

Uganda's Proposed Laws of Love and Liberty

The tenth month of 2024 might not have meant much in the grand scheme of things, but it stood out for two significant bills that will dominate public debate for some time. On October 3, 2024, Hon. Sarah Opendi, through her proxy Hon. Dorcus Acen, introduced the Marriage Bill, 2024. Eleven sunsets later, Hon. Anna Adeke's Sexual Offences Bill, 2024 quickly followed. The two bills should interest us all because they represent the converging point of society's very important social issues. To put it in its simplest form, you will realize that consent is the difference between one being governed by the Marriage law or the Sexual Offences law.

For the Sexual Offences Bill, 2024, the evolving nature of these offences means that the current law has for a long time been playing catch-up. The scattered nature of legislation on sexual offences was one of the reasons that Hon. Adeke advanced, for introducing this law. This bill had previously been passed in 2021 but was returned by the President to Parliament. He argued that he was interested in not just piecemeal amendments but rather comprehensive amendments of all the laws. Our biggest interest as a society is to see sexual violence cases go down. The law alone may not be sufficient, but it is important that we have one less thing to worry about by having the law properly in place and well streamlined.

Prof. Sylvia Tamale likes to say that human sexuality is one of the most complex yet misunderstood concept that touches every aspect of our lives. I dare say that it remains the most divisive issue of our time. At the heart of it lies a protracted contest between those whose roots are grounded in tradition and the ones racing away with the winds of modernity. When the Sexual Offences Bill was on the Committee stage, I followed with amusement the debate between Hon. Jonathan Odur and bill mover, Hon. Adeke, on what constitutes a sexual organ. That short but incisive debate was enough to show how worlds apart they were on this issue. With a highly sexualized world like the one we live in, there is a big chance that criminals may fall through the prosecution net, if sexual organs are limited to the ones that are traditionally known. I know the debate will rage on, but it is one that should not be swayed by heart but by head.

Unlike the Sexual Offence Bill, the Marriage Bill is what many people aspire to be governed by. Child-rearing, domestic work, spousal gifts, equal rights to property, cohabitation are some of the standout issues in that law. However, we have been here before and it won't be the first time that a law of this nature will be brought to Parliament. When it was first introduced as the Marriage and Divorce (MAD) Bill in 2009, the bill suffered a stillbirth, and the stickiest issues were on divorce and cohabitation. There were lessons that were taken from that, and the 'mother' of the

current bill will do all it takes to avoid the *'placental abruption'* that led to the MAD bill's stillbirth.

The debates on these two bills will certainly spill into the coming year, and it will be interesting to see the ground that is ceded on the contentious issues. Our legislators have an opportunity to be forward looking and break themselves free from the baggage of tradition, religion, and region.

By Murungi Patrick Ngasirwa

Legal Consultant – Women's Probono Initiative