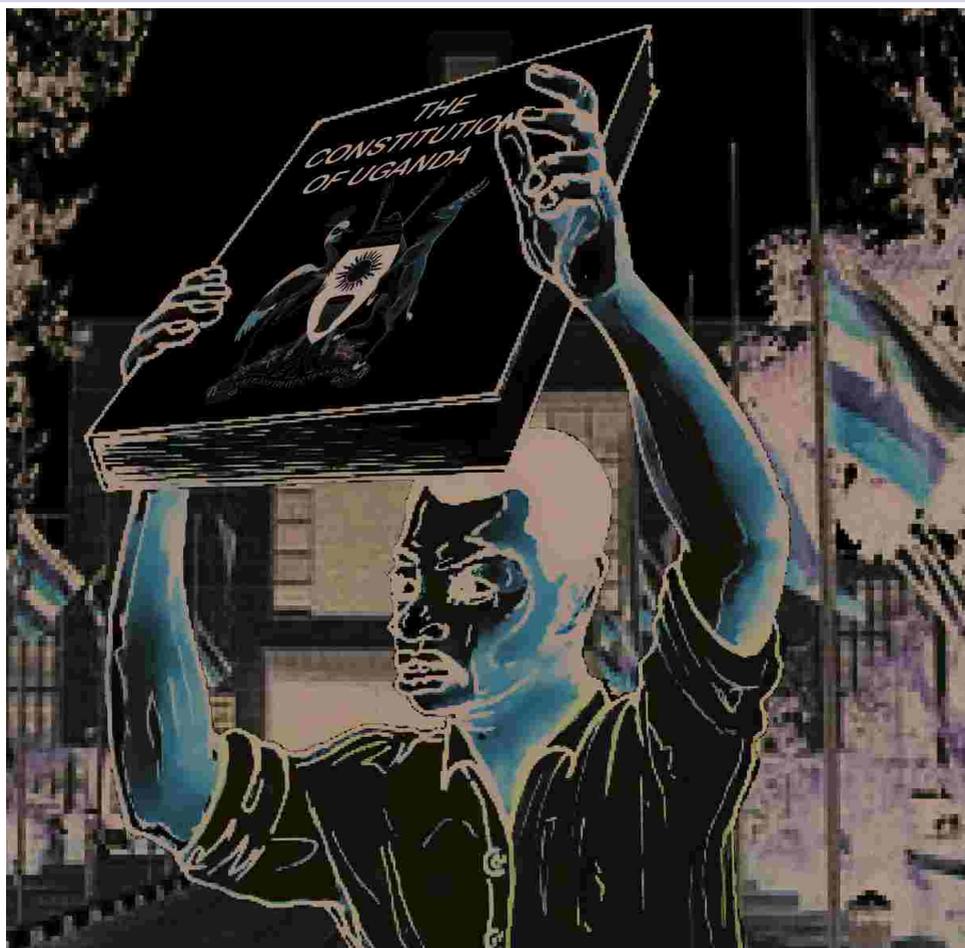




CIVIC EDUCATION FOR EFFECTIVE PARTICIPATION OF UGANDAN CITIZENS



“WE SHALL REACH”

Modules: The Constitution, Citizenship and Human Rights

Use of Civic Education Materials

This Civic Education Curriculum has been produced by Uganda Project Implementation and Management Centre (UPIMAC) in consultation with the National Curriculum Development Centre (NCDC), Uganda Law Society (ULS), members of the Technical Working Committee (TWC) from partner civil society organizations (SCO) and approved by members of the Resource Centre Steering Committee (RCSC) from state and non state actors.

The Materials have been produced with the support of Democratic Governance Facility (DGF) and are not for sale. Any person or organization interested in civic education is free to use them in Uganda.

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Acknowledgement

In Uganda CSO's continue to be close partners to state actors mandated to conduct Civic Education in the country. CSO's have contributed through various Civic Education Programmes that have aimed at enhancing people's awareness of their Civic rights and responsibilities.

At UPIMAC we appreciate the recent role we are playing as managers of the DGF supported Civic Education Resource Center Project and the cooperation of the key stakeholders under the program.

The Civic Education Resource Center (CERC) is to coordinate the production of Civic Education materials under an agreed framework by all the stakeholders.

Two key committees were established to operationalise the development of Civic Education materials. The two committees namely; Technical Working Committee to draft the Civic Education materials and the Resource Center Steering Committee to approve the materials. In order to make the process participatory, all the stakeholders are represented on the two committees.

This endeavour is in line with the overall objective of Uganda Human Rights Commission of having a well coordinated and harmonized Civic Education Programme in the country. The UHRC recent initiative of putting in place a National Civic Education Policy is expected to further reinforce this objective.

We would like to thank in a special way the UHRC, IGG, EC, Office of the Prime Minister - Information and National Guidance, DGF - Development partners and CSO's who have contributed to the production of these materials.

It is our sincere hope that these modules and manuals will be utilized to ensure that Civic Education Programmes in the country are well coordinated, harmonized and effective.

For God and My Country.



W.R.S Nyabongo

Chairperson, CERC Steering Committee

Foreword

On 15th May 2013, I had the honour to open a two day stakeholders' workshop which kick started the process of establishing a Civic Education Resource Center.

One of the major functions of the Resource Center was to coordinate the development, storage and dissemination of civic education materials in the country.

This booklet

contains the first three modules of the civic education materials which have been developed under a collaborative arrangement including providers of civic education.

I am reliably informed that the civic education providers involved in the collaborative efforts include both state and non-state actors. I wish to recommend this collaborative effort because there has been no coordination and collaboration in the conduct of civic education in general and the production of materials in particular.

I am further informed that more modules will be produced and printed. I trust that when this is finally accomplished, providers of civic education will have a standard source of information and as I mentioned at the stakeholders' workshop, this will enable the civic education providers to sing from the same hymn book.

I would like to thank UPIMAC who are facilitating this process and also those other members of the Resource Center Steering Committee.
For God and My Country



Med S. Kaggwa

Chairperson, Uganda Human Rights Commission

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GENERAL INTRODUCTION

Civic education is the process of creating awareness and provision of information and learning experiences to equip and empower citizens to participate positively in the democratic processes of their community, country and the outside world. According to the DGF Baseline Study on Democracy, Justice, Human Rights and Accountability in Uganda there is low level of civic awareness and knowledge amongst citizens in Uganda.

“Ugandan’s basic awareness of the Constitution, key democratic principles and processes and human rights is relatively high, but knowledge and understanding of what the Constitution covers, its relationship to other laws, socio-economic rights, the rights of vulnerable groups and laws and institutions protecting human rights (including the UHRC) could be improved, while understanding of the details and content of democracy remains low compared to previous surveys in 2000 and 2005. This would suggest a need to move away from awareness-raising activities towards a focus on the Content of the Constitution and specific rights, how human rights are protected, and more detail on issues such as the roles, functions and responsibilities of the three arms of government”¹

In order to address the low level of civic awareness, a civic education curriculum has been developed and presented in modular form. The modules are produced in series of three as a source of civic education information for all citizens. They will further guide citizens to make informed decisions.

The purpose of civic education is to provide information to citizens so that they can effectively, constructively and positively contribute to personal, community and national development and good governance. The curriculum will enhance the knowledge and ability of citizens to claim their rights, actively participate in democratic processes and demand accountability at all levels.

For each series of modules, there is a facilitators’ manual developed to be used when conducting civic education. Facilitators should remember that civic education is for everybody. The mode of delivery will depend on the situation, environment and target group being addressed. Therefore, the facilitators should be creative while using the manual and adopt appropriate styles depending on the target group.

¹<http://www.dgf.ug/index.php/2013-03-26-12-55-42/news/147-baseline-survey>

MODULE 3: HUMAN RIGHTS

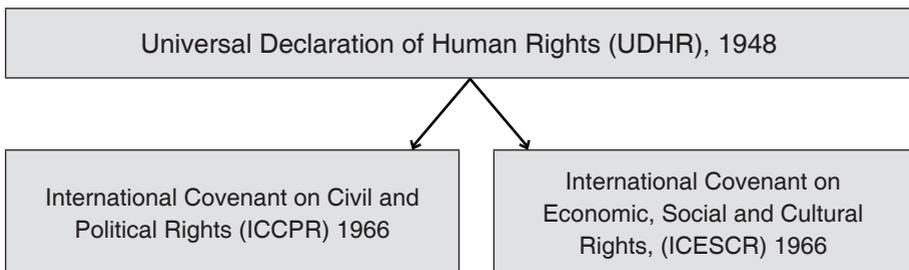
1.0 Introduction

1.1 Background

Human Rights are the rights a person has simply because he/she is a human being. Human rights are the same for everyone and are applicable everywhere. These rights exist as natural rights or as legal rights. International human rights law lays down obligations to act in certain ways or refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups. For example, **Article 1** of The Universal Declaration on Human Rights states that all people are born free and are equal in dignity and rights.

Today, the promotion of human rights is guided by what is referred to as Bill of Rights. It includes the UDHR and two treaties - the International Covenant on the civic and Political Rights, and the International Covenant on Economic Social and Cultural Rights. This Bill of Rights is contained in **Chapter Four** of our Constitution.

1.2 Human Rights Treaties



Source: Nancy Flowers, 2000.

1.3 Aim

The aim of this module is to create awareness of the human rights and fundamental freedoms and provide guidance on how to demand, uphold and protect these rights.

1.4 Objectives

By the end this module, you should be able to:

- i. Define the concept of human rights;
- ii. Identify categories of human rights / generations
- iii. Explain the characteristics of human rights;
- iv. Describe the mechanism of human rights protection in Uganda;
- v. Relate human rights equality for all and social justice;
- vi. Explain the limitation to enjoyment of human rights; and
- vii. Explain the relationship between rights and responsibilities.

Key Messages

- Human rights are universal (they are the birthrights of every person. No one has to earn or deserve human rights).
- Human rights are inherent (they can neither be given nor taken away by any other person or state).
- It is your responsibility to know your rights.
- All rights and freedoms which are guaranteed by the Constitution should be equally enjoyed by women without discrimination.
- Children's rights are human rights – Avoid child abuse.
- All human beings are born free and equal in dignity and rights.
- Exercising your right should not interfere with another person's rights.
- Report all human rights abuse and violation to relevant authorities
- Discriminating a person on grounds of sex is a human right abuse.
- There are legal limitations to the enjoyment of some rights.
- Respect the rights, beliefs and opinions of others.
- It is your responsibility to promote and protect human rights.

1.5 Specific Sub Topics

- i. The Concept of Human Rights;
- ii. Categories of Human Rights;
- iii. Characteristics / Key Principles of Human Rights;
- iv. Mechanism of Human Rights Protection in Uganda.
- v. Relationship Between Human Rights, Equality and Social Justice;
- vi. Limitation to Enjoyment of Human Rights; and
- vii. Relationship between Rights and Responsibilities.

Sub Topic I

2.0 The Concept of Human Rights

Key message:

- Human rights are universal (they are the birthrights of every person. No one has to earn or deserve human rights).
- Human rights are inherent (they can neither be given nor taken away by any other person or state)

2.1 Introduction

Human Rights are those rights that belong to every individual - man or woman, boy or girl, infant or elder - simply because he is a human being. They embody the basic standard without which people cannot realize their inherent human dignity.

Human rights are rights inherent to all human beings, regardless of place of residence, sex, nationality, or ethnic origin, colour, religion, language or any other status. They are inter related, inter dependent and indivisible. This means you were born with them, they should not be violated nor should they be taken away from you.

What types of rights are you aware of?

2.2 Fundamental rights and freedoms

Fundamental rights and freedoms are things that cannot be interfered with without lawful justification but which may be lawfully restricted under certain circumstances specified by the Constitution. Examples;

- Every person has a right to life but that right might be taken away if a person is sentenced to death by a court of competent jurisdiction (mandate) and the Supreme Court has confirmed the sentence.
- The right to personal liberty can be restricted by court, preventing the spread of disease, among others.

2.3 Principles of Human Rights

Your rights and freedoms are guaranteed by **Chapter Four** of The Constitution. Human rights are based on principles of peace, equality and social justice.

It should be noted that where rights are observed there is dignity, democracy, peace, love, unity and development.

Activity 1

- Explain circumstances under which a person's rights can be taken away.

Sub Topic II

3.0 Categories of Human Rights

Key Message:

- It is your responsibility to know your rights.
- All rights and freedoms which are guaranteed by the Constitution should be equally enjoyed by women without discrimination.
- Children's rights are human rights – Avoid child abuse.

3.1 Introduction

Human Rights are often categorized in several ways. One way of doing this is to look at the basis or source of their recognition in society. From this stand point, three categories of rights have been recognized, namely;

- i. Legal rights, which are recognized in Law.
- ii. Moral rights, which derive mainly from societal values and norms.
- iii. Natural rights, which are considered inherent in all human beings by reason simply of their being human.

3.1.1 Legal Rights

These are rights expressed in a country's constitution. They are made into laws and can be defended in courts of law. Most, but not all are found in the written Constitutions. For example, aspects of fundamental human rights are enshrined in **Chapter IV** of the 1995 constitution of Uganda.

3.1.2 Moral Rights

These rights are often based on societal values. In the society, moral rights are derived from societies' belief of what is fair and just, and may or may not be based on religious beliefs. Moral rights differ from legal rights in that they cannot be enforced in a court of law. For instance, a mother charging her child for telling lies may not be basing her claim on the law of the land. Rather

she is appealing to the idea of moral right that says that people should always tell the truth.

3.1.3 Natural Rights

These are believed to belong to people by virtue of their being human. Everybody is entitled to them regardless of age, sex, race, colour and language. They are universal rights. As such, some people believe they are entitled to them even when the laws of their own country do not recognize them explicitly. These rights are believed to supersede any national or domestic law, for example the right to life.

Give at least two examples of rights in each of the following categories:

- *Civil and political rights;*
- *Economic, social and cultural rights.*

3.2 Other Rights

Human rights can also be categorized on the basis of whether they pertain to individuals, or to groups collectively. Individual rights are further divided on the basis of which aspect of the individual's life they concern. Thus, there are those that concern the civil and political aspects of the individuals, and there are those that relate to his or her economic, social and cultural well-being and this will dwell on the categories/classification of rights that are protected under the 1995 Constitution. On the basis of this, the following three categories of rights are commonly recognized.

1. Civil and Political Rights.
2. Economic, Social and Cultural Rights.
3. Collective or Group Rights.

3.2.1 Civil and political rights

These are claims each individual citizen can make on the state in respect of his or her freedom of action. They include the right to life, freedom of movement, association, thought, religion, expression and access to information, the right to vote and be voted for, right to protection and others. These rights have been enshrined in the constitution. They are called **fundamental human rights**.



3.2.2 Economic, Social and Cultural rights (ECOSOC):

These rights seek to protect the condition of human beings within a society. They include the rights to work, education, food, health care, shelter, own property, and to form and belong to trade unions.

3.3 Groups rights

These are the third generation rights that groups, communities or people enjoy collectively. They include the right to development, a clean and healthy environment as well as protection from environmental destruction, the right to peace and the right to self-determination.

Group rights also include those of vulnerable groups such as women, refugees, persons with disability, minorities, workers, prisoners, elderly refugees and minors (children).

3.3.1 Women's rights

Women rights reflect the fact that men and women have very different experiences, and the fact that women and girls often face gender based discrimination that puts them at increased risk of poverty, violence, ill health and a poor education.

Women should enjoy all human rights. However, there are some rights that require particular focus owing to their gender roles. The majority of violations of women's rights happen in private especially where men dominate. When rights of women are ignored, then the rights of over half of our population are abused because they form majority of the population.

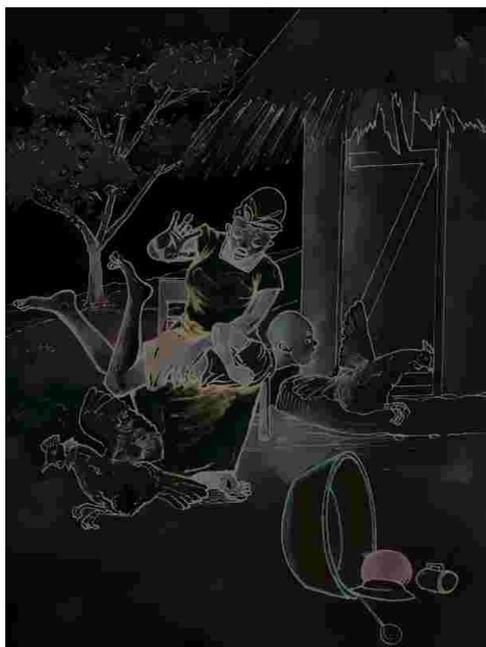
Examples of women's rights are contained in **Article 33** of The Constitution and they include the following:

1. Women shall be given full and equal dignity of the person, and equal opportunities in political, economic and social activities with men.
2. The State shall provide for the facilities and opportunities necessary to improve or realize women's full potential and advancement.

3. The State shall protect the rights of women, taking into account their unique status and natural maternal functions in society.

3.3.2 Children's rights

The children's rights are contained in **Article 34** of The Constitution. The Constitution defines children as people under the age of 18 years. The rights of children are implemented in the best interest of the children.



Stop child abuse

Children' rights include:

- The right to be cared for by their parents or those entitled by law to bring them up.
- The right to basic education provided by the state and the parents.
- The right to medical care.
- The right to be protected from social or economic exploitation.

Besides rights, children also have responsibilities which include:

- Working hard at their studies;
- Participate fully in family, cultural and social life;

- Respecting parents, elders and other children;
- Using their ability to help the community.

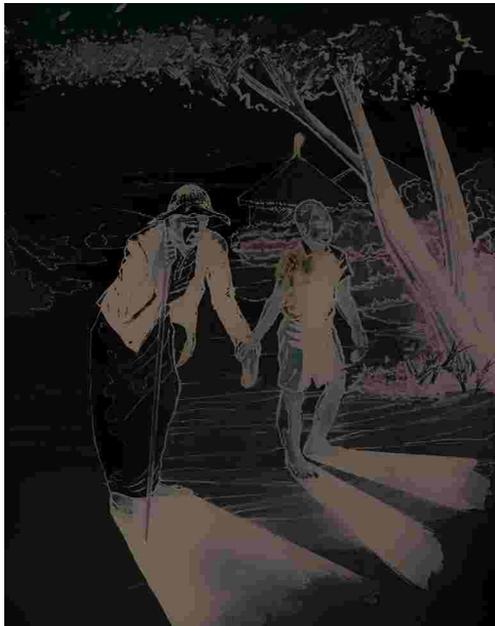
There is gross abuse of children's rights in Uganda. Key abuses include:

1. Child sacrifice
2. Defilement
3. Child trafficking
4. Neglect and starvation
5. Cruelty
6. Corporal punishment
7. Abandonment (including street kids)
8. Child Labour
9. Child prostitution

Stop Child Abuse

3.3.3 Rights of persons with disabilities

The rights of persons with disabilities are contained in **Article 5** of the Constitution.



People with disabilities have a right to respect and human dignity

Persons with disabilities have a right to respect and human dignity and the State shall take appropriate measures to ensure that they realize their full mental and physical potential.

Activity 2

- Explain the benefits of social, economic and cultural rights.
- What rights do you enjoy when you are in a group?
- Why is it important to consider women and children's rights in a community?

Sub Topic III

4.0 Characteristics / Key Principles of Human Rights

Key Message:

- All human beings are born free and equal in dignity and rights.

4.1 Introduction

Your rights and freedoms are guaranteed by **Chapter Four** of The Constitution. Human rights are based on principles of peace, equality and social justice. They are inter related, inter dependent and indivisible.

It should be noted that where rights are observed there is dignity, democracy, peace, love, unity and development.

Mention human rights abuses that you know.

4.2 Characteristics of human rights

It is important to know the characteristics of human rights. These are explained below:

4.2.1 Equality

The basis of human rights is that “all human beings are born free and equal in dignity and rights.” (UDHR Article 1)

4.2.2 Universality

Certain moral and ethical values are shared in all regions of the world, and governments and communities should recognize and uphold them. The universality of rights does not mean, however, that they cannot change or that they are experienced in the same manner by all people.

4.2.3 Non-Discrimination

The Universal Declaration of Human Rights and subsequent international human rights law accord the same rights and

responsibilities equally to all women and men, boys and girls, by virtue of their humanity, and regardless of any role or relationship they may have.

4.2.4 Indivisibility

Human rights should be addressed as an indivisible body, including civil, political, social, economic, cultural, and collective rights.

4.2.5 Interdependence

Human rights concerns appear in all spheres of life — home, school, workplace, courts, and markets— everywhere! Human rights violations are interconnected; loss of one right detracts from other rights. Similarly, promotion of human rights in one area supports other human rights.

Activity 3

- What can you do to prevent human rights abuse in your community?

Sub Topic IV

5.0 Mechanism of Human Rights Protection in Uganda

Key message:

- Exercising your right should not interfere with another person's rights
- Report all human rights abuse and violation to relevant authorities

5.1 Introduction

Article 51 of The Constitution provides for the establishment of the Uganda Human Rights Commission, a body that is mandated to protect human rights in Uganda. Also the Human Rights Commission Act **Cap 24**, Laws of Uganda puts into practice **Articles 52** and **58** of The Constitution, for the protection of Human Rights in Uganda.

What are the effects of demonstrations in your community/country?



A demonstration through a market place

5.2 Human rights bodies

In Uganda, Government structures that are concerned with promotion and protection of human rights include:

5.2.1 Parliament

It makes laws that enforce human rights and freedoms. Members of the Parliament discuss many issues concerning human rights.

5.2.2 The Human Rights Commission

This is another government body which protects human rights. The Human Rights Commission serves to monitor and advance Human Rights in Uganda. In case of human rights issues, you can go to the Commission and report to them. They hear complaints through tribunals which have full powers as courts.

5.2.3 Local Councils I-III

In your community at the lowest level, human rights are protected; for example the Local Council I-III has judicial powers to dispense justice at the community level. This is the lowest structure that protects your rights. The details on how to obtain redress from these courts are contained in the Local Council Courts Act of 2006.

5.2.4 Inspector General of Government (IGG)

The Constitution provides you with information on the mandate of the IGG which is to eliminate, promote and foster the rule of law and principles of natural justice in public offices and enforce the Leadership code of conduct in addition to fighting corruption, abuse of office and embezzlement of public funds.

5.2.5 The police

The police keep Law and order. People should report cases of human rights abuse and violation to them.

5.2.6 Courts

In the event of any circumstance that disrupts your rights; you are free to present your grievances through courts. The Judiciary

is an independent arm of the government entrusted to administer justice through courts of law. It is necessary for you to respect and trust court decisions. The court structure starts with LCI Courts and in hierarchical form and stops at the Supreme Court.

5.2.7 Non-Governmental Organizations

There are several NGOs and civil society organizations at national and international level which are involved in the protection of human rights. Examples are, Human Rights Network – Uganda, Foundation for Human Rights Initiative, Uganda Law Society, Legal Aid Uganda, Uganda Women’s Network, FIDA Uganda, Amnesty International, Human Rights Watch among others.

There are also regional and international organizations which enforce human rights and these include the International Criminal Court, The International Court of Justice and others

Activity 4

- Give a case study of Human Rights violation.

Sub Topic V

6.0 Relationship between Human Rights, Equality and Social Justice

Key Message:

- Discriminating a person on grounds of sex is a human right abuse.

6.1 Introduction

The protection of human rights creates avenues for personal liberties and greater equality and the two are key to attaining social justice. In order to achieve this, clear principles must be in place for equality and human rights. Social and economic rights give people the opportunity to participate in the social, economic and cultural life of society.

A socially just society is one based on principles of equality and solidarity and understands the values of human rights.

What are the importances of social and economic rights?

6.2 Social rights

Examples of social rights:

- freedom from discrimination on the grounds of sex, religion;
- the right to marry and have a family;
- the rights to education;
- the rights to health care.

6.3 Economic rights

Examples of economic rights:

- the right to work;
- the right to housing;
- the right to practice one's profession;
- the right to join a trade union of one's choice;
- the right for a woman employee to be accorded protection during pregnancy and after birth in accordance with the law;

- f) the right to withdraw one's labour according to law;

6.4 Human Rights and the Environment

There are two concepts of environmental human rights:

1. The right to a healthy or adequate environment is its self a human right (**Article 24** of the **African Charter** on human and people's rights).
2. Environmental human rights can be derived from other human rights for example the right to health, the right to private family life and right to property among others (**Chapter Four** of the Constitution).



Environmental rights often clash with development

Environmental issues especially climate change have created potential conflict between different human rights. Human rights require a working ecosystem and healthy environment, but the granting of certain rights to individuals may damage the ecosystem and the environment.

Activity 5

- As a responsible citizen, what can you do to protect and conserve the environment?

Sub Topic VI

7.0 Relationship between Rights and Responsibilities

Key Message:

- Respect the rights, beliefs and opinions of others
- It is your responsibility to promote and protect human rights

7.1 Introduction

The enjoyment of rights attracts responsibilities. The key responsibilities that will facilitate full enjoyment of the above rights include:

1. Support and defend the constitution;
2. Participate in the democratic process;
3. Respect the rights, beliefs and opinions of others;
4. Stay informed of the issues affecting your country;
5. Participate in activities that improve quality service delivery in your community.

What activities can you participate in to improve the delivery of quality service to your community?

7.2 Responsibility

It is the responsibility of government, individuals and every organ of society to promote and protect human rights as indicated below:

- a. Government Responsibility:** Human rights are not gifts bestowed at the pleasure of governments. Nor should governments withhold them or apply them to some people but not to others. When they do so, they must be held accountable.
- b. Individual Responsibility:** Every individual has a responsibility to teach human rights, to respect human rights, and to challenge institutions and individuals that abuse them.
- c. Other Responsible Entities:** Every organ of society, including corporations, nongovernmental organizations, foundations, and educational institutions, also share

responsibility for the promotion and protection of human rights.

Activity 6

- Explain how each key responsibility facilitates the enjoyment of your rights

Summary

It is hoped that citizens and all the people of Uganda can understand their rights and freedoms as provided for in the Constitution and can demand, promote and respect them.

Sub Topic VII

8.0 Limitation to Enjoyment of Human Rights (Article 43 of the Constitution)

Key Message

- There are legal limitations to the enjoyment of some rights.

8.1 Introduction

The rights and freedoms provided for in the constitution are limited by law and by the requirement to respect the rights and freedoms of others and the demands of public interest. In the enjoyment of the rights and freedoms, no person shall prejudice the fundamental or other human rights and freedoms of others or the public interest.

What are the factors that may limit you to enjoy your rights?



The right to swing your fist ends where another persons nose begins



8.2 Public Interest

Public interest shall not permit:

- (a) political persecution;
- (b) detention without trial;
- (c) any limitation of the enjoyment of the rights and freedoms prescribed by this Chapter beyond what is acceptable and demonstrably justifiable in a free and democratic society, or what is provided in this Constitution.

Activity 6

- Describe a situation where ones rights can be limited.

Glossary

Human rights: basic entitlement that every individual freely enjoys because he/she is a human being.

Freedom: the right to act or speak freely.

Peace: the state has a duty to provide peace such that all human beings can enjoy their rights.

Justice: You are entitled to fair hearing and judgment within the guidelines of the law.

Freedom: You are entitled to freedom of speech, movement, expression or assembly as long as your practices are within the law.

Civil: Relating to the lives of ordinary people other than military.

Universal: Affecting or done by all people / a right in all cases.

Inalienable: Unable to be taken away or given away.

Inherent: Existing in something as a permanent.

Interdependent: Two or more people dependent on each other.

Civil service: Department that carries out the work of the government.

Habeas corpus: This is a Latin word meaning “May you have the body” It refers to a court order that a person under arrest to be brought into court. The principle of habeas corpus ensures that a prisoner can be released from unlawful detention. The remedy can be sought by the prisoner or by another person assisting the prisoner. It is addressed to the custodian (a prison official for example) and demands that a prisoner be taken before the court, and that the custodian present proof of authority, allowing the court to determine whether the custodian has lawful authority to detain the prisoner. If the custodian is acting beyond his authority, then the prisoner must be released.

THE UGANDA NATIONAL ANTHEM

Oh Uganda! May God uphold thee,
We lay our future in thy hand.
United, free,
For liberty
Together we'll always stand.

Oh Uganda! The land of freedom.
Our love and labour we give,
And with neighbours all
At our country's call
In peace and friendship we'll live.

Oh Uganda! The land that feeds us
By sun and fertile soil grown.
For our own dear land,
We'll always stand:
The Pearl of Africa's Crown.

