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**The right to freedom from poverty, an intricate affair.
Analysing the challenges of regarding poverty as a human
right in Uganda.**

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ABSTRACT

Uganda has been plagued by political instability in the past and wide spread abuse of human rights coupled with failed economic policies. However, the country has witnessed increased economic growth and the government has embarked on several poverty eradication programmes despite rising income inequalities and poverty in the country.

The task of ensuring poverty as a human right in the country has not been an easy one for those charged with the duty of ensuring the right to freedom from poverty. This research examines the complexity of attaining the right to freedom from poverty in a country like Uganda. This study will also give a philosophical view on poverty and human rights and those responsible for ensuring the implementation of this right.

Through the analysis, the research examined the key challenges faced in attaining the right to freedom from poverty in Uganda, discussed how poverty was defined through different perspectives. The information provided in the analysis is further examined by putting the theoretical findings in correspondence with the gathered empirical information for more definitive results of the study.

The fundamental results and conclusion of this research revealed the overall challenges faced in regarding poverty as a human right which include how poverty is defined, the mindset, the political history of Uganda and so on. However, the study has recommended extensive research into the role of the family in ensuring poverty as a human right and further research in the effectiveness of the laws in Uganda in ensuring poverty as a human right.

SUMMARY

Uganda is a country which has suffered from political instability in the past which greatly affected the economic sector of the country. Despite several poverty eradication programmes and Structural adjustment programmes, several Ugandans have remained poor and cannot enjoy their right to freedom from poverty.

The right to freedom from poverty is fundamental to this research. The research will examine the key challenges of regarding poverty as a human right in Uganda which I would like to understand by posing a question. What are the key challenges of regarding poverty as a human right in Uganda?

The task of ensuring poverty as a human right in the country has not been an easy one for those charged with the duty of ensuring the right to freedom from poverty. The main purpose of this research is to examine the complexity of attaining the right to freedom from poverty in a country like Uganda especially in the rural areas which are the most vulnerable in terms of income inequalities. This study will also give a philosophical view on poverty as a human right and those responsible for ensuring the implementation of this right.

The methodology used for this data collection for this research was through both primary and secondary research. The information gathered for the theoretical framework was based on scientific findings regarding poverty and the right to freedom from poverty as a fundamental right. This topic focuses on questions such as what the right to freedom from poverty includes. This approach is basically intended to examine the key challenges faced in regarding poverty as a human right. Identifying respondents for more open and evaluative responses was essential for my work. The empirical information was gathered through qualitative methods with the use of Interviews with the respondents with knowledge about Uganda and the poverty situation in the country. The respondents were interviewed through telephone interviews and using structured questionnaires, with questions examining the key challenges in regarding poverty as a human right.

Through the analysis, the research examined the key challenges faced in attaining the right to freedom from poverty in Uganda, discussed how poverty was defined through different perspectives. The information provided in the analysis is further examined by putting the

theoretical findings in correspondence with the gathered empirical information for more definitive results of the study.

The fundamental results and conclusion of this research revealed the overall challenges faced in regarding poverty as a human right which include how poverty is defined, the mindset, the political history of Uganda and so on. However, the study has recommended extensive research into the role of the family in ensuring poverty as a human right and further research in the effectiveness of the laws in Uganda in ensuring poverty as a human right.

Keywords: Right to freedom from poverty, challenges, Uganda, fundamental, human rights

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1. INTRODUCTION

1.1 Background and history of Uganda

Uganda was created as a British protectorate in 1894 but was later given Independence in 1962 through an orderly and relatively peaceful campaign. But years later, coup plots and assassinations were to become common (Legget,2006:1). The post-independence history of Uganda was mainly characterised by political instability with the then government consisting of a coalition between the prime minister Obote's UPC and KY (Kabaka Yekka) which represented the interests of only the Kabaka and the Baganda traditionalists (Maxon,2009:282).

As a protectorate, Uganda's economy during the colonial times was mainly based on peasant agriculture and the major cash crops that were grown by the African farmers. Even though slightly better off than the other East African countries economically but she was still dependent on world prices. After 1945, coffee surpassed cotton to become Uganda's major cash crop. In 1962, when Uganda got its independence, coffee was still the main cash crop and accounted for most of the exports from Uganda (Maxon, 2009: 193,194,245), (Leggett,2006:1). There were also many improvements regarding the infrastructure in Uganda which meant that by the time she acquired her independence, Uganda was better off in comparison to her neighbours (Maxon,2009:245).

During colonialism, Uganda's economy was also tailored to suit the needs of Britain where commodities like cotton and coffee. However, farmers in Uganda were largely subsistence farmers who grew crops like millet, bananas, cassava and sweet potatoes. Agriculture is still the most important sector of the economy and most of our exports are mainly agricultural exports and Uganda mainly imports manufactured goods. The economy has largely depended on coffee exports which has made Uganda vulnerable to changes in the world commodity prices. (Leggett,2006:54,55,57).

Post-independence Uganda was ruled through a coalition. The coalition would soon collapse because of mistrust UPC's Obote broke up with Kabaka Yekka(KY) party over the issue of the lost counties which were contested between the Baganda and the Banyoro people. The Baganda lost the counties in a referendum organised by Obote to which they were opposed. Although the Baganda sought legal means to redress the matter, Obote was not really affected since many DP and KY members had crossed to his own party by 1964 (Maxon,2009: 282,283), (Leggett,2006:18,19).

Using the army, Obote crushed the Baganda and imposed himself as president under a new constitution but unable to effectively control the government and the army, Obote was later overthrown by General Idi Amin. (Maxon,2009:282). Before that, in 1966, Obote's leadership already in a crisis, his deputy army commander Idi Amin was accused of corruption together with Obote himself and others. In the aftermath, Obote arrested some ministers without trial and he also suspended the constitution and the Kabaka removed from presidency. Obote promoted Idi Amin to the position of army commander, convened a National Assembly and made a new constitution which gave him wider powers and less privileges to the Baganda.

The prime minister Obote suspended the constitution with the army destroying the Kabaka's palace. Amin, under the orders of Obote, later attacked the Kabaka's palace forcing the Kabaka to flee to exile and his kingdom ended up being divided. In 1967, Obote introduced a new constitution which formally abolished all kingdoms. Tyranny and oppression, corruption, black-marketeering, tribalism and economic collapse, civil war and massive violations of human rights (Maxon,2009: 284,285), (Leggett,2006:1,18,19).

Uganda became a one-party state; the state controlled the means of commerce. Obote was later overthrown by Idi Amin forcing him into exile. Amin's rise was first welcomed by the masses especially in Buganda as he returned the remains of the Kabaka who had died in exile. Amin was later to turn into a brutal dictator killing many of his opponents in cold blood beginning with Obote's tribemates and those who opposed his rule leading to many people to flee to exile. (Maxon,2009: 286,287).

The Amin and Obote years saw high rates of inflation as high prices for essential commodities like soap, sugar and salt and accessing these necessities was impossible. But until 1971, the economy was still well-managed. The impact of bad rule, saw the devastation of all economic structures with the economic sector collapsing but only for the informal sector to rise. The informal sector still dominates the Ugandan economy both in terms of the number of people involved, economic activity and in terms of the value to the Ugandan economy (Leggett,2006:57)

Amin expelled all Asians who controlled the economy from Uganda leading economic decline in the country. There were no exports and there was a general lack of essential commodities. All foreign owned firms were seized by the government which led to great decline in the Ugandan economy. Idi Amin was later overthrown in 1979 with the

intervention of Tanzanian forces. Despite Amin's overthrow, political instability continued with Uganda seeing several changes in leadership. The regime of Idi Amin averted all the economic and social progress that had been attained since independence. Consequently, during Amin's regime many Ugandans lost their lives and it is estimated around 500,000 Ugandans lost their lives at around that time and many Ugandans were internally displaced from their homes and farms. There was economic mismanagement in the economy and many of the skilled personnel had fled the country Uganda's economy deteriorated and inflation rose. There were massive abuse of human rights which continued into Obote's regime in the mid-80's with less expenditure on education and health ((Maxon,2009: 288), (kaapoor,93:3).

The economic woes like shortage of necessities and inflation was also at extremely high levels and this was during Obote's second term as president. Political instability continued with many arrested without trial and extra judicial killings did not stop. In 1985, the country was in tatters, the country was on the verge of break down with different factions controlling different parts of the capital city, Kampala and other areas of the country. The country's economy was in total shambles making it hard to trade within or outside Uganda. There was shortage of basic goods and supplies like sugar, soap and salt. There were high rates of inflation, smuggling was rampant, and the salaries paid to the civil servants were very low. The situation started changing when the National Resistance army- the armed wing of the National Resistance Movement captured power forming a new government and promising a fundamental change. A new government came to power after waging a guerrilla war which lasted for around five years which brought Yoweri Museveni into power after defeating the Okello government (Leggett,2006:2), (Maxon,2009: 288,289).

Although the Ugandan government pursued an economic policy which conformed to the policies and priorities of the world bank and other international donors, Uganda at first resisted multiparty politics and instead went for a no party movement-based system but although criticised even internally by critics, it was very popular with the populace. There were divisions that arose because of the way the country was governed. The southerners and the westerners benefitted more from the economy as they were wealthier, had access to better public services (Leggett,2006:5)

1.2 Uganda's economic recovery

When the new government assumed power in 1986, they inherited a shattered economy with massive levels of poverty within the country and low quality of life. The new government as

well faced several economic problems as they had taken over a non-functioning economy which had been mismanaged during Amin's reign. During the 1990's Museveni's regime spear-headed economic changes that saw the rise of the Ugandan economy and increased growth. Despite recovery, the economy of Uganda was hit by the HIV/AIDS epidemic which greatly affected the country in general especially those with low incomes. Like many African countries, high levels of HIV/AIDS had a huge impact on individual, households and national incomes of the country. The disease mainly affected the economically productive age group which was a contributory factor to poverty and destitution for many Ugandan families as well as loss of wealth to the national economy. Another obstacle was the dependence on foreign exchange which impact on our exports in cash crops like coffee and tobacco to other countries. Changing an economy is not easy and so the government also had to rely on aid and debt relief to acquire funds for financing rehabilitation and modernisation programmes (Kapoor,93:3,4), (Maxon,2009:292), (Leggett,2006:4).

According to the world bank, the poor in Uganda mainly reside in areas of low agricultural capacity, they are mainly illiterate and lack basic infrastructure and social services.

Investment in social services tends to impact greatly on the income of the rural poor rather investment in infrastructure which tends to benefit the much better places. In Uganda, broad-based economic growth is the best way of eradicating poverty from many people. (World bank,1996:62,63).

In 1987, the government introduced new and ambitious economic recovery programmes which were deemed very ambitious and successful. Inflation was at a rate of over 200 per cent between 1986-1987 but had dropped to 4 percent in 2000 with high rates of growth which had been steady for more than a decade making Uganda's economic performance being heralded as the most successful in Africa. There was tremendous transformation of Uganda commercially, economically and in terms of the social infrastructure. Many roads were repaired, and the telephone system was largely modernised. Kampala, the capital city became a robust commercial hub. There was rehabilitation of the country's public services, as seen in the creation of well -established local government structures. However, the major transformation was in the education sector where the government introduced Universal Primary Education and some new transformations in University level education (Leggett,2006:3).

Economic transformation in Uganda did not mean that all Ugandans benefitted from the newly created policies by the government, there was increased growth of inequalities with some people from different parts of the country doing much better than others. Even though the progress Uganda had made was remarkable in the circumstances, there were some challenges and one of the reasons was insecurity in Some parts of the country like in the North of the country and some parts of western Uganda partly due to social dislocation and underdevelopment in these regions. There was a financial cost for the country due to increased military spending, resources which could have been spent to the national economy if peace was prevalent in those particular areas. Uganda 's involvement in regional military conflict also seemed to have affected the country financially and in terms of reputation (Leggett,2006:3).

1.3 Uganda and its people

Uganda is a small country the size of the United Kingdom with a majority population living in villages and small trading centres with Kampala as the capital city. Uganda is both physically and biologically diverse with a good climate and the equator lying a few miles south of the capital city. Uganda is a land-locked country with no coastline and around 20 percent of the country is covered by lakes Including Lake Victoria which is the largest lake in the country. Much of Uganda is a plateau of approximately 1000m above sea level. In the east, Uganda shares her border with Kenya and in the North is Southern Sudan. The western border which boasts of the Rwenzori mountains but however the most important physical feature of the country being the River Nile which made Uganda strategically important to the European colonial powers. In the south, Uganda is bordered by Rwanda and Tanzania (Leggett,2006:7).

The soils of Uganda are generally fertile especially in the south and west of the river Nile which favours the principle element of Uganda's economy which is agriculture. The environment makes it favourable for agricultural development. There are several kingdoms and chiefs appointed by a king to administer the kingdoms. The kingdoms like Buganda played acritical role in the history of the colonisation of Uganda as well as in the political and social development of Uganda. The populations of the kingdoms are mainly bantu-speaking peoples. However, the weather conditions north of the Nile and not as favourable as in the South with Karamoja in the north-east having the worst weather conditions (Leggett,2006:8,9).

1.4 Policies to eradicate poverty

At independence, Uganda had the most promising economies in Sub-Saharan Africa and this was also evident in the years that followed independence. Uganda was favoured with good soils and a favourable climate with the agricultural sector being the highest earner of foreign exchange. Uganda also exported textiles and cooper which earned foreign exchange and Uganda had one the best transport system in sub-Saharan Africa and it included, road networks, railways, ports and air travel (Kapoor,93:3)

It was after Uganda and its development partners like the IMF agreed that the benefits of a strong economy are not getting to the poorest Ugandans in the mid-1990's. The Ugandan government made poverty reduction its ultimate goal and consequently a poverty eradication plan was approved in 1997 which was meant to eradicate poverty within 20 years and at that time 66 percent of Ugandans were living in poverty or at least lived below the poverty line at that time. The plan was to increase incomes of poor Ugandans with the aim of providing good quality and social services to the masses. The very poor could not afford services like education, health and other social services. The government of Uganda then adopted a poverty eradication plan and introduces Universal Primary education. With this a strategy the aim of the government was to provide free education to at least four children per household and it included construction of classrooms and improvements in teacher-training (Leggett,2006:64,65,66,67).

1.5 Transforming Uganda

Uganda launched a strategic plan which was entitled the vision for Uganda. In this plan, the Ugandan society would be transformed from a peasant to a modern and prosperous Uganda and that was to be achieved in a period of 30 years. This would mean changing Uganda from a mainly peasant low income country to a middle-income country by the year 2017.

Accordingly, the vision was to include some of the following.

- Independence and sovereignty as Ugandans would aspire for a country which is self-governing and self-sustaining in all aspects. This would mean that Uganda as an independent country would live without any control from external pressure with the citizens a being able to determine their own destiny.
- Democracy and rule of law. Democracy would have to be enhanced in Uganda for the coming years with rule of law at the centre stage providing a strong foundation for transforming Uganda into a modern society within a period of 30 years.

- Stability and peace would be enhanced. Ugandans had to live at peace with each other or with other countries enhancing peace, social unity and in a democratic environment. This would be a society in which harmony would prevail in a socio-cultural context.
- Knowledge and skill would be prioritised in the idea of a modern society with the population being equipped with more skills so as to improve their lives to deal with all economic challenges both within and outside the country.
- Uganda in order to achieve prosperity, would have to utilise all its natural resources efficiently for the benefit of all Ugandans as well as supporting all the biological and physical systems.
- Regional unity would be essential to create a modern Uganda with easy access to markets both regionally and internationally as well as Uganda being able to establish stronger defences.

The quest to change Uganda into a peaceful and prosperous middle-income country was to be realised in terms of three ten-year national development plans, sector master plans and Annual plans and budgets. These would be supplemented through effective implementation and monitoring systems beyond different political, economic, social and cultural institutions. The NDP would have to guide the formulation of the annual budgets.

The theme of the NDP is growth, employment and socio-economic transformation for prosperity. Each of these elements provide an oversight of the aspirations of Ugandans to be achieved during the NDP period. In the world, economies are measured in terms of the size of their wealth or Gross Domestic Product (GDP). Every country wishes to increase its GDP within a short period of time, efficiently and in a sustainable manner. Increased broad based development would increase revenues and increase employment which would generate additional goods and services and lead to an increased standard of living amongst the population. In the NDP, one of the aims was to create wealth and reduce poverty. During the NDP period, the size of the Ugandan economy must increase both significantly and create more jobs. Increased employment would require socio-economic transformation which would translate into meaningful employment leading to prosperity to all Ugandans (IMF,39,40).

To achieve the NDP themes, some of the objectives that were identified as crucial included;

- There was need to increase household incomes and promote equality which were critical for sustainable development and would be assessed by income per capita, income distribution employment skills enhancement and agricultural output.
- There was the objective of achieving the availability and quality of gainful employment.
- Improving the quality of the economic infrastructure. This objective had the aspect of quantity and quality of the road networks, increased generation and distribution of and access to electricity telecommunications and access to public transport and improved banking services.
- Increased access to quality social services which would help improve the levels of literacy life expectancy, reduce infant mortality rates water coverage sanitation levels and reduce incidences of communicable diseases.
- Promoting science, technology, innovation and ICT to enhance competitiveness. This would help to strengthen institutional capacity and the status of science and technology and increased development and use of ICT (IMF,2010:40,41).

The National Development plan would be achieved through the support of all stakeholders for the plan to achieve its goals and objectives. The plan had to be supported by good governance in which there is citizen participation in governance and controlling corruption. It would be important to ensure the availability of resources for implementing all the planned programmes with accountability. The NDP would also encourage balanced development of sectors with potential competitive advantages instead of relying on the current sectors. The plan would also support behavioural change between the public and private sectors which would be crucial for economic growth and transformation (IMF,2010:41,42).

The second National Development Plan 2015/16 - 2019/20 established the road map towards middle- income status by 2020. This was a five-year plan implemented under vision 2040 and the theme was strengthening Uganda's competitiveness for sustainable wealth creation, employment and inclusive growth to build on the achievements under NPD1. This plan had a strategy to prioritise investment in the next five years especially in agriculture, tourism, minerals, oil and gas, development in the infrastructure development and human capital

development. The plan would emphasize mobilizing for resources to help improve infrastructure and use other sources of funding. The plan would include transforming the economy to support growth and poverty eradication (IMF,2015:25).

1.6 Defining Poverty

Poverty has been defined in terms of absolute and relative terms which has created difficulty in comparing poverty in developed nations with the developing countries. However, poverty, one on hand has been defined in terms of absolute and overall poverty. Absolute poverty has been described to include severe deprivation of basic human needs and it depends not only on income but also on access to services. Overall poverty on the other hand, includes several forms like the lack of income, hunger and malnutrition, homelessness, unsafe environment, loss of livelihoods due to economic recession, sudden poverty due to disaster, complete destitution of people outside family support systems, social institutions and so on. (Townsend, et.al,2004:59).

Poverty is multidimensional and cannot be reduced to a single indicator however it is generally acceptable to use real per capita expenditure as a proxy for welfare. There are two approaches normally used in defining poverty and those are the absolute poverty line which is based on income needed to satisfy nutritional requirements and a non-food component. The other approach is a relative poverty line where a percentage of households at the bottom of the income distribution is considered poor (Kapoor,93:4).

According to Townsend, poverty is interpreted as being multidimensional and yet its principle measure remains one- dimensional. The one dollar per day per person has become the standard aimed at measuring poverty in developing countries although based on a study carried out in 33 countries. This standard measure of poverty was updated in 1993 with the new poverty line measure at 1.08 dollars. The international poverty norm presents another difficulty apart for defining poverty on purely technical terms, it is still not clear if the one dollar per day norm is valid for tracking change over time or for comparing poverty levels in different countries. The main problem with the one-dollar norm is that it violates the standard definition of income poverty which is a person being considered poor when they do not reach a minimum level of economic wellbeing set by the society (Townsend, et.al,2004:380).

Absolute poverty also has a relative measurement and for the aim of comparing income poverty in different nations such a norm cannot be kept static and applied uniformly to all countries. As societies become more developed, the one dollar per day poverty measure

becomes gradually diminishes as a measure of income poverty. The poverty line must bear in mind the average level of economic well-being of the group or society for which poverty is monitored. The issue of poverty lines in different countries is very complex since as countries become richer, these societies gradually adopt a higher level of minimum economic well-being. A change in the proportion of people struggling to survive on less than a dollar per day does not necessarily mean a similar change in the levels of poverty (Townsend, et.al,2004:381).

The use of one dollar per day poverty norm undermines the magnitude of global poverty and at the same time it over estimates the progress in in reducing income poverty. Such could be overcome by using national poverty lines which could be regularly updated. Updating of the poverty line is also controversial as it does not justify the use of a frozen poverty line but nonetheless assuming income elasticity of zero and adjustments must be made to the poverty norm by considering changes in national prosperity. Trends based on national poverty lines are more likely to provide more accurate and meaningful information regarding the target of halving income poverty (Townsend, et.al, 2004: 382).

Lister mentions that among the post-war debates about how to define poverty, Charles Booth and Seebohm Rowntree defined absolute poverty to mean lacking sufficient money to meet basic needs. Absolute poverty was however, defined in terms of survival referring to subsistence, linked to a basic standard of physical capacity necessary for production and reproduction. Nutrition is very central to these definitions. The term absolute is linked to the actual needs of the poor without reference to the expenditure of the poor and that a family was poor if it could not afford food. Townsend critiques the narrow subsistence aspect of need, which is separate from the social context upon which absolute poverty was defined. According to Townsend, where people lack the basic material resources, people should be deemed poor thus drawing a distinction between material and social deprivation. The former referring to material goods and amenities and the latter referring to social customs, activities and relationships. According to Townsend, it is only possible to judge one's relative poverty by comparing that person with another person living in the same society at the same point in history (Lister,2004:21,22).

There are three UN agencies that measure poverty and those include, IFAD, UNDP and the World Bank with each of these entities using different indicators basing on health education, and income among others while the World Bank uses surveys basing on the one dollar per

day poverty line. The poverty line however is not applied universally as the measures differ for different regions making it unclear to assess the standard of living for those living below these income thresholds. IFAD, which is the world's leading authority on rural poverty bases its measurements on several indices which include food security index, basic needs and the women's status indices. The food security index considers the food security status of a country which combines food production and consumption variables including those reflecting growth and variability. The UNDP has also different indices of measuring poverty, inequality and other developmental issues. The UNDP considers access to health, education and access to resources needed for a standard of living important. The emphasis is on people having more choices and not just income basing on indicators like education and life expectancy at birth (Townsend, et.al,2004:60,61).

The World bank however, has the most significant measurements of world poverty and introduces the universal poverty line in its measurements and has produced annual reports regarding poverty eradication. The world bank defines, poverty as the inability to achieve a minimal standard of living and such standard is based on consumption. However, the expenditure required to get a minimum standard of nutrition and the basic needs varies from society to society especially when it comes to food prices. Basic needs differ as well. In some countries indoor plumbing is necessary whereas in some, it might be a luxury. The world Bank sets the one-dollar consumption per person per day. This was chosen basing on income of 8 out of 33 poorest countries. The European union however, measures poverty due to low incomes (Townsend, et.al,2004:62,63).

Income poverty is defined by the UN in pure economic terms as when a family cannot meet its federally established threshold which differs across countries. It is measured at family level and not the individual. The international standard of extreme poverty however, is limited to possession of less than one dollar a day (UNESCO,2018).

2. PROBLEM DISCUSSION

When economic change occurs, it is not automatic that those skilled would secure freedom from poverty but the same may not apply to those whose skills are not needed. It is also noted that the link between poverty and, freedom and skill, poverty cannot be removed especially in a rapidly changing world. This does not mean however that poverty cannot be reduced or even minimised. It does not mean either that the suffering of the poor cannot be removed (Levine et.al: 2005:90-91).

The nature of modern society has led to the conclusion that poverty is considered a failure of creativity which needs some skill to be achieved and yet such thinking does not emphasize income levels and standards of living. A substantial part of poverty is linked to lack of education. Although this, does not make education one of the factors causing poverty where there are opportunities to utilise educational opportunities. Poverty may result from the lack of creativity or even lacking an opportunity to express oneself which means that one could lose the potential to express themselves. The assumption here, is that all human beings are born with the capacity to be creative which is lost when one cannot exercise it, thereby losing capability or an opportunity.

If policy is formed to tackle poverty without the element of creativity in work or jobs, then such a policy does not address the problem of poverty. In a similar fashion, if such a policy is to provide income, then such a policy does not address the problem of poverty. However, such a policy can help eliminate the most noticeable effects of poverty. If poverty is to be tackled, one must deal with the problems of capability and opportunity. Although the problem of opportunity has been of concern especially in areas of social policy, the same cannot be said about capabilities. In some instances, opportunity has likewise been an obstacle towards creativity (Levine et.al,2005:91).

The assumption is that creativity is inherent and cannot be destroyed by an experience in life. If policy is aimed at opportunity, this could end poverty, but it could not alleviate the problem of being poor. The idea of freedom and work without creativity are meaningless regardless of legal setting. It is only work that allows creativity or expression of freedom that can free a person. In a moral order, work is aimed at not allowing creativity but likewise to fulfil the duty of community. Such work is connected to freedom, that freedom is expressed for the benefit of all members of the group. Here, the virtue is deemed to be service. This means that any idea formulated around the norm of freedom of expression coupled with creativity,

should withstand the moral order. Work still has value even beyond the moral order as it offers a worker a chance for creative expression which is also important to the worker (Levine et.al,2005:91,93,94).

3. RESEARCH PROBLEM

The right to freedom from poverty as a human right in Uganda is fundamental for this research. The research will examine how poverty relates to human rights and analyse the different challenges of regarding poverty as a human right in Uganda. To understand the challenges of regarding freedom from poverty as a human right in Uganda, I therefore pose the following question;

- What are the key challenges of regarding freedom from poverty as a human right in Uganda?

4. PURPOSE OF THIS RESEARCH

Today, many continue to live in poverty in Uganda despite several attempts at ending poverty in the country. The problem persists even though not many deem or look at freedom from poverty as a human right which should be extended to those affected. The task of ensuring the right to freedom from poverty is a complex one considering several dynamics that could be at play especially in different parts of the country. As is the case with every human right, there are those charged with the duty of ensuring the right to freedom from poverty.

I intend to analyse some of the key challenges of looking at poverty as a human right in the Ugandan perspective. I will also look at the different ways poverty is defined or interpreted from different perspectives. In addition to this research problem, I also intended to give an understanding of the poverty situation in Uganda and how it is a complex issue. I will do this by examining the role of the different stakeholders in ensuring the right to freedom from poverty.

5. RESEARCH LIMITATIONS

The present study focuses on the key challenges of looking at freedom from poverty as a human right in Uganda. However, the study also reveals the complexity of looking at poverty as a human right in Uganda with an analysis of those that bear the duties and responsibilities of ensuring that such a right does exist. The findings of regarding poverty as a human right basing on the analysis of different stakeholders will be used as a basis of analysing and discussing the results for looking at poverty as a human right. The study will also discuss at how the right from freedom from poverty is analysed theoretically and from a philosophical point of view. The main goal will only be fulfilling the research problem and the purpose of this study.

6. METHODOLOGY

In this section, I present the methodology chosen for this research by explaining the different kinds of methods which I used for data collection for both the theoretical overview and for the empirical data presentation and also the methodological problems encountered.

6.1 Methodological background

Hermeneutics has always represented a set of interpretive principles geared towards simplifying difficult texts or passages. The aim of interpretation is to make sense of a text or a situation and understand the underlying meaning (Zimmermann,2015:1,2,3). I based my research on hermeneutics since I was more interested in understanding the data collected. Zimmermann states that we understand texts or situations when they become part of our inner selves which we express again in our own terms. Interpretation is a process which integrates texts into a meaningful whole (Zimmermann,2015:7). The research of a fundamental phenomenon should remain in the framework of the sphere which is already interpreted. The researcher likewise, should conduct research based on human interpretations in a more social scientific language using theoretical terms and definitions central to the research (Gilje &Grimen,1992).

6.2 Methodology approach

For the methodology approach I decided to use findings from both primary research and secondary research. From primary research, the study applied qualitative methods using interviews with respondents in Uganda. The choice of using qualitative methods rather than quantitative methods was since this study sought explanations instead of rhetorical questions for identifying the key challenges of regrading poverty as a human right in Uganda. Through interviews, the respondents easily gave or expressed their own understanding of poverty and the human rights situation in Uganda. Secondary data was also applied in trying to identify theories regarding the right to freedom from poverty and its related complexities which formed the theoretical framework of this research.

The approach to the research problems for this thesis was more inclined to hermeneutics than positivism especially in the way information was processed, gathered and interpreted. The interpretation was based on the background to which information was analysed to arrive at the fundamental meaning. Posivism as an approach focuses on scientific models for explanations and objectives for defining and explaining hypotheses. Positivism does not put

emphasis on interpreting human experiences for greater understanding of meaningful phenomena (Davidson,2003). The hermeneutics approach is based on the efforts of being able to be interpret and understand background information of this research in relation to the empirical data obtained. Without the fundamental previous data as a direction, the research is destined to lack significant direction towards its planned goals and objectives. The researcher's expectations are also important because they create and give the research its direction. In hermeneutics, understanding the ground for interpretation is a meaningful phenomenon (Gilje &Grimen,1992).

6.3 Data collection

The data collection of this research assumed an explorative approach through previously studied and investigated problem formulations regarding the right to freedom from poverty as a human right. The main reason of this data collection was to gather as much information as possible regarding the challenges of regarding poverty as a human right. This led me to using literature regarding poverty as a human right and in the data development of this research, the use of interviews was essential as it contributed to a closer and more profound examination of the research problem with collaborative results discussed in this thesis when trying to understand the challenges of regarding poverty as a human right in Uganda.

Identifying respondents for more open and evaluative answers was essential for my research. Respondents in this case meant individuals with a background and knowledge of Uganda, with different occupations, status and researchers and people with a genuine interest in human rights and poverty eradication in Uganda. According to Harwell, “qualitative research focuses on discovering and understanding the experiences, perspectives and thoughts of participants in other words, qualitative research explores meaning purpose or reality (Harwell,148)”. Qualitative research enabled me to conduct my research in natural settings for better interpretation of the materials to used or the phenomena researched. Through qualitative research, data was collected through conducting some interviews, taking notes, and through telephone conversations form which I drew my analysis and conclusions.

This research also used quantitative research methods through one survey to collect data. This survey was done on randomly selected people to study how the selected persons perception of poverty as a human right. “Quantitative research methods try to maximize objectivity, replicability and generalizability of findings and are always interested in prediction. The

researcher sets aside their biases or experiences to ensure objectivity (Harwell,149)”. This enabled me to maximise objectivity in my research of poverty as a human right.

For the theoretical section, I used secondary data which helped me to define and explain my understanding regarding the issue of poverty as a human right or as a phenomenon and its related complexes. The data collected through secondary research is normally the cheapest and easiest to find in all kinds of research. Gathering the applicable empirical data through qualitative methods offered a significant understanding of regarding poverty as a human right in Uganda. The use of qualitative approaches was applicable when one dealt with focus groups and in interviews for more enriched data. The qualitative methods approach can also be used in data analysis when seeking to obtain a deeper understanding of the data gathered and interpreted. Through qualitative methods, the respondents displayed their mutual views and activities using their own logic (Malhotra & Birks,2006).

6.4 Interview methods to be used

Interviews can be categorized in different types, they can be formal, informal, structured or open. Different interviews would give different types of data with different contexts regarding the research and they also give different kinds of results and conclusions (Lantz,1993). This study emphasizes the use of structured interviews with structured questionnaires because I was not going to be present in Uganda for the interviews. Patel and Davidson (2003) state that in a qualitative interview, the interaction between the interviewer and the interviewee depends on the expectations of the parties interacting. It is up to the interviewer to highlight a certain research problem to the interviewee who is always her time to offer the required information concerning the research problem.

Using telephone interviews turned out to be effective when conducting interviews with respondents in Uganda. The empirical data was mostly collected via the telephone interviews with respondents in Uganda. For a closer analysis of the data I chose to identify some respondents who were interested in the issue of poverty as a human right in Uganda. The telephone interviews were carried out just as physical interviews through following an interview plan with outlined research problems to be answered. The questions were centred around the research problem and the respondents also got an opportunity to share their own views regarding the right to freedom from poverty in Uganda.

6.5 Methodology limitations

The choice of using qualitative methods were meant to give a closer approach and evaluation of the research problem. One of the most important advantages of using interviews is that the interviewer got an unlimited chance to ask the interviewee as many questions as possible which helped to fully exhaust most information related to the research problem. In all instances, the use of physical interviews was impossible as I was not in Uganda. so, the research was mainly based on telephone interviews.

To avoid unreliable information through the telephone interviews, I had to interview Ugandan citizens who had knowledge of the poverty situation in the country and likewise, some of the respondents had a background in human rights. I limited my interviews to only a few individuals and ensured that the interviews were as flexible as possible which meant that I missed out on the respondents' body language and physical expressions. I constantly repeated how I interpreted the respondent's answers regarding the research problem and the purpose of the study.

7. THE THEORETICAL FRAMEWORK

In this section, I explain what the right to freedom from poverty constitutes and likewise gives a closer analysis of the challenges of regarding poverty as a human right. This sections also shows the theoretical and philosophical view of freedom from poverty as a human right.

7.1 The right to freedom from poverty

Humanity has always wished to eradicate poverty from the earth without any success. There have also been several attempts at reducing poverty both locally and globally spear-headed by the IMF, the UN and the World bank (Townsend, et.al,2014:53). However, the evolution of human rights can be traced from natural law, but it was until after the second world war that the notion of human rights, independent of any government and any governmental body was recognised. Governments would have to respect those moral rights upon which they would derive legitimacy upon which they would create moral obligations to comply with the moral authority to enforce these regulations (Pogge,2006:53,54).

“In 1944, president Roosevelt together with forty-four UN member countries established the International Monetary Fund (IMF) and the International bank for reconstruction and Development (World Bank). The fund was meant to ensure economic stability in international monetary affairs. The world bank however was set up to support investment in countries recovering from war and developing countries”. Roosevelt had during the war said, in what he termed as the “freedom from want all over the world” as one of the objectives of the western allies. “The same legislation guaranteed access to commerce and raw materials for all countries with an assurance that everyone in every country shall live their lives in freedom from fear and want” (Meier,1984:10).

The speeding up of economic development in the less developed countries had become policy in 1944. According to the UN, this right would include the promotion of standards of living, full employment and socio-economic progress and development (Meier: 1984: 11). Some less developed countries were invited to the meet despite the conference being dominated by both Britain and the United States (Meier: 1984:12). The international community had to be committed to reduce poverty and such should have remained realisable within international law since poverty as an infringement on human dignity was then seen as a phenomenon (schefer,432).

However, socio-economic rights have been recognised internationally from 1948 in the UDHR and have been embedded in international treaties like the ICESCR in 1966. Socio-economic rights have been documented to be mainly breached and not observed, given low priority despite the fact they are important to the basic needs of an individual. On the other hand, there has been more attention given to the civil and political rights. According to Blichitz, the socio-economic rights have been neglected due to the failure of both the philosophical and legal communities until now, to provide a clear understanding as to why they should be recognised and their legal implications (Blichitz,2001).

According to the UDHR articles 25 and 26 respectively, everyone has the right to a standard of living adequate for health and well-being of himself and of his family, including food, clothing, housing and medical care. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this declaration can be fully realised.

7.2 Defending Poverty as a human right

Pogge argues that according to Hegel, in his philosophy of right, poverty is a product of the industrial world, overproduction and under-consumption in a particular social order which relegates people to poverty. When many people live below the standard of living then, then there is a loss of sense of what is right or wrong honesty and self-respect. In answering why people should not be poor, Hegel insists society is complicit in the creation and furthering of poverty.

In trying to interpret poverty, Hegel also insists that poverty breeds unfortunate consequences like suffering, which demoralises the human being affected and that many the poor directly threaten the social and political order since the poor are always excluded from the benefits of main stream society. If society is linked to causing poverty, then the society is obliged to remedy the wrongs that it has created on the poor. Ironically even though the poor were a subject of Hegel, they were not part of the civil society which would try to create a perfect society. There were many movements in history that championed against oppression form colonial uprisings to civil rights movements among others which political practises and this was done through collective consciousness. Poverty traps human beings in a constant spiral of poverty which contravenes our basic moral conviction that everyone should live a humane life (Pogge,2009: 137,138).

The moral notion of human rights evolving from earlier notions of natural law and natural rights means that these moral demands should play a role in our thinking and understanding which should be respected in our social institutions and behaviour (Pogge,2008:60,61).

According to Hegel, poverty is a social issue which cannot be attributed to the poor being lazy or other characterisations of the same nature as opposed to Locke who says that the individual is to blame for their poverty since that individual can turn to his nature for survival. Whereas for Locke, poverty had nothing to do with the socio-political order. For Hegel, social conditions are determined by human beings and that poverty is caused by the injustice between social groups and that poverty cannot be attributed to nature or natural misfortune. Humboldt however, rejects the idea of the state intervening with the welfare of its citizens and emphasizes a self-sufficient private domain was essential for the individual to ensure their own happiness. The liberals seem to connect wealth with the individual merit and ultimately the individual is also responsible for their own failures (Losurdo,2004: 131,132), (Jha,2010:209).

According to Hegel, the family is the first unit of organisation socially and all the social and economic interactions of individuals take place in the domain of the civil society which is bigger than the economy according to Jha. The civil society was made up of four different institutions which include the systems of needs, the administration of justice, the police and corporations. According to Hegel, it is the role of the police as part of the civil society to ensure that all people get a livelihood or access to education and health facilities. Ironically Hegel is of the view that the poor should not depend on anyone to sustain themselves even though the state has the right to sustain them through the provision of welfare according to Jha. However, Hegel mentions that where the rights of the poor person have been violated by poverty where one loses their self-dignity, then in a modern state, then a public authority should help eradicate poverty (Jha,2010:209).

According to Hegel, individuals need to develop self-consciousness of their rights otherwise, they would stay in absolute poverty. However, such poverty increases when the person affected remains without any economic activity, unemployed or if they stay idle which in the long run could cause hostility towards those who are wealthy. Self-consciousness would be at a point where one feels that they have no rights or freedoms leading to a situation of shamelessness. Hegel recognises that in civil society everyone has a right to find his subsistence and that poverty is wrong and is an offence against the right. Hegel argues that

when the rights of others threaten one's well-being, then the violation of their right ceases to be a wrong. Hegel argues however that when one is poor, the right to necessity applies to the poor person who is living below subsistence means (Beiser,1993: 426,427). Pogge asserts that being a normal agent in the modern world, one needs to enjoy a minimal degree of self-esteem privately and respected as an equal in public (Pogge,2010:131).

Some moral approaches to ending poverty and underdevelopment tend not to address the economic-political reality of the injustices both past and present globally. However, these approaches instead turn into false theories, turning a morally bad situation into worse.

One needs to examine the history of a situation to examine the current economic situation (Forst,2007:242).

Nussbaum's theory on human good, the capabilities approach creates a space for the welfarist view of good and the resourcist view but does not question whether one is satisfied with what one has or does. Instead, it is merely concerned with the resources which a person has at their disposal. Individual life is understood through one's functionings and capabilities but without asking about what one does or what opportunities and liberties they have. Functionings are considered important to human life since absence of which could mark the lack of human life (Blichtiz,2007).

According to Blichtiz, Rawl's theory of social cooperation suggests that injustice or fairness of the members of society should be understood based on moral persons being able to co-operate together for a mutual advantage. However, Hobbes, saw an individual as solely self-interested and had the self-preserve of achieving what was best for themselves which theory relates to modern day economics which is based on individualism. Rawlian theory is too optimistic as opposed to Hobbes theory. In political liberalism, according to Rawl, a person should be regarded as moral notion embedded in a culture of a constitutional democracy. (Blichtiz,2007).

7.3 Need for anti-poverty rights

The allocation of human rights duties concerning anti-poverty rights raises its own concerns. One such concern in the anti-poverty rights is that their existence and enjoyment is necessary to the existence and enjoyment of other human rights which as a result leads to some human rights being justifiable over the other human rights with no endless duties. Another aspect of anti-positive rights duties is that they usually include the duties to protect and to aid those that

are deprived since poverty is endemic and has very complex causes of which many are non-human. (Schefer,2013:427).

Human rights are very important in creating a society which focuses on respect for human duties and responsibilities. It is more difficult for the state parties as members of the international community to reject the universality and indivisibility of civil, political and socio-economic rights. These sets of rights require negative interventions of protecting rights violations and positive measures to realise and achieve these rights (Av Bueren, 2010:56).

Multiple strategies based on redistribution and human rights are needed to fight poverty like investment in public social services and the expansion of the social security to generate revenue. Every country needs to have a strong tax system and be answerable to its own people with special powers to monitor policies and outcomes of their own policies (Townsend, et.al. 2004:422).

According to Townsend, the money-metric poverty measure always leads to the conclusion that lack of growth is the main cause of poverty. The concerns of equity are normally ignored based on technical terms or the argument that growth is distribution neutral or that inequality is necessary incentive aimed at growth. However, the money-metric measure of poverty leads to conclusion that poverty reduction is best controlled by increasing the rate of growth. High inequality limits the impact of aggregate growth on poverty and it slows economic growth. Inequality is harmful for growth. Economic growth plays a great role reducing poverty but if inequality prevents growth, then equity must be good for the poor because it would help sustain growth. This specific policy measure will improve the economic well-being of the poor. If inequality slows economic growth, then the argument that a policy of redistribution will merely share poverty not wealth is not valid. Anti-poverty strategies often overlook equity concerns (Townsend, et.al,2004:386).

7.4 Socio-economic rights approach

Previously, human rights and development were two separate concepts as socio-economic issues were not at all connected to human rights and development. In recent years however, the international community and the UN have ensured that there is change regarding the situation. Using the terms human rights gives an intense broad, legal and international shift regarding human rights. The human rights community for many years with some exception have ignored the issue of socioeconomic rights or ignored connecting human rights to the

international development. Socio-economic rights are legally and normatively important as civil and political rights because of the human rights debate. (Jones, et.al,2005:1).

Socio-economic human rights are get their legitimacy for being an integral part of a holistic concept of human dignity and the fulfilment of these rights has always faced politically motivated obstacles. In attaining development unfortunately, tendencies of politicisation and de-politicisation are not uncommon. Politics aside, concepts like participation, empowerment pro-poor and rights-based development lose their aim when one encourages a democratic politics of rights. The state obligations of respecting, protecting and promoting socio-economic rights are not only concerned with constitutional, legal and institutional frameworks but the governments are more worried about being made accountable to the constitutional commitments imposed on the them. The real potential lies in which human rights affects the relationship between the citizens and government. When it comes to socio-economic rights, what is missing is the transformative potential for human rights in development but not so much about asserting legal claims. In political arena, human rights are tools used to crystalize the moral imagination and provide power but cannot substitute the other. Understanding the transformative potential for human rights, provides greater importance to the rights-based approaches to development within the power dynamics. Despite the preamble of the ICESCR and the UDHR according socio-economic rights equal consideration, to civil and political rights, it is apparent that there has a bias towards championing civil and political rights. The effect of this has been to relegate socio-economic rights to mere imaginations and access to these rights have left to mere resource availability (Jones, et.al.2005:2,3).

Socio-economic rights require positive remedies and resources in order to fulfil and promote these rights. Human rights promotion by international donors was only a way of ensuring accountability rather than enforce human rights and democracy. However, as human rights were being inter-linked with democracy, there was a clear absence of socio-economic rights on the good governance requirements which even served to make the socio-economic rights to be of no significance. The policies of the world bank and the IMF have been criticised due to increased poverty globally with anger being directed to the model used by these institutions, so these institutions have embarked on a policy of poverty and participation. These shifts were important but later resorted to increased political pressure by NGO activism which was intended to promote social and economic justice. The Vienna conference of human rights in1993 declared interdependence of human rights and helped show clear

relationship between human rights and development. One of the outcome of these strategies was the promotion of anti-poverty systems which combined focus on both poverty and a new participatory-oriented discourse. The world development report of 2006, stressed concerns over equity in development and human rights as opposed to the world bank's past mission of promoting capitalistic economic growth (Jones, et.al. 2005:4,7,8).

A key aspect in the human rights debate s in Africa concerned whether political rights or socio-economic rights should be prioritised and how they should be politically implemented. This was based on the failure by many of these African countries to failure to protect social, economic and cultural rights. However, at the same time, some of these African political actors being the same perpetrators of human rights abuses and ironically being considered implementors of the socio-economic rights internationally. This indeed cast doubt on the role of the African countries and constitutionalism to deliver rights. Judicial reforms and legal mechanisms would be suitable remedies. The approach of naming and shaming would also be ideal to those states not conforming to these international principles. Those approaches would be effective if they also went beyond the legal approach and utilise some quasi-judicial remedies, social and political paths to ensuring the enforcement of these rights. Mobilisation of grassroots and citizen power in favour of citizens' rights. The creation of ombudsmen, whistle blowers and other administrative complaint mechanisms which would all contribute to an atmosphere of accountability within the respective states with the international actors too.

There is also need of cultural norms, symbols and traditions of non-western societies to enter international human rights domains unless they continue to consider these societies as third world which characterises an imbalance in power undermines sovereignty and they also be very ethnocentric. Sensitivity to the local customs is also required to applied simultaneously with the local and universal remedies to combine both customary and international human rights. However, traditions that violate fundamental human rights like female circumcision and other gender related unfair practises should not be legitimised. Beetham observes that in connecting human rights to democracy, the relationship between human rights and democracy depends on how we conceptualise democracy. The question is whether the concept of human rights should be extended beyond civil and political rights.

Beetham mentions that there is a tendency to elevate a means to an end which mistakes institutional instruments with their democratic purpose. He proposes that democracy should

be looked at in terms of its core principles like collective decision-making rather than through the institutions that maintain it. This would mean that a system of decision-making is democratic to the extent that it embodies the principles of popular control and political equality and that the institutions are democratic to the extent that they help realise these principles. Beetham argues that the realisation of democracy is based on two general conditions which are judicial and political guarantees for civil and political rights and institutional processes which promote popular control and political equality. Democracy and human rights have always been looked at as different concepts where democracy is understood as an institutional arrangement, as opposed to human rights which relates to individual freedoms. Beetham means that the relation between democracy and human rights is intrinsic rather than extrinsic. This means that human rights constitute a necessary part of democracy (Jones,2005:11,12,13,14,1516).

Although recognised, economic, social and cultural rights are still an underdeveloped branch of human rights. Socio-economic rights are normally regarded as aspirational goals, rhetorically useful despite these rights having less impact for government policy and also in the distribution of resources. It is therefore not a surprise that these rights have been neglected even where there is extreme poverty and inequality(Bilchitz,2007).

All groups and governments which exert their influence over people have the duties and responsibilities to ensure the implementation of rights. There is also a critique that the human rights discourse focuses mainly on individual rights while ignoring the concept of duty and obligation. International instruments of human rights recognise the main importance of rights since human experience universally indicates that setting major emphasis on duty has helped to rationalise and perpetuate abuse of rights by states and some organisations.

International instruments ensure that there will be duty bearers and rights holders regarding civil and political rights and social economic rights. Those duty bearers should also abide by the standards and the norms of the international laws. As a norm, a state is guaranteed sovereignty over its domestic affairs. According to international law, the concept of “*pacta sunt servanda*” in international law means that if a state has voluntarily ratified a treaty, it then has the duty to implement the norms in good faith irrespective of the legal system adopted in international law. Despite, attempts to separate poverty, human rights and developments in the MDGs, the rights-based approach is an important approach in fighting poverty in development (Av Bueren, 2010:56).

The notion of eradicating poverty through economic growth must change since wealth and poverty have become polarised, then a different priority must be followed and that can be done by combining poverty with social exclusion and social polarisation and by looking these factors critically. Poverty has never been defined in precise terms both in national and international contexts. The terms social exclusion and social polarisation seem not to have conclusive definitions as well even they are known to be caused by international developments.

The World Bank no longer stresses privatisation or other structural adjustment programmes since the World Bank has realised that increased poverty was because of the economic recession especially in sub-Saharan Africa. Emphasizing exports from poor countries was aimed at increasing rural agricultural production by removing the imbalances between rural and urban standards of living and end poverty. This has not worked due to the low wages in the cash crop industry and the excessive use of machines among others. The structural adjustment programmes in Africa among others, were aimed at creating equality by cutting public expenditure to favour the most vulnerable groups in society like the poor (Townsend, et. al,2004:3,4,6,10,11)

A rights-based approach should impact on policy-making in terms of human rights policies related to development in holding states accountable through monitoring and advocacy which could portray that socio-economic rights are being fulfilled (Jones,2015:28).

Increased enjoyment and respect of socio-economic rights strengthens the struggle against poverty since these rights are directly linked to a decent living or human dignity and an individual's worth. Poverty deprives humans of their basic needs and places them in deprivation. Poor people have no rights and therefore this concept of injustice directly links poverty to the concept of dignity where people are unable to enjoy their basic needs like food, clothing, access to clean water, housing and medical care. The steps that governments take to attain some benchmarks on the increased access to education, access to water and other adequate infrastructure constitute important steps in the recognition of human rights. Such policies however, need to reach the poorest or disadvantaged people if they are to have any impact in fighting poverty. Socio-economic rights are therefore integral in fighting poverty especially by providing the minimum levels of basic services ensuring the respect of human rights providing a basis for eradicating poverty (Maritza,37).

7.5 Civil and political rights approach

According to Beetham, without fundamental civil and political rights, there can be no guarantee for popular control of government. Törnquist argues however that should not close our eyes to possible significance of political democracy in the promotion of socio-economic equality. Democracy would be compromised if the privileged in a society use their status to exercise undue influence if the poor are disenfranchised to exercise their basic civil and political rights and that the civil and political equality does not need complete economic levelling (Jones,2005:16).

Law and social policy formulation are important in combating poverty in states even though it depends on the implementation and enforcement. Laws have normative value. Lack of legislation in place, it legitimises non-recognition and violation of rights. Such a legal system without a proper legislation legitimises or reinforces vulnerability and disadvantages the poor. Such a legal system promotes a culture of abuse- legislation and social policies linked to legislation which ensures that civil and political rights can empower the vulnerable. The global movement for gender equality through CEDAW and CRC has helped promote change in several areas that have directly affected low income women workers in the formal sector, migrants and women in poverty (Av Beuren, et.al,2010:57).

According to the UDHR, Articles 22 and 25 provide for the right to an adequate standard of living and social security although they have been over-looked in the general assembly and other UN reports. The CRC provides for the right of social security and article 27 which relates an adequate standard of living. These rights have not been invoked in the last decades and not deemed necessary discussions about structural adjustment programmes especially in sub-Saharan Africa even though poverty has continued to persist (Townsend, et.al, 2004:423)

According to the UNDP, Poverty which is a problem in low developing countries needs to be controlled by those countries themselves, but these countries tend to be in the pocket of the European powers who were their colonial powers. This control exists in form of laws and legal controls affecting social policy in these affected countries. The perception of poverty in the developed world, has greatly impacted on the approaches to poverty in the developing countries which has affected international development and human rights. Developments in law and social policy in developed countries like in the commonwealth, has led to intervention of the state to provide healthcare education, and social security. Despite human rights being the most important aspect of democracy and human rights, there has been a

culture of giving handouts to low income countries. This has been criticised as furthering dependency and recognising basic needs as socio-economic rights is not considered acceptable.

Civil and political rights have been traditionally taken for granted as being those rights that impose negative obligations as opposed to socio-economic rights that impose positive obligations but however all human rights provide both positive and negative obligations. All human rights are said to be independent and interrelated as they apply to all human beings who should be treated with respect. Socio-economic rights have also been recognised to be justifiable and interrelated with civil and political rights since the violations of the former amounts to a violation of the other. The right to education is also seen as way of removing people from poverty (Maritza,2011:37,38).

Defining education in terms of rights helps a right-holder to know about his or her entitlements and provides capacity to claim for a violation or unrecognition or lack of respect of a particular right. Enjoyment of education empowers other human rights and it does not only encompass formal education, but also other learning processes provided by learning experiences which enable people develop their skills and personalities. Education qualifies as both a socio-economic and civil and political right. But for education to qualify as a civil and political right, the government must allow the establishment of schools respecting freedom from education. Education as a socio-economic right requires government to ensure free and compulsory education to all school-age going children and as a cultural right, education must be geared towards ensuring cultural diversity. Like all human rights, education, imposes three levels of obligations on the states which are, to respect, to protect and to fulfil. The obligation to respect requires the government to avoid measures which prevent the enjoyment of the right to education and protection requires the government to institute measures that prevent interfering in the right to enjoy the right to education. The obligation to fulfil entails the government to facilitate and provide which includes enabling and assisting individuals and communities to enjoy the right to education. The civil society is tasked with ensuring the implementation and monitoring of the fulfilment of the right to education (Maritza,2011:47,48).

From a colonial perspective, the poor could not have a right to improve their situation which was embedded in the English common law. Poverty was criminalised under the vagrancy laws in British colonies even though the colonial poor laws provided for some poverty relief

and treatment to the poor. Some of these laws have been used in poor countries some of which are former colonies of Britain like in India.

In America, social needs have not been accepted as socio-economic rights in laws and policy where welfare has been viewed as handouts to end poverty. According to Townsend, such a negative attitude has been seen state intrusion with the liberty of an individual. This has portrayed poverty as a manifestation of failure and incapacity to use all the available opportunities. The causes and manifestations of poverty have been analysed but also linked to domestic violence and abuse of power either by the state, the communities or families. Many living in poverty have been made vulnerable due to the lack of personal security, exposure to violence and denial of basic needs like food security (Av Beuren, et.al,2012:51,52,53). There is a view that rising inequality is inevitable due to increased technological advancement or globalisation of trade even though there is evidence to suggest otherwise (Townsend, et.al,2004:25,26).

In international law, there will always be duty bearers and rights holders in respect of civil and political rights and socioeconomic rights. These duty bearers would have to abide by the binding standards in international norms of international law (Av Bueren, et.al, 2010:56).

7.6 Universal and moral value

A moral conception like social justices is compatible with moral values that may work for some people and not for others and such differences come about when pursuing fundamental principles which apply to all. Severe poverty may not be new but what is new could be global inequality. Just a few hundred enjoy all the wealth through which they can access all the basic necessities of life in the world and this global inequality is greater when it comes to property and wealth where the rich have more incomes and the poor own very less. The world' riches more than doubled their wealth in the four years before 1998 to more than 1 trillion dollars and the top three billionaires were more than a combined GNP of all developed countries and their 600 million people (Pogge,2006:98, 99).

The last decades have seen so much progress in terms of human rights with many declaration or treaties being signed as well as detailed research into poverty. Life expectancy has also increased markedly, and infant mortality rates had also reduced in many countries but the number of people living in poverty has not reduced. Poverty and malnutrition are static but global inequality and severe poverty has been on the rise. There has been a long trend towards even greater international income inequality, but the trajectory had continued even

several decades after colonialism. Global institutions have been complacent in causing severe poverty and that includes governments. According to Pogge, any group controlling some means of coercion within a country is internationally recognised as a recognised legitimate government of that country's territory and its people regardless of how they achieved power. That group gains legitimacy internationally not merely by engaging in negotiations, but such group is accepted as being working on behalf of its people and such a group has powers to borrow on behalf of its peoples. It would be important to examine whether the global organisation hinders or promote the eradication of poverty in the world (Pogge,2006: 100,112).

Such consensus on the indivisibility of human rights emerged from internal covenants like CEDAW and CRC which imposed a heavy duty on member states to recognise the universality and indivisibility of civil, political and socioeconomic rights. These set of rights required both negative intervention to protect these rights in case of violation and likewise positive measures to realise and fulfil these rights. The government and families had the duty and responsibility. But however, the human rights domain has been criticised for focusing so much on individual rights ignoring the concept of duty and obligation. International human rights emphasize the need for duty and rights bearers regarding to civil and political rights or socioeconomic rights as the duty bearers must abide by the norms of international customary law.

However, the norm is that the state is the sovereign in its domestic affairs. The concept "pacta sunt servanda" in relation to international treaties means that states that have voluntarily entered into these treaties have to voluntarily implement the norms in good faith irrespective of the legal system. Despite efforts to separate poverty from human rights, and development as demonstrated in the MDGs, the rights-based approach is an important alternative in fighting poverty in development (Av Beuren, et.al,2010:56).

7.7 Combating poverty

Poverty eradication has been a major priority of international development, new norms, facts and findings on global poverty are systematically becoming the economic understanding. However, poverty has still been hard to define and quantify and some of that understanding needs to be challenged best on the available knowledge by questioning the already established theories on poverty rather than readily believing them as facts. The average people in the developing countries living under one dollar per day fell from 32% to 25%

between 1990 and 1999. According to the estimates by the World bank in 2002. The statistics in 2015, showed that the figure had reduced to 16% which meant that the fight against poverty was on track for reaching the global goal of halving property between 1990 and 2015. But the reality was more complex and the figures showing progress were less satisfactory. According to Townsend, the number of the poor reduced by at least 1% between 190 and 1999 reduced from reducing form 1.3 billion to 1.1 billion people respectively with most regions showing little progress (Townsend, et. al,2004: 377,378).

In sub-Saharan Africa, income poverty remained stagnant as was in other parts of the world like south America, the Caribbean and the middle east and North Africa. In fact, the numbers of those who were income poor in the regions above combined increased by 7million people in each of those years between 1990 and 1999.However regional trends showed that global poverty had declined in the years between 1993 and 1999. This was however due to growth in India and China. The average proportion of the income- poor decreased in developing countries when east Asia was excluded. In 1990, the universal goal was to reach universal basic education by the year 2000 and it was during this period that the gender gap was reduced by half although it remains a concern in Sub-Saharan Africa.

Nearly, 120 million school-age children were not enrolled in primary education just like it had been in the previous decade. The number of adults who were illiterate was about one billion with the women as the majority. High rates of illiteracy accounted for wide spread poverty, rising inequality and stunted growth. In order to integrate in the global economy, countries had to equip their workers with basic skills. The failure to meet the educational goals impacted negatively on the possibilities of achieving other goals and targets for human development. Little progress had been achieved on maternal mortality rates and infant mortality rates, child malnutrition access to safe drinking water and proper sanitation. Despites, that economic growth in the 1990's was much higher than it had been in the 1990's and the 1980's due to rapid expansion of trade and financial flows (Townsend, et. al, 2004: 378,379).

There have been several attempts at reducing poverty both locally and globally and it is assumed that if the goal is achieved, it will have a great impact on the health of people. Internationally it has been the IMF, the UN and the World Bank spear heading this anti-poverty campaign, but the number of the poor has continued to rise especially in many parts of sub-Saharan Africa.

Policies like privatisation tend to raise prices for the poor, capital markets have allowed speculators destabilize economies and free trade as well has also disadvantaged the poor countries. In the EU, concerned with rising unemployment and poverty, the EU promoted free movement of commodities, labour and services and capital, provided increased education and training, improved minimum wages and other job creation schemes (Townsend et.al,2004:53,54).

Using social funds are used with the intention of a taking a quick, effective and targeted actions to reach poor and the vulnerable groups. Social funds are meant to increase participatory development measures by providing small-scale financing to local NGOs, community groups small firms and entrepreneur. Social funds first emerged in the early 1980's and the 1990's as emergency measures to alleviate the impact of the structural adjustment programmes and economic shocks. In Ghana, they were introduced to solve the immediate needs of the poor and vulnerable groups in 1987 by the world bank (Townsend, et.al,2004: 235,237,246)

Eradicating poverty is and crucial requirement for sustainable development. Since poverty is multidimensional, there is need of eradicating poverty in all its forms and dimensions by fighting inequalities, combating climate change and creating sustainable inclusive and economic growth. Multidimensional poverty measures can provide a general view of the deprivations and drawbacks that people experience (OECD,2017).

Public involvement is necessary in the provision of education and healthcare. Immunisation and controlling disease such as malaria or HIV aids is important as the death of one person could greatly impact on the whole family (World bank,1996:71).

Poverty alleviation has been provided for people living below the poverty line in developing countries through a human rights-based based approach focusing on socio-economic rights. A human rights-based approach does not focus on the recognition of basic needs as rights but instead recognises the significance of socio-economic rights based on the rights of the civil liberties. Poverty reduction which focuses on recognising entitlements like democratisation and equality is empowering (Av Bueren, et.al 2010:51,55).

Mass poverty is set to persist or even increase as the circumstances stand today. The poverty line needs to be in line with institutional conditions and structural demands on individuals based on their needs now not their needs in the past. Peoples' needs are governed by the institutions in which they live and work and through the conditions they experience

themselves. Rather than have a poverty line, another measure of poverty should be established since norms and practices in different societies change all the time. Modern technology, transport and communication too, have changed the priorities of people in society.

Poverty also declined as result of the rise in jobs and the middle class in the OECD countries, but mass poverty has remained in many parts of sub-Saharan Africa but also deepening social divisions have led to increased inequalities inevitably returning poverty to countries where it had been eliminated. Trade can create wealth especially where there are fair terms of trade between the rich and the poor since developing countries which export to richer countries face high tariffs. Human rights should play a central role in formulating social policy and this applies to civil and political rights but less to social and economic rights (Townsend, et.al, 2004: 413,414,415,419,423).

Poverty a pervasive problem which needs to be dealt with, in poor countries with poor economic growth and likewise that legislation is relevant to address poverty in developed countries. The approach towards poverty in the richer countries has greatly have affected social policy in many former colonies which are mainly developing countries. Such policies have been influenced by an Anglo-American jurisprudence which has influenced poverty in the international development agenda and human rights (Av Bueren et.al,2010:50,51).

According to the World bank, access to healthcare and attaining education is a crucial factor in ensuring a country's medium-term growth. In Uganda, Universal primary education has also been important in contributing to high growth rates and reducing poverty for both rural and urban areas in the country (World Bank,1996:64,67).

8. EMPIRICAL RESEARCH

In this section, I present the country profile of Uganda, the poverty statistics in Uganda and later focus on poverty as a human right and its complexities which is the main focus of this thesis. The presentation of the results from the interviews will also be presented in the data. It should however be noted that the names of the respondents interviewed with regards to the reported data will not be mentioned as the respondents have requested anonymity.

8.1 Country economic overview

The Ugandan economy has averaged an annual growth of around 4.5% in the five years preceding 2016. The annual growth rate was at 7% in the 1990's and 2000's. In 2017, the economy grew by due to increase in information technology services and favourable weather conditions for agriculture. The real GDP is expected to grow to 6% in 2019 due to good weather and increased foreign direct Investment (World Bank,2016).

According to the world bank, Uganda reduced monetary poverty from 31.1% in 2006 to 19.7% in 2013 and the country at the time was the fastest in sub-Saharan Africa to reduce its population living under the poverty line from 53.2% in 2006 to 34.6% in 2013. However, the country is still behind regarding, sanitation, access to electricity and education and so on. Poverty eradication has been slower in the northern and eastern regions of the country where poverty in these areas increased between 2006 and 2013 from 68% to 84% as compared to the other regions in the country (World Bank,2016).

8.2 understanding freedom from poverty in Uganda

According to most of the respondents interviewed, they understood freedom from poverty to mean that everyone should be able to afford their basic needs. A human rights expert (Salima Namusobya) interviewed said that although freedom of poverty was not something you can define in a single sentence, it was important for the government to put an enabling environment which enables groups or individuals to have a decent life in which they can access their basic needs of life.

A university lecturer (Aguma, Denis), in entrepreneurship who was interviewed also noted that all are born free and are endowed with different qualities to succeed which should enable them to flourish in life and that anything else which happens to impede their capabilities should be avoided and that includes poverty. The respondent argued that anything that causes desperation should be avoided but also argued that poverty is relative. The respondent

(Aguma, Denis), the lecturer, also argued that one might be not have much but might feel rich as to him, poverty was a state of mind.

Another respondent interviewed (Winfred Zizinga) an accountant, observed further that a right to freedom from poverty should include people being equipped with life skills to live a life free from poverty. The respondent continued that inclusion should focus on skills basing on peoples' abilities especially in agriculture especially education regarding crop production and other farming skills. Another respondent (Barry Zizinga) who is a farmer, also insisted that education should be included in the right to freedom from poverty which would help people understand the concept of wealth creation not being about money but also engaging in things which can create an income.

8.3 Using laws against poverty

Regarding the justification of using laws to fight poverty in Uganda, the interviewed human rights expert (Salima Namusoby) stressed that it depends on what laws the state puts in place and if the state put in place laws that criminalise poverty, then such laws would be counter-productive. If there are laws which could lead to one being arrested for being idle and disorderly in reference to a recently a abolished law from the penal laws of Uganda which were introduced by the British, then such a law would be counter-productive.

The respondent (Salima Namusoby), mentioned that regressive taxes which could further put people in poverty rather than them going out of poverty referring to the recently passed Mobile money transfer tax which could affect millions of Ugandans using mobile money transfers. The same respondent however, mentioned that if a law gives people access to Universal Primary Education (UPE) in Uganda, access to health care and increases the person's capacity to save, then such a law would be justified to be used to fight poverty. The interviewed human rights expert also mentioned that the laws which are designed to chase vendors out of the city without an alternative place for relocation is also counter-productive as it works as a double- edged sword and would simply make the people slide into poverty. It was also mentioned by the human rights expert that human rights and development at the expense of the poor would put the law to test.

However most of the respondents interviewed took a negative stance against using the laws as a curb against poverty because the laws in Uganda are poorly enforced and it was necessary for the government to instead put in place some policies which should be implemented to fight poverty according to the lecturer (Aguma Denis). Another respondent

interviewed (Barry Zizinga), although agreed with the lack of enforcement of the laws, they added that there was a problem of political interference regarding enforcement of laws. The respondent also mentioned that the laws were not properly explained to the individuals so, to the poor person, they remain abstract. The interviewed farmer also mentioned that there was only one commercial court and it is situated in Kampala which is the capital city and yet other areas in the country would need judicial services brought near to them in case of any disputes.

According to another respondent a civil servant (Ritah Nalule), she mentioned that any rules and regulations to fight poverty should stress the needs of the poor. However, she mentioned it is down to the individual to get themselves out of poverty and one must have a proper mind-set and the government should be the last resort. The laws made were insufficient and out of touch with reality considering the people the law is being made for, according to another respondent (Zizinga, Winnie). The same respondent added that the laws are made by people who are out of touch with reality and these laws simply do not apply to all the regions in the country. Another respondent (Katsigazi, Jackson) a researcher, noted that using laws to fight poverty could help but however contended that, it would be an enormous task for the government to implement such laws. The same respondent adds that the laws would be sufficient like in the case of Universal Primary Education (UPE) when the Ugandan government forced some parents who did not want to send their children to school.

According to human rights activist (Salima, Namusobya), the right to life should be linked with poverty only in cases where people are dying from hunger, starvation as that it is when there would be a legitimate co-relation between poverty and human rights. Some respondents like the lecturer (Aguma, Denis), mentioned that the right to freedom from poverty should not be linked to poverty since life is sanctioned by God as he emphasized that poverty was an instrument of control. The respondent also argued that poverty was relative, and a lot has to do with the mind-set.

8.4 Effectiveness of poverty eradication programmes in Uganda

According to the human rights expert (Salima Namusobya), the Ugandan government has instituted many poverty eradication programmes which are ineffective. The human rights activist also mentioned a poverty eradication programme which was instituted in Karamoja a semi-desert area with people who are mainly pastoralists and the plan was meant to transform them into cultivators for over ten years without any impact. Another project called Operation

Wealth Creation (OWC) had also had some people benefitting from it yet they should not since they could not be classified as poor people. In fact, some were already beneficiaries from the government in an apparent form of corruption and the same programme has had implementation problems.

The same respondent (Salima Namusobya), mentioned as well, the various liberalisation policies or Structural adjustment programmes (SAPs) instituted by the government have not been very successful especially the privatisation of some services and yet service delivery should be preserve of the state. Many of these poverty eradication programmes like the social assistance grant for empowering the women are not benefitting the poor due to lack of proper implementation, poor design and corruption. The NAADS programme, another poverty eradication programme has been misused, as there are many beneficiaries to this programme who should not have benefitted due to allegations of corruption, poor quality seedlings and the development partners like the EU are not helping at all. Besides, the same programme is run by soldiers who lack the basic skills for the job.

Another respondent a researcher (Katsigazi, Jackson), mentions programmes like NAADS and OWC are not effective as there are no clear statistics to show that Uganda has increased exports of particular crops and the systems are too poor to benefit the people on the grassroots. Besides, OWC only supply seedlings and the officials lack the necessary technical skills. There have been cases of seeds being supplied in the wrong seasons which affects the quality of the crop yields. However, several of the respondents interviewed on the same matter all mentioned about how all these programmes are characterised by corruption with the programmes as they benefit those to whom these programmes are not intended.

Poverty eradication programmes in Uganda on the scale of 1-10, they rate around 3 in terms of operation since their objectives appear good on paper and yet they almost do not exist in reality which is down to unethical behaviour of those running these problems according to one respondent (Jumba, Rita) a politician. Besides, political interference, there are other challenges relating to monitoring and evaluation problems.

8.5 Burden of ensuring poverty as a right

According to most of the respondents interviewed, many stressed that it was the state which had the primary duty to ensure the fulfilment of the right to freedom from poverty. According to the human rights activist (Salima, Namusobya), non-state actors, business actors should also recognise their duty and responsibilities as duty bearers and likewise said that

international law recognises international partners like the World Bank and the IMF to work with the state against poverty. The respondent (Salima, Namusobya), also mentioned that the family should play a central role in eradicating poverty as the family had a role to play besides the state being responsible. The same view of the family playing an important role was held by another respondent a civil servant (Ritah Nalule), who unlike Salima the human rights activist, says that the family of the poor person should play a significant role in eradicating poverty.

According to one of the respondents a researcher (Katsigazi, Jackson) stressed that the state has all the powers and capacity to create an enabling environment, opinion leaders, cultural leaders and the individuals themselves should also play an important role of ensuring poverty as a right. According to the respondent, Jackson Katsigazi, the state has and should bear the primary responsibility of eradicating poverty in cases where one is living in a deprived situation.

8.6 Summary remarks on the challenges of poverty

Through the empirical section, the challenges of regarding poverty as a human right showed how complex it is to resolve poverty in Uganda. Basing on the information gathered from the respondents, there are several structural, systematic and legal barriers which would act as a barrier to Uganda fully achieving the poverty as a human right. The notion of poverty is a complex one basing on the information. It was conclusive that some of the barriers like lack of education and proper legislation affect the full realisation of the freedom from poverty as a human right. Nevertheless, the majority of interviewed agreed that the right to freedom from poverty included all individuals or groups having a decent life in which they can afford their basic needs. Many of the respondents interviewed also seemed positive about using laws to fight poverty in Uganda. However, the respondents were also unsure about the what the law would like and were all concerned about the implementation of such laws.

9. DISCUSSION AND ANALYSIS

In this section, I analyse poverty as a human right and likewise focus on the challenges of regarding poverty as a human right in Uganda. Through the analysis of poverty as a human right, I enlighten on the challenges of regarding poverty as a human right in Uganda while acknowledging the different aspects which are implied both theoretically and practically about poverty as a human right in Uganda.

9.1 Defining poverty in Uganda

Townsend mentioned that there have been several attempts to eradicate poverty from the earth with little success, but it was not until the end of the second world war that human rights were globally recognised. Respective states would be required to respect and make domestic legislation to comply with the international regulations (Townsend, et.al,2014:53), (Pogge,2006:53,54). The international community resolved to fight poverty and for the first-time recognized poverty as an infringement of a person's dignity. Townsend mentions that poverty is described to include deprivation of basic human needs like lack of income (Townsend al,2004:59). Likewise, many of the respondents interpreted poverty to lack the basic needs in life.

Poverty as a human right, whether seen as an economic, a social and cultural right remains an underdeveloped branch of human rights. For instance, socio-economic rights are normally regarded as aspirational goals and rhetorically useful despite these rights having a less impact even when implemented by different governments. This probably explains why such rights are neglected even in cases of extreme poverty and inequality (Bilchitz,2007). Besides, according to Jones, governments are more concerned about being held accountable when it comes to socio-economic rights imposed on as human rights can affect the relationship between the state and the people (Jones, et.al,2005:2,3). However, most of the respondents were of the view that the government should be able to protect the rights of the people regardless of the circumstances.

In defining poverty as a human right, Kapoor seems to agree with the respondent (Salima, Namusobya), when they mention that poverty is multidimensional and cannot be reduced to a single indicator (Kapoor,93:4). According to Bilchitz, poverty has never been defined in precise terms both in national and international contexts. The terms social exclusion and social polarisation seem not to have conclusive definitions as well even they are known to be caused by international developments (Bichitz,2007). According to Townsend, poverty is a

very hard to define as the one-dollar threshold is not relevant in some contexts. Besides it was based on analysis of 33 of the world's poorest countries (Townsend, al,2004.377.378).

A university lecturer (Aguma, Denis), in entrepreneurship who was interviewed also noted that all are born free and are endowed with different qualities to succeed which should enable them to flourish in life and that anything else which happens to impede their capabilities should be avoided and that includes poverty. The respondent argued that anything that causes desperation should be avoided but also argued that poverty is relative. By arguing that poverty is relative, the respondent explained that they could be poor but feel rich linking poverty to the mind-set. This seemed to be inline what Lister mentions that relative poverty can be that which can be compared with another person living in the same society as the poor person (Lister,2004:22). Poverty being understood in relative terms seems to conform to the views of Townsend (Townsend, et.al,2004:59).

However, by the respondents (Aguma), linking poverty to the mindset is like what Jha mentions that poverty is always linked to lack of education and that it depends on the individual themselves the poor to get themselves out of poverty but Jha also recognises that the government should intervene to eradicate poverty (Jha,2010:209). Interestingly to the liberals, wealth seems to be connected to individual merit and ultimately the individual is responsible for their own failures according to Losurdo (Losurdo,2004: 131,132). According to Hegel, poverty is an effect of the industrial world which suggests that the poor are not lazy as the capitalism may suggest (Pogge,2009: 137,138). Some respondents in the empirical study like Salima, the human rights expert tend to suggest that the poor find themselves in such a situation not by choice, but several factors exclude them from the general benefits of society. Ironically, Hegel, seems to contradict himself when he mentions that the poor need to develop their self-consciousness to escape that state of poverty as a condition created by capitalism could remove the poor form poverty. This also confirms many of the respondents in the empirical study who suggest the importance of education in eradicating poverty as it would be a means of the poor gaining self-consciousness (Beiser,1993:426.427). The right to education is more important than handouts (Maritza,2011:37,38).

According to Pogge, poverty traps human beings in a constant spiral of poverty. Hegel states, it contravenes our basic moral conviction that everyone should live a human life (Meier: 1984:10), (Schefer,432), (Pogge,2009: 137,138). The empirical research of this study proved that although there was no specific law in Uganda regarding freedom from poverty. This

seemed to be in line with the view that the poor have no rights and that lack of proper legislation reinforces vulnerability amongst the poor (Maritza,37), (Av Bueren, et.al,2010:57). Majority of the respondents interviewed viewed poverty as degrading to a human being. The empirical research of this study has also shown there have been different policies and mechanisms in Uganda designed by government to ensure the eradication of poverty in the country despite these attempts being hampered by several irregularities like corruption.

Pogge mentions, while defining poverty, that Hegel in his philosophy of right, asserts that, poverty is a product of some of the effects of the industrial world like, overproduction and under-consumption which relegates people to poverty. Hegel argues that it is the social order that causes poverty. According to Pogge, this situation leads to one losing a sense of dignity (Pogge,2009: 137,138). Although, our empirical results do not concur with Pogge's assertion of viewing poverty as a by-product of industrialisation since Uganda, a non-industrialised country has persistently had high numbers of people living in poverty for many years. However, the assertion that poverty makes one lose a sense of dignity is a view that is prevalent in the empirical results.

Hegel however interprets poverty to be a cause of suffering and loss of dignity in a human being which also causes social disorder as the poor tend to be excluded from the benefits of main stream society. Based on the empirical study, it is shown that poverty is degrading in nature and can lead to social exclusion and such exclusion can be countered by focusing on skilling people especially in the agricultural sector. According to Hegel, society is complicit in the creation and furthering of poverty and so, society is obligated to remedy the wrongs created against the poor (Pogge,2009: 137,138).

However, Hegel asserts the poor were not part of the civil society to create a perfect society. Based on empirical results, the state bears the primary duty of ensuring the eradication of poverty and where the state cannot solve poverty then other stakeholders like the civil society, local or cultural leaders should intervene in eradicating poverty. However, our empirical study as opposed to Hegel's assertions, the poor or the individuals themselves are also part of the solution in eradicating poverty where the government cannot eradicate poverty.

The views of some respondents interviewed the human rights activist and the civil servant, seemed to be in line with the thoughts of Hegel, who stresses the importance of family in

eradicating poverty but that family to Hegel includes, the civil society which is bigger than the economy. Important to note here is that Hegel describes the civil society in very broad terms which encompasses also the family unit. Hegel, too, states that where, the poor have lost their dignity, the state has the right to intervene in a modern society. This view is agreeable to some of the respondents interviewed like the researcher Jackson, Katsigazi who believes that the state has a primary role in ending poverty (Jha,2010:209).

For Hegel, as well, the civil society includes businesses and the administration of justice even though Hegel says ironically that it's the police which should take charge of ensuring access to education and health to which the respondent mentions as the duty of the state (Jha,2010:209). However, I do not agree that the police should oversee ensuring access to education, health and other necessary social services to the poor. Hegel could probably have meant the government when he mentions the police as being part of the civil society since today, the police is charged with administering justice.

According to Pogge, human rights evolved from natural law and therefore moral demands should influence our thinking, our understanding of poverty and should also be reflected in our social institutions and conduct (Pogge,2008:60,61). Based on our empirical results, on one hand, there is no evidence to show that human rights evolved from natural but there is however, proof to show that moral demands have influenced the respondents way of thinking as majority do agree as to how poverty is degrading to a human being even though there is no specific law in Uganda to regulate the right to freedom from poverty. However, on the other hand, there is evidence to suggest the peoples' understanding and thinking about poverty has not been reflected in the social institutions especially due the irregularities like corruption that are involved in those running the poverty eradication programmes in Uganda.

According to Humboldt, the state should not intervene to ensure that an individual achieves happiness but insisted preferred an individual being self-sufficient and ultimately, the individual determines their own successes and failures (Losurdo,2004: 131,132). According to Bilchitz, all groups and governments which exert their influence over people have the duties and responsibilities to ensure the implementation of rights. International legislation too stresses obligation amongst member states. There is also a critique that the human rights discourse focuses mainly on individual rights while ignoring the concept of duty and obligation (Blitctiz,2007).

International instruments ensure duty bearers and rights holders regarding civil and political rights and social economic rights. Those duty bearers like the government must also abide by the standards and the norms of the international laws. As a norm, the state is guaranteed sovereignty to legislate over its domestic affairs. According to international law, the concept of “pact sunt servanda” in international law means that if a state has voluntarily ratified a treaty, it then has the duty to implement the norms in good faith irrespective of the legal system adopted in international law. Despite, attempts to separate poverty, human rights and developments in the MDGs, the rights-based approach is still an important approach in fighting poverty in development (Av Bueren, 2010:56). Hegel argues that poverty increases when an individual is idle unemployed and just roaming around which seems contrary to the assertion by one the respondents, a human rights expert (Salima, Namusoby) (Beiser,1993: 426).

Based on empirical study, one hand many of the respondents agreed that the state had the primary duty to intervene in trying to eradicate poverty among the people. The empirical study also showed that the liberalisation policies introduced by the government or the Structural Adjustment programmes (SAPs) have not been effective in reducing poverty as privatising some services which a preserve of the state were. This seems to be in line with Leggett who mentions that the SAPs which were introduced by the government did not benefit all the people in Uganda (Leggett,2006:66,67). The state would intervene through the provision of education and healthcare for commercial growth (World Bank, 1996:64,67).

On the other hand, however, some of the respondents believed that besides the government or the civil society intervening to eradicate poverty, it was down to the individual themselves to get themselves out of poverty. Some respondents interviewed mention that education was very helpful in trying to eradicate poverty. The right to education is important and human rights should play a role in formulating social policy like education (Maritza,2011:37,38), World Bank,1996:64,67), (Townsend, et, al. 2004: 413,414,415). The suggestion of education to reduce poverty directly compares with Hegel’s thought on an individual having to attain self-consciousness before they can get out of poverty (Beiser,1993: 426). Hegel’s mentioning that a person should have self-consciousness of their right to get out of poverty could relates to the proponents of education as a way of helping the poor out of poverty (Beiser,1993: 426). One of the respondents, a PhD student Aguma, Denis seems as well to link poverty to the mind-set of the poor.

Poverty is a social issue which cannot be attributed to the poor being lazy as opposed to Locke who says that the individual is to blame for their poverty and also asserts that poverty has nothing to do with the socio-political order (Losurdo,2004: 131,132). According to Blichtiz, society is based on individualism as Hobbes mentioned that all humans are self-interested (Blichtiz,2007). Amongst the respondents interviewed, many agreed that the government had to play a central role in alleviating poverty which meant that the socio-political order must take the blame regarding poverty. However, about poverty being linked to laziness, our empirical research shows that some respondents interviewed noted that all humans are endowed with qualities to succeed or flourish in life which could possibly link laziness to poverty. Some respondents interviewed also mentioned having a proper mind-set to get out of poverty which could also possibly be linked to poverty.

10. CONCLUSION

Regarding poverty as a human right in the Ugandan context is not an easy task since poverty as a phenomenon is still disputed especially as regards to what it means. Poverty is measured differently by international bodies like the UNDP or the World bank as most of these definitions are linked to lack of access to infrastructure and yet it seems that the poor can only be helped out of poverty if states invest more in social services.

Defining poverty by the world bank using the one-dollar threshold is not a clear indicator of poverty. Besides the criterion was based on a survey that was done on just a few poor countries in the world which is not representative of all the poor countries in the world. Since circumstances in one country do not necessarily reflect the circumstances in another country. It would probably be better if every country was left to define poverty using their own yard stick instead of the one-dollar threshold imposed by the world bank.

Poverty has also been defined in absolute and relative terms which simply complicates the issue of comparing poverty in developing countries like Uganda. Absolute is defined to include lack of sufficient money to meet one's basic needs but as an individual, one may not have money on me but could have some money at the end of the month when one gets paid from salary. That would not mean that I am poor. Some have linked poverty to a state of mind which means that one can be considered poor, yet that person thinks of themselves as rich mentally.

The poor mindset may be prevalent in Uganda where there are many youths who have received an education but still find it hard to find work but at the same time, there may be not so much of a choice as Uganda is a developing country with a relatively small economy to absorb all those considered to be poor in active employment even if they were skilled.

However, many seem to agree that the state bears the primary duty of ensuring the poor or unemployed enjoy the right to freedom from poverty. But other duty bearers include the business sector, the civil society and the international partners like the World bank who seem to focus on the implementation of the Structural Adjustment Programmes put in place to improve the economy rather than the actual poverty eradication programmes.

Several poverty eradication programmes that have been instituted by the government have not been so productive in poverty eradication due to corruption and poor management or monitoring systems to ensure the right to freedom from poverty.

However, it is important to note that the government of Uganda has suffered political instability in the past due poor leadership. The economy had been in poor shape as it had been mismanaged by the then leaders. The economic sector collapsed and then there was a rise in the informal sector which still exists and is largely unregulated and hard to monitor. The country lacked basic infrastructure and there were high rates of illiteracy in country combined with the HIV/AIDS epidemic that affected many Ugandans affecting both local and national incomes as the disease mainly affected those who were strong enough to contribute to the economy. This led to wide spread levels of poverty in the country.

10.1 Key challenges regarding freedom from poverty

This research set out to analyse the challenges of regarding poverty as a human right in Uganda. Nevertheless, this research has proved that there are many challenges today in Uganda if poverty were to be regarded as a human right and they include.

- Lack of a binding definition of poverty both in a Ugandan context and internationally since the one-dollar threshold by the world bank is insufficient
- A wrong mind- set among many of the poor or unemployed who cannot be absorbed by Uganda's economic sector
- Lack of properly monitored and properly managed poverty eradication programmes with the country.
- Uganda's history which was characterised by political instability and the collapse of the economic sector
- Some structural Adjustment programmes instituted by the government have not directly benefitted some of the poor and vulnerable
- Lack of some basic infrastructure and improved social services
- The effect of the HIV/AIDS epidemic that affected so much of the country's manpower affecting both local and national incomes
- Insufficient laws and regressive taxes which have been counter-productive as they affect the poor.

10.2 Poverty situation in Uganda

This research has shown that we are all born creative and opportunity is lost when we do not use it. This is contrary to the belief of modern society which links poverty to failure.

However, poverty situation in Uganda, is also largely associated with lack of education which makes it challenging for those living in poverty since lack of education makes the poor miss out on the exploitation of the available opportunities. The present study reveals that we are all born with capacity to be creative which capacity we all lose when we do not use that opportunity.

The objective of the study was to examine the challenges of regarding poverty as a human right in Uganda and it may be concluded that regarding poverty as a human right is still and intricate affair since the causes of poverty are many and there seems no single solution to eradicating poverty especially in the Ugandan situation. However, there is no doubt that many agree that action against reducing poverty must be taken but it is a complicated as it would involve different stakeholders who would have to fulfil their duties in trying to end poverty.

There are several challenges in the way poverty or anti-poverty campaigns are managed which includes some cases of corruption where some of the beneficiaries are assumed not to qualify for such programmes, yet they benefit from these programmes at the expense of the poor person. In a similar fashion, some of the anti-poverty campaigns do not address the actual problem of poverty. Some of the policies used in tackling poverty do not deal with the problems of capability and opportunity and even in some cases opportunity in social policies has distracted creativity.

The research has shown that poverty is not a creation of the industrialised world because of overproduction and under-consumption which relegates people since Uganda which is a non-industrialised nation and has had several years of poverty and none of that has been caused by industrialisation. However, I agree with the assertion that poverty is degrading to a human being and that poverty is caused by society and therefore society should bear the burden of eradicating poverty. I am of the view that where the state cannot on its own resolve the poverty situation, then traditional and local leaders should intervene. The poor individual themselves can also intervene where the state or civil society fails in eradicating poverty to remedy the situation since they lack the necessary tools to do so.

Most of the work which could be available to those living under poverty does not allow any creativity or freedom of expression as the worker is usually at the mercy of their employer. Work which is intended at fulfilling the duty of community does not seem to exist and work which is aimed at benefitting the whole community does not seem to exist perhaps only in cases of charitable work.

Economic, social and cultural rights are still lacking in terms of development as human rights which further complicates the issue of regarding poverty as a human right. It is perhaps not surprising that socio-economic rights have been neglected even in Uganda where we have cases of extreme poverty and inequalities within the economy. This can explain the lack of great impact in terms of enforcement of government policy and has also greatly affected ensuring an even distribution of resources in Uganda.

The research has also revealed that all groups including the civil society, local leaders, cultural leaders or even the people themselves as a community and the government which has influence over people have duties and responsibilities to ensure the implementation of anti-poverty rights or policies. The human rights discourse in Uganda likewise, focuses on individual rights and ignores the concept of duty and obligation which could perhaps invoke engagement from the community.

While acknowledging the role of the civil society, Hegel describes the police as being part of the civil society charged with the responsibility of ensuring access to education and health to the poor. This, however, may not apply to Uganda as the police is considered an agent of the state charged with keeping law and order but does not provide healthcare or education. Healthcare and education are provided by the government, privately or sometimes with the Uganda's international partners like the EU.

The research has also shown that the state should intervene in some cases where the poor cannot sustain themselves like in the provision of education as is with the case of Uganda where the government is charged with the provision of Universal Primary Education (UPE).

In conclusion, regarding poverty as a human right in a country like Uganda is an intricate affair since poverty as a phenomenon is multi-dimensional. There are many challenges in regarding poverty as a human right. The measurement of one-dollar per day does not seem relevant to a country like Uganda. Personally, am of the view that, each country should be left to have its own definition of poverty to suit its circumstances. However, the right to freedom from poverty as a right in Uganda is far from being achievable due to the country's

complexities some of which are of a historical nature and they continue to affect the country in different ways. Most of the duty in ensuring the right to freedom from poverty primarily lies with the government but also the individual themselves suffering from poverty has a role to play to ensure that they get out of poverty.

11. RECOMMENDATIONS

In this research, I have identified the challenges of regarding poverty as a human right in Uganda. I have clearly shown how regarding poverty as a human right is complex since poverty is a multi-dimensional aspect. Therefore, extensive research is recommended regarding poverty as a human right especially regarding the role of the family in Uganda in ensuring the right to freedom from poverty.

More research would be needed to analyse whether Ugandan laws are sufficient in ensuring the existence of the right to freedom from poverty or the impact Ugandan laws have on ensuring poverty as a right.

12. BIBLIOGRAPHY

Books

Av Beuren, Geraldine, 2010. Freedom from Poverty as a Human right, Vol.4, Law's duty to the poor. UNESCO

Beiser, C. Frederick, 1993. The Cambridge Companion to Hegel: Cambridge University Press

Bilchitz, David, 2007. Poverty and fundamental Rights: The Justification and Enforcement of socio-economic rights: Oxford University Press

Forst, Rainer, 2007. The right to justification: elements of a constructivist Theory of justice. Columbia University press.

Gilje, Nils & Grimen, Harald (1992). Samhällsvetenskapernas förutsättningar, Göteborg; Bokförlaget Daidalos AB

International Monetary Fund, 2010. Staff Country Reports, IMF country report No. 10/141

International country reports 16/145, 2015. Uganda: Sixth review under the policy Support Instrument and Request for a One-year extension- Press Release; staff report; And Statement by the Executive Director for Uganda.

Jha, Shefali, 2010. Western Political Thought, From Plato to Marx. Dorling Kindersley (India) Pvt. Ltd

Jones, Peter & Stokke, Kristian, 2005. Democratising Development. The politics of socio-economic Rights in South Africa

Kapoor, Kapil, 1993. Uganda, Growing out of poverty: The World bank, Washington, D.C.

Losurdo, Domenico. 2004. Hegel and the Freedom of moderns: Duke University press

Maritza, F. Prada, 2011. Empowering the poor. Through human rights Litigation (Manual): UNESCO, 2011

Maxon, M. Robert, 2009. EAST AFRICA, an Introductory History. Third and Revised Edition

Lantz, Annika, (1993) Intervjumetodik, Lund: Studentlitteratur

Leggett, Ian, 2006. Uganda, An Oxfam Country Profile: Oxfam, Fountain Publishers

Levine P. David & Rizvi, Abu Turab 2005. Poverty Work and Freedom, Political Economy and the Moral Order

Lister, Ruth, 2004. Poverty: Polity press, UK

Malhotra, K. Naresh, & Birks, F. David, (2006). Marketing Research: An Applied Approach. England: Pearson Education

Meier, M. Gerald, 1984. Emerging from Poverty. The Economics That Really Matters

OECD,2017. Policy Coherence for Sustainable Development: Eradicating Poverty and Promoting Prosperity. OECD publishing, Paris

Patel, Runa & Davidson, BO (2003). Forskningsmetodikens grunder: Att planera, genomföra och rapportera en undersökning, Lund: Studentlitteratur

Pogge, Thomas, 2010. Freedom from poverty as a human right. 2, Theory and politics: UNESCO,2010

Pogge, Thomas,2008. World Poverty and Human rights; Polity press, UK. Second edition

Pogge, Thomas, 2006. World Poverty and Human rights; Polity press

Schefer, N. Krista, 2013. Poverty and the International Economic Legal System. Duties to the World's poor: Cambridge University Press

Townsend, Peter, Gordon, David, 2004. World poverty. New Policies to defeat an old Enemy. The policy press, University of Bristol

World bank,1996. Uganda: The challenge of growth and Poverty Reduction: A World bank country study

Zimmermann, Jens,2015. Hermeneutics, A very short introduction; Oxford University Press

Journals and other research reports

Harwell R. Michael, University of Minnesota. Research Design in Qualitative/ Quantitative/ Mixed Methods.

Internet

UNESCO, social and human sciences

<http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/poverty/>

World bank,2016. Uganda Poverty Assessment 2016:Fact sheet

www.worldbank.org/en/country/uganda/brief/uganda-poverty-assessment-2016-fact-sheet

LIST OF ABBREVIATIONS

CEDAW	Convention on the Elimination of All forms of Discrimination against Women
CRC	Convention on the Rights of Children
EU	European Union
GDP	Gross Domestic product
ICESCR	International Covenant on Economic, Social and Cultural rights
IFAD	The International Fund for Agricultural Development
IMF	International Monetary Fund
MDG	Millennium Development Goals
NAADS	National Agricultural Advisory Services
NDP	National Development Plan
OECD	Organisation for Economic Co-operation and Development
OWC	Operation Wealth Creation
SAPs	Structural Adjustment Programmes
UDHR	Universal Declaration of Human rights
UNDP	The United nations development Programme
UNESCO	The United Nations Educational, Scientific and Cultural Organisation
UN	The United Nations
UPE	Universal Primary Education

STATUTORY DECLARATION

I hereby declare that the assignment is solely written by myself and with the help of the materials listed, all part of the work which have been adopted literally or regarding the content from other sources have been highlighted as such and the work in the same or a similar form was not submitted at another examination office.

Date: 29-10-2018 Signature: Arthur Emmanuel Nkalubo