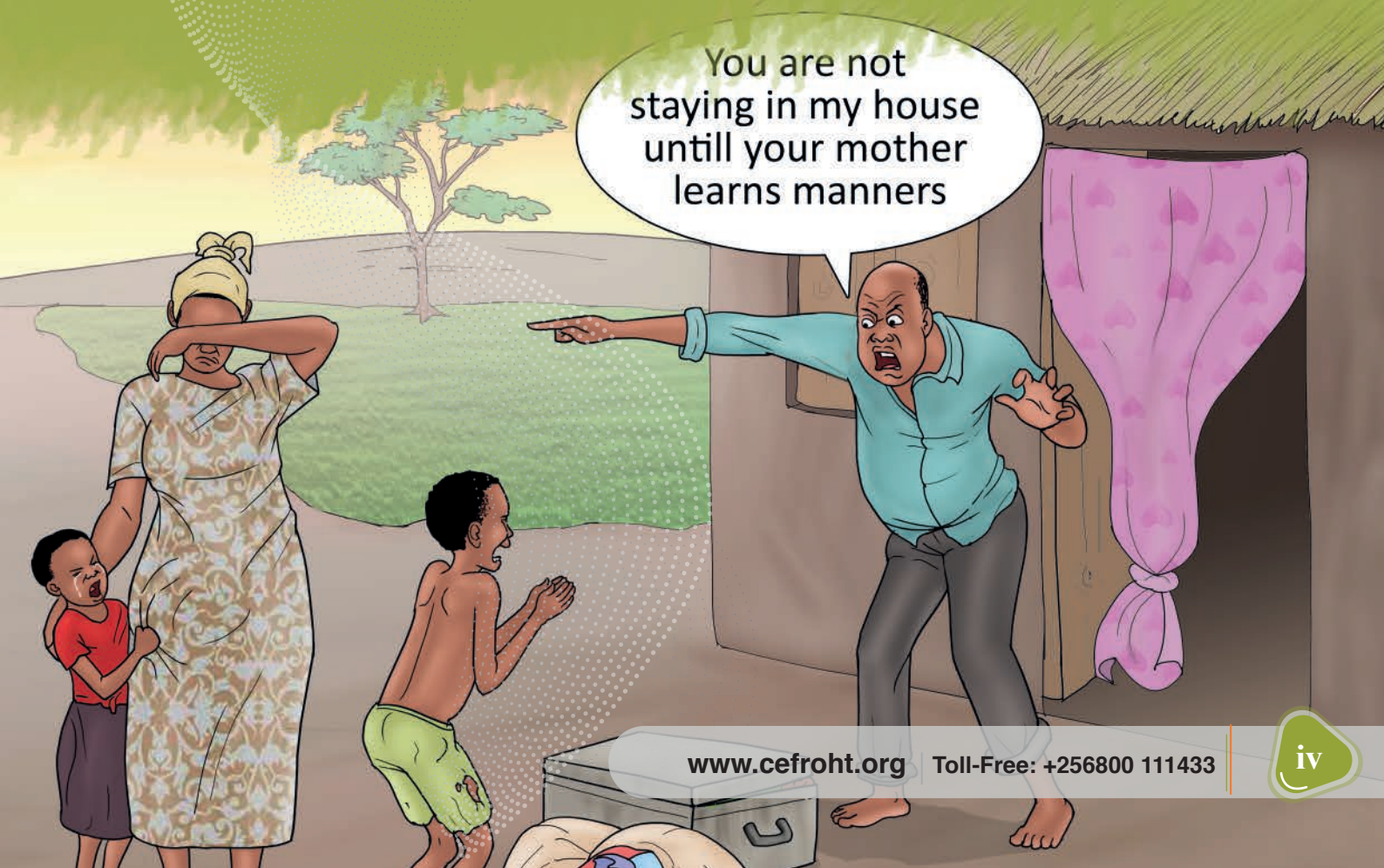


# ACKNOWLEDGEMENT

The development of this Community Training Guide on claiming for adequate living rights using the Human Rights (Enforcement) Act, 2019 would not have been possible without the financial support from the International Development Law organization (IDLO). Centre for Food and Adequate Living Rights CEFROHT therefore gratefully acknowledges the contributions of the International Development Law Organization (IDLO) and the guidance provided on the content development, reviews and valued feedback. We also thank the stakeholders including the Justice actors in the district of operation who gave their input and thought on using legal empowerment, social accountability and the Human Rights (Enforcement) Act 2019 to protect the rights of everyone on the community and enhancing sustainable access to justice

We extend special thanks to CEFROHT staff for their creative assistance in preparing this Community Training Guide.

We wish to acknowledge our appreciation to the CAGs and LCs for their dedication to improving access to justice by promoting social justice in food, health, and trade systems through creating awareness for their fellow community members.



# Overview of the Community Training Guide

The guide contains information and activities on human rights focusing on what human rights are, how one can protect their human rights, where to go in case ones' human rights are violated, and the Human Rights (Enforcement) Act 2019. This information is presented in a format suited for direct training of CAGs and LCs. The Training Resource also includes handouts to be distributed both during training sessions and for CAGs and LCs to share with their communities. In addition, key messages will be developed on Human Rights and the Human Rights (Enforcement) Act, 2019 that can be used after the training to create awareness. The Community Training Guide is unique because it covers, in plain language, what human rights are, the principles of human rights, rights and responsibilities, examples of rights especially adequate living rights and the protection of human rights using the law (Human Rights (Enforcement) Act 2019).

This Training guide follows the format developed by the International Development Law Organization (IDLO) in the development of training manuals. By following this format, the training guide is user-friendly and simplified such that anyone in the community can be able to use it to provide information on Human rights especially the Human Rights (Enforcement) Act, 2019.

## Objectives of Developing the Community Training Guide

This Community Training Guide presents the methodology and provides practical guidance for CAGs and LCs on all phases of a human rights training cycle: planning, designing, organizing, and delivering training, and conducting case monitoring in their communities. Its objectives are;

- 1 To simplify the use of the Human Rights (Enforcement) Act, 2019 so that CAGs, LCs, and other relevant actors can recognize human rights violations in their communities.
- 2 To provide the procedure for reporting and case monitoring of human rights violations in communities.



## About Community Advocacy Groups, LCs and The Community Training Guide:

### A CAG and LC Training Resource for Protection of Human Rights in Uganda in the Rural Communities in Buyende, Kiboga, and Kyankwanzi Districts.

The Community Advocacy Groups (CAGs) and the Local Councils I (LCs) are members of their communities and have a close understanding of how their communities work. This close relationship that they have with communities enables them to serve as a liaison, link, or intermediary between justice services and the community to facilitate access to justice. They do this by creating awareness of human rights law in their communities and supporting those who experience human rights violations to seek help from the relevant authorities. CAGs and LCs will also build their capacity by increasing their knowledge of human rights when they train others in their community or when they support those whose rights have been violated.

The roles of CAGs are:

- 1 To carry out community advocacy, create strong voices, and work as a team for purposes of moving or claiming adequate living rights.
- 2 To act as a linkage between their communities and CEFROHT or other justice actors in strengthening referral pathways for reporting human rights violations.
- 3 To support the communities, they live in to find redress in case of violations or hold duty bearers accountable in case of inaction.
- 4 To enhance cohesion among the vulnerable for purposes of working and planning together towards coherence in approaches and dialogues as well as social mobilization towards actions that cause realization of adequate living rights.

The role of the LCs are;

- 1 To act as Land administrators in regards to making land agreements and play a key role in solving land disputes on customary land.
- 2 To carry out their role as Courts when they resolve disputes in their communities.
- 3 To refer to Human rights violation cases, they encounter in the community as they play their role as lower local government officials and LC Court members to the relevant justice actors.

## Findings of the Community Advocacy Group Interviews

27 respondents were sampled and these were 5 LC I from Kyankwanzi, 10 CAGs from Kyankwanzi, 12 CAGs from Kiboga. Out of the 27 respondents sampled 18 respondents (9f, 9m) were interviewed. Of these 18 respondents, 7 were from Kiboga, and 11 were from Kyankwanzi (5 LC I and 6 CAGs). By the time of writing this report, the CAGs for Buyende District was in the process of being constituted.

### Age Group

60% in Kyankwanzi were between 18-30 years and 40% were between 31-59 years. This shows that the majority of the CAGs are youth. In Kiboga the percentages show that 80% are youth and 20% are adults.

### Level of Education

100% of the 6 respondents in Kyankwanzi had attained lower secondary level education, Kyankwanzi LCs of the 5 respondents 40% had attained primary education while 60% had lower secondary level education. Kiboga CAGs of the 7 respondents 29% had attained primary education level while 71% had attained lower secondary level education.

Kiboga group is mainly involved in farming however they are also engaged in community sensitizations on issues of gender-based violence, access to justice, and a saving scheme for its members.

Kyankwanzi LC1 group is also mainly engaged in farming and moneylending services. The CAG group is also actively involved in farming and human rights advocacy activities against gender-based violence.

## Challenges of Advocating for adequate living rights

### CAGs

As they go about their daily work, CAGs face the following challenges;

- Lack of radio outreaches so spreading awareness to a wider audience in their communities is difficult.
- Lack of empowerment and meeting community expectations during advocacy activities.
- Lack of transport facilitation during community advocacy activities
- Dealing with agricultural loans that affect the livelihood

**LC1s** face the following challenges;

- ◆ Rampant cases of land grabbing
- ◆ Lack of skills to manage disputes between farmers and livestock owners
- ◆ Contract drafting between landowners and tenants

## Knowledge and skills interested in.

CAGs and LC Is expressed interest to gain knowledge and skills to better support their communities. These are in;

- Land rights
- Human rights
- Advocacy skills
- Access to justice
- Skills in dispute resolution.
- Business rights
- Gender-based violence
- Case management at police and court
- Farmers rights
- Children's rights.

## Constitution and Human Rights (Enforcement) Act 2019

Out of the 18 respondents interviewed 9 did not have the constitution and 7 had never heard of the Human Rights (Enforcement) Act 2019.

## Training

7 respondents had received training. The trained members were trained by World Vision on children's rights and CEFROHT on introduction to human rights in 2020. Majority preferred a one day training in the afternoon done by the organization.



# Trainer's Guide Section

## How to Use this Training Guide

### What It Is

This Community Training Guide contains a resource that the CAGs and the LCs can use as a resource to claim human rights especially on the Right to Food, health, and trade systems using the Human Rights (Enforcement) Act, 2019. This Community Training guide will serve two purposes:

- 1 A training manual for educating CAGs and LCs on human rights for use by various instructors in the justice sector that deal with communities.
- 2 A reference and resource for CAGs working directly with community members.

Please keep in mind that the Training Guide is not intended as a train-the-trainer manual for CAGs and LCs to train people in the community. The rich, detailed information in the guide is intended to provide guidance to trainers and to be used as a resource to complement other training.

Trainers should adapt the content to fit the context in an interactive, dynamic, and engaging training session. The Training Guide contains handouts and Key messages, which can be used by the CAGs and LCs to give to the community as aids for understanding human rights especially adequate human rights, and using the Human Rights (Enforcement) Act 2019 to claim for their rights.

### Training

Trainers working with CAGs and LCs can teach the sessions (chapters) in the Training Guide from beginning to end, or they can teach individual lessons as needed.

Appendix A contains selected resources for the trainer and the CAGs and LCs to use.

The average instruction time for each session (each chapter) is approximately 2 hours. Each of the sessions is designed to be:

- a) An interactive learning session.
- b) Talking points in the beginning of the lesson should introduce the lesson and objective.
- c) There should be an activity that is interactive to aid understanding of the learning content
- d) Discussions in small groups or as whole should be encouraged to make the training lively and encourage experience sharing.
- e) Pre-/post-test: an evaluation tool taken before and after the lesson to assess knowledge gained from the lesson.
- f) Activity Handout: materials with key information can be developed to supplement the training.

## Training Objectives

After completing the Community Training Guide, CAGs and LCs should;

- a) Be able to have a basic understanding of human rights
- b) Be able to know the different human rights
- c) Be able to work with communities and community members to prevent and protect them from human rights violations
- d) Be able to help communities and people demand for their rights from the duty bearers
- e) Know how to use the human rights (enforcement) act 2019.

## Training Presentation

The sessions are intended to be taught informally with as much input from, and interaction with, the CAGs and LCs using the principles of adult education. Trainers should explain at the beginning that the instruction is informal and that questions and comments are encouraged throughout the training. Trainers also should remember to stop and ask if anyone has a question.

The training should have handouts that can be shared during the training as well as the use of visual aids and materials if this is needed to supplement learning.

## Key Gender issues to note before training

The Community Training Guide deliberately has gender highlighted so that the facilitators, CAGs, and LCs include the following;

- ◆ An understanding of existing gender relations and the obstacles to the active participation of women in these trainings.
- ◆ Address the respective learning needs and experiences of everyone.
- ◆ The trainer must be aware of these differences, and integrate a gender perspective into both the content and methodology of the course. For instance, give examples from women's and men's experiences, or develop case studies or hold discussions explicitly on specific gender issues that are of concern to the group.
- ◆ Encourage a learning environment where women feel safe, respected and encouraged to share their views and experiences.
- ◆ The trainer must try to ensure that everyone has opportunities to participate actively. Be aware of gender dynamics, power relations and/or any biases that exist within the group.
- ◆ Use gender-inclusive language and methods during the training. For instance, pictures and illustrations used during the training course should reflect a balanced representation of the population.

## Adult Learning

Adult learning focuses on the right to knowledge and that learning can be a collective process where learners can teach and teachers act as facilitators. For this Community Training Guide, it is best to think of the trainers as facilitating the information, with the CAGs and LCs involved in understanding how this information relates to their communities.

CAGs and LCs should understand that they affect their community and the information that they receive in this Community Training guide increases their influence in their communities because they can be able to take action to protect the human rights of their people.

It is important therefore that the Facilitators of the training create an environment of trust and weave activities into the lesson that allow the CAGs and LCs to learn, laugh, and share information and experiences. Find out what people already know and factor that into the lessons. Call upon life experiences as much as possible. Lastly, use fun but effective strategies—such as games, skits, and songs—to allow people to join in and open up. 4 key areas need to be addressed in adult learning



People often remember more when they practice or use their learning compared to when they just read or hear information.

### Tips for good training session

- 1 Get to know the members of your group their different backgrounds, interests, and needs.
- 2 Use words and terms that are familiar to the people in your group.
- 3 Encourage the group to ask questions.
- 4 Help the group members understand how the information applies to their lives as well as to their community work.
- 5 Help the group members remember what they learn through repetition, visuals, handouts, activities, and discussions.
- 6 Occasionally summarize key points and concepts.
- 7 Keep the sessions flowing smoothly so everyone stays interested
- 8 Be ready to deal with people who talk too much. Thank the person for sharing his or her opinion; then quickly ask if anyone else has something to share.
- 9 Assist CAGs and LCs who cannot read or write well in a way that will not bring attention to them or to their low-literacy levels.
- 10 Offer help, but do not force anyone to accept help.
- 11 Watch for clues from CAGs and LCs who may not understand the information being presented. Such clues might include puzzled looks, wrinkled foreheads, or looking away from you. (If you see these signs, try to present the information in a different way that will be easier for them to understand.)

### Avoid the following mistakes:

- a) Talking too long
- b) Giving your personal opinion
- c) Making phone calls while facilitating
- d) Not paying attention to group members
- e) Using negative body or verbal language
- f) Disrespecting a person's contribution

### Taking Small Steps towards Change

- a) Tell the CAGs and LCs that people are more likely to develop new habits if the CAGs and LCs promote small changes slowly. This approach takes patience but often brings success.
- b) Relate new concepts in the lessons to the CAGs and LCs work and personal lives.
- c) Provide opportunities for the CAGs and LCs to practice new skills

# 1. Overview of Basic Human Rights

## Learning Objectives

By the end of this session CAGs and LACs will be able to;

- Define Human Rights
- Mention the Characteristics of Human rights
- Explain their rights and responsibilities
- List human rights especially adequate living rights in their communities

## Session outline

- A) What are Human Rights?
- B) What are the Principles of Human Rights?
- C) What are the rights and responsibilities that people have?
- D) What are adequate Living Rights?

## Pre Test Questions

Test your knowledge about Human Rights and circle the correct letter.

### 1. What can be defined as human rights?

- a) Those benefits granted to any adult person.
- b) Those entitlements for those lawfully residing in a given country.
- c) Those rights that all human beings are born with.

### 2. Is Human Rights Education relevant?

- a) It is only relevant for lawyers and Judges.
- b) It is only relevant for those presenting complaints on human rights violations.
- c) It is relevant for all human beings.

### 3. Where are Human rights found?

- a) Trees
- b) Constitution
- c) Market Place

## A. What are Human Rights?

**Human rights** are basic rights and freedoms that belong to every person in the world, from birth until death. They are there because we are human beings. They range from the most fundamental - the right to life - to those that make life worth living, such as the rights to food, education, work, health, and liberty.

### Activity 1

Write the word Human Rights on the flip chart and ask the group what it means?

**Human-** Being a person

**Right-** A right is something a person has which people think should not be taken away.

### Key Talking Points:

- Everyone has rights
- The state does not give you rights but protects rights
- Whether you are from a different tribe, country, religion or speak a different language we have the same rights.
- Rights are found in the Constitution of Uganda
- Human rights are relevant for everyone
- Human Rights can be limited for example; to protect and safeguard public interest i.e. public order, public security, public health and public morality.
- Only 4 rights MUST never be limited and these are;
  1. Freedom from torture and cruel, inhuman, degrading treatment or punishment;
  2. Freedom from slavery or servitude;
  3. The right to fair hearing; and
  4. The right to an order of habeas corpus, which means a court order to produce a detained person before court.

## B. What are the principles of Human Rights?

**Principle-** This is a rule that explains and controls how human rights works

We earlier learned about what human rights mean? Principles look at the characteristics of Human Rights. What do human rights look like?

### Key Talking Points

- Universal – Human Rights are for everyone
- nalienable- Human rights cannot be taken away unless the law provides that they can. For example; Right to Life- This is taken away when someone gets sentenced to death and the government has to kill them. Right to food- this does not mean that the government should provide you with food but it means the government should allow you to be able to cultivate the land for food either for home consumption or to sell.

- Indivisible and interdependent- All the rights we enjoy we enjoy in connection with each other. For Example, The right to food is enjoyed with the right to life and the right to health. When you eat well, you are healthy and you live longer.
- Equal and nondiscriminatory- We are all equal and no one should be treated unfairly because they are a man, woman, or come from a different tribe or country.

## C. What are the rights and responsibilities that people have?

Rights- allow us to do certain things but they also require us to do certain things. In a community, it means that everyone has a right but that right must be exercised responsibly.

### Key Talking Points

Meanwhile, as individuals, while we are entitled to our human rights - but, we should also respect and protect the human rights of others. Our responsibilities as citizens of Uganda are:

- Be patriotic and loyal to Uganda and to promote its well being
- Engage in gainful work
- Contribute to national development
- Contribute to the wellbeing of the community
- Promote responsible parenthood
- Foster national unity and live in harmony with others
- Promote democracy and rule of law
- Know the provisions of the Constitution
- Respect the national anthem, flag, coat of arms and currency
- respect the rights and freedoms of others
- Protect children and vulnerable persons
- Uphold and defend the Constitution and the law
- Protect and preserve public property
- Defend Uganda and render national service when necessary
- Pay taxes
- Register for electoral and other lawful purposes
- Cooperate with lawful agencies in the maintenance of law and order

### Activity 2

This is a brainstorming question for everyone to attempt.

Give examples of rights and responsibilities?

## D. What are Adequate Living Rights?

This is the material security of anyone in a community. This can be seen through; Food, clothing, housing, health and basic services that are available. For example; Schools, health centres, markets, roads to transport goods. All Ugandans enjoy rights and opportunities and access to education, health services, clean and safe water, work, decent shelter, adequate clothing, food security and pension and retirement benefits.

Another term used to describe these rights are Economic, social and cultural rights.

### Key Talking Points

- These are human rights relating to the workplace, social security, family life, participation in cultural life, and access to housing, food, water, health care and education.
- Examples of these rights are:
- Workers' rights, including freedom from forced labour, the rights to decide freely to accept or choose work, to fair wages and equal pay for equal work, to leisure and reasonable limitation of working hours, to safe and healthy working conditions, to join and form trade unions, and to strike;
  - b)* The right to social security and social protection, including the right not to be denied social security coverage arbitrarily or unreasonably, and the right to equal enjoyment of adequate protection in the event of unemployment, sickness, old age or other lack of livelihood in circumstances beyond one's control;
  - c)* Protection of and assistance to the family, including the rights to marriage by free consent, to maternity and paternity protection, and to protection of children from economic and social exploitation;
  - d)* The right to an adequate standard of living, including the rights to food and to be free from hunger, to adequate housing, to water and to clothing;
  - e)* The right to health, including the right to access to health facilities, goods and services, to healthy occupational and environmental conditions, and protection against epidemic diseases, and rights relevant to sexual and reproductive health;
  - f)* The right to education, including the right to free and compulsory primary education and to available and accessible secondary and higher education, progressively made free of charge; and the liberty of parents to choose schools for their children;
  - g)* Cultural rights, including the right to participate in cultural life and to share in and benefit from scientific advancement, and protection of authors' moral and material interests from scientific, literary or artistic production.

### Activity 3

Why is it important to protect these Rights?

### Key Talking Points

- It can lead to displacement were people are evicted from their homes, loss of livelihood
- It affects large numbers of people for example; Health COVID-19



- It can lead to violations of other rights. For example, to fail to protect a woman's right to adequate housing can make her more vulnerable to domestic violence, as she might have to choose between remaining in an abusive relationship or becoming homeless.

### Activity 4 Role Play about One big Community Part 1

#### Step 1. . Roleplay about 2 families in Buyende District (Change to any location)

- Trainer asks for volunteers
- Distributes the roles to the volunteers as follows; 1st Family Husband, Wife and one son who is above 18 years, Husband is a farmer with 10 acres of land, wife stays at home to look after the home and son farms with the father
- 2nd Family widow with 2 girls below 18. The girls do not go to school since their father died and one of the girls is sick and is not being treated because the widow has no money since her land has been taken. The widow has land but the 1st family has encroached on her land and prevented her from accessing it
- One CAG member and one LC 1 of the area
- Rest of the participants should observe

#### Step 2. Volunteers act out their roles and can improvise

- The role play can be done for 15 minutes with the volunteers confronting each other
- The CAG and LC I can come in to resolve the issue

Once the role play is done the Trainer should thank the volunteers and then the rest of the participants can give them a big applause.

#### Step 3 Questions

- Do any of the parties have rights?
- What Rights are those?
- Which rights have been violated and for who?
- What Role does the CAG and LC have to play?

## Post Test

Test your knowledge about Human Rights and circle the correct letter.

### 1. What can be defined as human rights?

- a) Those benefits granted to any adult person.
- b) Those entitlements for those lawfully residing in a given country.
- c) Those rights that all human beings are born with.

### 2. Is Human Rights Education relevant?

- a) It is only relevant for lawyers and Judges.
- b) It is only relevant for those presenting complaints on human rights violations.
- c) It is relevant for all human beings.

### 3. Where are Human rights found in?

- a) Trees
- b) Constitution
- c) Market Place

## 2. Human Rights (Enforcement) Act, 2019

### Learning Objectives

By the end of this session CAGs and LCs will be able to;

- Know the name of the Law on Human Rights
- Understand why the Human Rights (Enforcement) Act 2019 was made
- Know how to use the Law on Human Rights to protect their Communities from Human Rights Violations.

### Session outline

- A) What is the name of the Law on Human Rights?
- B) Why was the Human Rights (Enforcement) Act 2019 made?
- C) How can CAGs and LCs use this Law to protect their communities from Human Rights Violations?

## Pre Test Questions

Test your knowledge about Human Rights (Enforcement) Act 2019 and circle the correct letter.

1. What is the name of the law that people can use to protect their rights?

- a) I do not know
- b) Human Rights (Enforcement) Act, 2019
- c) Human Rights Act

2. Can LCs hear cases on Human rights violations?

- a) Yes
- b) No
- c) I do not Know

## A. What is the name of the Law on Human Rights?

The Constitution of Uganda provides for different human rights. The constitution is the parent law. This means that human rights can be found in the constitution.

### Activity 1

What are the Human Rights found in the Constitution?

### Key Talking Points

The Constitution provides for human rights and freedoms and these are;

- Right to life
- Right to personal liberty
- Freedom from torture and cruel, inhuman or degrading treatment or punishment
- Freedom from slavery, servitude and forced labour
- Right to property
- Right to privacy of person, home and other property
- Right to fair hearing
- Freedom of conscience, expression, movement, religion, assembly and association
- Right to education
- Rights of the family e.g. the right of a man and woman to marry and found a family
- Rights of women
- Rights of children
- Rights of persons with disability
- Rights of minorities
- Right to culture
- Right to vote
- Right to a clean and healthy environment

- Economic rights e.g. the right to work under safe and healthy conditions, the right to practise one's profession, the right to join a trade union and the right to maternity leave
- Right of access to information
- Right to just and fair treatment in administrative decisions
- Freedom to belong to a political organisation of one's choice
- Right to food
- Right to health

However, these are not the only existing rights, and the Constitution of Uganda duly recognizes the additional rights that are provided in other international laws.

The Constitution provides for human rights and the law that allows us to protect these human rights is called the Human Rights (Enforcement) Act, 2019.

## B. Why was the Human Rights (Enforcement) Act 2019 made?

The Human Rights (Enforcement) Act 2019 was made by Parliament.

### Key Talking Points

- Parliament is the one that makes laws
- Parliament was directed by the Constitution of Uganda to make a law that would allow for the implementation of the human rights listed in the Constitution.
- This Law allows anyone whose rights and freedoms have been violated to seek for compensation in the proper court
- If the proper court makes a decision and a person is not happy with that decision, then this law allows them to appeal.
- This law allows for anyone to apply to court in case they are aware of a human rights violation.

**This Act shall not apply to an investigation, protection, or enforcement of rights and freedoms by the Uganda Human Rights Commission and the Equal Opportunities Commission.**

## C. How can CAGs and LCs use this Law to protect their communities from Human Rights Violations

### Activity 2

Define Human Rights Violation

## Key Talking Points

- The government commits human rights violations either directly or indirectly.
- Violations can either be intentionally performed by the government or as a result of the government failing to prevent the violation.
- When the government engages in human rights violations, various actors can be involved such as police, judges, prosecutors, government officials, and more.
- The violation can be physically violent in nature, such as police brutality, while rights such as the right to a fair trial can also be violated, where no physical violence is involved.
- Violations can occur when there's a conflict between individuals or groups within a society.
- If the state does nothing to intervene and protect vulnerable people and groups, it's participating in the violations

### Activity 3. Brainstorming

What are the human rights violations happening in your community? Let us mention them

### Examples of human rights violations in communities

There are many human rights violations but this focuses on violations that affect our economic, social, and cultural rights. Violation of these rights can occur in the following ways;

- Contaminating water, for example, with waste from State-owned facilities (the right to health)
- Evicting people by force from their homes (the right to adequate housing)
- Denying services and information about health (the right to health)
- Discriminating at work based on traits like race, gender, and sexual orientation (The right to work)
- Failing to provide maternity leave (protection of and assistance to the family)
- Not paying a sufficient minimum wage (rights at work)
- Segregating students based on disabilities (the right to education)
- Forbidding the use of minority/indigenous languages (the right to participate in cultural life)
- There has not been proper consultation with the affected denies individuals or groups access to food or productive resources, based on prohibited grounds of discrimination; for example, if a State channels food aid to government supporters while excluding supporters of the political opposition (Right to food)
- fails to redress laws, policies or practices which have a discriminatory impact, even if they may appear neutral at face value and regardless of intent, for example if a State fails to address disproportionate levels of malnutrition among children in certain ethnic groups or in rural areas;

### Who is ultimately responsible for ensuring human rights violations don't happen?

The government bears the primary burden of responsibility for protecting and encouraging human rights. When violations occur, it's the government's job to intervene and prosecute those responsibly. The government must hold everyone (and itself) accountable.

This doesn't mean that members of civil society don't also have a responsibility to prevent human rights violations. Businesses and institutions must comply with discrimination laws and promote equality, while every individual should respect the rights of others. When governments are violating human rights either directly or indirectly, civil society should hold them accountable and speak out.

## Role of CAGs and LCs in protecting their communities from Human Rights Violations.

CAGs and LCs should be able to speak out when human rights violations occur in their communities. They can do this by helping their community members with letters referring them to the courts or to organizations that can support them to demand their rights. Examples of these organizations are CEFROHT.

LCs cannot hear human rights violation cases so when these cases come before them they should refer them to either the Magistrate Court or to High Court.

## Simple Procedure on using the Human Rights (Enforcement) Act 2019

For a person to protect their rights they can use the Human Rights (Enforcement) Act 2019 as follows:

- Oral or written application should be made in any language to either the Magistrate or High Court.
- An oral application should be made before the Magistrate and the Magistrate will write it down. All the applicant has to do if they have no lawyer is to;
  1. Put their hands up when they appear before the Magistrate
  2. When the Magistrate asks them to speak they should mention which right has been violated and that they want court to give them a remedy
- The human rights violation matter will first be heard and Judgment made on whether the right has been violated or not.
- If it is a criminal case, then bail shall be granted pending the decision of the Magistrate or Judge.

## What are the orders that Courts can give?

### Key Talking Points

- The courts that have powers to hear human rights violation cases are Magistrate Courts – Grade I and Chief Magistrate and High Courts.
- Appeals- This is when one loses the case and decides to go to a higher court for help. Appeals can be made from Magistrate Court to the High Court, High Court to the Court of Appeal, and Court of Appeal to the Supreme Court
- Orders in Court can be made when the court determines that a fundamental right or free dom has been violated, unlawfully denied, or should be enforced, the competent court shall issue orders it considers appropriate like:
  1. Compensation.
  2. Restitution of the victim to the original situation before the violation of his or her human rights and freedoms;
  3. Rehabilitation of the victim including the provision of medical and psychological care.

## Role Play 2. One big Community Part 2

**Step 1.** The trainer will remind the participants about the earlier role play that ended with the CAG and the LCI coming in to resolve the dispute between the 2 families.

- CAG reports the case to the LC I
- Volunteers have the same roles but the scene has changed
- Rest of the participants are observers
- LC 1 decides to organize a meeting to resolve the dispute
- In the process the widow insists that her rights have been violated

**Step 2.** CAGs and LC Is practically filing of the case before the Magistrate

- Role play continues with the CAGs or LC Is going before the Magistrate
- Need a volunteer to act as the Magistrate
- Give them 5 minutes to present the case before the Magistrate
- Allow the Magistrate to respond

**Step 3.** Questions for the observers

What role the CAGs and LC I play in supporting the community to report human rights violations?

What is the procedure for reporting human rights violation cases using the Human Rights (Enforcement) Act 2019

## Post Test Questions

Test your knowledge about Human Rights (Enforcement) Act 2019 and circle the correct letter.

**1. What is the name of the law that people can use to protect their rights?**

- d) I do not know
- e) Human Rights (Enforcement) Act, 2019
- f) Human Rights Act

**2. Can LCs hear cases on Human rights violations?**

- d) Yes
- e) No
- f) I do not Know

# 3. Case Monitoring of Human Rights Violations

## Learning Objectives

By the end of this session CAGs and LCs will be able to;

- Harness the knowledge and resources gained to support their communities when human rights violations occur.
- Know the referral pathways that communities can use to report their cases
- Provide information

## Session outline

- A) Why is case monitoring important?
- B) How can case monitoring be done?
- C) What are the available avenues for referral?

## Pre Test Questions

Test your knowledge about Case monitoring.

1. What is case monitoring?
2. How is case monitoring done in communities?

## A. Why is case monitoring important?

Define Monitoring?

Observation of the human rights situation in your area. This means that CAGs and LCs should be able to know and record the human rights violations happening in their area. .

### Key Talking points

Case monitoring is important because of the following;



- It is sustainable since it uses local resources like the CAGs and the LCs to identify the human rights violations especially in relation to economic, social and cultural rights.
- Allows the communities to participate and engage in addressing the human rights issues that affect them hence playing a role in changing their communities.
- Allows the CAGs and LCs to gather information that can support cases on violation of human rights.

CAGs and LCs need to make sure that as they are doing case monitoring they follow these simple tips:

- They must make sure that they keep information confidential. For example, the case details should not be discussed in drinking places or even with their friends.
- The protection and safety of the victims of human rights abuses should be ensured.
- They should work well with authorities unless the authorities are the case of the human rights violations.
- They must be neutral

## B. How can case monitoring be done?

The CAGs are not recognized by law but they have authority vested in them by their communities to support CEFROHT in identification, reporting, and informally follow-up of human rights violation cases. The LC Is on the other hand have authority granted to them under the Local Government Act that requires them to perform certain administrative functions like writing letters as well as the Local Council Courts Act that allows them to constitute as an LC I court.

### Key Talking Points

- CAGs and LCs can help in identification, reporting and informal follow-up of cases
- They are closer to the community so they can offer information that someone out of the community may fail to gather.
- Case monitoring can be done through collecting information about the incident- Who was involved? Who are the perpetrators? Who are the witnesses? Where and when did the incident occur?
- Reporting that information to duty bearers

### The roles of CAGs and LCs include:

1. Identify and where possible document the case and report to local councils
2. LC Is should refer those with Human Rights violation cases to Magistrates
3. Assess the needs of the victims of human rights violations so that they can properly plan the next course of action
4. Link the person whose rights have been violated to necessary services e.g. health care, school, rehabilitation, skilling

**Activity 1: Brainstorming**

How can this information be kept?

## C. What are the available avenues for a referral?

A referral is a process of noticing a concern in the community, for example, a family with their right to livelihood destroyed because of an eviction hence the family has no food, deciding that action needs to be taken and reporting that concern to someone who with the relevant responsibility. This might be directly, or by giving information to the family so that they can go for further help.

### Key Talking Points

Human rights violation cases are reported to the courts

CAGs and LC Is should support victims of human rights violations

CAGs can report them to the LCs Is who can then refer the person to court

Cases can also be reported to CEFROHT for further management or any other organization near them

CAGs and LCs should ensure that their communities know where to go when their rights are violated.

CAGs and LCs should follow up cases to make sure that the human rights violation has been addressed

## Post Test Questions

**Test your knowledge about Case monitoring.**

1. What is case monitoring?
2. How is case monitoring done in communities?