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Uganda: Government should reverse decision to ban workshop intended to discuss human rights issues affecting sex workers

Amnesty International today condemns the decision by the Ugandan government's Ethics and Integrity Minister to ban a three-day civil society workshop that had been intended to discuss human rights issues of concern to sex workers in Uganda and other East African countries. The organization calls on the Ugandan government to reverse the Minister's decision stopping this workshop. The government must also unequivocally state its commitment to supporting human rights work.

The workshop organized by Akina Mama Wa Afrika - an international women's rights non-governmental organization (NGO) with offices in Kampala -- was to be attended by sex workers human rights defenders and activists. It had been scheduled to take place at a hotel in the outskirts of Kampala between 18 and 20 November. In a letter dated 17 November and addressed to the management of the hotel, Uganda's Ethics and Integrity Minister Nsaba Buturo, ordered the hotel to cancel the booking for the workshop and stated that:

"...I should inform you that prostitution is a criminal offence in Uganda. By allowing your premises to Akina Mama Wa Afrika for purposes of conducting this seminar, it is concluded that the hotel is an accomplice in an illegality..."

The hotel referred to this letter as the basis for cancelling its booking for the workshop.

Amnesty International considers this decision by the Minister to be an unjustifiable restriction to the rights to freedoms of expression, peaceful assembly and association which are all crucial for human rights work and are provided for under the Ugandan Constitution and international law to which Uganda is bound. In addition the decision is contrary to Uganda's commitment to allow human rights defence work under the UN *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* ("Declaration on Human Rights Defenders"), which was adopted by consensus by UN member states, including Uganda, in 1998. The Declaration explicitly provides for the rights to freedom of expression, peaceful assembly and association in the defence and advocacy for human rights.

Although 'prostitution' is illegal under the provisions of the Ugandan Penal Code Act it is of note that the purpose of the workshop was to deliberate on the plight and human rights violations suffered by persons, mostly women, engaged in sex work. According to Amnesty International's research the fact that sex work is unlawful and that women could be arrested for 'prostitution' in Uganda means that sex workers are left entirely without legal recourse or redress if they fall victim to violence and other human rights abuses. In addition, there is no policy to address the health needs of this group. This is a pressing problem because sex workers are particularly at risk of exposure to HIV and other sexually transmitted infections. NGOs working in this area fear being

accused of breaking the law, while politicians and religious leaders argue that legalizing sex work would corrupt public morality and fuel the spread of HIV/AIDS. These are issues that should be the subject of discussions within the government and civil society.

The realization of the right to health requires the removal of all barriers interfering with access to health services, education and information, including in the area of sexual and reproductive health. International human rights require States to refrain from censoring, withholding or intentionally misrepresenting health-related information, including sexual education and information, as well as from preventing people's participation in health-related matters.

To ban a workshop which had been organized to discuss these issues simply demonstrates further evidence of a recent trend by sections of the Ugandan government to unduly restrict human rights work in general and in particular work on some specific issues.

Another example is the restrictions imposed on human rights defenders working to protect the rights of lesbian, gay, bisexual, transsexual, transgender and intersex (LGBTI) individuals, who continue to face discrimination and other human rights violations. This is in part because the government does not take action to stop these violations, ostensibly because homosexual conduct is proscribed under Ugandan penal law. A proposed law – the Anti Homosexuality Bill, 2009, currently pending in Parliament – seeks to entrench the criminalization of homosexual conduct and further proposes to criminalize human rights work on LGBTI rights.

Background

The Penal Code Act (sections 136-139) makes 'prostitution', living on the earnings of sex work and keeping a house for sex work an offence. Sex work is a criminal offence punishable with seven years' imprisonment. However there is no law against procuring the services of sex workers. This provision in effect restricts punishment to the women, and not to the persons to whom they provide services, who are overwhelmingly men.

In March 2008 the Ugandan government banned a similar workshop aimed at discussing human rights issues of concern to sex workers. At the time, the Ethics and Integrity Minister was quoted in media reports as saying that: "We don't take any delight at all in the idea that prostitutes are coming together to devise ways of spreading their vice".

A recent Amnesty International research report published in April 2010 and documenting general lack of access to justice by women victims and survivors of violence, including sex workers, as a particular group with even less protection, can be found at: <http://www.amnesty.org/en/library/info/AFR59/001/2010/en>