



## UGANDA LAW SOCIETY

### STATEMENT ON THE THREAT TO ACADEMIC FREEDOM AT INSTITUTIONS OF HIGHER LEARNING IN UGANDA

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The Uganda Law Society (ULS) has noted with concern a letter circulating on social media attributed to Prof. Barnabas Nawangwe, the Vice Chancellor of Makerere University, addressed to the Acting Principal of the School of Law, Makerere University. The letter calls for an emergency investigation by the School Academic Board of Makerere Law School into the Principles of Constitutional Law II Examination paper L1210, which included questions regarding recent trends and happenings in the three arms of Government.

In fulfillment of its statutory duty to promote human rights, uphold the rule of law, and assist the public and Government in all matters related to law and legislation in Uganda, the ULS deems it imperative to comment and clarify on the propriety of the aforementioned issues.

Academic freedom is a fundamental right recognized by both international treaties and the laws of the Republic of Uganda. Article 29(1)(b) of the Constitution as a subset of the rights to education and freedom of expression states that every person shall have the right to freedom of thought, conscience, and belief which shall include academic freedom in institutions of learning.

The Committee on Economic, Social, and Cultural Rights (CESCR), which interprets the ICESCR, has stated that “the right to education can only be enjoyed if accompanied by the academic freedom of staff and students.” (CESCR, General Comment 13, para. 38.).

Academic freedom encompasses a series of other widely accepted human rights, including freedom of opinion, expression, association, and assembly. These civil and political rights are enumerated in the Universal Declaration of Human Rights and legally binding on states parties to the 1966 International Covenant on Civil and Political Rights (ICCPR) (International Covenant on Civil and Political Rights

(ICCPR), G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316, 999 U.N.T.S. 171, December 16, 1966.)

The courts of law have also pronounced themselves on academic freedom in *David Kitara Lagoro v Gulu University* (HCMC No. 10 of 2017) where Justice Stephen Mubiru held that;

*“...academic freedom is the freedom of teachers and students to teach, study and pursue knowledge without unreasonable interference or restriction from law, institutional regulations, or public pressure... any attempt by government or courts to influence university and public tertiary institution decisions would violate the concept of minimal state intervention and enhance the possibility of breaches of academic freedom...”*

While aware that there are limitations to most human rights and freedoms, ULS is certain that the impugned exam and others like it, involve hypothetical questions within the confines of academic freedom and learning as they aim to encourage students to think beyond theoretical knowledge and apply their acquired understanding to current real-life situations. Indeed a quick glance at other examinations reveals that this is not the first time that such questions or scenarios would be set for a subject of this nature or a law examination. This level of intimidation insinuated by the university authorities is a threat to academic freedom and should have no place in our educational institutions especially in institutions of higher learning.

ULS, therefore, calls upon all individuals and authorities to respect academic freedom and generally the right to freedom of thought, conscience and belief as guaranteed under the Constitution.

We will continue to monitor this matter closely to ensure that the due process of law prevails and rights are protected.

**Bernard Oundo**

**President, Uganda Law Society**