



The Law Society of
Upper Canada

Barreau
du Haut-Canada

The Law Society of Upper Canada
Osgoode Hall
130 Queen Street West
Toronto, ON M5H 2N6

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Public Statement

The Law Society of Upper Canada Expresses Concern that Human Rights Lawyers Challenging Uganda's *Anti-Homosexuality Bill* Face Possible Harassment

Toronto – The Law Society of Upper Canada is concerned that human rights lawyers seeking to challenge Uganda's *Anti-Homosexuality Bill*, signed into law by Ugandan President Yoweri Museveni in February 2014, will face harassment. Some of the *Bill's* provisions raise serious questions regarding the ability of lawyers working in Uganda to advocate safely and effectively for their clients.

Lawyers and paralegals working with Uganda's lesbian, gay, bisexual, transgender and intersex (LGBTI) community are stigmatized. As a result of the government's *Bill* there is a chilling effect as lawyers are refusing to represent LGBTI clients because of the fear of persecution. Recently, a law firm retained by Fox Odoi, West Budama North Member of Parliament, and the Civil Liberties Organisation-Chapter Four, to provide a legal opinion on the constitutionality of the *Bill*, declined to be named.

While the *Bill's* provisions criminalize homosexuality, it also prohibits Uganda's Parliament from ratifying any international treaties, conventions, protocols, agreements and declarations that are contrary or inconsistent with the provisions of the *Bill*. This means that the international safeguards currently protecting lawyers may not shield those working on this issue from prosecution and harassment.

The Law Society is deeply concerned that lawyers who work for the protection and respect of human rights in Uganda will themselves be targeted for exercising their freedoms and rights under international law as they prepare to challenge the constitutionality of the *Bill*.

International human rights instruments, including the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights* state that respect for human rights is essential to advancing the rule of law. Article 16 of the *United Nations Basic Principles on the Role of Lawyers* states "governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel and to consult with their clients freely; and 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.” Article 18 states “lawyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions”.

The Law Society urges the government of Uganda to,

- a. guarantee all the procedural rights that should be accorded to any lawyers that are arrested and to release them immediately if it appears that no charges should be laid against them;
- b. guarantee in all circumstances the physical and psychological integrity of the lawyers;
- c. put an end to all acts of harassment against lawyers and other human rights defenders in Uganda;
- d. ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

The Law Society of Upper Canada is the governing body for 46,200 lawyers and 6,000 paralegals in the Province of Ontario, Canada and the Treasurer is the head of the Law Society. The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

The Law Society urges the legal community to intervene in support of members of the legal profession in Uganda in their effort to advance the respect of human rights and to promote the rule of law.

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For more information, please contact Lisa Hall at 416-947-7625 or lhall@suc.on.ca.