

## ADVERT

# Civil Society Coalition on Human Rights and Constitutional Law (CSCHRCL)



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TRANS-SUPPORT INITIATIVE UGANDA

NGEN +



## The Anti-Pornography and Anti-Homosexuality Acts are an Attack on the Rights and Freedom of Uganda's Citizens

Wednesday March 5th 2014

Just over fifty years ago, as Uganda attained its independence, hope was high that the country had ended its long walk to freedom from colonisation.

In light of recent events, it appears a second struggle for rights and freedom has just begun: When the Speaker of Parliament put the Bill to a vote without the Constitutionally mandated quorum in December 2013, it was an urgent indicator of the fact that Uganda has yet to give birth to an effective legislature, whose speaker and members are worthy of the responsibilities entrusted with them: When Ugandans woke up on 6<sup>th</sup> February 2014 to the news that the President had assented to the infamous Anti-Pornography Act – followed swiftly on February 24<sup>th</sup> by the draconian and unconstitutional Anti Homosexuality Act - it was clear that the hard won freedoms of Uganda's citizens had been subordinated to political expediency. Both Acts infringe dramatically on the constitutional rights and freedoms of Ugandans in general, and of **women**, sexual and gender **minorities** and **Human Rights Defenders** in particular

The political calculation behind President Museveni's decision to disregard attempts to dissuade him from signing the bill into law was no doubt informed in part by an analysis of the Winter Olympics in Sochi. The very countries that claimed to be putting pressure on Uganda were actively participating in these games, despite the fact that the host country, Russia, is as guilty of state-sponsored homophobia as Uganda has since become. **If the great powers did not walk the talk of human rights and constitutionalism in Russia, will they bother in Uganda?**

### The Harms caused by the Acts

We note with great sadness that even before the Acts have been fully operationalized, they are being utilized with impunity by the mob: Ugandan women are being undressed in public and denied access to public buildings. Some LGBTI Ugandans are being evicted from their homes and beaten. Others have attempted suicide because of family and public admonition.

There can be no doubt that these actions against individuals will have a harmful effect on various sectors of Uganda's economy as a whole: the country's image abroad upon which the tourism industry depends has taken a hit from which it will take us years to recover; Uganda will experience a brain drain as some of its brightest and best seek safety elsewhere; Foreign direct investors such as Virgin Airlines, whose personnel policies are based on human rights principles, have already begun to reconsider any decisions to invest in our country.

### The Signs of Hope

In the midst of this bleak scenario, in which Africa's citizens are once again being victimized by right wing Christians from north America, the membership of the Civil Society Coalition on Human Rights & Constitutional Law take inspiration from three great African leaders: Firstly, the late **Nelson Mandela**, who believed that 'To be free is not merely to cast off one's chains, but to live in a way that respects and enhances the freedom of others', and who saw that vision to fruition in the formulations of one of the most progressive constitutions in the world.

Secondly, **President Joaquim Chissano**, who successfully brought Mozambique out of decades of civil war, and who honoured the Mozambican Constitution by stepping down in 2005, recently argued in an open letter to Africa's leaders that 'Sexual and reproductive health and rights, in particular, are a prerequisite for empowering women and the generations of young people on whom our future depends. This simply means granting every one the freedom – and the means -- to make informed decisions about very basic aspects of one's life – one's sexuality, health, and if, when and with whom to have relationships, marry or have children – without any form of discrimination, coercion or violence'.

Thirdly, **Archbishop Desmond Tutu**, one of the most prominent church leaders of our lifetime, who has stated that there is no scientific or moral basis ever for prejudice and discrimination.

Closer to home, we take inspiration from the **Ugandan health scientists** who, in protest at the way that their analysis of homosexuality was

manipulated and mis-represented by the President, resigned from the committee to which they had been appointed. We salute your principled stance!

We also take inspiration from the Members of Parliament who, in the run up to the final reading of the Anti-Homosexuality Bill in Parliament, tabled a minority report critiquing the Bill. Their report called for all 18 clauses of the Bill to be deleted, arguing that they were either redundant or unenforceable or both. Your constituencies are privileged to have you represent them!

### Proposals to move towards a solution

We therefore call on everyone to join these courageous leaders who, in the face of ignorance and prejudice, show what it means to walk the talk of democracy, rights, constitutionalism and freedom.

- Our **President**, we urge you to rescind your decision to sign these two Acts of Parliament as the repercussions are now becoming clear.
- We urge you to prevail upon the police force and the Inspector General of Police to reign upon his forces to prevent citizens from taking the law into their hands and undressing women and men, evicting them from households, beating them, and parading them in front of and in the media.
- Our **Speaker**, we remind you of the basic principles of human rights, namely;
  - a) Human rights are universal and inalienable
  - b) Human rights are indivisible
  - c) Human rights are inter-dependent and inter-related
  - d) Equality and non-discrimination
  - e) Participation and inclusion; and
  - f) Accountability and rule of law.

- Our **Members of Parliament**, as part of the electorate we encourage you to re-think your position and to remember your responsibilities to protect all Ugandans to the best of your abilities, and in line with international human rights norms, as was well argued in the Minority Report to the Legal & Parliamentary Affairs Committee.

- Fellow **Feminists** and **Women's Rights activists**, let us protest the imposition of this patriarchal tool of divide and rule
- **LGBTI persons and activists** let us stand together and walk our talk of the right to freedom and non-discrimination.
- **Donors and diplomatic friends**, voice publicly your disappointment at this attack on democracy and good governance, and show that you are walking the talk through imposing sanctions on anti-constitutional legislators
- The **tourism and hospitality industry**, protect your clients and your market by standing up against these Acts of Parliament and the threat they pose to tourists and to revenue from international tourism
- **Media workers at home and abroad**, report responsibly as defenders of truth; walk with us to expose the harm that these Acts are inflicting on individuals, communities, civil society, and on Uganda as a whole
- Our **Health Workers**, Uganda is one of the few countries that is losing ground in the struggle against the HIV/AIDS epidemic; we urge you to fight especially the Anti-Homosexuality Act as it will make the work of protecting the health of Ugandans nearly impossible; we walk with you to make the case that health care that actively excludes some will always end up undermining the health of all.

As the Civil Society Coalition on Human Rights & Constitutional Law, we stand firm in our commitments to upholding the rights of all, and we encourage all those who believe that constitutionalism provides one of the strongest guarantees of individual freedoms and social health, to join us in rejecting these Acts.

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