OMULIMU OGULUNGAMYA KU NGERI AMATEEKA AGALI MU KIWANDIIKO KYA MAPUTO GYEGASOBOLA OKUKOLA MU UGANDA

Maputo Protocol – Akawayiro 14 UGANDA

MEWC Make Every Woman Count

SOLIDARITY FOR AFRICAN WOMEN'S RIGHTS
A force for freedom
MOUVEMENT DE SOLIDARITÉ POUR LES DROITS DES FEMMES AFRICAINES
Une force pour la liberté

SIHA Network
Strategic Initiative for Women in the Horn of Africa

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Maputo Protocol – Akawayiro 14

UGANDA

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Ennyanjula

Ekiwandiiko ekirimu amateeka agafuga eddembe ly'abantu, n'abakyala ku ssemazinga Africa ekimanyiddwa ennyo nga Maputo Protocol, kye kimu kw'ebyo ebiwandiiko ebikiririzibwamu ennyo nti kirungamya bulungi ku kukuuma eddembe ly'obuntu mu nsi yonna. Kyabagibwa aba African Union mu 2003, era ng'ekirubirirwa kwekulaba nti abantu tebatyoboolebwa, obwenkanya, omukazi okuba ne ddembe eri omubiri gwe ku ssemazinga yonna. Kiruubirira okulaba nti eddembe ly'abakyala abali eyo mu bukadde terityoboolebwa, Ekiwandiiko kya maputo kissuka kukuba ekiwandiiko eky'amateeka. Wabula kisuubizo.

Omulimu guno gukoleddwa aba Make Every Woman Count (MEWC) n'aba Solidarity for African Women's Rights Coalition (SOAWR). Kukulaga engeri amateeka agaabagibwa ku ddaala ly'ensi yonna, ne ku ssemazinga Afrika yonna, gyegasobola okukola mu ggwanga lino mu kisaawe ky'amateeka, eby'obufuzi, n'embeera z'abantu.

Lwaki Maputo Protocol kikulu

Mu kiwandiiko kino mulimu akawaayiro akakulu ennyo: Akawaayiro 14 nga koogera ku ddembe ly'omukazi mu by'okuzaala, nga muno mwemuli n'eky'omukazi okuba ne ddemba okukozesa enkola y'okuteekateeka ezadde , okujanjabwa obulungi mu by'okuzaala, n'okukkiriza okugyamu embuto singa omuwala abeera akwatiddwa, akabasanyiziddwa, amawano, oba olubuto bweruba luteeka obulamu bw'omukyala mu katyabaga k'okufa oba okumutabula omutwe.

Akawaayiro koogera ku bizibu ebikyasinzeeyo abakyala bye basisinkana: okufa kw'omukazi ng'azaala okwandyewalidwa, okugyamu embuto mu nkukutu, okutyoboola abakazi, n'emiziziko egiremesa abakazi okweyagalira mu mibiri gyabwe nga bwebandyagadde. Ekiwandiiko kino kiwandiika ku nsonga zino nti omukyala abeera tayambibwa okubeera nga akuumibwa obutatyoboolebwa, oba nti y'engeri ey'empisa ezisaana wabula nti nsonga ya kukuuma ddembe lyabuntu.

Okutegeera engeri gyebiyinza okukola n'okutuukirizibwa 'okwaffe'

Endagaano ekoleddwa wakati w'amawanga abiri oba okussukamu esobola okukyusa obulamu bw'abantu singa ebikkanyiziddwako bikola mu bantu bebigenderedde okukuuma. Okusobola okubituukiriza okwaffe, kiba kyetaagisa amateeka agakkanyizibwako mu ndagaano eyasibwako omukono, okuba nga gateekebwa mu nkola mu mamawanga agaateekako omukono nga bagafuula amateega gebagondera, enkola ezigobererwe, n'engeri ebintu gy'ebirina okukolebwamu mu ggwanga eryo, eddemba erikkanyiziddwako mu ndagaano n'erisobola okukuumibwa ekkooti z'eggwanga ne mubuweereza bw'eggwanga obwa bulijjo. Kino okukola, kisinziira ku nkola y'amateeka ag'eggwanga eryo:

Waliwo eggwanga ng'amateeka agafuga ensi yonna gafuga ne muggwanga eryo: Ng'eggwanga eryo bw'eriba lyassa omukono ku ndagaano ezifuga amawanga agali mu mukago mwerigwa, amateeka ago gakola butereevu mu ggwanga eryo era nga gasosewazibwa okusinga amateeka agaabagibwa mu ggwanga eryo. Kyokka ebiseera

ebisinga, kkooti z'amawanga ng'ago n'ebitongere byago tebitera kugoberera nkola eziri mu ndagaano, ebyakkanyizibwako nebisigala mu bitabo nga sibyebikolebwa mu ggwanga eryo.

So nga eriyo eggwanga ng'amateeka agali mu ndagaano gye baateekako omukono tegafuuka mateeka butereevu ewaabwe. Palimenti y'eggwanga eryo erina okusooka okugayisa olwo n'egasobola okukola mu ggwanga eryo. Okujjako ng'ekyo kikoleddwa, amateega agali mu ndagaano ezo gasigala gegombebwa kyokka.

Mu nkola ezo zombi, wateekwa okubaawo kaweefube omugenderere anaasobozesa ebyakkanyizibwako mu ndagaano okukola mu ggwanga eryassako omukono negatakoma ku mpapula. Kino kye kinyusi ekiri mu mulimu guno ogulungamya.

I. Ekigendererwa ky'okulungamizibwa kuno n'engeri ey'okukozesa omulimu guno

Omulimu guno ogulungamya gukoleddwa okuyamba kw'abo abateeka gavumenti ku nninga, abābaka ba palimenti, ebitongole by'obwannakyewa, bannamateeka, n'abakozi b'amateeka abafuba okulaba nti eddembe ly'abantu n'abakyala nga bwerirambikiddwa mu kawayiro 14 akali mu kiwandiiko kya Maputo kakola mu Uganda mu bujjuvu, naddala bwekituuka ku nsonga ezeekuusa ku by'okuzaala. Mu Uganda, nga eddembe mu by'okuzaala lityoboolebwa nnyo mu by'obufuzi n'amateeka, okulungamizibwa kuno kulimu engeri ey'essimba eraga abantu bwebayinza okubanja ebitannakolebwa, nga basaba wabeewo enkyukakyuka n'okuteeka mu nkola ebyo ebyakkiriziganyizibwako.[1] Ekiwandiiko kya Maputo, kyakkanyizibwako ab'omukago omwegattira ensi za Afirika ki AU nga 11 ogw'omusanvu 2003 era kibaddenga kikola okuva 25 ogw'ekkumi n'ogumu 2005, kimanyiddwa ng'ekiwandiiko ky'amateeka ekikulu ennyo mu kutumbula eddembe ly'abakyala mu Afirika. Uganda yateeka omukono ku kiwandiiko kino ekya Maputo nga 16 Ogw'okkumi n'ebiri 2003 era n'ekitongozebwa nga 22 ogw'omusanvu 2010, nga beeyama okugondera ebikirimu, okukuuma n'okutuukiriza eddembe eryakanyizibwako mu kiwandiiko ekyo.[2]

Akawaayiro 14(1) ak'ekiwandiiko ekyo kalambika nti eddembe ly'abakyala mu by'obulamu lirina okukuumibwa, nga muno mwemuli eby'okwegatta n'eby'okuzaala. Mu kawaayiro ako 14(2) kalambika nti, amawanga agaateekako omukono balina okubaako bye bakola, omuli (a) okutuusa ku bantu obuweereza mu by'obulamu obugwanidde, nga si bwabuseere era nga butuukibwako; (b) okuteekawo n'okunyweza obuweereza obulina okubaawo ng'omukyala ow'olubuto tannazaala, ng'azadde ne bwaba ng'amaze okuzaala, n'eby'endiisa eri abakyala; ne (c) okukkiriza okugyamu embuto mu mbeera ekkirizibwa mu by'eddwaaliro gamba omuwala bwaba yakwatibwa, amawano, n'okuba ng'olubuto luyinza okutta oba okusuula eddalu omukazi alusituddde. Ng'ogyeko okugyamu embuto, Akawaayiro 14 era kakugira okutyobola eddembe ly'abantu mu by'okuzaala omukyala okusobola okusigaza ekitiibwa kye, okukwata omubiri gwe nga bwayagala, okwesalirawo, n'okufuna obujjanjabi mu by'okuzaala n'okwegatta obwetaagisa bwonna.

Omulimu guno ogulungamya gussimba essira ku bwenkanya bwekituuka ku kutunuulira engeri Akawayiro 14 gyekasobola okutuukirizibwamu mu Uganda. Obwenkanya mu by'okuzaala bussukawo nnyo mu by'okufuna obujanjabi oluvannyuma lw'okugyamu

embuto wabula muzingiramu n'eddembe ly'okuzaala abaana, eddembe ly'obutazaala n'eddembe ly'okukuzaala abaana nga balina obukuumi, nga balamu ne mumbeera enungi. Bwe kituuka ku Uganda, engeri ensonga eno gye kwatiddwamu egenda buziba mu kutegeera okukozesa omubiri gwo nga bwoyagala, okusalawo ku nsonga z'okuzaala, okufuna obujanjabi n'ebyo ebitali byabwenkanya ebireetera abakyala okuzaala mu ngeri gye bazaalamu.

II. Embeera y'eggwanga N'amateeka

Uganda ggwanga liri buvanjubwa bwa Afirika era nga terina guyanja ku nsalo yalyo. Liweza abantu abali eyo mu bukadde 45, era lifugibwa pulezidenti. Okuva lweryakkiriza ssemateeka wa 1995, Uganda ezze egoberera ebyo ebiri mu Ssemateeka alagira okukuuma eddembe ly'obuntu erisookerwako, nga mwemuli ne ddembe ery'enjawulo erikuuma abakyala.[3]

Eggwanga lino memba wa AU, era ba memba ba East African Community (EAC) ne Intergovernmental Authority on Development (IGAD), era lyassa omukono ku ndagaano mwebeegattira mu bitundu by'ensi eby'enjawulo ne mu nsi yonna. Okweyama kuno kwebeeyama kubakakatako nga Uganda okutumbula, okukuuma n'okussa ekitiibwa mu ddembe ly'obuntu, omuli ne ddembe erikwata ku by'okuzaala, omuntu okwesalirawo ebikolebwa ku mubiri gwe, obwenkanya eri abantu ab'enkula zonna, n'okufuna obujanjabi.[4] Oluzungu lwe lulimi olutongole, n'oluswayiri ne nnimi endala ezikozesebwa ennyo mu ggwanga. Uganda erimu obuwangwa obw'enjawulo, ennimi, n'eddiini, nga bye bifuula enneeyisa y'abantu, enzikiriza yaabwe, endaba gye balamu amateeka n'okugoberera ebiragiro, naddala bwekituuka ku ngeri gyebalamu abantu eb'enkula ez'enjawulo ne ddembe ly'eby'okuzaala .[5]

Enkola y'amateeka n'okuteeka mu nkola ebyo ebyakkanyizibwako mu ndagaano zeteekako emikono

Mu Uganda etteeka ery'ensi yonna, terikola butereevu. Mu mbeera ng'eyo, amateeka agali mu Ndagaano z'ensi yonna zezisaako emikono tegakola butereevu mu ggwanga lino; wabula, geetaaka eteeka okuyisibwa mu parimenti okubeera nga gafuna obuyinza okukola wano mu Uganda.[6] Kino kyanjawulo ku mawanga agakkiriza amateeka agayisiddwa mu Ndagaane y'ens yonna gyebataddeko omukono okufuukirawo amateeka mu nsi yaabwe. Gamba nga Cameroon, yo kasita bassaako emikono ku ndagaano amateeka agalimu gabeera gafuuse mateeka agagobererwa mu nsi yaabwe. Uganda yassa omukono ku kiwandiiko kya Maputo nga 22 ogw'omusanvu 2010. Naye amateeka agalimu tegayisibwanga mu bujjuvu okukola ng'amateeka eggwanga gerigoberera. Na bwe kityo, wadde Uganda ekugirwa olw'obuvunaanyizibwa bwokuba nti bassaako omukono ku ndagaano efuga amawanga mu mukago mwe bali, ebiragiro ebiri mu kawaayiro 14 tebirina buyinza kubeera nga gasinziirwamu okusala emisango mu kkooti okugyako nga gayisiddwa ng'agamu ku mateeka agafuga eggwanga .

Ssemateeka wa Uganda, 1995 (nga lwe yalongoosebwamu), alambika amateeka agayamba okukuuma eddemba ly'abakyala obutatyoboolebwa.[7] Akawaayiro 21 kalambika nti walina okubaawo obwenkanya n'eddemba ly'obutasosolebwa, so nga Akawaayiro 33 ko kalambulula eddembe ly'abakyala era nekalagira gavumenti okussa ekitiibwa

mw'ebyo ebikolebwa abakyala bokka ng'okuzaala era babeereko bwe balowoozebwako mu ngeri ey'enjawulo okumalawo obutali bwenkanya obubaddengawo. Era, Akawaayiro 45 eddembe, obuvunaanyizibwa, ebiragiro n'obukakafu nga byekuusa ku ddembe erisookerwako ne ddembe ly'obuntu eddala lyonna tegajja kutwalibwa nti galese abalala ebbali abatanokoddwayo.

Wabula wadde guli gutyo, emaliriza eteekawo ekkomo ku ddembe mu by'okuzaala; gamba nga Akawaayiro 22(2), akalambika nti 'tewali muntu alina ddembe kukomya bulamu bwa mwana atannazaalibwa okujjako nga kikkirizibwa mu mateeka.' Akatundu kano kekamu ku kaleetedde okutaputa mu ngeri ebuzaabuza amateeka ku kugyamu olubuto ne wabaawo okutabulwa wa eddembe mu by'okuzaala werikoma mu mateeka agafuga eggwanga. N'olwekyo, ekibuuzo eri Uganda ku byekuusa ku Akawaayiro 14 aka Maputo oba nga ddala ne mu Uganda kakogobererwa mu kkooti, mu malwaliro, mu biwandiiko ebirungamya okusalawo, ne mu bifo eby'olukale.

Ebitongole ebikulu mu nsonga eno

Kaweefube w'okulaba nti akawaayiro ako kakola mu Uganda yeetagamu abitongole eby'enjawulo. Minisitule y'eby'obulamu evunaanyizibwa ku kulaba nti ebiragiro n'enkola ebinaagobererwa ku nsonga eno bibagibwa n'okutuusa ku bantu obujanjabi. So ng'ate yo minisitule y'ekikula ky'abantu, emirimu, n'embeera z'abantu erina okulaba nti wabeerawo obwenkanya wakati w'abantu ab'ebikula byombi n'okussaawo ebintu ebinaatumbula omukyala. Ekitongole ekisembyeyo era kikola omulimu omunene ogw'okulaba nti akawaayiro ka Maputo kateekebwa mu nkola era bakola nga minisitule evunaanyizibwa kukalaba nti eggwanga lizaayo alipoota eri akakiiko akalabaalaba ensonga ze ddembe ly'obuntu mu Afirika (ACHPR).[8] Era, Minisitule y'eby'ensimbi, okuteekerateekera abantu n'okukulaakuna nabo balina okwenyigiramu ennyo mu nsonga eno okulaba nti ensimbi ezimala ziteekebwamu. Awatali ddaala lino kubanga kkulu era nga ne mumbalirira birekeddwa bbali, kitegeeza tewajja kubeera nsimbi ezinaakola ku ku kutongoze n'okuyisa akawaayiro ka Maputo okukola okwaffe.[9]

Ekitongole ekiramuzi kye kirina obuyinza mu ssemateeka okwekenneenya, okukozesa, n'okulaba nti etteeka eryo likola, omuli n'akawaayiro akakwata ku by'obulamu ebyekuusa ku kuzaala.[10] Akakiiko akavunaanyizibwa kukutumbula n'okukuuma eddembe ly'obuntu mu ggwanga nako kakola omulimu gw'amaanyi nnyo nga balondoola okulaba oba nga ebyakkaanyizibwako byateekebwa mu nkola. n'okunokolayo embeera ezityoboola eddembye ly'obuntu.[11] Bannamateeka n'ebitongole by'obwannakyewa nabo basaale mu kulaba nti akawaayiro ka Maputo kakola. Ebitongole gamba nga Center for Health, Human Rights and Development (CEHURD), Reproductive Health Uganda (RHU) n'aba Women's Probono Initiative bennyigidde nnyo mu kwogera ku nsonga zino, okutwala emisango mu kkooti n'okusomesa abantu ku ddembe lyabwe ery'eby'obulamu.[12] Ebitongole by'eddiini n'eby'obuwangwa nabyo birina kinene nnyo kyebisobola okukola mu kukyusa endowooza z'abantu eri eby'obulamu naddala eri ensonga y'okugyamu embuto era nga babuulira abantu ku kawayiro.[13]

III. Tutuuse wa mu kuteeka Akawaayiro kano mu nkola

Amateeka n'ebiragiro ebyasangibwawo

Ekiwandiiko kya Maputo kyafuuka ekyo kye tulina okugoberera kasita Uganda yateekako omukono ku ndagaano. Wabula wadde guli gutyo, Uganda teyingiza mateeka okuva ebweru w'eggwanga butereevu ne gatandika okukolerawo, ekitegeeza nti, akawaayiro takalina buyinza ng'obweteeka eryabagibwa wano, era eryo eritabagiddwa kuno lyetaaga okuyingizibwa mu mateeka ga kuno okusobola okubeera n'obuyinza. Na bwekityo, akawaayiro 14 aka Maputo tekasobola kuteekebwa mu nkola butereevu okugyako nga kayingiziddwa mu mateeka agafuga eggwanga, wadde nga kkooti za Uganda zigenze zeeyongera okwesigama kw'ebyo ebiri mu kawaayiro nga bakeebuuzaako. Kino kitegeeza akawaayiro ako tekannakola mu mateeka ga wano nga bwekityo kakyetaaga okutongozebwa.

Uganda yateeka omukono ku kiwandiiko kya Maputo nga 16 Ogw'ekumi n'ebiri 2003, era n'ekiyisibwa nti ebikirimu ekkaanya nabyo nga 22 ogw'omusanvu 2010 era ne bawaayo ekiwandiko kyabwe ekiriko omukono eri AU oluvannyuma lwakaseera akatono.[14] Ekiwandiiko kino nekitandika okugobererwa wano mu Uganda oluvanyuma lw'okukiyisa nti ebikirimu ekkiriziganya nabyo. Wadde nga bwe tulabye, Uganda tekwasisi mateeka gavudde bweru nga tegannayisibwa palimenti, kale Maputo wadde ekkaanya nalyo naye terinnayingizibwa mu bujjuvu mu mateeka agafuga Uganda okuyita mu tteeka eribagiddwa palimenti, Kkooti mu Uganda ejjuliza ku kiwandiiko kya maputo bwebaba nga beekenneenya eddembe eriri mu ssemateeka n'okutumbula eddembe ly'abakyala nga bwe lyogerwako mu mateeka.[15] Ensala emisango egimu gye gisaliddwamu eraze nti gavumenti ekkiriziganya era neetegefu okugondera ebiri mu kiwandiiko kya Maputo, okujjako nti Maputo tagyawo obuwaayiro obuli mu ssemateeka wa Uganda bu 14(1)(a) ne 14(2)(c).

Kkooti za Ugandan zesigamyeko ku Maputo mu nsala y'egimu ku misango emikulu. Mu gwa *Mifumi (U) Ltd & Others v Attorney General*, kkooti enkulu yanokolayo akatundu 6 aka Maputo ng'erangirira nti en ono y'okuzaayo omutwalo kimenya mateeka.[16] Ne mu gwa *Center for Domestic Violence Prevention (CEDOVIP) & Others v Attorney General*, Kkooti ya ssemateeka yanokola obutundu 2 ne 4 obwa Maputo okugoba obumu ku obwali mu tteeka erikugira okulaba obuseegu nga bwali busingisa omukazi omusango okusinziira ku nyambala ye.[17] Mu musango gwa *Law and Advocacy for Women in Uganda v Attorney General*, Kkooti ya Ssemateeka yeesigama ku katundu 5 aka Maputo mu kugoba enkola y'okukeccula abakazi mu mbugo.[18] Era mungeri y'emu, mu musango gwa *CEHURD & Others v Attorney General*, Kkooti ya ssemateeka yeesigama ku biragiro ebyekuusa ku ddembe mu by'okuzaala erikwatagana obutereevu n'ekigendererwa ky'Akatundu 14 aka Maputo.[19]

Amateeka n'ebiragiro nga bwe biyimiridde ku Kawaayiro 14

Uganda yasoosowaza obutundu 14(1)(a) ne 14(2)(c) obwa ssemateeka waayo okusinga ku kiwandiiko kya Maputo. Bwekituuka ku katundu 14(1)(a), Uganda yagamba nti bbo akawaayiro kano bajja kukakkiriza naye nga tebakkiririza mu ddembe ery'okugyamu embuto ne basoosowaza akawaayiro akali mu ssemateeka wa Uganda bwe kituuka ku nsonga za famire oba kizaala ggumba.[20] Uganda era yasoosowaza ssemateeka waayo

bwe kituuka ku Kawaayiro 14(2)(c), akagamba nti okugyamu embuto kijja kukkirizibwa okusinziira ku ssemateeka w'eggwanga yekka. Obukwakkulizo buno bukosa enkola egenderera okukuuma eddembe ly'abakyala ery'eby'obulamu mu Uganda era nga kye kimu ku bikulu ennyo ebirina okulowoozebwako mu kulaba nti ebiri mu kiwandiiko ekyo bituukirizibwa.[21] Mu buliwo, okuteeka mu nkola Akawaayiro 14, naddala Akawaayiro 14(2)(c), kikaluba olwa ssemateeka wa Uganda akugira, n'ebiri mu kiwandiiko okuba nga tebinnafuulibwa mateeka n'obukkwakulizo obuliko kye bwerekeddeyo bwe kituuka ku kuteeka ebiri mu kiwandiiko kya Maputo mu nkola.

Akawaayiro 22(2) aka Ssemateeka wa Uganda kalambika nti 'tewali muntu akkirizibwa okugyawo obulamu bw'omwana atannazaalibwa okujjako bwe kiba kikkiriziddwa mu mateeka,' kino nno kikalubiriza mu kutaputa etteeka ku kugyamu embuto. Etteeka erirambika ebibonerezo lisalira omusango oyo agyemu olubuto okugyako mu mbeera ezimu, naye terirambulula bulungi embeera ezo ezitwaliba ng'okugyamu olubuto kiri mu mateeka. Olw'okuba nti tekirambuluddwa bulungi kitabula abasawo, abakwasisa amateeka n'abo abakazi abanoonya obujanjabi. Era ekivaamu, nga n'okugyamu olubuto ne bwe kwandibadde mu mateeka, tewali w'ofuna buyambi obwo mu buliwo.[22] Okubaawo kw'obukwakkulizo eri eddembe ekkulu bwerityo mu by'okuzaala erisangibwa mu kiwandiiko kya Maputo kyongera okukalubya kaweefu w'okulaba nti ebyo ebiri mu kiwandiiko kya Maputo biteekebwa mu nkola, kubanga bikugira engeri Kkooti n'abakwasisa amateeka gye bayinza okwesigama ku Kawaayiro 14 mu kutumbula eddembe mu by'obulamu ery'ekuusa ku kuzaala.[23]

Engeri bannamateeka gye bataputa amateeka nayo eraga obunkeke obwetoolodde mu kukwasisa eddembe ery'ekuusa ku by'okuzaala mu Uganda. Mu *Human Rights Awareness and Promotion Forum (HRAPF), CEHURD & Others v Attorney General*, Kkooti ya Ssemateeka yakkiriza nti ebibonerezo ebiweebwa abo abagyemu embuto biri mu mateeka era n'esalawo nti okusalira emisango abo abagyemu embuto kituufu okusinziira bwe kirambuluddwa mu ssemateeka, nti era kya mpisa, era abantu bakiwagira.[24] Kyokka, omusango guno era gwagobererwa abamu ku balamuzi abalala bwe baali mu musango guno obutakkaanya na banaabwe, nga bawakanya ebyo ebisaliddwawo banaabwe abangi ku nsonga z'eddembe ly'obuntu mu by'okuzaala, n'omuntu okwesalirawo ekituuka ku mubiri gwe mu Uganda.

Era, okuwabulwa mu mateeka kubadde kutagaatagana. Ekitongole ky'eby'obulamu mu ggwanga kyawabula ku ngeri okugyamu embuto bwe kuyinza okukolebwa obulungi omukazi n'atafa mu 2015; kyokka okuwabula kuno kwagibwayo, ekyaleetawo ebbula mu kuwabulwa mu by'obujanjabi ne mu mateeka.[25] Ekiriwo, embeera eno ereetedde abasawo okwekulula bwe kituuka ku kuyamba abakazi okugyamu embuto, omukazi n'alemererwa okufuna obujanjabi, embeera gyalimu ne bweba nga y'eyo ekkirizibwa mu mateeka.[26]

Wetutuuse okuva endagaano lwe yateekebwako omukono

Okuva ekiwandiiko kya Maputo lwe kyakkirizibwa n'ekiteekebwako omukono mu 2010, Uganda waliwo wedduse ennyo ne wabaawo wetambudde empola mu nsonga z'Akawaayiro 14, naddala bwe kituuka ku mu by'obulwadde bw'omutwe, abakazi obutatyoboolebwa, okulemesa ebikolwa eby'obulabe ku mukazi n'abakazi okusembezebwa ku mwanjo

ng'abasajja. Wadde bino bituukiddwako naye tekiteggeza nti ebiri mu kiwandiiko kino byonna bigobereddwa mu bujjuvu, waliwo ebituukiriziddwa bwe kituuka ku mulamwa gw'ekiwandiiko ekyo era waliwo okukula okuzze kubaawo, okujjako kikyabulamu bwe kituuka ku nsonga ly'eddembe mu by'okuzaala n'okutuusa ku bantu obujanjabi. Ku ddaala kwe bawandiikira ebiragiro n'okuwabula, Uganda efulumizza ebiwandiiko ebiwerako era ne bateekawo kaweefube ow'enjawulo agendereddwamu okutumbula eby'obulamu mu kuzaala, omuli ne nenteekateeka ey'okukulaakulana emanyiddwa nga (NDP II ne NDP III), enteekateeka y'okukulaakulanya ekisaawe ky'eby'obulamu n'enkola eziteereddwa okutumbula eby'obulamu mu by'okwegatta n'okuzaala nga basoosowaza okuba nga abakyala bafuna obujanjabi nga tebannazaala, nga bazadde ne bwe baba bamaze okuzaala.[27] Wadde okukulaakulana kubadde mu bisaawe ebimu era ng'olumu kulemesebwa olw'ensimbi n'enkola y'emirimu egobererwa, okuteekawo n'okugoberera ebiragiro kabonero akalaga nti waliwo okusenvula mu kutegeera n'okulongoosa mu by'obulamu mu ggwanga ne mu biragiro ebigobererwa mu by'obulamu.

Amateeka agazze gabagibwa nago gakoze kinene mu kutumbula ebimu ku byogerwako mu Kawaayiro 14, naddala bwe kituuka kukuuma omukazi nga takabasanyizibwa n'obutatuusibwako bulabe. Okukola ku mateeka agagaana obutabanguko mu maka nga erya Domestic Violence Act (2010), n'erigaana okukeccula abakazi mu mbugo eriyitibwa Female Genital Mutilation Act (2010), n'erigaana okukukusa abantu erya Prevention of Trafficking in Persons Act (2009) kiraga nti Uganda eriko weetuuse mu kuziyiza okutulugunya omukazi okw'engeri ez'enjawulo nga okumugyako eddembe lye okwesalirawo bwe kituuka ku by'okuzaala.[28] Amateeka gano gateekawo omusingi ogw'okukuuma omukazi n'omuwala obutayita mw'ebyo ebibakosa obubi ennyo mu by'okuzaala ne mu bulamu bwabwe okutwaliza awamu. Amateeka agagenze gabagibwa era gayambyeko okuteeka mu nkola ebyo ebyakkanyizibwako mu kiwandiiko kya Maputo mu Uganda. Ekkooti za Uganda zitandise okusimbulizaako ne mw'ebyo ebyogerwako mu kiwandiiko ekyo gamba nga okusala ebintu mu mwana omuwala, okukecculwa mu mbugo, eddembe ly'okuzaala n'omukyala okwessalirawo ku mubiri ggwe, ekiviiriddeko okunyweza eddembe ly'abakyala ku ddaala ly'amawanga agegattira mu mukago, nga bikolebwa wansi w'amateeka g'eggwanga. Wabula wadde guli gutyo, bino okusobola okukola obulungi kyesigamye nnyo ani ateeka mu nkola n'abo abagakwasisa, obusobozi bw'ebitongole ebikwasisa amateeka n'abantu okumanya amateeka gano, nga byonna tebikwatiddwa mu ngeri y'emu mu bitundu eby'enjawulo ne mu bantu ab'omu bitundu eby'enjawulo.

Mu mateeka agafuga Uganda, tewali kitongole kikola kyokka okulondoola n'okuteeka mu nkola ebyo ebyakkanyizibwako mu Maputo mu Uganda. Wabula,[29] obuvunaanyizibwa bugabanyiziddwa mu bitongole eby'enjawulo, omuli Minisitule y'ekikula ky'abantu, Emirimu n'embeera z'abantu, Ekitongole ky'eddembe ly'obuntu mu ggwanga ne Minisitule evunaanyizibwa ku by'obulamu mu ggwanga. Wadde ebitongole bino bikola omulimu omukulu mu kutumbula okukuuma eddembe ly'obuntu, okulondoola eddembe ly'obuntu n'okutuusa obuweereza ku bantu, okufuba kwabwe olumu kulinnyibwamu eggere olw'ensimbi ezitamala, okukwasaganya ensonga n'ebituli mukuwa embalirira.[30] Okubulwawo engeri eyakalabaalaba avunaanyizibwa ku kuteeka mu nkola ebyo ebiri mu Kiwandiiko, kireeseewo kaweefube w'okulaba nti ekiwandiiko kikola bulungi mu Uganda okutagala, tewali kukwatagana mu by'amateeka, okubaga ebiragiro n'okutuusa obuweereza ku bantu.

Okwogeraganya n'aba kkooti kireeseewo omwagaanya omukulu wadde nga gukyakula bukuzi okutumbula eddembe mu by'ekuusa ku by'okuzaala mu mateeka ag'eggwanga. Kkooti ya Ugandan beeyongedde mu kwongera ensonga ezeekuusa ku by'obulamu mu kuzaala n'eddembe mu by'obulamu, ekireeseewo ensonga z'eddembe ly'obuntu mu by'okuzaala n'ezigenda nga zivaayo nti nsonga erina okutunulwamu. Mu *CEHURD& Others v Attorney General*, Ensonga 3, 4, ne 5 ensala y'omusango yalambulula obuvunaanyizibwa bwa gavumenti okulaba nti abakazi batuusibwa obujanjabi obwekuusa ky'oby'okuzaala, n'ekyekitegeeza mu ssemateeka singa wabaawo okulemererwa okutuusa obujanjabi eri abantu.[31] Omusango ogwo gwalaga nti obujanjabi mu by'okuzaala bwe bubeera bubulamu kisobola okuviirako okutyoboola eddembe erikuumibwa ssemateeka, omuli eddembe ly'okuba omulamu n'obutatyoboolebwa.[32] Wadde omusango guno tegwasimbuliza butereevu mu Kawaayiro 14 aka Maputo, kiraga okusenvula mu kunyweza amateeka agakuuma eddembe ly'obuntu mu by'obulamu era n'ekissaawo omukisa ogw'okuwoza emisango ekyongera okutereeza mu mateeka okusinziira ku mutindo ogw'ensi ezeegattira mu mukago ogwa Afirika.

Mu buliwo, ebyo ebituukiddwako mu kutumbula ebyo eby'ogerwako mu Kawaayiro 14 bisinze kuvugibwa ebitongole ebyannakyewa mu kifo kya gavumenti. Ebitongole nga CEHURD, RHU ne Women's Probono Initiative bakoze kinene mu kwogera, okuwaaba emisango, okutuusa obujanjabi ku bantu, n'okubasomesa.[33] Ebitongole bino bibadde bisaale mu kubangula abantu, okutumbula mu mpeereza y'eby'obulamu eri abantu n'okuteeka gavumenti ku nninga olw'ebyo ebitannaba kuteekebwa mu nkola. So ng'era, ebitongole eby'obwannakyewa mu Uganda bikolera mu mbeera yakunyigirizibwa omuli ensimbi entono, okwegendereza eby'obufuzi obutabatwaliramu, amateeka agabafuga, ekisobola okukosa ebitongole bino okweyongerayo n'emirimu gyabwe.[34]

Newankubadde ebintu ng'ebyo bituukiddwako, eby'obuwangwa bw'abantu n'eddiini bikyagenda mu maaso okunyigiriza n'okukosa eddembe ly'obuntu ku by'ekuusa ku kuzaala mu Uganda. Endowooza z'abantu eri ebintu nga okugyamu embuto zeekubira nnyo ku ddiini eyogera ki ne nnono, ekireetawo okusosolebwa, okwekweka n'okuwakanya enkyukakyuka.[35] Ebyo era bikosa engeri ebiragiro gye bikolebwamu wamu n'okutuusa obuweereza eri abantu, ekikosa enkola y'amateeka agaliwo n'ebiragiro ebirungamya. Okunoonyereza kulaga nti okusosolebwa, n'okusongebwamu ennwe bye bimu ku biremesa abantu okugenda okwenoonyeza obujanjabi mu by'obulamu, naddala mu bawala n'abakazi abatannafumbirwa.[36] Ebiseera ebisinga, emiziziko gino gikumibwamu omuliro ebitongole ebyandibatuusizaako obuweereza, omuli n'abasawo okubasalira emisango n'okugaana mu ngeri etaali mu mateeka okufuna obujanjabi.

So nga mu kiseera kye kimu, okunoonyereza okukoleddwa mu by'obulamu kulaga obuzibu obuva mu muziziko gino. Abakazi okugyamu obubi embuto olw'okuba bakikolera mu nkukutu kye kimu ku kikyasinze okutta abakazi mu Uganda, ekyoleka ebiva mu kuziyiza abakazi okufuna obujanjabi n'emiziziko emirala egiremesa obujanjabi mu by'obulamu.[37] Ebintu bino biraga lwatu okubulamu okuli wakati w'etteeka n'okuliteeka mu nkola ku ludda olumu n'oludda olulala ebyo bwe bikosa abantu. Era biraga nti wadde wabaddewo okusenvula mu bisaawe ebimu kino tekitegeeza nti waliwo obukuumi mu bujjuvu eri eddembe mu byekuusa kukuzaala.

Okutwaliza awamu, wetutuuse okuva ekiwandiiko gye kyateekebwako omukono wasobola okutunuulirwa emirundi ebiri, waliwo eby'omugundu ebituukiddwako naye nga tebinnagwayo. Uganda erinako weetuuse mu kuteekawo ebiragiro, amateeka agakuuma abakazi obutatulugunyizibwa ne kkooti zitandise okukkiriza ebiri mu kiwandiiko kino ku ddembe ery'ekuusa ku by'okuzaala. Wabula wadde guli gutyo, bino ebituukiddwako tebinnavaamu ngeri yamugundu eva mu bitongole byonna mu kutuukiriza okukuuma eddembe lyonna ery'eby'okuzaala. Wakyaliwo okusoomoozebwa okulemeddewo, omuli okubuzaabuzibwa ku tteeka ery'okugyamu embuto, ebitongole eby'enjawulo obutavaayo na nkola emu n'abantu okuwakanya kaweefube ono, bikyalemesezza Akawaayiro 14 okuteekebwa mu nkola mu bujjuvu. Obutabeera ku ddaala limu ku wa wetutuuse kiraga obwetaavu bw'okukwatira awamu mu ngeri eyeekenneenyezeddwa obulungi okusobola okweyongerayo obulungi, nga kino kiba kyongereza kw'ebyo ebituukiddwako nga bwe bagonjoola n'ebiremesa ebigenze mu maaso n'okuziyiza Akawaayiro kano okuteekebwa mu nkola mu bujjuvu.

Ebikyabulamu n'Ebiremesa

Ebikyabulamu n'Ebiremesa mu mateeka

Omuziziko ogukyasinzeeyo mu by'amateeka ku kuteekera ddala mu nkola Akawaayiro 14 mu Uganda bwe bukkwakulizo gavumenti bwe yateekawo eri ekiwandiiko kya Maputo. Uganda yateeka obukwakkulizo ku kawaayiro 14(1)(a) ne 14(2)(c) bwe yateekako omukono mu 2010, ng'eraga nti bo, tebakkiriziganya na butundu buno, tebakkiriziganya na kyakugyamu mbuto era nti bo bajja kukozesa amateeka gaabwe bwe kituuka ku nteekateeka y'ezadde, nti era okugyamu olubuto kijja kukkirizibwa okusinziira ku tteeka ly'ensi kyerirambika.[38] Obukwakkulizo buno bulemesa butereevu okukuuma eddembe ly'omukazi ku byekuusa ku kuzaala nga bwe kirambikiddwa mu mateega ga Uganda, era ng'okugaana okwo mu butongole kulemesa etteeka eryandirwanye ennyo mu kukuuma eddembe eryekuusa ku by'okuzaala mu Kiwandiiko.[39] Mu 2024, akakiiko ka ACHPR baalajanira Uganda okugyayo obukkwakulizo bwe bateekawo ku Kawaayiro 14 aka Maputo, nga bagamba kiba kimenyawo obweyamo Uganda bwe beeyama okukuuma eddembe ly'obuntu.[40] Akakiiko k'ensi yonna akabalamuzi (ICJ) nabo bawandiika nga balaga nti Uganda okulemera ku bukkwakulizo obwo tekikwatagana bulungi n'ekigendererwa kye Kiwandiiko, nti era amateeka g'eggwanga galina okulongoosebwamu ne gasobola okuwagira okukola kw'akawaayiro ako.[41]

Obukwakulizo buno bulemesa era buwagira emiziziko egiri mu tteeka ly'eggwanga nga bunyweza emiziziko gino. Etteeka erirambika ebibonerezo eri emisango egizibwa, lisalira omusango okugyamu olubuto ekikontanira ddala n'Akawaayiro 14(2)(c) aka Maputo.[42] Wadde ssemateeka akkiriza okugyamu olubuto singa wabaawo ensonga ekkirizibwa mu mateeka, olw'okuba tekirambuluddwa bulungi mu buziba bwakyo, nga tekirambulula embeera eyinza okukkirizisa etteeka okugyamu olubuto, kireeseewo embeera ya kiremya n'embeera y'amateeka etategerekeka bulungi. Etteeka eririmu ebibonerezo eri buli musango, lisalira agyemu olubuto omusango n'oyo amuyambyeko okulugyamu, nga tebagenze buziba ddi lwe kikkirizibwa. Wadde abasomi b'amateeka n'ebiragiro bakubaganya ebirowoozo nti okugyamu olubuto kusobola okukkirizibwa singa wabaawo obulamu okubeera mu katyabaga oba nga kigendereddwamu okukuuma obulamu

bw'omukyala, kino tekigobererwa mu buliwo. Ebyo ebiyinza okuvaako okukkiriza wansi w'Akawaayiro 14(2)(c), omuli singa omukazi abeera akwatiddwa, amawano, singa omukazi bwazaala ajja kutabuka omutwe, n'omwana okuzaalibwa nga kikulekule, tebirambululwa bulungi mu tteeka lya Uganda ettongole.[43]

Okubulawo kw'etteeka erirambuluddwa obulungi ate kwegattako n'ebiragiro ebibutaabutana. Ekitongole ky'eby'obulamu okugyayo ebiragiro ebyali birungamyanga kugyamu olubuto obulungi mu 2015 kyaleka abasawo nga tebakyalina kibalungamya mu kujanjaba ne mu mateeka.[44] Kino kiviiriddeko embeera enzibu ddala, abasawo okugaana okujanjaba abakazi nga batya amateeka okubakolako, ne mu mbeera ng'okuggyamu olubuto kukkirizibwa. Era, Uganda tetaddewo ngeri yakuwa mbalirira, ebigobererwa mu kuteeka mu nkola oba singa wabaawo okwemulugunya omukazi gyaddukira singa wabaawo okutyobola eddembe lye ku byekuusa ku by'okuzaala, ng'ekisaanyizo kya CHPR ekiragiro No. 2 bwekiragira.[45] Kino kiremesa abakazi okwekubira enduulu olwo ne walyoka wabeerawo omuwaatwa wakati w'ebirina okukolebwa mu mateeka n'ebikolebwa mu buliwo.

Emiziziko egiva ku by'ennono n'eby'eddiino

Okusosolwa okwekuusa kukugyamu embuto kukyali kungi nnyo mu Uganda. Abakazi n'abawala bajja okufuna obujanjabi bw'okugyamu embuto mu bubba olw'okutya okuboogerera, okuswala n'abantu okubatabukira. Kino n'eky'ongeza ku mbuto ezigibwamu obubi, ne mu mbeera ng'okugyamu olubuto kukkirizibwa mu mateeka.[46] Abakulembeze mu ddiini ne nnono bakola kinene okukyusa endowooza z'abantu n'engeri gye balabamu eddembe ly'abakyala ku byekuusa ku kuzaala. Ebiseera ebisinga, enzikiriza mu ddiini ekosa etwaliramu ne bannabyabufuzi oba olyawo abandivuddeyo okuleetawo enkyukakyuka mu mateeka.[47] Ebitongole bino bisobola okukunga abantu ne bawakanya ekyukakyuka ze balowooza nti zize kulwanisa nzikiriza yaabwe oba ennono zaabwe. Okusoomoozebwa kuno ate kweyongerako abantu abatayagala mwenkanonkano n'abakazi okweyogerera bwe kituuka ku by'obulamu bwabwe ebyekuusa ku kuzaala, kaweefube atambuzibwa abatakkiririza mu kulwanirira eddembe ly'abakazi abagala omukazi asigale mu fumbiro era nga bakkiririza mu mukazi obutabaako kyayogera bwe kituuka kukwesalirawo ku mubiri gwe n'ebyokuzaala okuyita mu nzikiririza mu ddiini n'ennono.[48] Mu mbeera ezimu, abakulembeze bano bazizza abakola amateeka ku ludda lwabwe, n'ekyongera okuwakanya era okulwanisa eddembe ly'abakazi mu by'okuzaala. Era enzikiriza mu ddiini ne nnono bikosezza nnyo engeri abakyala gye banoonya obujanjabi, omuli obujanjabi obubayamba okwessalirawo ddi lwayagala okuzaala n'abaana bameka bayagala, okufuna obubaka obukwata ku by'okuzaala, okujanjabibwa n'okwesalirawo ku by'okuzaala.[49] Emiziziko gino gisinga kukosa abawala abato, abatannafumbirwa n'abakazi ababeera mu byalo.

Abantu obutasomesebwa ku ddembe lyabwe ery'ekuusa ku by'okuzaala, nga muno mwe muli ssemateeka kyagamba n'ekiwandiiko kya Maputo, kyongera okusoomoozebwa kuno. Abakazi bangi, n'abasawo, tebamanyi nti waliwo okugyamu olubuto lwe kukkirizibwa mu mateeka, ekibaviirako obuteeyambisa mukisa ogwo n'ekibalemesa okufuna obujanjabi.[50]

Emiziziko egiva mu bitongole n'enkola y'ebintu

Omuziziko omunene ddala eri okuteeka Akawaayiro 14 mu nkola mu bujjuvu mu Uganda bwe butamanya n'okutegeera ekiwandiiko kya Maputo mubalwanyi ab'engeri ez'enjawulo,

nga muno mwe muli abasawo, bannamateeka n'abo abakolera mu woofiisi za gavumenti.[51] Engeri nti etteeka eribagiddwa ebweru w'eggwanga terimala gatwalibwa ng'etteeka mu ggwanga Uganda kyongedde okuzibuwaza embeera, olw'okuba Ekiwandiiko kino tekinnamanyibwa ng'ekiwandiiko ekisobola okweyambisibwa ng'ekiwandiiko eky'amateeka.[52] Uganda ekyagenda mu maaso n'okusoomoozebwa n'eby'obulamu ebyekuusa kukuzaala, nga abakazi 189 baafa ku buli bakazi 100,000 abaawona okufiira mu ssanya mu 2022, ekireese omuwendo guno okusigala waggulu ennyo bwotunuulira ekiruubirira ekigenderera okulaba nti abakazi 70 bokka bebafa ku buli bakazi 100,000 abazadde ne batafa.[53] Okugyamu embuto obubi kye kimu ku bintu ebitta abakazi mu ngeri eyandibadde yeewalika n'okuviirako abakazi okufuna endwadde endala.[54] Wadde kaweefuba atuusa obujanjabi ku bakyala abasobozesa okuteekateeka ezzadde lye bagala, abo abatasobola kufuna bujanjabi obwo naddala empeke eziziyiza okuzaala ng'omukyala tayagala bakyali bangi, naddala mu ba maama abato n'abo abali mu byalo. Ebizibu mulimu, obwavu, okutuuka ku bujanjabi mu malwaliro ag'omu byalo, abakazi okutuulibwako n'okulemererwa okufuna obubaka obukwata ku bujanjabi, n'ekiremesa abakazi okwesalirawo bye bagala okutuuka ku mibiri gyabwe n'okufuna obujanjabi ku byekuusa ku by'okuzaala.

Ebitongole okubulwa obusobozi nakyo kikosa okutuusa ku bantu obuweereza. Amalwaliro, naddala mu byalo ne mu bitundu ebitafiiriddwako, batera okubulwa ensimbi, abakozi n'ebizimbe ebyetaagibwa okusobola okutuusa ku bantu obujanjabi obwekuusa ku by'okuzaala.[55]

Abalamuzi okwongera okubangulwa ku ddembe ly'obuntu ery'ekuusa ku by'okuzaala kutono, era tewali kutendekebwa kutongole okukolebwa eri abalamuzi ne bannamateeka ku ngeri gye basobola okweyambisa ebiwandiiko eby'ogera ku mateeka agafuna ensi yonna mu ddembe ly'obuntu, omuli n'ekiwandiiko kya Maputo.[56] Era ekivaamu, omukisa ogwandibaddewo okweyambisa Akawaayiro 14 mu kuwuliriza emisango tegukozeseddwa bulungi. Ebitongole binnakyewa bikola kinene okutumbula eddembe ly'obuntu mu by'okuzaala, naye okukwatagana mu b'ebitongole eby'enjawulo kikyali kizibu. Wadde ebitongole nga CEHURD, RHU n'abalala bagezezaako okusomesa abantu n'okutuusa obuweereza ku bantu, okukwatagana okusingawo n'okukolera awamu byandyongeddemu amaanyi okusobola okutereeza mu mateeka n'okutereeza mu by'obujanjabi.[57]

Omukisa oguliwo

Obukwakkulizo n'omukisa ogw'okulongoosa mu mateeka

Obukkwakulizo Uganda bwe yateeka ku kawaayiro 14(1)(a) ne 14(2)(c) obwa Maputo esigala nga nsonga nkulu mu nteeka mu nkola ebyakkanyizibwako mu kiwandiiko ekyo. Obukwakkulizo bulemesabutereevu okuteeka mu nkola eddembe erimu mu byokuzaala eriri mu Kiwandiiko ekyo, naddala eryo erikwata ku kugyamu embuto n'okwesalirawo ebikwata ku muburi gwo.[58] Na bwekityo, okuteeka mu nkola ebyo ebyakkanyizibwako mu Kiwandiiko nga kaweefube ono talina kukoma kukutongoza mateeka ga wano okukkiriziganya n'ekiwandiiko wabula n'okutunuulira ebiremesa ebiragiro wabula n'ebiva mu kuteekawo obukwakkulizo mu kuteeka mu nkola Akawaayiro 14.[59]

Wabula wadde ebizibu ebyo w'ebiri, omukisa omulungi ogw'okulongoosa mu mateeka

gusigalawo. Akawaayiro 22(2) aka ssemateeka kakiriza okukomya olubuto 'nga bwe kiyinza okukkirizibwa mu mateeka,' n'ekireetawo omwagaanya okusobola okulambulula obulungi etteeka eritategerekeka bulungi n'okulongoosaamu. Kino kireetawo omukisa Uganda okubaga etteeka erirambulula obulungi ensonga ezikwatagana n'okugyamu olubuto mu ngeri ekwatagana obulungi n'Akawaayiro 14(2)(c) aka Maputo. Mu ngeri y'emu, ennongosereza mu mateeka agakola ng'obukwakkulizo, kati nga mu tteeka eririmu ebibonerezo eby'enjawulo ebiweebwa abakoze emisango egy'enjawulo kiyinza okuyamba okuleeta etteeka ery'eggwanga okumpi n'erikwatagana n'omutindo ogw'ago agafuga ensi bwe bali mu mukago ogumu.[60]

Bino biba tebijja kukukoma kwongera maanyi mu bukuumi bw'eddembe ly'eby'okuzaala mu Uganda wabula n'okukendeeza ku buzibu obukkwakkulizo obwo bwebuze buleeta ebbanga lino lyonna .[61] Mu mbeera eno, okuteeka mu nkola akawaayiro ka Maputo, kaweefube atakoma mu lunaku lumu, okwogerako n'abalamuzi, n'abo abakola ebiragiro n'okukyusa abantu okutwaliza awamu.

Okwogerako n'abalamuzi nakyo kireetawo omukisa okwanguya ku kaweefube ow'okulaba nti akawaayiro ako kakola mu Uganda mu bujjuvu. Kkooti za Uganda zitandise okujjuliza ebiri mu kiwandiiko kya Maputo bwe babeera butunuulira eddembe mu ssemateeka n'okutumbula eddembe ly'abakyala mu mateeka, nga mwe muli n'emisango egyekuusa ku kubanja ebintu ebyagula omukazi, okukeccula abakazi mu mbugo, n'okwesalirawo ku nsonga ezikwata ku mubiri gwabwe n'eddembe ly'abakyala ery'ekuusa ku by'okuzaala.[62] Abantu bagenze beeyongera okusoma ku mateeka gano ekireetawo omukisa ogw'omusingi omulungi ogw'okuwulira emisango gye bujja eyo ne kaweefube agenderera okuteeka Kawaayiro ka 14 mu nkola mu mateeka ga Uganda.

Ebyali bibadde mu mawanga ag'omukago Uganda kweyinza okulabira

Ebyali bibaddewo mu mawanga aga Afirika biwa Uganda eky'okulabirako ekikulu. Amawanga nga Rwanda ne Democratic Republic of Congo (DRC) galaga nti okuteeka mu nkola Akawaayiro 14 kisoboka era kibeerawo singa wabaawo okukwatagana mu bantu ab'enjawulo okusobola okukirwanirira wamu ne bannabyabufuzi okuba nga bakiwagira.[63]

Engeri Rwanda gy'ebadde etambuzaamu ensonga eno, nnungi era ekola ng'eky'okulabirako. Ebitongole by'obwannakyewa bizze birwanirira ensonga eno obutalekaayo n'abakungu abalala okwetooloola ensi yonna. Rwanda yagyawo obukwakkulizo ku Kawaayiro 14(2)(c), era ne babaga etteeka erikkiriza omuntu okugyamu embuto nga tebakoseddwa, naddala bweruba luvudde mu kukwatibwa oba nga luteeka obulamu bwa maama mu katyabaga. Kino kiraga obukulu bw'okusigala ng'oyogera ku nsonga saako n'okukola ennongosereza mu mateeka.[64]

Mu ngeri y'emu, DRC yo egoberedde nkola ya kamu kamu gwe muganda mu kulaba nti akawaayiro kano kateekebwa mu nkola. Bwe baamala okuteeka omukono ku ndagaano, Ekiwandiiko n'ekifulumizibwa mu butongole mu lupapula lw'amawulira ga gavumenti olutongole, era awo ne bazzaako okubaga ebiragiro n'enkola ezinaagobererwa ku bujanjabi bw'okugyamu embuto.[65] Kino kiraga obukulu bw'ekintu okukkirizibwa mu mateeka, okubaawo enkola n'ebirungamya wamu n'obuwagizi bw'ebitongole mu kulaba nti obweyamu obuteereddwako emikono butuukirizibwa.

Eri Uganda, eby'okulabirako bino biwa ekifaananyi eky'engeri abakugu gye bayinza okuyambamu n'ekiraga n'ekyo ekyali kikoleddwa, nga kiraga nti okuleetawo enkyukakyuka olw'okutereezaamu kisoboka mu mawanga ga Afirika mu by'amateeka ne mu by'ennono.

Abo abakuuma eddembe ly'obuntu mu Afirika n'abawa Obuwagizi

Akakiiko aka ACHPR bazze babaga amateeka agalabibwa nga malungi mu kuyamba okutuukiriza eby'o ebiri mu Kawaayiro 14 okuteekebwa mu nkola, nga kino kiwa abalwanirizi b'eddembe ly'obuntu, ne bannamateeka ababaga amateeka, mu kubayamba okusaba ennongosereza.

Gamba nga, okulambulula obumu ku buwaayiro obuli mu mateeka okumanyiddwa nga General Comment No. 2 (2014) ku Kawaayiro 14(1)(a), (b), (c) ne (f) n'Akawaayiro 14(2)(a) ne (c) obwa Maputo nga kusigala nga kwe kulambulula okw'etteeka, okukkiririzibwamu ku buvunaanyizibwa bwa gavumenti obw'okukuuma eddembe ly'abakazi ery'eby'obulamu ery'ekuusa ku kuzaala n'okwegatta.[66] Okulungamya kuno kulagira zi gavumenti okusobozesa abantu baazo okufuna obujanjabi bw'okugyamu embuto ng'obuwaayiro obuli mu Kawaayiro 14(2)(c) bwe bulambika, bagyewo emiziziko egiremesa obujanjabi obuli mu mateeka, okuteekawo enkola eraga n'okulondoola okutyoboola okuyinza okuba nga kugenda mu maaso, era zirage bulungi engeri abasawo gye balina okukwatamu ensonga zino. Okulungamya kuno kuyamba ebitongole by'obwannakyewa ne bannamateeka mu Uganda okubaga ebiwandiiko ebinaasaba enkyukakyuka nga bwe baateeka omukono ku ndagaano okusinga okumala gasaba bintu bye batalambuluddde bulungi.[67]

Ebiwandiiko ebirungamya era binywezeddwa nga byongerwamu ebyo ebigenda mu maaso ku ssemazinga Afirika. Mu 2024, akakiika ka ACHPR kakkiriza okuyisa ACHPR/Res.592 (LXXX), nga kakkiriziganya n'okuteekawo etteeka erinaakola ng'eky'okulabirako eriyamba mu kuteeka mu nkola ebiri mu kiwandiika kya Maputo, nga kigendereddwamu okulung'amya abagala okubaga amateeka mu mawanga gaabwe ng'amateeka agolongooseddwamu gakwatagana n'amateeka g'amawanga gaabwe.[68] Okwongera okuzimba ku kino, mu 2025, kwe kuvaayo n'okulungamya okuyitibwa ACHPR/Res.632 (LXXXII) olw'obwetaavu okutegeeza amawanga okuggya obukwakkulizo ku Kawaayiro, ddala nga bategeeza amawanga mwenda, omuli Uganda, agakyalemedde ku bukwakkulizo.[69] Bwebatyo bakwasa omukugu ow'enjawulo mu ddembe ly'abakyala mu Afirika okuvaayo n'ekiwandiiko ekikubiriza amawanga okugyayo obukwakkulizo eri obuwaayiro obumu mu Kiwandiiko kya Maputo, ekyakkiriziganyizibwako mu lutuula olwe 86 mu 2026.[70] Ekiwandiiko kino kirambulula bulungi engeri buli muntu kyalina okukola mu kaweefuba ow'okugyayoobukwakkulizo, nga beesigama kw'ebyo ebyali bibaddewo e Rwanda ne Gambia, era nga bamenya gavumenti ky'eyinza okukola, ebitongole by'obwannakyewa, obukiiko bw'eddembe ly'obuntu mu ggwanga ne ku ssemazinga Afirika.

Akakiiko ka ACHPR era baayogerako ne Uganda nga yo. Bwe kaali kawandiika bye kazudde mu 2024 ku Uganda mu alipoota eyali egatta emyezi okuva ku gw'omukaaga n'omunaana, baakubiriza Uganda okugyayo obukwakkulizo ku Kawaayiro 14 ak'ekiwandiiko kya Maputo, wadde nga tekaanokolayo nsonga lwaki.[71] Abalwanirizi b'eddembe bayinza okukozesa omulanga guno eri Uganda ng'obukakafu obwenkukunnala, okwogerako eri Palimenti, minisitule eziggwa mu kkowe lino n'akakiiko k'eddembe ly'obuntu.

Era, balina okwongera okwekennenya abalala bwe bakolamu ebintu abo bwe bagwa mu mukago ogumu, gamba nga zi gavumenti engeri gyeziwa embalirira ku bye zituuseeko mu kukuuma eddembe ly'obuntu, alipoota ebibiina by'obwannakyewa gye bawandiika ku alipoota gavumenti gyewandiise, abakulira omukago engeri gye beekenenya engeri eggwanga gye likuttemu eddembe ly'obuntu, ebyo bireetawo omukisa okuteeka Uganda ku nninga ekireetawo obunkeeke obuyinza okubaviirako okukyusaamu.[72] Amateeka okutambulira kaweefube w'okuleetawo obwenkanya era ganyonyola nti okukuba omulanga okw'omugunda kwandibadde kukolebwa nga kugatta ennongosereza mu mateeka n'ebibuuzo ku kutuusa eby'obulamu eri abantu, abantu okweyagalira mu ddembe lyabwe, eddembe ly'obuntu okweyagalirwama abantu eb'ekikula kyonna n'omuntu okufuga omubiri gwe, nga bakwataganya embeera nga bweri mu ggwanga n'ebyo ebikolebwa ku ddaala ly'ensi yonna.

Enkolagana wakati w'ebibiina eby'obwannakyewa nenteekateeka y'okwekubira enduula ku lw'abantu

Uganda eganyuddwa nnyo mu nkolagana eriwo wakati w'ebibiina binnakyewa lw'okuba biyambagana mu by'obulamu, omwenkanonkano, n'eddembe ly'obuntu. Ebitongole nga CEHURD, RHU ne Women's Probono Initiative bakola nnyo mu kukuba enduulu ku lw'abantu, okutwala emisango mu kkooti, n'okutuusa ku bantu obuweereza.[73]

Ebitongole bino era bikolagana n'amawanga amalala ne mu kaweefuba ali ku ddala ly'ensi yonna gamba nga SOAWR, nga kino kibayamba mu:

- Kuwandiika alipoota edda mw'ebyo Gavumenti byewandiikidde ekitongole ky'eddembe ly'obuntu;
- Ebiwandiiko n'enkola eby'amateeka;
- Okuyigirizibwa okuva mu banaabwe;
- Okukuba enduulu ku ddaala ery'amawanga mangi.[74]

Enkola eno ey'okukolaganira awamu etumbula eky'okubeera nti okwekubira enduulu ku ddaala lino, kutuuka ku ddala ery'ensi zonna nga bakwatagana n'abo abawakanya okutyoboola eddembe ly'obuntu ku ddaala lya Afirika n'ensi zonna. Era kiteekawo omukisa ogw'okusomesebwa, n'okugabana amagezi.

IV. Okwekubira enduulu n'okukuba Kakuyege

Kiki ekikoledde Uganda

Okuwaaba omusango gumu naye nga bwe guwangulwa guba guleetawo enkyukakyuka nnene kikoze kinene mu kuteeka gavumenti ku nninga ku kyekoze mu by'okuzaala by'abakyala n'eddembe ly'ebyo ebyekuusa kukuzaala. Omusango nga ogwa *CEHURD & Others v Attorney General* gugyayo bulungi obuvunaanyizibwa bwa gavumenti okuwa abantu baayo obuweereza mu by'obulamu n'okuziyiza abakazi okutyobolebwa.[75] Wadde emisango nga gino tegivuddeyo kwogera ku kugyamu mbuto butereevu, gitaddewo ennono enkulu ezisonga ku buvunaanyizibwa bwa gavumenti n'obukulu obuli mu

kukuuma eddembe ly'abantu mu by'obulamu. Ebitongole by'obwannakyewa okwogera ku nsonga kukoze kinene mu kutumbula okumanya mu bantu, okuwandiika okutyoboolebwa okukolebwa ku bakyala n'okwogera n'abo ababaga amateeka. Kampeyini eziteeka essira ku by'obulamu ebyekuusa ku kuzaala, obutabanguko obwekuusa ku kitonde ekikazi n'okutuusibwako obujanjabi bikoze kinene mu kukyusa mu mateeka n'okutereeza mu by'obulamu eby'ekuusa ku kuzaala kw'ebakazi.[76]

Okukwatagana kw'ebitongole eby'enjawulo kulaze nti kukola bulungi. Kaweefube aleeta abasawo awamu, bannamateeka, abakulembeze b'ebitundu, n'abo ababaga amateeka ayambye nnyo abantu okutegeragana mu kifo ky'okuwakanya ekyukakyuka.[77]

Eby'okuyigira ku mawanga bwe bagwa mu mukago ogubagatta mu kitundu

Eby'okuyiga ebirabiddwako okuva ku mawanga bwebava mu kitundu ekimu biraga obukulu bw'okwanja ensonga mu ngeri ekwatagana awatali kusirika. Enkyukakyuka ezaatuukawo e Rwanda ziraga omuwendo gw'okulemerako ebbanga ng'oyogera n'abakozi b'amateeka, so nga omuntu bwatunuulira engeri DRC gye yakolamu ebintu byayo, yalaga nti okutongoza obweyamo obukoleddwa mu mateeka okuyita mu biwandiiko n'okubaga ebiragiro nakyo kikulu nnyo.[78]

Eby'okulabirako bino era biraga nti ne gavumenti erina okuba nga neetegefu okubaako byekyusa si kulemera ku kyeyasalawo edda; era nga bino bituukibwako okuyita mu kwogerageranya n'abakulembeze, okuzimba enkolagana n'okwanja ensonga nga ziriko obukakafu.

Essomo eriyigiddwa

- Amateeka agatalambuluddwa bulungi gasobola okulemesa ensonga: Etteeka bweriba nga teritegerekeka bulungi, abandituusizza obuweereza ku bakazi, n'abakazi bennyini batera okuryebalama, ekireetera okuba nti obujanjabi buno tebutuuka ku bantu.[79]
- Ebiragiro n'enkola ezigobererwa kikulu: Okugyayo enkola ezaali zigobererwa mu Uganda kiraga okubulawo kwe nkola nga zino kukuluubiriza okuteeka mu nkola.[80]
- Okwogerako n'abalamuzi kyetaaga okubaamu okubangula obusobozi bwabwe: Kkooti ziyinza obutateeka mu nkola abiragiro ng'amawanga amalala byegakola bwe babeera tebatendekeddwa n'okumanyisibwa.
- Okweyawulayawula kunafuya kaweefuba w'okulwanira awamu ensonga: Ebyo ebitongole by'obwannakyewa byebatuukako olw'okuba bakwatagana kisinga oyo akoze kaweefube obw'omu.[81]
- Okusomesa ku ngeri ennono z'abantu gyeyinza okukosaamu eddembe ly'obuntu kikulu: Kaweefube w'okuleetawo enkyukakyuka alina okwogera kukusosolebwa okwesigamiziddwa ku buwangwa eri bannadiini n'ebakulembeze b'ebitundu.[82]

Okutema empenda okugenderere okuviirako okuteeka ebiri mu Kawaayiro mu nkola

Okwogera ku miwaatwa egiri mu mateeka kisigala nga kikulu nnyo mu kutuuka ku kuteeka mu nkola ebyo ebiri mu Kawaayiro 14 ak'ekiwandiiko ki Maputo. Abalwanirizi b'ensonga eno balina okusindiikiriza eky'amateeka okuba nga gakolebwamu ennongosereza ezirambulula obulungi obujanjabi obw'ekuusa ku by'okuzaala w'ebutandikira ne webukoma, naddala bwekituuka ku Kawaayiro 14(2)(c). Ekyo kibaawo nga ne kaweefube w'okuyamba abalamuzi okutegeera obulungi n'endagaano z'ensi zonna ezasibwako emikono n'obuvunaanyizibwa obugirako.[83] Amateeka agali ku ddaala ly'ensi ezigwa mu kitundu ekimu, omuli n'erya Maputo, birina okukozesebwa mu kusindiikiriza ensonga n'okutaputa amateeka mukuwagira enkola eno.[84]

Okwogerako n'abakulembeze ab'enjawulo

Okusobola okulaba ng'ebiri mu kawaayiro ako bituukirizibwa kyetaaga okukwatagana mu balwanirizi abakulu. Ebitongole by'obwannakyewa balina okunyweza enkolagana n'okuzimba obumu okusobola okutumbula ebyo ebiva mu kukolera awamu mu kusindiikiriza ensonga.[85] Okwogerako eri abakulembeze okwetegekere obulungi gamba nga abakiise ba Palimenti, abakozi b'amateeka n'ebiragiro kikulu nnyo, era ng'ebyo ebyogerwako birina okubaako obujjulizi obugenderako mu kwanha ensonga. Okweyunga ku kaweefube ow'okutumbula eddembe ly'obuntu n'ensi ez'enjawulo nakyo kisobola okubasobozesa okulwanirira ensonga n'okuteeka b'ekikwatako ku nninga.[86]

Okusomesa

Okusomesa kikulu nga kiviirako okuteeka mu nkola n'ebikola. Okutendeka abasawo, bannamateeka n'abalamuzi kisobola okwongera ku kutegeera n'okuteeka mu n'okulaba nti eddembe ly'abakazi ery'ekuusa ku kuzaala liteekebwa mu nkola. Mu ngeri y'emu, enkola n'ebiragiro ebitegerekeka obulungi nirina okukolebwa era n'ebituusibwa ku bantu kisobole okutumbula ku mpeereza y'obujanjabi. Okuzimba obusobozi bw'ekitongole, naddala mu kisaawe ky'eby'obulamu kisigala nga kikulu ddala.[87]

V. Engeri Empya Etaano Ez'okukolamu emirimu

Abalwanirizi b'ensonga zino batandise okweyambisa enkola engenderere okutwala mu maaso ensonga y'okulaba nti Akawaayiro 14 kateekebwa mu nkola mu Uganda, nga bassuka ku kusomesa okutwaliza awamu - nga kati essira baliteeka ku kuleetawo enkyukakyuka mu mateeka ne mu bitongole ebiteekesa ensonga eno mu nkola.

Enkola empya ekyasinze okweyambisibwa ye kaweefube azingiramu abalwanirizi b'oku ssemazinga Afirika bonna nga bajja kubaga ekiwandiiko ekifuba okulaba ng'obukwakkulizo obwo buvaawo, mu ngeri ekwatikako era ekoleka. ACHPR's 2026 ekiwandiiko ekikozesebwa mu kaweefube w'okugyawo obukwakkulizo kiwa ebitongole bya gavumenti ki NHRIs ekiwandiiko kino ekirimu ebyo ebirina okugobererwa nga boogeraganya ne gavumenti ku nsonga y'okugyayo obukwakkulizo, nga balabira ku nsi nga Rwanda mu mwaka gwa 2012 bwe yagyayo obukwakkulizo ku Kawaayiro 14(2)(c) ng'akyava ku bitongole

by'obwannakyewa okubeera nga boogeraganya obutalekaayo.[88,89] Eri Uganda, Engeri eno enoogobererwa ejja kugatta engeri zombi, ebyo ebyandikoze ne ekiwandiiko ekibaweereddwa okugoberera mu kulwanirira ensonga ey'Akawaayiro 14(1)(a) ne 14(2)(c) okuba ng'etuukirizibwa .

Mu kifo ky'abalwanirizi b'eddembe okubanja gavumenti ewe abakyala eddembe lyabwe ery'ekuusa ku by'okuzaala, kati basazeewo okukiwumbawumba mu ngeri eraga nti basaba gavumenti okutuukiriza ebyo ebiri mu kiwandiiko kye bassaako omukono wamu n'okukozesa obuyinza obubaweebwa ssemateeka. Akawaayiro 22(2) aka ssemateeka wa Uganda kakiriza omukazi okugyamu olubuto okusinziira ku tteeka nga bwe lirambulula,' basobola okukozesa eddobo eryo nti kikirizibwa ne mu ssemateeka era nti ssemateeka awa Parliament obuyinza okubaga etteeka eryo ekiyinza okutereeza Akawaayiro 14(2)(c). Ekiwandiiko kya ACHPR kyakozesa endowooza eyo okulaga nti ssemateeka abawa obuyinza bwe baali bakubiriza Kenya okugyayo obukwakkulizo bwe baali baateekako.[90]

Okutwala emisango mu kkooto n'okwogera ku alipoota gavumenti gyewaayo eri abakulira omukago ku ngeri eggwanga gye likuumyemu eddembe ly'obuntu, nayo ngeri endala esobola okukozesebwa. Emisango nga *CEHURD v Attorney General* gitaddewo ennono ez'eby'o ebintu kkooti by'esobola okuwulira ne babaako ensala gye bawa ku buvunaanyizibwa bwa gavumenti eri eby'obulamu ebyekuusa ku kuzaala, nga bataddewo omusingi okunaasinzirwa okutwala emisango mu kkooti egikwata ku ddembe eryekuusa ku by'okuzaala.[91] Okwogeraganya wakati w'ebitongole by'obwannakyewa n'akiiko omwegattira amawanga ga Afirika okwogera ku ddembe ly'obuntu akamannyiddwa nga ACHPR bwe batuula buli luvannyuma lw'ebbanga eggere, nga kuteekebwamu ensimbi aba SOAWR's akakiiko akakugu, kugenze kuzaala ebibala ebirabwako, omuli n'ebyo ebyava mu ACHPR's akatuula mu 2024 bwe baakkanya ne bakubiriza Uganda okugyayo Akawaayiro 14 kekyaleseeyo.[92]

N'ekinaasembayo, okwogeraganya wakati w'abannadiini kutandise okutwalibwa nga kukulu okusinga bwe kwalabibwanga ng'enyongereza. Eby'okulabirako okuva e Kenya ne Zambia biraga lwatu nti okulwanirira eby'obulamu ebyekuusa kukuzaala nga kusimbuddwa mu byawandiikibwa ku nsonga y'okukuuma obulamu n'omukazi okuba omulamu kusobola okukwata ku bakozi b'amateeka n'abantu ekintu ekiyinza okulema okuyita mu mboozi eza bulijjo ez'obwetaavu bw'okukuuma eddembe ly'obuntu, ekiviirako okugaziya obukiiko obulwanirira ensonga eno olw'okuleetawo enkyukakyuka.[93]

VI. Ebiddako n'Ebiwagirwa okuba nga bikolebwa

Eri ababaka ba Palimenti n'ababaga amateeka

Ababaka ba palimenti n'ababaga amateeka bakola omulimu omukulu ennyo mu kulaba ng'okuteeka mu nkola Akawaayiro 14 mu kiwandiiko ki Maputo mu Uganda bituukirizibwa. Ng'ekintu ekikulu ennyo, ababaka ba palimenti balina okutandika okwekennenya obukwakkulizo Uganda bweyassaawo eri Akawaayiro 14(1)(a) ne 14(2)(c) ak'omu kiwandiiko kya Maputo nga bagenderera okulaba nti obukwakkulizo obwo bugibwayo. Kino okusobola okukolebwa wateekwa okubaawo okwebuuza ku minisitule ezikwatibwako, ebibiina eby'obwannakyewa, abasawo, bannaddiini n'abalwaniriza b'eddembe ery'oby'obulamu

ery'ekuusa ku by'okuzaala okutunuulira engeri obukwakkulizo buno gye bukosezaamu eddembe ly'abakazi ku byekuusa ku kuzaala n'okulaba Uganda wetuuse mu kugoberera ebiragiro eby'okussa ekitiibwa mu by'obulamu by'abakyala.

Ababaka ba Palimenti era balina okulowooza ku kintu ky'okukola enkyukakyuka mu mateeka n'okunnyonyola amateeka n'okulaba nti waliwo engeri enaasobozesa abantu okutegeera amateeka n'okulaba nti amateeka g'awaka gakwatagana n'ebye ebiri mu Kawaayiro 14, naddala akawaayiro 22(2) aka Ssemateeka n'obwo obuwaayiro obuli mu tteeka erirambulula ebibonerezo erimanyiddwa nga Penal Code Act. Minisitule y'eby'obulamu mu ggwanga, nga bakwatira wamu ne Minisitule ey'ekikula ky'abantu, Emirimu n'embeera z'abantu wamu ne minisitule y'obwenkanya n'ensonga ezikwata ku ssemateeka, balina okukola enkola ezinaagobererwa era nga zirambuluddwa bulungi ku ddembe ly'eby'obulamu ebyekuusa ku by'okuzaala, omuli okutuusa ku bantu obuweerza bw'okugyamu embuto okukkirizibwa mu mateeka, okujanjaba abo abagyemu embuto n'eby'obulamu by'abakazi eby'ekuusa ku kuzaala n'obubaka ku by'obulamu .

Abakola amateeka balina okulaba nga banyweza ensonga y'okutuusa obujanjabi obwekuusa ku by'okwegatta n'okuzaala ku bantu nga boongeza embalirira egenda mu bujanjabi obw'ekika kino omuli eby'okuzaala, enteekateeka y'ezadde, okusomesa abantu ku ddembe ly'abakazi ery'ekuusa ku by'okuzaala n'okulaba nti amakubo n'amalwaliro bizimbibwa, naddala mu byalo. Okwongereza kw'ebyo, ebitongole bya gavumenti birina okussaawo engeri ey'okulondoola wa webatuuse mu kutuukiriza ensonga y'okuteeka mu nkola Akawaayiro 14, n'okutunuulira n'obuvunaanyizibwa bwabwe oba nga butuukiriziddwa. Era balina okufuba okulaba nti wabeerawo okukwatagana wakati wa misitule y'eby'obulamu, ekikula ky'abantu, n'obwenkanya .

Eri Ebitongole by'obwannakyewa

Ebitongole by'obwannakyewa birina okusosowaza kaweefube w'okulaba nti wabaawo ennongosereza n'okugyawo obukwakkulizo bwa Uganda ku buwaayiro 14(1)(a) ne 14(2)(c) obuli mu kiwandiiko kya Maputo. Muno mulina okubeeramu okwogera n'eba memba ba Palimenti, minisitule za gavumenti, ebitongole ebikola mu ssemazinga Afirika ku nsonga z'eddembe ly'obuntu n'abakulembeze abalala okuyita mu kwanja ensonga eri abayinza okuleetawo enkyukakyuka nga bakozesa obubaka obusinziira ku kunoonyereza nga balaga okukosa obukwakkulizo obwateekebwawo bwe bukosa eby'obulamu by'abakyala, ekitiibwa ky'abakyala n'obutaba na bwogerero eri omubiri gwabwe.

Ebitongole by'obwannakyewa birina okujja awamu ne beekolamu omulimu naddala ebyo ebirwanirira eddembe ly'abakyala, abasawo, bannamateeka, abakulembeze b'ebitundu n'ebitongole by'abavubuka okusobola okutumbula okukwatira awamu mu kulaba nti eddembe mu by'okuzaala lirowoozebwako. Balina n'okusomesa abantu basobola okutegeera ebiri mu Kawaayiro 14 bawakanye okusosola n'okuwabya abantu kw'ebyo ebyekuusa ku buweereza bw'eby'obulamu by'abakazi.

Okutwala ensonga z'okutyoboola eby'obulamu by'abakyala eby'ekuusa ku kazaala mu maaso nga mwemuli n'okuwabula kw'ebyo ebyategerwa obubi mu mateeka wamu n'okutaputa amateeka agafuga eddembe ly'abakyala ery'ekuusa ku by'okuzaala nga bikwatagana ne ssemateeka wamu n'ekiwandiiko kya Maputo. Ebitongole by'obwannakyewa

era birina n'okwekubira enduula mu mikago Uganda mweyeegattira egigwa mu kitundu mweri n'egyo egy'ensi yonna, gamba nga eri ACHPR, okusobola okutumbula ensonga y'okuwa embalirira n'okukubiriza ensonga y'okutuukiriza obuvuunanyizibwa obweyamibwa mu Kawaayiro 14 .

Eri essiga eddamuzi

Essiga eddamuzi likola kinene mu kulaba nti akawaayiro 14 aka Maputo kateekebwa mu nkola okuyita mu kunyonyolwa okwesigamiziddwa ku ddembe ly'obuntu, n'okutaputa amateeka ag'eggwanga. Kkooti zirina okutaputa ssemateeka n'obuwaayiro nga babigeraageranya n'obuvunaanyizibwa Uganda bwe yayingiramu bwe yassa endagaano mu mikago egyenjawulo mu Afirika ne mu nsi yonna nga mwe muli ne ku kiwandiika kya Maputo, nga bamanya nti, eby'obulamu mu kuzaala bwe bikuumibwa olwo ekitiibwa kya bakazi, obwenkanya, obulamu n'okwesalirawo eri emibiri gyabwe bibeera bikuumibwa.

Ekitongole ekitendeka abalamuzi n'ebitongole ebirala eby'enkizo mu nsonga eno birina okwongera okubangula abalamuzi ku Kiwandiiko kya Maputo, General Comment No. 2 mu Kawayiro 14 nga bwe bageraageranya n'engeri amawanga ku ssemazinga Afirika engeri gye bakuttemu eby'obulamu ebyekuusa ku kuzaala. Kino kijja kuleetawo okutumbula ensalawo ya kkooti n'okutegeera amateeka agafuga eddembe ly'obuntu erifuga ekitundutundu ky'amawanga Uganda mwegwa.

Kkooti era zirina okufuba okulaba nti abakazi n'abawala tebasalirwa musango mu ngeri etali ya bwenkanya olw'okwenoonyeza obujanjabi era obwo obuwaayiro obutategerekeka bulungi bulina okuvunulwa mu ngeri ekuuma eddembe ly'obuntu ery'abakazi, okukendeeza ku kukosebwa okusobola okuleetawo obwenkanya. Okuyita mu kwongera okwekeneenya amateeka, essiga eddamuzi basobola okukola omulimu ogw'amaanyi okutumbula eddembe mu by'obulamu eby'ekuusa ku kuzaala n'okunyweza okuteeka mu nkola Akawaayiro 14 mu Uganda.

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