

PUBLIC DIALOGUE ON THE PUBLIC ORDER MANAGEMENT, ANTI-PORNOGRAPHY AND ANTI-HOMOSEXUALITY ACTS

As part of its academic mandate as a department of the School of Law, Makerere University, particularly regarding the subject of human rights, the Human Rights and Peace Centre regularly convenes public dialogues as a way of providing a discussion platform for the broad spectrum of stakeholders to deliberate on topical matters.

Recent reviews of the human rights situation in Uganda have painted a bleak picture. The Universal Periodic Review for Uganda as well as the most recent Report by the Uganda Human Rights Commission and the Foundation for Human Rights Initiative point to deterioration in the protection and promotion of basic civil and political rights as well as social-economic and cultural rights.

The sitting session of the Parliament of Uganda has, over the last couple of months, passed what many consider draconian laws namely, the Public Order Management Act, 2013 and the subsequent Anti Pornography and Anti-Homosexuality Acts. These have set off a wave of international condemnation, aid cuts by donor countries, protests and demonstrations within and without Uganda, as well as a constitutional court petition seeking to have the Anti Homosexuality Act declared unconstitutional and in violation of Uganda's international commitments.

Citing cultural and religious norms on the one hand and human liberty, autonomy of self on the other hand, the population is split between avid support for especially the Anti Pornography and Anti-Homosexuality laws and spirited opposition to the same laws.

The contestation has been shaped around whether 'morals' can be codified, especially as they relate to sex; the practical implications for the enforcement of these laws and whether, in light of Uganda's membership of the global community of states, the government can opt out of the attendant obligations simply on the basis of sovereignty.

Towards attempting answers for the above and more questions, the Human Rights and Peace Centre (Religion, Human Rights and Peace Fellowship) organized a Public Dialogue at which the above matters would be interrogated from the perspective of the human rights situation in Uganda against the backdrop of these latest enactments.

The said Public Dialogue was convened on 25 March, 2014 at the Lower Lecture Theatre in the School of Law, Makerere University. The Keynote Address was made given by Professor Joe Oloka-Onyango and the Respondents were Rev Fr Dr Sylvester Arinaitwe and Ms Patricia Nduuru from the Human Rights Commission of Uganda. There was an interactive session at which questions and comments were fielded from the audience.

The Keynote Address by Professor Onyango pointed out the constitutional difficulties posed by the three enactments; the political ramifications, implications and perils that the same laws engender as well as the challenges that Uganda faces in light of the international instruments it is signatory to, particularly regarding civil/political rights and the protection of minorities.

Rev Fr Dr Arinaitwe reiterated the position of the Uganda Joint Christian Council but also called for dialogue between government, civil society and all other actors as a way of ironing out these differences.

The second Respondent, Ms Patricia Nduuru talked about the unconstitutional elements of the laws but stated that public order was a necessity, against the backdrop of the restive political situation in Uganda. She called for a proper understanding of the Anti Pornography law which many people have misconstrued as an attempt to enforce a dress code for women and thereby prompting violations of the dignity of women by an unsuspecting and uninformed public.

Copies of the Transcripts from this Public Dialogue are available on demand.