



HRAPF Newsletter

Volume 1. Issue No.1

January - March 2013



In this issue:

- Page 1: Brief on Access to Justice.
- Page 2: Update on legal aid project for minorities.
- Page 2: Updates on HRAPF's Paralegal Project
- Page 3: Update on HRAPF's HIV awareness sessions and legal aid camps
- Page 4: Commentary on right to bail
- Page 5: Feature: HRAPF helps 300 residents to keep homes
- Page 6: Staff Highlights
- Page 7: Upcoming events

HRAPF team in a meeting with the Chairperson of the Equal Opportunities Commission (EOC). Left to right: Mrs. Ritah Sylvia Matovu Chairperson EOC, Mr. Anthony Mutimba the Deputy Executive Director HRAPF, Mr. Adrian Jjuuko Executive Director HRAPF and Ms. Flavia Zalwango Head of Department Legislative Advocacy and Networking HRAPF. See full story on page 4.

Welcome Message

Human Rights Awareness and Promotion Forum-Uganda (HRAPF) is happy to present to you its newsletter for the period January to March 2013. The newsletter covers the key events that have transpired at HRAPF during this period.

HRAPF remains an independent, non-partisan, non-governmental organisation, devoted to human rights awareness in Uganda.

The last quarter has seen a number of important developments at HRAPF. It was the first quarter for the implementation of HRAPF's new Strategic Plan 2013-2017. The first quarter of the year 2013 was thus an important transitional period from the old Strategic Plan to the new Strategic Plan. As such all the important developments introduced by the new strategic plan had to be unveiled in this quarter and the ground

work laid for the implementation of the strategic plan. I am happy to report that the transition from the old Strategic Plan to the new strategic Plan has gone on smoothly. All the structures envisioned in the new strategic plan have been made operational and the whole organisation is geared up to see that HRAPF lives up to the tasks set put in the Strategic Plan.

HRAPF has continued to provide the services that it has been providing before. Legal aid service provision continues for marginalised groups in Uganda. HRAPF also continues to be engaged in legal research, documentation of human rights violations, legislative advocacy, building strategic partnerships, and building HRAPF's own internal capacities to continue doing its work. The details of how this has been done and the details of what else has transpired are covered in the pages of this newsletter.

HRAPF pledges to keep its partners, clients, members and other stakeholders informed of

what is going on at the organisation through this newsletter. The newsletter will be published every quarter, and will contain key updates of what is going on at HRAPF.

Beyond what is going on at HRAPF, the newsletter will also highlight the key human rights issues in Uganda during the quarter covered. In this regard, this is what we plan to do. We will keep you aware of human rights issues in Uganda. We will look for actions that will expand and protect our human rights, and then we will lead the cheers. We'll also look for actions that will diminish our human rights, and at that time, you'll hear us growl.

Once again, welcome to the HRAPF newsletter for the first quarter 2013. Enjoy!
Taking Human Rights To All.

Adrian Jjuuko
Executive Director

Enhancing Access to Justice

At the beginning of the year the Legal Department/Access to Justice underwent a restructuring which expanded the number of lawyers and increased capacity to handle all categories of legal matters which fall within our mandate. Under the goal "To provide quality legal services to our clients" the Legal team is on course to becoming a model Legal Aid Clinic for indigent persons in Uganda.

The first quarter (January 2013 – March 2013) can only be described as excellent. We are currently running five projects providing legal aid to indigent land clients, sexual minorities, women and girls infected with or affected by HIV/AIDS, the paralegal training project and legislative advocacy. All the projects recorded impressive results. All the projects kicked off the year impressively and this is attributable to the dedicated and cooperative staff. A total number of 106 cases registered by the clinic in the first three months alone is testimony to the leading role the Clinic is set to play in the legal aid sector.

Cases aside, Legal Advocacy is another aspect of our work which is

raising the bar higher. During the quarter the Head Access to Justice together with other human rights activists met the Inspector General of Police Lt. Gen. Kale Kayihura and briefed him on the state of human rights in the country visa-vis the role of the Police. Relentless efforts have been made to advocate against the Anti-Homosexuality Bill which is inherently a violation of human rights guaranteed under the constitution and the international human rights instruments. The HIV/AIDS Prevention and Control Bill is another proposed legislation which is being challenged in so far as its provisions violate human rights standards. The HRAPF Legal team is playing a crucial role in the struggle.

Our legal team of 6 Lawyers and 3 clerks has been supplemented by the expertise of two volunteers Patricia Jacobson and Jay Jacobson retired Attorneys from New York. As we enter the new quarter we are set to keep punching higher and higher to enhance access to justice for sexual minorities.

HRAPF continues to offer legal aid services to the most marginalised Ugandans

When people think of "legal aid", they often think of a lawyer racing to court to help protect a client who is in desperate need of help. At HRAPF, we indeed do that but also do a lot more.

HRAPF offers legal aid for the most marginalised groups in Uganda- groups that would not ordinarily surface on the radar of most legal aid service providers. These include minority and marginalised groups, women and girls living with HIV/AIDS, the elderly and poor clients seeking land justice. We are indeed proud to be of service to these groups.

HRAPF reaches out to clients through community visits and legal aid camps, and provides special attention to every client that seeks our services.

HRAPF has a total of seven lawyers, three legal volunteers, and one law clerk who are always available to provide services to our clients.

HRAPF deals with both criminal and civil cases. Among the services offered is legal advice, alternative dispute resolution, and legal representation.

HRAPF strives to provide the best service to clients at no cost, and our service is constantly improving.

In the first quarter of 2013, HRAPF registered 105 new clients. Of these 37 were registered under the minorities category, 28 were registered under the land justice category and 40 under the HIV/AIDS category. Of the 27 cases under the minorities department, 11 were completed, and 16 are still pending. For those concerning land justice 25 concerned illegal land acquisition, trespass and succession disputes and three other violations. 9 cases were completed during the quarter, and 16 are pending. Under the HIV/AIDS project, 10 cases were received from Mpigi District, 2 from Luweero district, 21 from Kiboga district and 7 cases from Mityana District. Of these cases 5 cases have been handled and completed and 35 are still

pending.

The legal aid service provision is done within the broader context of the Legal Aid Service providers Network (LASPNET) of which HRAPF continues to be a member. As such, a number of cases are referred to the different members of LASPNET.

HRAPF's legal aid service provision continues to complement the limited legal aid service available in Uganda, and forms an important component thereof especially as regards the very marginalised communities in the country.

A number of challenges were faced during this quarter, and these largely focus around the long delays in disposing of cases in Uganda courts. Delays greatly affect service delivery and they are largely out of the control of the organisation.

Despite the challenges, HRAPF commits to continuing the provision of legal aid services to the most marginalised groups in Uganda, as one way of taking human rights to all.

Beyond legal aid service provision- HRAPF's Community Paralegal Training Project roars on!

One of the things we are proudest of is the community paralegal training we provide to dedicated people in the communities we serve. This paralegal training for example makes it possible for a member of a marginalised community to have a friend from their community to turn to for help when a law enforcement officer starts to overstep their bounds. The paralegals that HRAPF trains are every bit dedicated and skillful.

Earlier in March 2013, HRAPF completed the first module of the second paralegal training program. The people that are trained are selected by

and from the marginalised communities that HRAPF serves. The trainees are brought together for three days and are passed out after being trained three times in three different modules and after being placed with an organisation working with legal issues for at least one week. The three modules are: The paralegal and the legal system in Uganda; Basic criminal law; theory and practice; and Basic Civil Law and basic human rights.

Our paralegal training has brought 31 dedicated new people into the battle for social justice. Coming from the communities affected, the

Continued on page 3

Enhancing Access to Justice

From page 2



new trainees go back to provide immediate help where it is needed. Over the years, they will become even more effective as the experience they accumulate is added to the knowledge that HRAPF provided.

We think this is a wonderful return on our continuing investment in social justice in Uganda.

In the last quarter, 8 new paralegals completed training in the first module.

As part of the trainings, HRAPF has produced a Paralegal Reference Handbook for each Module. In the last quarter, 100 copies of the third volume of the Paralegal Reference handbooks were printed and delivered. 30 copies have so far been distributed to the trainees and partner organisations for reference. 70 are still in the resource center for further distribution and reference in our resource centre.



Women and Girls infected/affected by HIV/AIDS in Luweero District attending a training in will making and succession planning organised by HRAPF

HRAPF continues to carry out human rights awareness to women and girls infected and affected with HIV/AIDS in the districts of Luweero, Mityana, Mpigi and Kiboga

Many women have been left widows, particularly as a result of AIDS. After the death of the husband, some of his relatives have grabbed everything they had. As a result, widows and children were made destitute, and they had no clear way to assert their rights to the property that was taken from them.

As part of its goal to contribute to the empowerment of women and girls infected and affected by HIV/AIDS, HRAPF conducts awareness camps for women and girls living with HIV/AIDS. This is going on in the districts of Luweero, Mityana, Mpigi and Kiboga.

During the last quarter, an awareness session was held in Kiboga district at Bukomero Health Center on 20th/02/2013. During this meeting 76 persons living with HIV/AIDS were empowered with the basic concepts of human rights, patients' rights, property rights, Will making and succession planning.

As part of efforts to prevent stigma against persons living with HIV/AIDS, HRAPF produced 172 T-shirts with the message: "Eliminating HIV stigma and discrimination using the Law." These were distributed to the beneficiaries.



HRAPF publishes a simple guide to Will making

and where the Will should be kept.

The practical guide to making your Will booklet is a simple publication by Human Rights Awareness and Promotion Forum to promote the culture of will making when persons are still alive.

To order for a copy of the booklet, contact HRAPF at the address shown elsewhere in this newsletter.

HRAPF also provides safe custody for wills of People infected and affected by HIV/AIDS and other clients. Our lawyers can guide you on writing your will and succession planning.

700 copies of the HIV/AIDS on will making were produced and 132 copies have so far been distributed to the project partners and beneficiaries.

The brochure talks about the importance of making a will, who can make a will and what a valid will looks like? It gives the essential contents of a will, the legal considerations on beneficiaries to a will, what happens when the will maker dies

Is the 48 hour rule and bail not applicable to some groups?

One of the issues that HRAPF has grappled with in the past quarter is the continued custody of persons in police cells for more than 48 hours. The reason given for this was simply that the person had been arrested on suspicion of being a homosexual. This happened on two separate occasions in the first quarter of 2013.

This begs the question whether the 48 hour rule applies only to some persons and not others. Does a person lose their constitutional rights when arrested on suspicions of 'homosexuality'?

Article 23 of the Constitution surely provides otherwise. It lays down the rule that a person who has been arrested or detained on reasonable suspicion that the person has committed or is about to commit a

criminal offence under the laws of Uganda, **shall** (emphasis added) be brought before the court as soon as possible but in any event, not more than forty-eight hours from the time of the person's arrest.

That forty-eight hour rule is not discretionary. That is a right applicable to all persons arrested or detained, regardless of the nature of the offence. If the police cannot produce the person before court within that time, then they are supposed to release them on bail.

HRAPF is preparing a strategic litigation case to challenge such conduct under Article 50 of the Constitution which allows for the right to apply to a competent court for redress in case of violation of any of the rights protected in the Constitution.

HRAPF offers legal aid to indigent land clients

FEATURE

HRAPF helps over 300 residents to keep their homes in a dispute with a private Company

More than 300 residents of two villages in Myanzi - Mubende District are still living on their land in 2013, thanks in part to an intervention by HRAPF. Although General Products and Traders Limited, a private limited liability company claimed to have bought the land in 1992 from the Administrator General, the residents had evidence of long, continuing occupancy of the land, and some residents were the children or other descendants of persons originally settled on the land. The residents approached HRAPF in 2012 for help in resisting the company from evicting them.

Almost twenty years after allegedly purchasing the land in question from the Administrator General, General Products and Traders Limited applied to the local court to carry out a survey and to stake out the boundaries of the land.

When surveyors for the company came to the land, the village residents denied them access. Two years later, in 2012, the company wrote to the chairperson of the local council court with jurisdiction over land matters in the two villages. The company asked for permission to survey the boundaries of the land. The local council court directed the company to provide documents to support their claim.

The documents that the company submitted differed from those, that residents had something which prompted the residents to reject the documents as invalid. At that point, fearing that the company would go ahead and evict them without the matter being finalised in court, the village residents approached HRAPF for help.

HRAPF used mediation to engage both

the residents and the company, though the company initially refused to cooperate. HRAPF then laid down the case of the residents and proposed legal action if the company continued not to cooperate. HRAPF's intervention caught the attention of the Uganda police, and of the area's representative in Parliament, Hon Nyombi Thembo. Hon. Nyombi Thembo also intervened on the side of the residents.

Under pressure, the company wrote to HRAPF agreeing to solve the problems amicably. The mediation following the company's letter has resulted in 300 persons returning to - peaceful cultivation of, and quiet life on, their land.

LEGISLATIVE ADVOCACY AND NETWORKING

Delayed ruling in the Equal Opportunities Commission Case due to 'acute human resource shortages'- Constitutional Court Registrar.

More than sixteen months after hearing the case of Jjuuko Adrian v. Attorney General, Constitutional Petition No.1 of 2009, the Constitutional Court is yet to deliver its ruling.

Following requests for information on when the ruling is to be delivered, the Registrar of Uganda's Constitutional Court on January 23, 2013 in a letter to HRAPF wrote in part that:

"I regret the delay in delivering the said ruling attributed to the busy schedule of this court and acute human resource shortage. However, I am reliably informed that the ruling is being prepared and is expected to be delivered soon."

The case was filed by Human Rights Awareness and Promotion Forum (HRAPF)'s Executive Director Mr. Adrian Jjuuko in 2009 challenging the constitutionality of Section 15(6) (d) of the Equal Opportunities Commission Act 2007. This provision excludes marginalised groups from accessing the Equal Opportunities Commission. However, this Commission is meant to take affirmative action for 'groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom for purposes of redressing imbalances which exist against them' (these are the marginalized groups).

The Registrar's response elicits hope that the ruling may be delivered soon. However the Equal Opportunities Commission is already set up and it is in the final stages of establishing a tribunal to receive cases of marginalized groups. If the tribunal starts operating without a decision on the matter, the Commissioners' hands may be tied by the challenged Section 15(6) (d). That section bars the Commission from investigating any matter involving behavior which is considered to be immoral and socially harmful or unacceptable by the majority of the cultural and social communities in Uganda.

This being a Constitutional matter, and one in which the right to access to justice by marginalised communities is at stake, HRAPF has been following up the case carefully.

HRAPF is now working with other members of Civil Society in a coalition to create awareness of the case and work with the Equal Opportunities Commission on the rights of marginalized groups in Uganda. The coalition will also publish information about the case, the Commission, how it works and how to access it by the marginalized groups of society for justice.

HRAPF pays courtesy call on the Equal Opportunities Commission

On 28th March 2013, a HRAPF delegation led by the Executive Director, Mr. Adrian Jjuuko paid a courtesy call on the Equal Opportunities Commission and met with the Chairperson Mrs. Ritah Matovu. The HRAPF team introduced HRAPF and its work to the Chairperson of the EOC, who welcomed the team and briefed them about the EOC and

progress being made in making the tribunal operational.

Follow up meetings with other representatives of marginalised groups are underway.

Legislative Advocacy and Networking

HRAPF joins the International Committee of the Red Cross (ICRC) to celebrate 150 years of humanitarian service



On the 23rd of February 2013, HRAPF joined the ICRC in celebrating their 150 years of humanitarian service. Celebrations were marked with a 4.5 kilometer march around the Uganda's capital and letter speeches at the Uganda Museum. Celebrations were attended by among others, the Uganda prisons, other government departments, civil society organisations and some members of the private sector. The ICRC was appreciated for helping a lot of vulnerable people in Uganda.

HRAPF enters into partnership with Bukomero Health Centre under the HIV project

HRAPF is proud to announce that a new partnership has been entered with Bukomero Health Centre under the HIV Project. Bukomero Health Centre in Kiboga District serves more than 1000 HIV/AIDS persons, and HRAPF will be extending its legal aid services to some of the members served by the Health Centre. Bukomero Health Center becomes the eighth partner under the project and the second partner from Kiboga district after Nabwendo Health Centre. The other partners under this project are: Mpigi: Help the Sick (HESI) and BUSITIHA, Luwero: Nyimbwa Multipurpose Organisation of people living with HIV/AIDS, Miytana Intergrated Community Based Initiative. HRAPF is very proud of all its partners and has been working closely with them to ensure that persons infected/affected by HIV/AIDS get access to legal services.



HRAPF commends the Uganda Human Rights Commission over the HIV Bill

HRAPF commended the Uganda Human Rights Commission for their thorough presentation on the HIV/AIDS Bill; before the Joint Committee HIV/AIDS and Health Committees of Parliament.

UHSPA, HRAPF meet to discuss HIV/AIDS Bill 2010

Combining the policy perspective of the Uganda Health and Science Press Association (UHSPA) with the detailed legal analysis of HRAPF, fifteen people from both HRAPF and UHSPA (including affiliated groups) met at HRAPF on 19th March to compare views, and to decide on common approaches with which to reach out to the Parliamentary Committee Staff dealing with the Prevention and Control of HIV/AIDS Bill 2010 (HIV/AIDS BILL).

Both organisations had prepared analyses of the Bill and thus met to compare notes and come up with a joint document that is expected to be presented to parliament during the public hearings.

In a letter dated 1st March 2013, HRAPF's Executive Director, Adrian Jjuuko thanked the Commission for bringing to the attention of the Parliamentary Committee that (a) criminalisation of either the attempted or intentional spread of HIV/AIDS, (b) mandatory testing and (c) disclosure of a person's results without that person's consent all violate rights in either the Constitution of the Republic of Uganda or in other laws already on the books.

Members of HIV/AIDS organisations from Luwero visit HRAPF

30 members of ten different Civil Society Organisations working on HIV issues in Luwero district paid a courtesy call to HRAPF.

The visitors who were visiting HRAPF for the first time, wanted to strengthen the partnerships and collaboration that HRAPF has established in Luwero district under the HIV project. The visitors wanted to know more about HRAPF and the HIV project, and how they could interact more effectively with HRAPF so as to make better use of HRAPF legal aid services and programmes.

Continued on page 6

Legislative Advocacy and Networking



The visitors were received by the Deputy Executive Director, Mr. Anthony Mutimba, the Head of Department, Advocacy and Networking, Ms. Flavia Zalwango, the HIV Project Officer, Mr. Julius Ssentamu and the Legal Officer in charge of Land and HIV cases, Ms. Fariidah Ikyimaana.

The two teams discussed issues of mutual concern, and discussed ways of continuing to work together.

Mr. Mutimba thanked the visitors for expressing interest in visiting HRAPF and also thanked them for the continued hospitality and support that they give to HRAPF whenever HRAPF staff visit Luwero.

From page 5

Staff Highlights

HRAPF STAFF USHERS IN 2013 WITH A CAPACITY BUILDING WORKSHOP



HRAPF's 2013 Staff training workshop focused on the new, strategic five year plan, designed to cover the dynamic next phase in the life of one of Uganda's fastest growing human rights organization. The week-long retreat took place at Enro Hotel.

New Staff members had an opportunity to meet the "old hands" as HRAPF added three new persons to its family of dedicated human rights activists.

Taking advantage of the "away from Kampala" atmosphere that Mityana offers, staff members used the workshop to get a running start on a busy 2013. Among their most important tasks was to focus on HRAPF's new five year strategic plan. Coming hard on the heels of the successful three year plan that ended in 2012, the new strategic plan sets out fresh, important goals. One is to consolidate and develop HRAPF's legal services. The second is to build and maintain strategic networks for advocacy on laws and policies affecting marginalised groups. The third is to grow HRAPF's capacity to carry out its work.

With NGOs playing a greater and greater role in the activities of the country, part of the workshop week gave Staff a chance to look at issues of budgeting and planning, of accountability (especially in the nature of accountability to private donor organizations and to international institutions both of which are developing a greater and greater reliance on NGOs for honest, competent management of important projects), of results based management, and of reporting. HRAPF prides itself on its team work, and this aspect was recognised. Also emphasized, however, is the need for effective, candid communication within the Staff, and the value of thoughtful, friendly mentoring.

The workshop was also an opportunity to plan for the year ahead.

AJWS SPONSORS TWO VOLUNTEER LAWYERS AT HRAPF



HRAPF Staff has been augmented for three months by two visiting volunteers, thanks to HRAPF's partner, American Jewish World Service (AJWS). These are Patricia and Jay Jacobson. The two are a

married couple and both are attorneys. They are no strangers to Africa. Their daughter was born in Zomba, Malawi, where they lived over fifty years ago when Jay was Senior Parliamentary Draftsman for the government of Malawi and helped draft the original Malawi Constitution of 1964.

Patricia Jacobson retired as New York City's Senior Administrative Law Judge, and was a former Special Assistant to Chester Bowles, Under Secretary of State in the Administration of the late President John F. Kennedy. Using her experience as a judge, Pat Jacobson has worked with HRAPF's Access to Justice Department. She has reviewed systems used by HRAPF, has worked with HRAPF Advocates and juniors to focus on more precise written and oral arguments, and, as an unanticipated bonus, led a gardening group in

Continued on page 7

Staff Highlights

making the HRAPF headquarters more “client friendly” by planting an unused plot with colorful flowers which, she says, “she could only hope to have” at her home in New York City.

Jay has been an aide to United States Senator Maurine Neuberger, general counsel to New York Stock Exchange listed companies, and a founder of

a law firm that, over the years, merged into a multi-national organisation. He has worked with HRAPF’s Administration Department, and with its new Advocacy and Networking Department to try to share some of the scars and experiences in legal and administrative work that he has earned over the years with HRAPF.

From page 6

The Resource Center

As part of our continued effort for promotion of human rights awareness, HRAPF operates a resource center under the Legal aid clinic. The center offers a wide range of materials focusing on the law and rights of minorities. The center also features our research and reports on our work through annual reports, brochures, booklets and leaflets.

The center is open to the general public both individuals and organizations or institutions who are interested in human rights and the law.

Upcoming Events for the next Quarter

Civil Society meeting with the Equal Opportunities Commission (EOC)

The meeting is anticipated for 8th May 2013 (the date pends approval of the EOC) to discuss major issues that affect minority rights in Uganda and how the EOC can come in to help them access justice. More discussion on section 15 (6) (d) of the Equal Opportunities Commission Act 2007, and how it hinders minorities’ access to the Commission will also take place. The meeting is expected to come with a way forward on access to justice by minorities through the Equal Opportunities Commission.

Training of individuals from communities infected/affected by HIV/AIDS

HRAPF will conduct training for women and girls infected/affected by HIV/AIDS as paralegals in the Districts of Mityana, Mpigi, Luweero and Kiboga. A total of 20 women and girls infected/affected by HIV/AIDS in the four districts will be trained in basic law, human rights and communication skills to act as community workers on issues of stigma and discrimination by giving legal first aid and referring clients to relevant authorities to address their legal concerns. This will go a long way in easing HRAPF’s work and building capacity of people infected/affected by HIV/AIDS. The training will take place in May 2013.

Community Paralegal training

HRAPF will continue with its work of empowering the most marginalised ugandans by training some of their community members as paralegals. Training will focus on the law and human rights to build their capacity to respond to human rights abuses that are rampant in Uganda today.

For more information contact us;

Human Rights Awareness and Promotion Forum (HRAPF)

Plot 390 Professor Apolo Nsibambi Road,

20 metres off Balintuma Road, Namirembe, Kampala

P.O.Box 2560683, kampala

Tel: +256-414-530-683

Email: info@hrapf.org.

Website: www.hrapf.org