

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

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27 February 2014

H.E. Kaguta Yoweri Museveni
President of the Republic of Uganda
Office of the President
P.O Box 7168
Kampala, Uganda
E-mail: info@statehouse.go.ug

Your Excellency:

Re: Grave risks to Lawyers and Human Rights Defenders in light of the Anti-Homosexuality Law

I am writing on behalf of Lawyers Rights Watch Canada (LRWC), a committee of Canadian lawyers who promote human rights and the rule of law internationally. LRWC also provides support to lawyers and other human rights defenders in danger because of their advocacy.

LRWC joins with many States and the UN General Secretary and the United Nations High Commissioner for Human Rights in denouncing the *Uganda Anti-Homosexuality Act, 2014*, which has now been signed into force. This law flagrantly violates internationally protected rights binding on Uganda, which rights are enshrined in Uganda's Constitution. On 24 February 2014, the UN High Commissioner of Human Rights denounced the *Anti-Homosexuality Act* as violating international and domestic law obligations to protect rights to freedom from discrimination, to privacy, freedom of association, peaceful assembly, opinion and expression and equality before the law.¹

In 2010, the UN High Commissioner of Human Rights, and the Special Rapporteurs on the right to health, the situation of human rights defenders and the right to freedom of expression, as well as the Committee on Elimination of Discrimination Against Women (CEDAW) called on Uganda to shelve plans to criminalize homosexuality.²

In 2011, during the Universal Periodic Review of Uganda recommendations were made by Canada, Norway, Slovenia, Belgium, Switzerland, Austria, Spain, Australia, United States, Denmark and Argentina that Uganda abandon the proposed bill on homosexuality and decriminalize homosexuality in order to fulfil international human rights obligations.³

1 Anti-Homosexuality law in Uganda violates human rights and endangers LGBT people – Pillay, 24 February 2014. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14275&LangID=E>

2 Compilation prepared by the Office of the High Commissioner of Human Rights for the Universal Periodic Review Uganda, 25 July 2011, A/HRC/WG.6/12/UGA/2, para. 23.

3 Report of the Working Group on Universal Periodic Review Uganda 22 December 2011, A/HRC/19/16, paras. 113.1-113.12.

Moral disapproval of persons based on personal characteristics, including disapproval of persons based on sexual orientation or gender identity, does not entitle any State to express such disapproval by creating criminal legislation that violates its freely chosen international human rights obligations or its own Constitutional law. Since 25 October 1962, Uganda has been a member of the United Nations. As one of the now 193 member States, Uganda must respect rights enshrined in the Universal Declaration of Human Rights (UDHR). As one of the 167 States Parties to the *International Covenant on Civil and Political Rights* (ICCPR), Uganda, without making any reservations, has taken on international legal obligations to adopt measures that effectively ensure the equal enjoyment by all people to, *inter alia*, non-discrimination, privacy, freedom of opinion, freedom of expression and liberty.

Already, there are reports of unlawful violence influenced by the passage of this law. Uganda is obligated to ensure all persons right to be free from violence.

LRWC is particularly concerned about the work of lawyers and other human rights defenders in Uganda who have the responsibility to represent persons accused of criminal acts, as well as to uphold all human rights enshrined in international law and Uganda's Constitution. We draw your attention to the [Basic Principles on the Role of Lawyers](#), which in Article 14 gives lawyers the duty to "uphold human rights and fundamental freedoms recognized by national and international law." Article 16 states that:

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions

The UN [Declaration on Human Rights Defenders](#), adopted by consensus of the General Assembly in 1998, articulates the duties of States to ensure the protection of human rights defenders. Article 12 states:

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

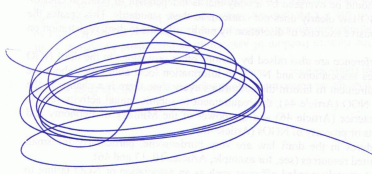
2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We urge you to repeal of this internationally unlawful legislation, In the meantime, we urge your government to immediately ensure that lawyers and human rights defenders are protected and are not prosecuted for their advocacy on behalf of those accused under this law.

We look forward to your immediate response.

Sincerely,

A blue ink signature that is heavily scribbled and illegible, appearing as a dense, tangled mass of lines.

Gail Davidson, Executive Director, LRWC

A blue ink signature in a cursive, flowing style, clearly legible as 'Catherine Morris'.

Catherine Morris, BA, JD, LLM

Copied to:

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