



Civil Society Coalition on Human Rights & Constitutional Law

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PRESS STATEMENT

EMBARGOED until Tuesday 11 March 14h00

Legality of Anti Homosexuality Act challenged in Constitutional Court by an unprecedented coalition of petitioners; Injunction against enforcement sought

(KAMPALA) Prof. J Oloka-Onyango, Hon. Fox Odoi-Oywelowo, Andrew Mwenda, Prof. Morris Ogenga-Latigo, Dr. Paul Nsubuga Semugoma, Jacqueline Kasha Nabagesera, Julian Pepe Onziema, Frank Mugisha, as well as the national organisations Human Rights Awareness and Promotion Forum (HRAPF) and the Centre for Health, Human Rights and Development (CEHURD) today filed a Constitutional Court challenge of the Anti Homosexuality Act, which was signed into law by President Museveni on February 24, 2014.

The petition was filed under the auspices of the Civil Society Coalition on Human Rights and Constitutional Law, a coalition of 50 indigenous civil society organisations that advocates for non-discrimination in Uganda. The petition, available at www.ugandans4rights.org and at www.hrapf.org, argues that the Anti Homosexuality Act violates Ugandans' Constitutionally guaranteed right to: privacy, to be free from discrimination, dignity, to be free from cruel, inhuman and degrading treatment, to the freedoms of expression, thought, assembly and association; to the presumption of innocence, and to the right to civic participation.

"This Act not only represents an effort by the Executive and Parliament to scapegoat an unpopular minority for political gain," said Andrew Mwenda, a journalist and the third Petitioner named in the case, "but we believe it also violates the highest law of our country. We are calling for Constitutional Court to pronounce itself urgently on the legality of this Act, and to issue an injunction against enforcement as the case proceeds."

"I authored a minority report on the Anti Homosexuality Bill before it was passed in Parliament, without quorum, precisely because I believe it to be harmful, redundant, unnecessary, and inconsistent with the Constitution," said Hon. Fox Odoi, a member of Parliament's Legal and Parliamentary Affairs Committee and the second Petitioner named in the case.

"This Act does a disservice to our people and to the laws of this country," said Julian Pepe Onziema, of Sexual Minorities Uganda and the seventh Petitioner named in the case. "The President should repeal this Act, but our Judiciary also needs to take urgent action in hearing this case, and ensuring injunctive relief in the interim period."

Since the signing of the Act, there have been a number of cases of violence and retaliation against people known or suspected to be gay, ranging from perfunctory evictions by many landlords of tenants, to the threat of violence by community members once the law is gazetted—a step which has not yet occurred: *“We have documented ten cases of arrests of LGBTI and suspected LGBTI persons since the law was passed by Parliament and more than three cases of evictions of tenants by landlords without following due process of the law,”* according to Adrian Jjuuko of the Human Rights Awareness and Promotion Forum (HRAPF), the ninth petitioner.

The Petitioners have also asked for a permanent injunction against media houses or any other organisations from publishing pictures, names, addresses or other details of LGBTI or suspected LGBTI persons, since such publications constitute a violation of the right to dignity, and an invasion of the right to privacy of the person. Since the signing of the Bill into law, The Red Pepper and Hello tabloids have published the pictures and names on an almost daily basis of Ugandans they are accusing of being gay. “We are hopeful that High Court will immediately prevent these publications from continuing to violate the rights of Ugandans to privacy—they have done extensive damage already. This is not legitimate speech—it is motivated purely by hate and by a drive to reap commercial gain,” said Jacqueline Kasha Nabagesera of Freedom and Roam Uganda and the sixth petitioner.

“We believe in equality and non discrimination for all, and all the other rights that are clearly protected in the Constitution of the Republic of Uganda and in international human rights instruments. This is why we support the petition,” stated Clare Byarugaba, Co Coordinator of the Civil Society Coalition on Human Rights and Constitutional Law.

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