Speech by Hon. Janet Mukwaya,
The Minister for Justice and Constitutional Affairs, at the
Opening of the African National Human Rights Institutions Conference
at the International Conference Center, Kampala 14th August 2002
• Guest of Honor, Your Excellency the President of the Republic of Uganda, President Yoweri Museveni

• The Representative of the High Commissioner for Human Rights,

• The President of the International Coordination Committee,

• The Chairperson, African Commission on Human and People’s Rights,

• The Chairperson, African Coordinating Committee of National Human Rights Institutions,

• The Chairperson Uganda Human Rights Commission,

• Distinguished Guests

• Ladies and Gentlemen

It gives me a great pleasure to address this house on the issues of human rights and development. I must first say that as a Ministry of Justice and Constitutional Affairs through which the Uganda Human Rights Commission reports to Cabinet or parliament, we feel this international conference organized by the UHRC has given us pride, both as a ministry and a nation as well.

As a ministry responsible for Justice and Constitutional affairs, the contribution of National Human Rights Institutions (NHRI) is indeed commendable in the field of Constitutionalism and delivery of Justice. Promotion and protection of human rights is an essential ingredient to constitutional law, the rule of law and democratic governance.
The Bill of rights is now enshrined in most Constitutions of the world including in Africa and in the case of Uganda the chapter on human rights is the longest chapter in the Constitution. When national institutions have a legislative backing that guarantees their independence and have relevant functions to protect and promote human rights, governments get relieved well knowing that most people have alternative channels of seeking redress to their grievances.

National Human Rights Institutions play a complementary role to Courts. If well utilised and facilitated, NHRI can be more accessible, more cost effective and a less formal way of resolving conflicts.

In Uganda we have done a lot to ensure that the National Human Rights Institution we have, the Uganda Human Rights Commission has the necessary teeth to bite. It has adequate powers of the court and the requisite independence. I can vouch for the government that they have not had any interference from any state officials. On the contrary, state officials have come to the UHRC to seek legal and human rights redress.

The Commission has done a lot in creating awareness among our people about human rights; it has received many complaints, which it has handled successfully, it has pushed government to realize its international role of complying with international human rights conventions. All these functions coupled with the annual reporting to Parliament have elevated the level of human rights awareness and respect in Uganda to international recognition.
With independent national human rights institutions in place, we can be sure that exposure of human rights violations and delivery of justice will overshadow impunity that had characterized Africa’ past. It will get us back to a stage of civilized nations that had eluded us under the brutal dictatorships and discriminatory systems in Africa.

The government of Uganda, under the Movement system, has since its coming to power been spearheading human rights promotion and protection, rule of law, modernization and democratic and good governance. Within the first four months of its coming to power, the National Resistance Movement (NRM) established a Commission of Inquiry into the Violations of Human Rights since independence in 1962 to 1985 with a view of learning from history and avoiding a repeat of that bad history of human rights violations by the state. The report of this Commission that details gruesome testimonies and experiences of human rights violations during this period is now a public document in Uganda.

Two years later, a Constitutional Commission was established to collect views from the people among which was the best way people wanted their rights to be protected. Interestingly, both commissions recommended having a permanent national human rights institution, which the Constituent Assembly adopted in the Constitution that was enacted and promulgated in 1995.

Therefore, the need to have an independent national human rights institution was first and foremost predicated on internal demands of the people of Uganda.
We were only lucky to find that they were international guarantees under international human rights instruments, which we readily ratified. We now have this institution, the Uganda Human Rights Commission, in the Constitution under article 51 and its functions and powers under articles 52 and 53 respectively. The international human rights instruments informed the writing of this Constitution. We are now one of the countries with a human rights friendly Constitution in the world.

As a ministry responsible for the UHRC we have done our work as government to put the commission in place; we struggle within our meager resources to provide funding for the Commission to perform its Constitutional obligations. We are proud because during the time of the Movement government, over 85% of the major International Instruments have been ratified by Uganda; it is for the first time in the history of Uganda when women, persons with disability, the elderly, the children and minorities can claim constitutional rights.

It is for the first time that Uganda has a comprehensive Bill of Rights including civil and political rights, economic, social, cultural rights and collective rights in our Constitution. Previous constitutions had only civic and there were no institutions in place to oversee the realization of those rights.

We, as government, strongly believe in institutional development as a cornerstone to democratic governance.
We treasure the principle of checks and balances and the doctrine of Separation of powers and above all the principle of Constitutional supremacy and also independence of Constitutional bodies like the Uganda Human Rights Commission.

This notwithstanding, Ladies and Gentlemen, Human Rights institutions in Africa have a big challenge. We are talking about human rights against the background of countries whose populations are largely illiterate, poor, war and hunger stricken, have no appropriate shelter, largely dying of immuniseable diseases and afflicted with HIV/AIDS, largely patriarchal, unemployed and have big numbers of refugees and internal displacement. We cannot talk about development in Africa under such conditions.

We need everybody’s efforts, the international community inclusive to achieve the UN millennium goals which are basically; the eradication of extreme poverty and hunger, achieving universal primary education, promoting gender equality and empowering women, reducing child mortality, improving maternal health, combating HIV/AIDS, malaria and other diseases, ensuring environmental stability and indeed developing global partnership for development.

These are areas that require resource allocation, which poor countries cannot afford. Indeed every country however poor it might be, at least has some resource. This is why some African countries have put in place National human rights institutions that are working. Nevertheless, performance of most of their functions of education, sensitization, research, monitoring, investigations of human rights will largely depend on government and
international financial and material support. African countries and Uganda in particular have the political will to see National Human Rights Institutions efficient and effective, we need both regional and international supplementary role where our available resources are insufficient.

In this decade, Uganda has made remarkable improvement and is moving towards a Rights-Based Approach to development. The conceptualization of development has shifted increasingly towards enhancing the quality of life of the people through the protection and fulfillment of their human rights. As a result there is hope that our people will have the opportunity to enjoy economic, social, cultural, civil and political rights and they can be brought into decision-making process concerning the areas that directly affect their lives. We have been involved in developing a sector-wide approach and will support this effort through strengthening our position as an interface between service providers and the community.

We have paid special attention in improving the quality of our co-operation with institutions like the Uganda Human Rights Commission, the civil society, NGOs and other partners including the donors. But most importantly we have worked with the people of Uganda to make a difference in key areas of development and human rights protection. Although we face challenges, we have made plans to make progress for the future. We are committed to fight HIV/AIDS epidemic and the continued armed conflict in the country. We are committed to improving the quality of life of children, women and other vulnerable groups. We have already increased the provision of basic education to children.
As I conclude, I wish you fruitful deliberations and urge you to enjoy your stay. I wish to congratulate the Uganda Human Rights Commission for having hosted this conference, the office of United Nations High Commission and the African National Human Rights Coordination Committee for all the support and all of you, for the importance you have attached to this conference.

Thank you very much for listening to me