

The ruling party used its numerical strength in Parliament to force through the approval of extra funds making State House budget to shoot to Shs160 billion



## Chris Dolan

Human rights

# Is ethics and integrity the wicked stepmother to Uganda's human rights?

**W**hy does Uganda have a minister for Ethics and Integrity but none for Human Rights? How does a minister for Ethics and Integrity operate without a ministry to support him or her?

Who decides the meaning of ethics and integrity, and how does this relate to the human rights commitments that Uganda has not only signed up to internationally, but also enshrined domestically in its very own Constitution? These are some of the questions prompted by the recent actions of Dr Nsaba Buturo, Uganda's Minister for Ethics and Integrity.

In late November last year, he decided prematurely to shut down a regional sex workers' conference convened by Akina Mama wa Afrika; under what constitutional provision did the minister take this decision? Is it no longer possible to even talk about sex workers just because the act itself is deemed illegal in this country?

A few weeks later, the minister decided to block the launch of a new documentary about human rights defenders in Uganda - and this only three days after Uganda had celebrated International Human Rights Day on December 10. Somehow, the fact that the theme of that day was to celebrate human rights defenders was forgotten. Apparently, his decision was prompted by the fact that one of the people appearing on the documentary was talking about the rights of LGBTI [Lesbian, Gay, Bisexual, Transgender and Intersex Communities] persons and human rights defenders working on sexual rights.

Again, even the Penal Code, which deems as crimes what it describes as acts against the order of nature, does not criminalise the mere discussion of same-sex attraction. Certainly, there is nothing in the Constitution to stop anybody from talking about any of these matters, let alone what it means to defend human rights (the recent High Court Ruling in the case of *Kasha Jacqueline & others vs Giles Muhame and The Rolling Stone*

*Publications Ltd*, makes clear that Article 145 of the Penal Code applies to homosexual acts, not identities, and certainly not discussions about homosexuality). Indeed, one presumes that the provisions on freedom of speech were put there purposely to prevent self-styled puritans from imposing their individual values on the citizenry as a whole.

So, under what authority was he operating? Anyone watching the minister at work would tend to assume that the Anti-Homosexuality Bill, which was tabled in Parliament in October 2009 had already been passed into law by Uganda's Parliament.

If that had been the case, then the minister might have argued that he was stopping the United Nations Office of the High Commis-

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sioner for Human Rights from 'promoting homosexuality'. But the Bill, with all its massive shortcomings, currently remains before the Legal and Parliamentary Affairs Committee. So, why is the minister behaving as though it was already passed into law? How has it come to pass that a Bill, which is to be hoped will never again see the light of day, is being allowed to trump constitutionally entrenched protections?

All of these questions prompted me to go in search of information about the roles and responsibilities of the minister. It is certainly hard to find. When I Googled the minister, I was directed to [www.statehouse.go.ug](http://www.statehouse.go.ug), only to find that "Pakistani-Hackers" had got

there before me! I therefore asked a colleague who was in the vicinity if he could drop in the minister's office. When he eventually located it somewhere on Jinja Road, he was told that he had to write a letter to the Permanent Secretary of the President's Office asking for the information. It seems that Ethics and Integrity are not for public consumption. I mean!

As I desperately continue to try to understand how Ethics and Integrity relates to Uganda's human rights commitments, I am confronted with the reality that, whereas human rights are clearly set out and delineated in numerous conventions and laws, and the performance of a minister for human rights could be easily judged against these, I am yet to find the corresponding legal frameworks defining either Ethics and Integrity, or the roles and responsibilities of the person charged with upholding them.

Like a wicked stepmother who does everything possible to prevent her husband's existing children from flourishing, the Minister for Ethics and Integrity appears set on preventing some of the human rights children born of Uganda's 1995 Constitution from even taking their baby steps.

I am thus left with three burning questions: In a parliamentary democracy such as Uganda, is it ethical to have a minister whose role nobody seems to properly understand? And where is the integrity in signing up to numerous human rights conventions and then creating posts which effectively undermine the very commitments those same conventions give rise to?

And lastly, why has the menace of corruption, that I'm told the ministry was originally created to combat, not been more visibly defeated?

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