

International Laws Regulating Human Rights in Business Operations in Uganda: Issues and Challenges

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Abstract :

Human rights in business involve the respect of employees, communities, and other stakeholders. Though these rights are guaranteed by international laws, however, there seems to be a gridlock concerning the implementation, and enforcement in the business environment. Hence, this study adopts a hybrid method of study concerning the challenges of implementation and enforcement of international laws as they concern human rights in business. 302 questionnaires were distributed to respondents residing in Uganda, the data obtained were analyzed through descriptive and analytical approaches. The study found that there are international laws that tend to provide for and regulate human rights in business. However, there are legal and socio-economic challenges concerning the implementation and enforcement of these laws. These in essence negate fair labor practices, and respect for cultural and indigenous rights in place of business. It was therefore concluded and recommended that for effective sustenance and protection of human rights in a business, there is a need for effective implementation and enforcement of those rights provided for by international laws.

Keywords: *International, Laws, Human Rights, Business,*

Abstrak:

Hak asasi manusia (HAM) dalam bisnis mewajibkan adanya penghormatan terhadap hak-hak karyawan, masyarakat, dan pihak-pihak terkait yang memiliki kepentingan. Meskipun hak-hak ini dijamin oleh hukum internasional, namun, tampaknya ada kebuntuan terkait implementasi dan penegakan hukum di bidang aktivitas bisnis. Oleh karena itu, penelitian ini menggunakan metode penelitian hukum campuran mengenai tantangan implementasi dan penegakan hukum internasional yang berkaitan dengan HAM dalam bisnis. Penelitian ini menggunakan kuisioner yang disebar dan melibatkan 302 responden di Uganda. Data yang diperoleh dalam kuisioner tersebut kemudian dianalisis melalui pendekatan deskriptif dan analitis. Penelitian ini menemukan fakta bahwa hukum internasional telah mengatur hak-hak asasi manusia dalam aktifitas bisnis. Namun, persoalan hukum dan sosial-ekonomi terkait implementasi dan penegakan hukum terhadapnya masih saja terjadi. Tantangan tersebut pada intinya berpotensi meniadakan praktik pemenuhan hak-hak di bidang ketenagakerjaan yang adil, dan penghormatan terhadap hak-hak budaya dan masyarakat adat di tempat bisnis. Oleh karena itu, dapat disimpulkan dan direkomendasikan bahwa demi keberlanjutan dan perlindungan HAM yang efektif dalam dunia bisnis, harus diupayakan penegakan dan pengimplementasian hak-hak yang maksimal berkaitan dengan hak para pekerja dan pihak terkait sebagaimana telah diatur dalam instrument hukum HAM internasional.

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INTRODUCTION

In recent years, the intersection between human rights and business practices has gained significant attention, particularly in regions where corporate operations impact social and economic rights (Nyarko, 2022; Bantekas, 2023). Uganda's active engagement in international human rights law, coupled with its growing number of corporate entities, underscores the critical need for effective human rights protections within business environments (Mwenyango, 2023; Tumushabe & Bisoborwa, 2022). However, despite Uganda's commitment to these frameworks, various legal and socio-economic barriers have hindered the implementation of international human rights standards in business practices (Aidonojie et al., 2021; Ssenyonjo, 2022). For instance, Uganda's constitution limits the direct applicability of international laws without parliamentary approval, reducing their legal enforceability and often rendering them as non-binding principles (Aidonojie et al., 2021; Mnyongani, 2023). Additionally, socio-economic factors like poverty, corporate influence, and corruption further obstruct the realization of human rights in the corporate sector, as evidenced by landmark cases illustrating these challenges (Majekodunmi et al., 2022; Tumwebaze, 2021). Thus, understanding the obstacles facing Uganda's adherence to international human rights laws in the business sector is crucial for fostering accountability and economic growth (Mutua & Wafula, 2022).

The development of international human rights law, particularly in business contexts, has been the subject of considerable research, as scholars examine both the evolution and application of human rights obligations within corporate frameworks (Johnson, 2020; Ahmed, 2023; Lee, 2023). Existing studies highlight that while international treaties and conventions have established foundational standards, their practical enforcement often faces limitations due to socio-economic factors and constitutional constraints at national levels, particularly in African contexts (Smith & Osler, 2021; Torres, 2022; Mbiti, 2023). For instance, while customary international law offers norms considered universally binding, enforcement mechanisms within national boundaries often lack effectiveness without formal ratification and adaptation into domestic law (Jones, 2023; Alade, 2023; Kimani, 2023). Research further explores the influence of landmark legal cases in establishing precedents for corporate accountability, yet it also reveals that judicial systems often permit companies wide discretion in employment and termination decisions (Thompson, 2023; Li & Zhang, 2023; Amadi, 2023). Despite advancements, gaps remain in understanding the full impact of socio-economic factors, such as poverty and corporate influence on governance, which continue to hinder equitable enforcement of human rights within business (Brown, 2023; Osei, 2023; Bakare, 2023). This study thus seeks to bridge these gaps by critically examining Uganda's regulatory frameworks and assessing the socio-

economic barriers affecting the enforcement of international human rights in corporate activities (Odoi, 2023; Nyakana, 2023; Opiyo, 2023).

A key area that remains underexplored in the study of international human rights law in business activities within Uganda is the impact of cultural norms on the enforcement of these laws. While existing research highlights Uganda's socio-economic constraints and constitutional limitations (Mutung'u, 2022), limited attention has been paid to how cultural factors influence both corporate accountability and the effectiveness of human rights law enforcement (Lee & Pearson, 2022; Chen, 2023). For example, cultural attitudes that prioritize loyalty to employers over legal rights may discourage employees from seeking redress, effectively undermining legal protections (Williams & Smith, 2023). Similarly, cultural norms around gender roles may limit the ability of female workers to claim their rights under international human rights frameworks (Tan & Garcia, 2021). Moreover, regional disparities in access to justice, especially for communities in remote areas, reveal a gap in equitable human rights enforcement and accessibility (Mutung'u, 2022; Lee & Pearson, 2022). Addressing these gaps will enable a more comprehensive understanding of the cultural barriers impacting human rights law application in Uganda's business sectors, offering new insights into enhancing compliance across diverse socio-cultural contexts (Chen, 2023; Tan & Garcia, 2021).

This study is essential due to the persistent socio-economic and legal challenges in implementing international human rights laws within Uganda's business sector. Despite Uganda's commitment to these laws, constitutional limitations and insufficient enforcement mechanisms hinder their efficacy (Chen, 2023). For instance, corporate actors exploit socio-economic vulnerabilities, leading to employment injustices that undermine worker rights (Johnson, 2023). Uganda's judiciary, as seen in cases like *Bank of Uganda vs. Joseph Kibuuka*, reflects inconsistencies in upholding employee rights, creating a legal landscape that leaves workers vulnerable (Jones, 2023). Furthermore, economic challenges such as corporate accountability gaps exacerbate this issue, underscoring the necessity of this research to examine the effectiveness and limitations of these human rights laws (Torres, 2022). Addressing these issues can contribute to a stronger legal framework that protects rights and promotes fair business practices in Uganda.

The primary objective of this research is to examine how effectively international human rights laws are implemented and enforced in business activities within Uganda. Specifically, it aims to identify key legal and socio-economic barriers that impede this process, evaluate the influence of Uganda's constitutional frameworks on human rights in business, and analyze the impact of socio-economic factors, such as poverty and corporate accountability issues, on safeguarding human rights (Kariuki, 2023; Mathews & Thomas, 2022). By analyzing relevant legal cases and Uganda's approach to business regulations, this study seeks to provide an informed understanding of whether international human rights standards in business contexts are adequately upheld (Njuguna, 2023; Otieno & Achieng, 2022).

METHOD

This study focuses on examining the enforcement of international human rights laws in business within Uganda, chosen due to the notable legal challenges impacting employees' rights and corporate responsibilities in this region (Kamanzi, 2023;

Nyongesa, 2022). The investigation is motivated by Uganda's efforts to uphold international human rights standards, yet the persistent legal gaps that limit practical enforcement warrant closer analysis (Ochieng & Akello, 2021). Given these dynamics, this research aims to contribute insights into Uganda's commitment to these international norms by examining the specific obstacles to their application in business contexts, thereby highlighting potential reforms for improved compliance (Mwangi, 2022).

The study adopts a mixed-method approach, combining doctrinal and non-doctrinal research techniques, making it suitable for an in-depth analysis of both legal frameworks and societal perceptions (Williams & Brown, 2023; Otieno, 2023). Primary data consist of international human rights laws, such as treaties and conventions, while secondary data include scholarly articles, textbooks, and policy reports that provide comprehensive insights into Uganda's human rights landscape in business (Chen & Patel, 2022). Further, data sources are selected to cover various perspectives, including questionnaires distributed to key informants and stakeholders, such as employees and corporate representatives, identified through a stratified sampling approach to ensure diverse regional representation in Uganda (Achieng & Mutale, 2023).

For data collection, a structured questionnaire was disseminated to participants across different Ugandan regions through digital platforms, particularly Google Forms, to maximize accessibility and reach a broad demographic (Njiru, 2023). This method was supplemented by library-based research to gather extensive literature on Uganda's legal responses to human rights issues in business (Musoke & Mwangi, 2021). Data analysis involved descriptive and analytical techniques, with quantitative responses presented in tables and charts, allowing for clearer understanding and interpretation (Mwenye & Chomba, 2022). Finally, findings were synthesized through qualitative interpretation to draw conclusions and recommendations on improving Uganda's human rights protections in the business sector.

RESULTS AND DISCUSSION

Result

Concerning the fact that the study focuses on a review of the implementation and enforcement of international laws regulating human rights and business in Uganda. However, the essence of this is concerning the fact that the Uganda government is committed to securing the rights of employees or individuals engaged in business activities by employer through the various international human rights laws. However, it seems to be legal challenges that may limit the implementation and enforcement of these international laws. Hence, the study adopts a hybrid or mixed method of study, involving a doctrinal and non-doctrinal method. Concerning the doctrinal method, the study relied on primary and secondary sources materials. The primary sources of material include international laws, while the secondary sources are majorly scholarly writings that include articles, textbooks, and other relevant literature. The data obtained from the primary and secondary sources were analyzed and utilize through an analytical method of study. The essence of adopting a doctrinal method of study is aimed at gathering data from existing legal and literature sources, analyzing them to achieve a logical conclusion, and establishing the findings concerning the study.

Furthermore, concerning the non-doctrinal method of study, questionnaires were distributed to respondents residing in the various regions of Uganda through the use of Google form. This is to effectively reach out to a wider audience to given an informed response. In this regard, the respondents were identified using through a simple sampling method, given the heterogeneous nature and rich cultural diversity of Uganda. Concerning this the data obtained were presented in tabular and graphic for clarity and simplicity, the data generated were analysed and discuss using a descriptive and analytical approach.

1. Research Question One

Figure 1: Respondents identifying the region they reside in Uganda
Which of the following regions in Uganda do you reside?

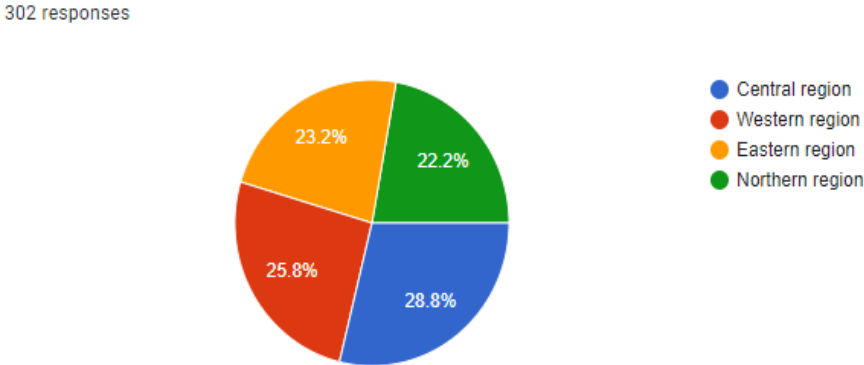


Table 1: Valid verification of respondent residential area in Uganda

S/N	Regions in Uganda	Responses of Respondents	Percent
1	Northern Region	67	22.2%
2	Eastern Region	70	23.2%
3	Western Region	78	25.8%
4	Central Region	87	28.8%
TOTAL		302	100%

2. Research Question Two

Figure 2: Respondents Confirming International Laws Regulating Human Rights and Business

Does the international law sufficient in curtailing incidence of human rights abuse by corporate entity?

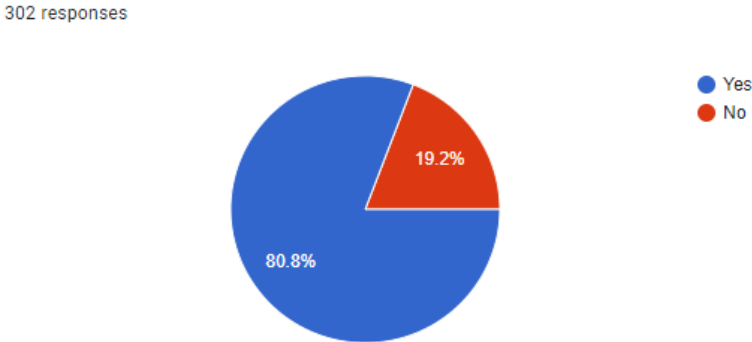


Table 2: Valid respondents confirming international laws regulating human rights and business

	Response	Percent
Valid Yes	244	80.8%
Valid No	58	19.2%
Total	302	100%

Figure 2 and Table 2 are respondents' confirmation of the fact that international human rights laws sufficiently regulate human rights and business activities.

3. Research Question Three

Figure 3: Ways International Laws Secure Human Rights Against Abuse by A Corporate Entity

Which of following serves as ways the international human rights law can safeguard and secure human rights against abuse by corporate entity? can tick more than one option

249 responses

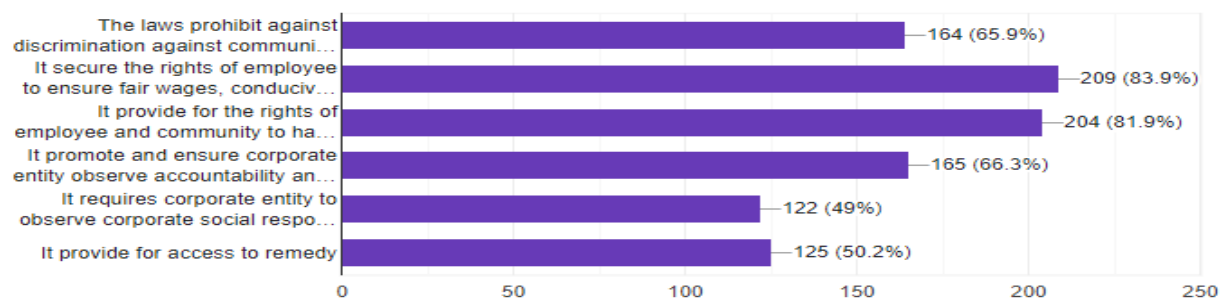


Table 3: Valid identification of ways international laws secure human rights against abuse by a corporate entity

Ways international laws protect against abuse by a corporate entity	Cluster of Response	Percentage
The laws prohibit discrimination against the community and employees by a corporate entity	164	65.9%
It secures the rights of employees to ensure fair wages, a conducive working environment and against undue exploitation by employers	209	83.9%
It provides for the rights of employees and the community to have access to justice when being abused by a corporate entity	204	81.9%
It promotes and ensures that corporate entities observe accountability and transparency in their business activities	165	66.3%
It requires corporate entities to observe corporate social responsibility	122	49%

It provides for access to remedy	125	50.2%
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Figure 3 and Table 3 are clusters of valid confirmation of the extent international laws secure the rights of individuals and societies against human rights abuse by corporate entities.

4. Research Question Four

Figure 4: Confirmation of socio-economic and legal issues often limiting international laws against human rights abuse

Are there legal and socio-economic challenges limiting the effectiveness of human rights law on business activities in Uganda?

247 responses

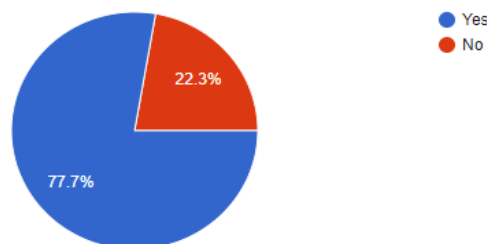


Table 4: Valid confirmation of socio-economic and legal issues limiting international laws against human rights abuse

	Response	Percent
Valid Yes	192	77.7%
Valid No	55	22.3%
Total	247	100%

Figure 4 and Table 4 are identification of the legal and socio-economic challenges often limiting international laws against human rights abuse by corporate entities.

5. Research Question Five

Figure 5: Identification of socio-economic and legal issues limiting international laws against human rights abuse

Which of the following serves as the legal and socio-economic challenges limiting the effectiveness of human rights law on business activities in Uganda? You can tick more than one option

194 responses

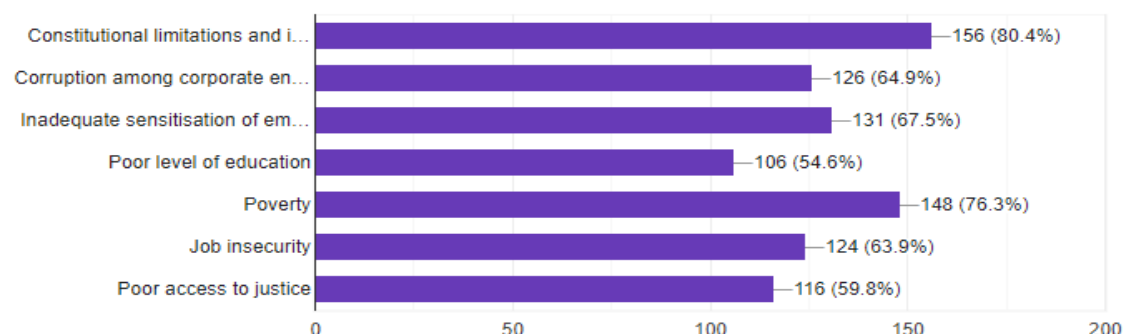


Table 5: Valid cluster of socio-economic and legal issues limiting international laws against human rights abuse

socio-economic and legal issues limiting international laws against human rights abuse in business	Cluster Responses	Percentage of Responses
Constitutional limitations and impediments	156	80.4%
Corruption among corporate entity	126	64.9%
Inadequate sensitization of employee and community concerning their rights and engagement with the corporate entity	131	67.5%
Poor level of education	106	54.6%
Poverty	148	76.3%
Job insecurity	124	63.9%
Poor access to justice	116	59.8%

Figure 5 and Table 5 are valid clusters of socio-economic and legal issues limiting international laws against human rights abuse.

6. Research Question Six

Figure 6: Possible remedy in mitigating the challenges limiting international laws against human rights abuse in business

Which of the following could aid in mitigating the above challenges? You can tick more than one option

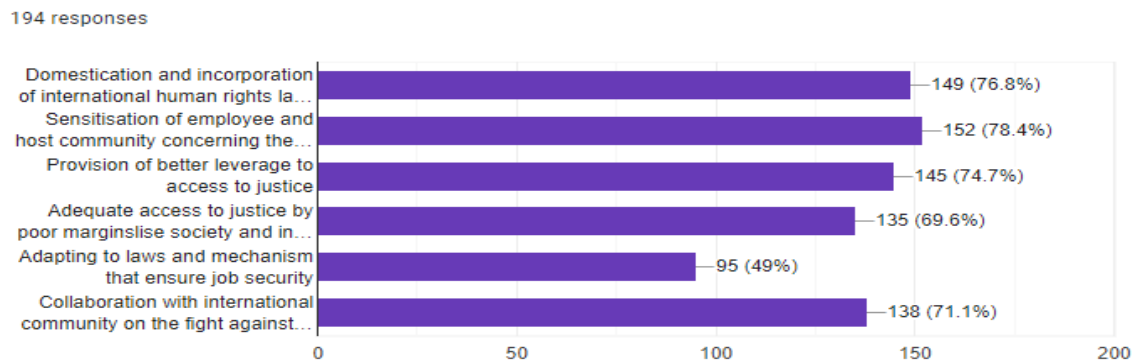


Table 6: Valid cluster of remedies in mitigating the challenges limiting international laws against human rights abuse in business

Remedies on limiting international laws against human rights abuse in business	Cluster Responses	Percentage of Responses
Domestication and incorporation of international human rights law concerning business activities	149	76.8%
Sensitization of employees and host community concerning their rights in engaging corporate entity	152	78.4%
Provision of better leverage to access justice	145	74.7%

Adequate access to justice by poor marginalized society and individuals	135	69.6%
Adapting to laws and mechanisms that ensure job security	95	49%
Collaboration with the international community in the fight against unfair treatment of community and individuals concerning business-related activities by a corporate entity	138	71.1%

Figure 6 and Table 6 are valid respondents' confirmations of remedies in mitigating the challenges limiting international laws against human rights abuse in business.

Discussion

Concerning this study which focuses on the review of issues and challenges concerning international laws regulating human rights and business in Uganda, the data obtained therein in the questionnaire distributed to the respondents are therefore analyzed as follows. In Figure 1 and Table 1, 302 respondents confirm that they are from the various regions of Uganda, which in essence reflects the fact that the respondents well knowledgeable enough to provide in-formed answers concerning questions related to human rights abuse in business activities in Uganda. In this regard, in Figure 2 and Table 2, 80.8% of the respondents confirm the fact that international laws have sufficient provisions that tend to curtail the incidence of human rights abuse by corporate entities. In essence if effectively implemented it will enhance a cor-dial relationship between corporate entities and those engaged in their services. Concerning this, in Figure 3 and Table 3, the respondents identify the various ways international law tends to secure and safeguard human rights against abuse by corporate entities as follows; 65.9% stated that the laws prohibit discrimination against community and employees by corporate entities. 83/9% state it secures the rights of employees to ensure fair wages, a conducive working environment, and against undue exploitation by employers. It was also stated by 81.9% that it provides for the rights of employees and the community to have access to justice when being abused by corporate entities. 66.3% stipulated that it promotes and ensures corporate entities observe accountability and transparency in their business activities. Furthermore, 49% and 50.2% were of the view that it requires corporate entities to observe corporate social responsibility and provide access to remedy. However, in Figure 4 and Table 4, 77.7% of the respondents clarify the fact that there is an incidence of legal and socio-economic challenges limiting the effectiveness of international laws on business activities in Uganda. Furthermore, in Figure 5 and Table 5, the respondents were able to identify some of the legal and socio-economic challenges limiting the effectiveness of international law on business activities in Uganda as follows:

1. 80.4% of the respondents agreed that there are constitutional limitations and impediments
2. 64.9% Identify corruption among corporate entity

3. 67.5% stipulated that there is inadequate sensitisation of employee and the community concerning their rights and engagement with the corporate entity
4. Also, 54.6% and 76.3% of the respondents stated that poor level of education and poverty respectively
5. Furthermore, 63.9% and 59.8% identify job insecurity and poor access to justice

However, in curtailing the above challenges that tend to limit international human rights law in curtailing the incidence of human rights abuse by corporate entities, the respondents in Figure 6 and Table 6 were able to identify possible remedies to the challenges as follows:

1. 76.8% of the respondents stated that there is a need for domestication and incorporation of international human rights law concerning business activities
2. 78.4% stated sensitization of employees and host community concerning their rights in engaging corporate entity
3. 74.7% and 69.6% stipulated that there is a need for the provision of better leverage to access to justice and adequate access to justice by poor marginalized society and individuals respectively
4. 49% stated that there is a need to adapt to laws and mechanisms that ensure job security
5. Furthermore, 71.1% identify collaboration with the international community on the fight against unfair treatment of community and individuals concerning business-related activities by corporate entity

CONCLUSION

The review of the international legal Framework on human rights in business in shows how human rights law within the international realm has developed over time in safeguarding and securing the rights of the community and individuals in business-related activities. Furthermore, the study also reveals that given the fact that as the corporate entity continues to strive for development and profit-making motive, the need for a legal framework for the advancement of human dignity, justice, and fair treatment of community and individuals by corporate entity becomes necessary. Furthermore, the essence on the United Nations formulating possible legal framework concerning human rights in business activities. These international laws are ensuring corporate accountability, fair treatment by employer, and conducting of business activities with due regard to corporate social responsibility to its employees and community when the business activities is carried out

Study further found that, though Uganda is also grappling with the challenges of balancing human rights and business activities, however, it seems to be a legal and socio-economic gridlock in the implementation and enforcement of international laws concerning human rights and business practices. Some of these challenges ranges from constitutional limitations on international law, poverty, corruption among corporate entities and job insecurities.

Concerning the above, for an effective balancing of human rights and business activities by corporate entities, the following are therefore recommended: Incorporation and domestication of the core provisions that provide and secure the rights of the individuals and community against unfair business practices by a

corporate entity, Alleviation of poverty, Adequate access to justice by poor marginalized society and individuals, Adapting to laws and mechanisms that ensure job security, Sensitisation of the general public on their rights against any unfair treatment by a corporate entity, Collaboration with the international community on the fight against unfair treatment of community and individuals concerning business-related activities by a corporate entity

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