



UNDERSTANDING BUSINESS AND HUMAN RIGHTS USING THE NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS (2021-2026)

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Address: Kabaale-Buseruka, Hoima District
Tel: +256 (0) +256392966232
Email : info@orraug.org

INTRODUCTION

Businesses across the world impact communities, including the human rights of individuals and groups. This impact can be beneficial, such as creating more employment or development opportunities. But it can also cause harm to people, such as negative impacts on an individual's right to privacy or a community's right to a healthy environment among others.

Both the national action plan and the UN guiding principle on Business and Human rights emphasize that businesses should have a sustainable and mutually beneficial relationships with those who influence or are impacted by their operations, including customers, communities, workers, and investors.

PROBLEM

Increased human rights violations and abuses which have resulted into loss of lives, injuries, chronic illness, disabilities, post traumatic disorders, depression, anxiety, loss of livelihoods and property, forced and illegal displacements, increased sexual and gender based violence, increased social tensions and conflicts, increased crime, unemployment increased marginalization and discrimination of the vulnerable people. For example (Refinery compulsory land acquisition, Apaa land in Amuru, Kijayo, etc.)

There is also weakness in the regulatory framework, inadequate supervision, uncoordinated efforts to ensure respect for HRs and knowledge gap on HRBAP by state and non-state actors, business operators and the community.

WHY THE NAPBHR?

The NAPBHR seeks to promote a harmonious relationship in which both businesses and communities can thrive.

The NAP clarifies government obligations to protect human rights, business responsibilities towards respect for human rights in their operations and enhances equitable and effective access to remedy to victims of human rights violations and abuses arising from business activities.

GOAL

To eliminate violations and abuses of human rights by any person or entity while undertaking business activities.

OBJECTIVES

To strengthen institutional capacity, operations and coordination efforts of state and non-state actors for the protection and promotion of human rights in businesses.

To promote human rights compliance and accountability by business actors

To promote social inclusion and rights of the vulnerable and marginalised individuals and groups in business operations

To promote meaningful and effective participation and respect for consent by relevant stakeholders in business operations

To enhance access to remedy to victims of business-related human rights abuses and violations in business operations.

GUIDING PRINCIPLES

Protect: States' existing obligations to protect human rights and fundamental freedoms

Respect: The Corporate Responsibility to Respect Human Rights among others by observing the set HRs standards in the Country

Remedy: Access to Remedy by those whose rights are violated.

ROLES OF CSOS

Building effective partnerships and networks with government and other actors to implement the action plan

Building capacity of other actors including local governments, NGOs, private sector and communities to enhance implementation of the plan and rights based service delivery

Mobilizing resources to implement the interventions in the action plan

Promoting and disseminating the action plan
Monitoring and evaluating the impact and effectiveness of the action plan.

ROLES OF BUSINESS

Promote human rights education for their employees

Ensure free prior and informed consent in acquisition of land and other properties for business operations

Compliance to laws both national and international standards

Ensure inclusion of the vulnerable groups in the business operations
Ensure environmental protection in their operations

Apply corporate social responsibility
Pay taxes to the government

Ensure consumer protection

Some highlights of Chapter 4 of the 1995 Uganda constitution that promote human rights.

Article 20 (1) defines human rights as a fundamental rights and freedoms of the individual are inherent and not granted by the State.

(2) Emphasizes that this right shall be respected, upheld and promoted by all organs and agencies of Government and by all persons.

Protection from deprivation of property.

Article 26 (1) states that every person has a right to own property either individually or in association with others.

(2) No person shall be compulsorily deprived of property or any interest in or right over property of any description except where the following conditions are satisfied-

(a) the taking of possession or acquisition is necessary for public use or in the interest of defence,

public safety, public order, public morality or public health; and

(b) the compulsory taking of possession or acquisition of property is made under a law which makes provision for-

(i) prompt payment of fair and adequate compensation.

prior to the taking of possession or acquisition of the property; and

(ii) a right of access to a court of law by any person who has an interest or right over the property.

Right to privacy of person, home and other property.

Article 27 (1) states that No person shall be subjected to-

(a) unlawful search of the person, home or other property of that person;

(b) unlawful entry by others of the premises of that person. property.

(2) No person shall be subjected to interference with the privacy of that person's home,

correspondence, communication or other property.

**Freedom of speech and expression
Article 29 (1) clearly states that every person shall have the right to-**

(a) freedom of speech and expression, which shall include freedom of the press and other media:

(b) freedom of thought, conscience and belief which shall include academic freedom in institutions of learning;

(c) freedom to practise any religion and manifest such practice which shall include the right to belong to and participate in the practices of any religious body or organisation in a manner consistent with this Constitution;

(d) freedom to assemble and to demonstrate together with others peacefully and unarmed and to petition; and

(e) freedom of association which shall include the freedom to form and join associations or unions, including trade unions and political and other civic organisations.

(2) Every Ugandan shall have the right-

(a) to move freely throughout Uganda and to reside and settle in any part of Uganda;

(b) to enter, leave and return to, Uganda; and

(c) to secure a passport or other travel document.

Rights of women

Article 33 (1) promote and protects the rights of women and accords full and equal dignity of the person with men.

(2) calls on the state to provide necessary facilities and opportunities to enhance the welfare of women to enable them to realise their full potential and advancement.

(3) states that the State shall protect women and their rights, taking into account their unique status and natural maternal functions in society.

(4) Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities.

(5) Without prejudice to article 32 of this Constitution, women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom.

(6) prohibits any laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status.

Rights of children

Article 34 (1) provides for the protection of children and giving them rights to know and be cared for by their parents or those entitled by law to bring them up.

(2) States that a child is entitled to basic education which shall be the responsibility of the State and the parents of the child.

(3) No child shall be deprived by any person of medical treatment, education or any other social or economic benefit by reason of religious or other beliefs

(4) Children are entitled to be protected from social or economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their

education or to be harmful to their health or physical, mental, spiritual, moral or social development.

(5) For the purposes of clause (4) of this article, children shall be persons under the age of sixteen years.

(6) A child offender who is kept in lawful custody or detention shall be kept separately from adult offenders.

(7) The law shall accord special protection to orphans and other vulnerable children.

Rights of persons with disabilities

Article 35 (1) provides for the protection of persons with disabilities to have a right to respect and human dignity and the State and society shall take appropriate

measures to ensure that they realise their full mental and physical potential.

(2) Parliament shall enact laws appropriate for the protection of persons with disabilities.

Civic rights and activities

Article 38 (1) promotes the rights of participation and it states that every Uganda citizen has the right to participate in the affairs of government, individually or through his or her representatives in accordance with law.

2) Every Ugandan has a right to participate in peaceful activities to influence the policies of government through civic organisations.

Right to a clean and healthy environment

Article 39 promotes the rights to clean and healthy environment and it states that every Ugandan has a right to a clean and healthy environment.

Right of access to information

Article 41 (1) gives the rights to access to information, it states that every citizen has a right of access to information in the possession of the State or any other organ or agency of the State except where the release of the information is likely to prejudice the security or sovereignty of the State or interfere with the right to the privacy of any other person.

Right to just and fair treatment in administrative decisions

Article 42 states that any person appearing before any administrative official or body has a right to be treated justly and fairly and shall have a right to apply to a court of law in respect of any administrative decision taken against him or her.

Prohibition of derogation from particular human rights and freedoms

44 protect every citizen from any form of torture, there shall be no derogation from enjoyment of the following rights and freedoms-

(a) freedom from torture, cruel, inhuman or degrading treatment or punishment;

(b) freedom from slavery or servitude;

(c) the right to fair hearing;

(d) the right to an order of habeas corpus.

Enforcement of Rights and Freedoms by Courts

Article 50(1) gives individuals or organizations to act in case of any rights violation, it states that any person who claims that a fundamental or freedom guaranteed under this Constitution has been infringed or threatened, is entitled to apply to a rights and competent court for redress which may include compensation.

(2) Any person or organisation may bring an action against the violation of another person's or group's human rights.

(3) Any person aggrieved by any decision of the court may appeal to the appropriate court.