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A Step Towards Better Addressing Discrimination in Uganda - Court Ruling Allows Equal Opportunities Commission to Hear Broader Range of Cases

Thursday saw good news in the fight against discrimination in Uganda. After pending for nine long years, the Constitutional Court finally handed down a decision in a case brought by Ugandan human rights lawyer and executive director of [Human Rights Awareness and Promotion Forum \(HRAPF\)](#), Adrian Jjuuko, challenging vague limitations that a section of the country's [Equal Opportunities Commission Act \(EOCA\)](#) placed on the commission's mandate.

The court ruled that the section, which barred the commission from investigating any matter involving behavior "considered to be immoral and socially harmful, or unacceptable by the majority of the cultural and social communities in Uganda," was unconstitutional and violated the right to a fair hearing.

Perversely, this provision meant that the law – designed to protect people from discrimination – could blatantly discriminate against women, LGBTI people, sex workers, and anyone else who might not be perceived to reflect the views of the majority. It left those most in need of the commission's work vulnerable not only to discrimination itself, but without clear avenues for redress.

Now the court has agreed that this limitation is unjustifiable in a free and democratic society.

The commission, established in 2007, was tasked with operationalizing Uganda's constitutional protections on non-discrimination. The commission's founding act explicitly states that it is to work to eliminate discrimination and inequality "when it comes to sex, age, race, color, religion, disability and more." The commission should also take "affirmative action in favour of groups marginalized" because of "any other reason created by history, tradition or custom."

There is no doubt that addressing discrimination remains critical in Uganda and the commission has plenty of work to do. Despite recent statements by the minister of foreign affairs before the United Nations during [Uganda's Universal Periodic Review](#), in which he [maintained](#) that the country does not tolerate discrimination based on sexual orientation, the rights of Uganda's LGBTI people remain at risk every day. Same-sex conduct remains criminal under a colonial era sodomy law, and a report earlier this year by [Sexual Minorities Uganda](#) found numerous cases of LGBTI persons made victims of blackmail, threats, arbitrary termination of employment and eviction, as well as violent and blatant abuse by state agents.

Jjuuko and his team persisted over many years with this case. Because of their work, all Ugandans should now be able to bring cases of discrimination – against their employers who fired or harassed them, or landlords who kicked them out of their homes – and finally receive a fair hearing before the commission.

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