**For Immediate Release**

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**PRESS STATEMENT**

**JUDICIARY ENDORSES THE NEED FOR A SEXUALITY EDUCATION POLICY IN UGANDA**

**Kampala – Uganda.** Center for Health, Human Rights and Development (CEHURD) with joy welcomes the long-awaited ruling from the High Court of Uganda at Kampala in the case of CEHURD vs. Attorney General & Family Life Network *[Miscellaneous Cause No. 309 of 2016]*. The High Court agreed with our submissions and the trial judge, Hon. Justice Lydia Mugambe, directed the Ministry of Education and Sports to develop a comprehensive sexuality education policy within two years, among other orders.

Another point of contention in the case was the use of the term, “comprehensive” sexuality education. To this, Hon. Justice Mugambe stated that, “The inclusion or exclusion of the term ‘comprehensive’ is a simple matter of form that should never derail the substance of this process.”

Through this judgement, Hon. Justice Mugambe upheld the fundamental human rights of all Ugandans to access health information on their sexuality.

**Background**

On the 18th day of November 2016, The Center for Health, Human Rights and Development (CEHURD) filed a case against the Attorney General, challenging the Ministry of Education and Sports’ ban on Comprehensive Sexuality Education (CSE), and their omission and delay to pass a policy on sexuality education as a violation of the right to access information contrary to Article 41 and the right to education contrary to article 30 and 34(2) of the Constitution of the Republic of Uganda, 1995.

This case was premised on a resolution issued by the Parliament of the Republic of Uganda on 17th August 2016 directing the Ministry of Education and Sports to ban the teaching and training of CSE in Uganda. On 28th November 2016 the Ministry of Gender, Labour and Social Development issued a press statement emphasizing to the public that the ban of CSE in Uganda was applicable in both school and non-school environments. This in effect halted the dissemination of all sexuality education in Uganda, leaving the population prey to unwanted pregnancies, STDs and STIs due to lack of information.

In May 2018, the Ministry of Education and Sports finalized and passed the National Sexuality Education Framework (NSEF) which has never been implemented and actualised, three years since its development.

Uganda, however, committed herself to formulating policies on comprehensive sexuality education in December 2013 under the Ministerial Commitment on Comprehensive Sexuality on sexual and reproductive health services for adolescents and young people in Eastern and Southern Africa (ESA).

**Court ruling**

The High Court of Uganda through Lady Justice Lydia Mugambe upheld the rights of adolescents and ordered that;

1. The Government’s inordinate delay and/or omission of over ten years to develop a comprehensive sexuality education policy in Uganda is a violation of Uganda’s obligations under international law and Articles 30,41 and 34(2) of the Constitution; Sections 4 (1) (c), (g) and (i) of the Children (Amendment) Act 2016; and Section 4(1) & (2) of the Education (pre-primary, primary and post primary) Act.
2. The Government of Uganda through the Ministry of Education and Sports should within two years develop a Comprehensive Sexuality Education Policy
3. The Government of Uganda through the Ministry of Education and Sports should identify and work with a breadth of relevant stakeholders and address all issues competently
4. The Attorney General should compile and submit a report to this Court every six months showing progress and implementation of the orders.

In her lead judgement Justice Lydia Mugambe found that *“The right to sexuality education has been confirmed by the United Nations Committee on the Rights of the Child which provides that, “Adolescents have the right to access adequate information essential for their health and development and for their ability to participate meaningfully in society. It is the obligation of state parties to ensure that all adolescent girls and boys, both in and out of school, are provided with and not denied, accurate and appropriate information on how to protect their health and development and practice healthy behaviours.”*

She also stated that *“The 1994 Programme of Action of the International Conference on Population and Development explicitly calls on governments to provide sexuality education to promote the well-being of adolescents and the specified key features of such education is that it should take place both in schools and at the community level, be age- appropriate, begin as early as possible, foster mature decision making, and aim to advance gender equality as well as violence against adolescents, responsible sexual behaviour, contraception, family life, STIs and HIV and AIDS prevention.”*

She also found that *“Relevant stakeholders and professionals must be involved in the process to avoid having a policy that does not competently address all the issues at hand.”*

**About CEHURD**

The Center for Health, Human Rights and Development (CEHURD) is an indigenous, non-profit, research and advocacy organization which is pioneering the enforcement of human rights and the justiciability of the right to health in Eastern Africa.

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