

A PUBLICATION OF HUMAN RIGHTS AWARENESS AND PROMOTION FORUM (HRAPF)

HRAPF joins historic petition against the Anti-Homosexuality Act 2014



HRAPF passes out 21 paralegals working with Women Living with HIV/AIDS



In this issue

Page 2: Introduction

Page 3: Palegals working with HIV/ AIDS awarded Certificates of completion.

Page 4: HRAPF lawyers participate in the third lawering on the margins conference

Page 5: Legal and human rights awareness in Kiboga and Mpigi

Page 7: Implications of Anti-Pornography Act discussed.

Page 8: President signs AHA 2014

Page 9: HRAPF files petition against the AHA

Page 10: Launch of a research report on laws criminalising same sex conduct in Uganda

Page 12: Popularising Uganda's RM-NCH plan in Hoima District

Page 13: Staff training

Page 15: HRAPF ED awarded at the University of Pretoria.

INTRODUCTION



Mr. Adrian Jjuuko- Executive Director

Welcome to the fourth issue of the HRAPF Newsletter. This issue covers the first quarter of 2014 (January – March).

The period January to March 2014 witnessed a number of events at both national and organisational level that have an impact on human rights in Uganda and the world at large.

At national level, the president assented to two laws: The Anti-pornography Act 2014 (APA) and the Anti-Homosexuality Act 2014 (AHA). These two followed the Public Order Management Act 2013 which came into force on October 2, 2013.

The Anti-Pornography Act was signed by the president on February 6, 2014. Expressly and impliedly, the law mainly focuses on women. Its passing saw vigilante groups of youth all over Uganda, undress or attempt to undress women until the government, civil society religious and cultural leaders came out boldly to condemn the actions. Indeed, some government officials and members of parliament were on several occasions heard calling for a review of the law.

The Anti-Homosexuality Act 2014 (AHA) was signed by the president on February 24, 2014 just two weeks after signing the APA. Unlike the APA and other laws, the president signed the AHA during a press conference specifically called for that purpose. Both National and international media as well as enthusiastic members of the public were present at State House, Entebbe during the event. The law has been widely criticized for being anti-human rights and for promoting violence against a section of members of the public: the Lesbian, Bisexual, Transgender and Intersex (LGBTI) persons. This has indeed spurred increased violence, homophobia, trans phobia which is witnessed through increased arrests of the LGBTI persons, mob

attacks on LGBTI people, family rejection, denial of health services and increased cases of threatening violence. Again, the Police raided Makerere University Walter Reed project and arrested staff doing research on allegations of promotion of homosexuality. This was very worrying.

HRAPF as chair of the Legal Committee of the Civil Society Coalition On Human Rights and Constitutional Law (CSCHRCL) championed efforts to challenge the AHA in court. On the 11th March 2014, HRAPF with nine other petitioners filed a petition in the Constitutional Court challenging the unconstitutionality of the AHA. This was filed as Constitutional Petition No. 8 of 2014- Prof. J.Oloka onyango and 9 others v Attorney general. It followed with Interim applications that were filed in the same court as Constitutional applications No. 8 and 9 of 2014 and by the end of the quarter plans were underway to challenge the AHA at the East African Court of Justice.

HRAPF is working with WONETHA, a network of sex workers organisations that is championing preparations to challenge the APA for being unconstitutional.

HRAPF together with the Civil Society Coalition on Human Rights and Constitutional Law (CSCHRCL) on January 15, 2014 launched a research report on a study into the implementation of laws criminalising same sex relations in Uganda. The report precisely revealed that although various laws exist and arrests were made, no single conviction or even acquittal for consenting adults in same sex relationships (indicating a full trial) was found to have taken place in Kampala in the last five years (2007 –2011), and arguably none had ever been recorded in Uganda's legal history. This report has been instrumental in advocating for repeal of archaic laws criminalising consensual same sex relations at both national and international levels. It is one of the annexures that were attached to Petition No. 8 of 2014.

On February 21, 2014, HRAPF awarded completion certificates to 21 women and girls trained as paralegals in basic law and human rights to work with people living with HIV/AIDS (especially women and children) in the districts of Luwero, Kiboga, Mpigi and Mityana. The ceremony was held at HRAPF's secretariat and attended by partner organisations from the four districts and other stakeholders.

From January to March 2014, HRAPF's Legal aid clinic was kept busy and continued to document cases of violence against the LGBTI persons and sex workers. HRAPF lawyers continued to seek for remedies from police and courts of law for the cases of arrests that characterized the quarter. Gross human rights abuses committed by members of the public including the vigilant mob were reported to the Uganda Police Force as well as Uganda Human Rights Commission. The police remained adamant in investigating cases of violations.

HRAPF continuously engaged the Police to investigate cases of violations against LGBTI people with some success including persuading the police to rescue LGBTI people who were being beaten up by a mob. Violations of suspects' rights were brought to the attention of the police leadership and to the Uganda Human Rights Commission.

Despite the passing of the two infamous laws in the quarter, HRAPF remained committed to fighting for equality and access to justice for the marginalized groups.

The quarter has indeed been a very busy one. More details of these and many other updates are found inside this newsletter. Enjoy..

Taking Human Rights to All

UPDATES FROM THE ACCESS TO JUSTICE DEPARTMENT

Overview of the quarter by Fridah Mutesi Acting Head of Department

The Access to Justice Program remained our flagship program. The key highlights of the quarter under the department were:

Enacting of the Anti-Pornography Bill and the Anti-Homosexuality Bill into laws: These laws greatly impact on our clients and so efforts to challenge them as well as to mitigate their effects and to handle cases arising from them characterised the quarter.

Legal aid service provision: 79 new cases were registered for legal aid in the quarter. Remedies were sought from courts of law, through ADR as well as Police Stations. In total 298 persons directly accessed justice from the organisation's legal aid clinic during the period January to March 2014.

Community outreaches: The organisation reached out to 336 persons in 5 outreaches during the quarter. This involved reaching out directly to people living with HIV/AIDS, LGBTI persons, Sex workers and Indigent persons with land problems. Local Council Officials as well as police were also among the people reached out in the Districts of Kampala, Mityana, Kiboga, and Wakiso.

Paralegal pass out: Under the paralegal training project, 21 women and girls trained as paralegals from the District of Kiboga, Mpigi, Luwero and Mityana were awarded certificates of completion and commissioned to go and assist their community with the legal knowledge that they had acquired during the training. The ceremony was organised at HRAPF secretariat on February 21, 2014. These paralegals work as HRAPF's ambassadors on

ground in the four districts by offering legal first aid and forwarding cases to the legal aid clinic for further legal action.

Challenging the AHA in the Constitutional Court: HRAPF as the chair of the legal committee of the Civil Society Coalition on Human Rights and Constitutional law championed the preparation of the petition and consequential challenge of the AHA in the Constitutional Court. Legal strategic meetings, wide consultative meetings with all the stakeholders in the movement were conducted and the legal team that comprise of seven lawyers was also put in place. I am glad to note that a land mark Petition was filed in the Constitutional Court of Uganda on the 11th March 2013 as Constitutional Petition No.8 of 2014 and interim applications to stop the operation of the Act as No. 8 and 9 of 2014. HRAPF is the ninth Petitioner in the matter among other prominent petitioners that include professors, highly reputable LGBTI activists, Journalists as well as Politicians who believe in equality for all.

All in all, amidst the harsh environment and the government's narrowing of space for Civil Society Organisations, HRAPF has remained as stable and as ready as before to respond to challenges to access to justice for some of the marginalised persons in the society.

Therefore, as we enter the middle of the second year of implementing the HRAPF second strategic plan 2013-2017, we pledge to now more than ever, offer quality legal aid services to our constituencies for equal access to justice.

HRAPF awards certificates to 21 paralegals working with People Living With HIV/AIDS

On February 21, 2014, Human Rights Awareness and Promotion Forum (HRAPF) awarded Certificates to 21 paralegals trained in basic law and human rights to work with people living with HIV/AIDS in the Districts of Luweero, Kiboga, Mityana and Mpigi. The ceremony was conducted at HRAPF Secretariat. The ceremony was graced with HRAPF partners from the above districts, journalists as well as the HRAPF Vice Chairperson Board of Directors Mr. Kafuruka B. Biryomumaisho who awarded certificates to the trained paralegals.

Mr. Kafuruka B. Biryomumaisho implored the trained paralegals to use the knowledge acquired to assert and defend the rights of People living with HIV/AIDS. He also encouraged them to be HRAPF's ambassadors wherever they go for eliminating stigma and discrimination of People living with HIV/AIDS through the law.

Mr. Henry Ssenganda the coordinator of Help the Sick (HESI) in Mpigi who spoke on behalf of all HRAPF partners in the Districts, commended HRAPF for coming up with a unique way of helping people living with HIV/AIDS. "Most organisations

offer medical, food supplements, testing and counselling services yet most of the issues that cause stress to people living with HIV/AIDS require legal solutions. Stress is one of the conditions that people living with HIV/AIDS should avoid". He said while speaking at the ceremony.

Speaking on behalf of all trained paralegals, Ms Peninah Nakato from Mityana District reported that they have helped 22 people living with HIV/AIDS through writing wills and referring their cases for legal aid services. She also noted that they have also been active in organising awareness sessions on human rights and basic

Awarding of certificates to HIV/AIDS paralegals.... from page 3

law in a period of three months after the training to their community who benefited from these sessions.

Under the Human rights advocacy project for strengthening the legal, human rights and policy response to the HIV/AIDS epidemic in Uganda which is funded by PACF, HRAPF promotes awareness on the rights of women and girls infected and affected with HIV/AIDS. This is done through offering legal aid service such as court representation, Alternative Dispute Resolution (ADR), legal advice and advocacy. The project also trains paralegals to work with grass root communities of people living with HIV/AIDS. The envisaged goal is to use the law to eliminate HIV/AIDS stigma and discrimination. It is implemented in Mityana, Kiboga, Luweero and Mpigi Districts.

The paralegal training component focuses on building the capacity of People Living with HIV/AIDS to face and overcome their legal and human rights challenges. This paralegal training is divided into two modules. In this first module, the trainees were trained on the concept of a paralegal and human rights, patients' rights, guardianship, custody, adoption, parentage and foster homes, rights upon marriage and divorce, law of succession, will making and land rights in Uganda. The second module introduces them to criminal law and legal systems in Uganda and how to work with each of these mechanisms. Paralegals are selected by the partner organisations under the HIV/AIDS project under HRAPF's guidance.

Since its inception in 2011, the HIV/AIDS project has so far handled over 250 cases of women and girls living with HIV/AIDS in the districts and trained numerous of them in human rights and basic law.



Above, Kalagala drama group of people living with HIV/AIDS from Luweero performing during the paralegal pass out ceremony. Below paralegals in a group photo after receiving the certificates.



HRAPF lawyers participate in the Third Lawyering on the Margins conference in Vancouver, Canada.



Above, HRAPF Executive Director in the waiting room of Canada Broadcasting Corporation (CBC Radio) in Vancouver and below, a cross section of participants during the conference.



On the invitation of the Open Society Foundation, and PIVOT Legal Society, the Executive Director Mr. Adrian Jjuuko and the Head of Department Access to Justice Program, Ms. Fridah Mutesi participated in the third lawyering on the margin conference. The conference brought together over thirty lawyers from Africa, Asia, Europe and America working on the drug users, sex workers and LGBTI persons and other marginalised communities to share best practices in legal and advocacy efforts towards achieving equality for all.

The recently passed Anti Homosexuality Act 2014 in Uganda was discussed, especially the legal efforts taken to challenge the Act.

The Executive Director was hosted on the morning show on Canada Broadcasting Cooperation, and he later spoke at a public event at the Emily Carr Centre alongside lawyers from Denmark, India and Macedonia.

The conference was beneficial to HRAPF as vast experiences were shared from lawyers who work on the same issues like we do.

HRAPF conducts legal and human rights awareness in Kiboga and Mpigi.

In a research conducted by Human Rights Awareness and Promotion Forum (HRAPF), it was discovered that one of the major causes of human rights violations in Uganda is lack of awareness among Ugandans about their rights. HRAPF therefore, among its other efforts, is creating awareness among its target populations about their rights and how such rights can be enforced.

One of the ways of creating this awareness is through awareness sessions and legal aid camps. The HIV project is one of the projects that employ this method of human rights awareness. The awareness sessions are carried out at hospitals during clinic days when patients come together in one place. This is done to ease issues of mobilisation. The awareness sessions cover a number of things including HRAPF's profile and its work, patient's rights and duties, will making and its advantages and later a legal aid camp.

One of such sessions took place in Kiboga on 13th March 2014 at the Kiboga hospital and Mpigi on 13th February at Mpigi Hospital. The session at Kiboga was attended by 147 PLW HIV/AIDS while that of Mpigi was attended by 77 PLW HIV/AIDS.

The topics taught to these people are need based. The project officer carries out surveys in the area the session will be held in order to find out what the needs of that community are. The topics are then chosen to address these needs. Some of the problems faced by the clients are loss of property to relatives, discrimination and stigmatisation, reject and neglect by relatives and family, denial of share in family property among others.

A legal aid camp was held after the awareness session and this involved clients meeting legal officers to seek advice and legal aid regarding their legal problems. Most of their problems involved loss of property to relatives who thought it was a waste

HRAPF conducts legal and human rights awareness in Kiboga and Mpigi. Continued from page 5



HRAPF trained paralegal facilitating at an awareness session for people living with HIV/AIDS in Kiboga

to give property to a person living with HIV/AIDS and for the women, it was majorly about child neglect by their husbands.

the matter required more legal attention, a file was opened and the matters are being followed up by the legal officer in charge.

Legal advice was given where necessary and in other cases where



HRAPF Legal Associate Ms. Rashidah Nakasagga facilitating at an awareness session for people living with HIV/AIDS at Mpigi Hospital

HRAPF discusses the implications of the Anti-Pornography Act

The Act shows how women's bodies in Uganda have been sexually objectified and how men, in the name of culture, religion and morality seek to control this body. The Act imposes a de facto dress code on women that should be strictly complied with, failure of which, the women are degraded and treated inhumanely.

On 7th March, HRAPF discussed implications of the Anti-Pornography Act 2014 on women's rights at a workshop organised by WONETHA. The workshop was conducted to commemorate International Women's Day and to discuss the implications of the Anti-Pornography Act on the rights of women in general and sex workers in particular. The workshop's main aim was to awaken the feminist movement in the wake of the violations meted out on women as a result of the Anti-Pornography Act. The justification was that if such gender discriminatory laws are still being passed, then women have no reason to celebrate women's day.

The main discussants were from Human Rights Awareness and Promotion Forum, Centre for Domestic Violence Prevention, Foundation for Human Rights Initiative and WONETHA (an umbrella organisation for sex workers). Joaninne Nanyange, Legal Volunteer represented HRAPF.

The main discussion was how the Anti Pornography Act affects the rights of women and sex workers. It was agreed that the Anti Pornography Act is a law targeting women and it is reflective of the patriarchal society within which it was passed. Despite the fact that the law appears to be gender neutral, it is clear from its effects that it targets women. This is as evidenced from the wave of violence suffered by women that were being undressed on the streets of Kampala by vigilantes in the name of implementation of the Act.

The Act increased violence against women and further entrenched the gender marginalisation of women. The Act shows how women's bodies in Uganda have been sexually objectified and how men, in the name of culture, religion and morality seek to control this body. The Act imposes a de facto dress code on women that should be strictly complied with, failure of which, the women are degraded and treated inhumanely.

The Act presents a big threat to sex workers and their work. In the workshop, it was pointed out that in fact, the Act further criminalises sex work, in addition to the Penal Code Act. This is because the Act, in its definition of pornography, does not define sexual body parts and the meaning of this term is therefore subjective. The only determinant under the Act is if exposure of such parts is intended to excite another person sexually. Regardless of how the sex workers choose to dress therefore, their acts will still amount to pornography. This makes their operations hard and almost impossible.

The Act is also likely to increase the marginalisation and stigmatisation of sex workers by society. This will increase violence against them and their rights will be violated further. If ordinary women on the streets can be undressed for indecent dressing, what about a group of women that are already frowned upon by society? Arbitrary arrests will increase and violence since such violations will be legitimised by the Act. Hence, sex workers can not change their dress code as a way of working within the ambit of the Act. The Act requires them to stop sex work as a whole.

It was for such reasons that WONETHA found it necessary to hold the workshop and ask what went wrong with the feminist movement. How can such a law pass by as we watch? How can sex workers be protected? All these questions were discussed and it was agreed that the way forward was to lobby and influence the legislators to make the necessary amendments and ensure that the law does not legitimise human rights violations against women.

HIGHLIGHTS FROM LEGISLATIVE ADVOCACY AND NETWORKING DEPARTMENT

Overview of the quarter by Flavia Zalwango Acting Head Legislative Advocacy and Networking

The Legislative Advocacy and Networking Program works with likeminded organisations and institutions to advocate and influence the adoption of policies and legislation that promote equality and non-discrimination in order to prevent discrimination of marginalised groups. It works through research, networks and monitoring and evaluation to generate lessons learnt to improve HRAPF implementation approaches. The department implements directly an advocacy project for people living with HIV/AIDS, analyses and advocates for laws that observe the human rights principles of universality and non-discrimination especially to marginalized groups.

The period January to March 2014 has witnessed a back word trend in the country's commitment to ensure equality and take affirmative action for marginalised groups. This is because of the Anti-Homosexuality Act 2014 and The Anti-Pornography Act 2014. Most of the provisions in these laws do not respect human rights and are against the spirit of Uganda's Constitution and further marginalise marginalised groups. HRAPF issued a press release on March 8, 2014 to respond to the legal and human rights implications of the laws.

We organized a launch for a research report on a study in the implementation of laws criminalizing same sex relations in Uganda. The report found out that the laws are being used to persecute rather than prosecute marginalised Ugandans. The report is an important reference for all stakeholders on the applicability of such laws.

The department supported the filing of a landmark petition against the Anti-Homosexuality Act 2014 to oppose the manner in which it was passed and its provisions that contradict with the constitution and other human rights documents that Uganda ascribes to. The filing was well documented and popularised on the website, social networks and listserves.

We participated in popularising Uganda's sharpened plan on Reproductive Maternal Newborn and Child Health (RMNCH) at district level which was launched last year.

During this quarter, the department has drafted an advocacy policy and an M&E framework to streamline advocacy and the function of monitoring and evaluation.

Taking human rights to all.

President signs the Anti-Homosexuality Bill into law



On February 24, 2014 the world watched in awe as President Museveni signed the controversial Anti-Homosexuality Bill 2009 into law at State House Entebbe. The law that is now known as the Anti-Homosexuality Act 2014 is a more specific criminalization of same sex relations compared to what already existed in section 145 of the Penal Code Act.

The Anti-Homosexuality Act 2014 was first introduced as a Bill in Parliament in 2009 by Hon. David Bahati the Ndoorwa West County Member of Parliament Kabale District prescribing a death sentence for aggravated homosexuality with other provisions prescribing imprisonment. It was passed by parliament on 20th December 2013 pending the president's assent. Though

highly supported by the local community, it was highly opposed by some foreign governments and human rights groups around the globe.

The law was popularly referred to as 'kill the gay bill' when it was introduced in 2009 because the offence of committing homosexuality carried a death sentence. However, the contentious provision on the death sentence was later removed and replaced with life imprisonment for anyone committing the offence of homosexuality and aggravated homosexuality. It prescribes seven years sentence for people attempting to commit homosexuality.

In its current form, the Act also criminalises "promotion" of homosexuality. Human rights groups and other organizations that seek to promote tolerance and put an end to violence on the basis of sexual orientation and gender identity, as well as organisations providing other social services to lesbian, gay, bisexual and transgender (LGBT) people could easily be shut down, and their directors and key staff are to face prison sentences of 5 years according to the approved law.

The signing of the Anti-Homosexuality law by the president came two weeks after the signing of the Anti-Pornography Act and the Public order Management Act 2013. All the laws in one way or another violate certain human rights of Ugandans.

HRAPF issued a press statement on the implications of the law.

HRAPF and 9 others file historical challenge against the Anti-Homosexuality Act 2014



HRAPF Executive Director along with other petitioners in a press conference after filing the petition against the Anti-Homosexuality Act 2014

One of the key aspects of Human Rights Awareness and Promotion Forum's work is to provide legal aid to marginalised persons and to advocate for laws that respect the fundamental human rights of all people including the most marginalised groups. Public interest litigation is one activity implemented to fulfill this mandate.

On March 11, 2014, Human Rights Awareness and Promotion Forum (HRAPF) together with Prof. J Oloka - Onyango, Hon. Fox Odoi-Oywelowo, Andrew Mwenda, Prof. Morris Ogenga Latigo, Dr. Paul Nsubuga Semugoma, Jacqueline Kasha Nabagesera, Julian Pepe Onziema, Frank Mugisha and Center for Human Rights and Development (CEHURD) filed a historical Constitutional Court Challenge of the Anti-Homosexuality Act 2014 which was signed into law by President Museveni on February 24, 2014.

The petition was filed under the auspices of the Civil Society Coalition on Human Rights and Constitutional law

(CSCHRCL) which is a coalition of over 50 human rights organisations in Uganda. HRAPF and the CSCHRCL had been fighting the law since 2009 when it was introduced as a bill in Parliament.

The petitioners argue that the Anti-Homosexuality Act violates Ugandans' Constitutionally guaranteed right to: privacy, to be free from discrimination, dignity, to be free from cruel, inhuman and degrading treatment, to the freedoms of expression, thought, assembly and association; to the presumption of innocence, and to the right to civic participation. It also challenges the fact that the enactment of the Anti-Homosexuality Act 2014 by the 9th Parliament on 20 December 2013 without quorum in the House was in contravention of Articles 2(1) & (2), 88 and 94(1) of the Constitution of the Republic of Uganda and Rule 23 of the Parliamentary Rules of Procedure.

They sought orders from court to: Permanently stay the operationalisation of the Anti-Homosexuality Act, 2014; perma-

nently stay the gazetting of the Anti-Homosexuality Act, 2014; permanently prohibit any person, organisation, Company and/or entity to write, publish, or mount a campaign against adult persons who profess and engage in consensual same sex/gender sexual activity among themselves as adults and, a permanent injunction and/or gagging order against persons, organisations, or companies restraining them from publishing, or writing in the print and electronic media including the internet; articles, letters, against adult persons who profess and engage in consensual same sex/gender sexual activity among themselves as adults which articles may bring such persons into public ridicule, odium and hatred.

HRAPF plays an important role in this landmark petition. The Executive Director Mr. Adrian Jjuuko has sworn an affidavit on the implementation of the law and HRAPF Lawyers are part of the legal team handling the petition.

Updates on the case of Jjuuko Adrian vs. Attorney General

HRAPF has always been demanding for a ruling in the case of Jjuuko Adrian vs. Attorney since October 2011 when it was heard. However at the beginning of this year 2014, all hopes for a ruling were lost as a judgment would not be written in the absence of the judges who heard the petition. The Deputy Chief Justice, one of the judges who heard the case died last year yet others resigned yet there were no write ups left on file that could be referred

to in case of drafting a judgment for the case.

The Lawyer and the petitioner of this case were advised to make an application to the Constitutional Court for the re hearing of this case. Applications were made in January 2014. Unfortunately the application has not been given a hearing date because court has other more 16 cases that fall under the same category and discussions are still going to find a suitable solution.

The case of Jjuuko Adrian v. Attorney General was filed by HRAPF's Executive Director Mr. Adrian Jjuuko in 2009. It was heard in October 2011 and has been pending a ruling. The case challenges the constitutionality of Section 15(6)(d) which stop the commission from investigating matters that are considered to be immoral and socially harmful or unacceptable by the majority of the social and cultural communities in Uganda.

HRAPF launches research report on the implementation of laws criminalising same sex conduct in Uganda.



HRAPF Executive Director Mr. Adrian Jjuuko and Ag. Head Access to Justice Ms. Fridah Mutesi presenting the findings of the research. Right is Dr. Chris Dolan Executive Director Refugee Law Project.

One of HRAPF's approaches is to use research to inform advocacy and guide interventions to ensure protection and observance of human rights for all. Three years ago, HRAPF began to conduct a study into the implementation of laws criminalizing same sex conduct in Uganda in order to study the trends, challenges and effects of their enforcements.

After almost three years of careful analysis, cleaning and documentation of data, a research report was unveiled by Human Rights Awareness and Promotion Forum (HRAPF) and the Civil Society Coalition on Human Rights and Constitutional Law (CSCRCL) during a public meeting at Imperial Royal Hotel Kampala. The Report is entitled 'Protecting morals by dehumanising suspected LGBTI persons? A critique of the enforcement of the laws criminalising same sex conduct in Uganda.' Over 100 people from government agencies, civil society, media, development partners and the general public attended the launch.

The report revealed that existing laws criminalising same sex

conduct in Uganda are not being used to prosecute but rather to persecute LGBTI and suspected LGBTI persons in Uganda. The study further revealed that a wide array of laws exist to criminalise same sex conduct in Uganda key of which is Section 145(a) of the Penal Code Act which criminalises 'carnal knowledge against the order of nature' and provides the punishment of life imprisonment for anyone convicted of the offence. Others are: Section 146 on attempts to commit carnal knowledge against the order of nature, and Section 148 on indecent practices.

The study revealed that even though these laws have been on Uganda's law books for more than 100 years, no single conviction or even acquittal (indicating a full trial) was found in the law books in Kampala in the last five years (2007 -2011), and arguably none has ever been recorded in Uganda's legal history.

It further revealed that persons are frequently arrested over accusations of same-sex conduct in Uganda. Usually the arrests are not premised on a reasonable suspicion as to the commission of

HRAPF launches a research report on the implementation of laws criminalising same sex conduct in Uganda... From page 10



A cross section of participants during the launch of the research report on laws criminalising same sex conduct in Uganda at Imperial Royale Hotel Kampala

an offence as required by the law rather; they are due to the external appearance of the person, or a tip off by a third party, or an attempt at mob justice by the community, or by entrapment by the police. The process of arrest is usually done in public, with the person arrested subjected to humiliation. Cases of this kind are usually given extensive coverage in the media, which disseminates the information far and wide, and brands people guilty even before trial. Police officers use the criminal charges as a basis for extortion: most people are released after 'settling' the matter with the police, usually through the payment of money, revealed the report.

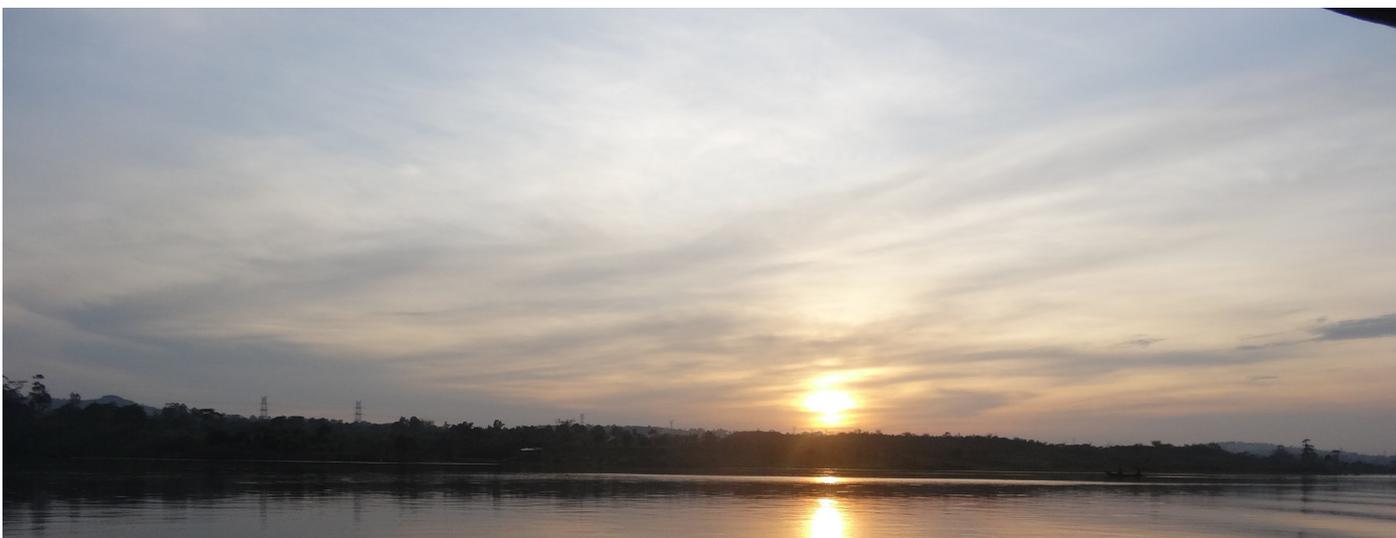
Fewer persons than those arrested get formally charged with the committing of an offence. Where they get charged, it is usually with the one of the offences under the unnatural offences umbrella (carnal knowledge against the order of nature, attempt to commit unnatural offences and gross indecency). Other charges are: being 'idle and disorderly' and being 'rogues and vagabonds.'

According to Mr. Adrian Jjuuko, lead researcher and Executive Director HRAPF, the laws cannot be enforced to the level of

acquittal or conviction because it is difficult to obtain evidence where there is consensual same sex relations among adults since there will be no complainant.

The report also indicated that the process of enforcing criminal laws against consensual, adult, same-sex conduct violates a number of the constitutional rights of LGBTI persons, including the right to equality, right to life, freedom from inhuman or degrading treatment, the right to privacy, the right to liberty, and the right to a fair trial.

The report was launched at a time when Parliament has just passed the Anti-Homosexuality Bill 2009, awaiting Presidential assent. However, it was signed by the president on February 24, 2014. The Anti-Homosexuality Act 2014 replicates the existing law in many respects, and is thus bound to face the same challenges as the current law. The same evidence required under the law is the same as that required under the existing law. Therefore, it might end up a useless law that cannot be implemented but rather an addition to unnecessary laws that waste the tax payers' money.



HRAPF participates in popularising Uganda's sharpened RMNCH plan at District level.



HRAPF Project Officer Advocacy presenting to Hoima District leaders during the a workshop that was aimed at popularising Uganda's RMNCH plan at District Level.

In order to advocate for the rights of marginalised Ugandans, HRAPF works through networks, coalitions and partnerships. The Civil Society Coalition on Maternal Newborn and Child Health is one in which participated in civil society advocacy. HRAPF participates in activities of different networks which in turn also support HRAPF advocacy activities. However, these activities at the same time lead to observance of human rights for marginalised groups.

On the 22nd of January 2014, HRAPF's Project Officer Advocacy Mr. Edward Mwebaza, represented the Organisation by facilitating at a one day awareness workshop on the sharpened Reproductive Maternal New born and Child Health plan to Hoima District Local council leaders, District health team, technical team, community member representatives and other stakeholders in the health sector of the district. The training was aimed at popularising the plan seeking for commitment of officials for implementation at District level.

The training was attended by over 25 district officials including representatives from the Office of the Chief Administra-

tive Officer, District Health officer, the RDC among others. It was organized by World Vision Hoima Regional Office at Kolping House Hoima. The Chairperson LC.5 Hoima District also attended the training.

The RMNCH sharpened plan launched by his Excellency the Vice President, Hon. Edward Kiwanuka Ssekandi in November 2013, seeks to end preventable maternal, new born and child deaths in Uganda by redirecting and refocusing efforts towards accelerating the attainment of MDG 4&5 in Uganda. The plan proposes five strategic shifts for Uganda to accelerate progress: Geographical disparities, High burden populations, high impact interventions, multi-sectoral approach and mutual accountability.

Uganda is one of the more than 170 countries that have adopted A promise Renewed (APR) strategy of UNICEF which seeks to accelerate progress in achieving targets for child survival by achieving the Millennium Development Goals 4 and 5 targets by 2015. The plan which is scheduled to be implemented between 2014 and 2017, seeks to re-energise Uganda's interventions to prevent maternal, new-

born and child deaths. If the plan is implemented, it is estimated that an additional 120,000 child and 6100 maternal deaths will be averted by 2017.

HRAPF was part of the process since the beginning of 2013 and has been recognized as an important ally in the promotion of the health rights of mothers and children through coalitions' advocacy activities of civil society at a national level. An opportunity to promote the plan at district level is an indication that the only way to go is to adopt a human right based approach to everything.

HIGHLIGHTS FROM FINANCE AND ADMINISTRATION DEPARTMENT

Overview of the quarter by Mr. Anthony Mutimba Deputy Executive Director

Every quarter of the year, HRAPF publishes a newsletter showing the progress of program implementation under its three major programs. The Finance and Administration Department falls under the Capacity Building and Organisational Development Program and progress is also assessed here.

For us in finance and administration, this quarter has witnessed more staff capacity development than ever before despite the legislative environment in the country. All staff was trained in financial sustainability and security. At least one board member and a trustee also attended those trainings. Staff psychosocial support services brought on board and training was also conducted on the same. All these were intended at broadening HRAPF's staff capacities to ensure sustainable organisation funding and proper and secure practices for the safety of HRAPF assets and individual security.

HRAPF conducts annual financial audits. The preparations for the financial audit of year ended 31st December 2013 were also undertaken. The physical auditing exercise was conducted now awaiting the Auditor's report.

The finance and administration department has remained vibrant and very committed in its role of offering support to the two program implementing departments.

Taking human rights to all

HRAPF trains staff in resource mobilisation and security.

According to the new HRAPF strategic plan 2013-2017, the prerequisite to execute and implement HRAPF's Program Goals successfully requires staff with the appropriate skills and competences. One way of improving staff skills is by conducting regular staff trainings in the different fields.

Usually, all staff trained at the beginning of each year in the beginning of year staff trainings. The trainings are normally conducted in the second week of new year. However, this training did not take place in 2014. It was replaced by the two comprehensive trainings in resource mobilisation training and the security. Independent and competent consultants facilitated those trainings.

Resource mobilisation Training

Held at Namirembe guest house, the fundraising training was aimed at equipping staff with fundraising skills as well as foster joint efforts to develop a Financing Strategy for HRAPF for financial sustain-

ability.

The training received full support and cooperation from all staff and the Board of Directors. So many issues were reasoned out during the highly participatory sessions; let alone using various methods such as songs to evaluate learning during the training.

It was clearly brought out during staff interactions with the facilitator from Smart Consult that a number of factors come into play for an organisation to be successful in its fundraising efforts. Staff being major stake holders at HRAPF were reminded and informed that they had to be part of the process and they had a big role to play.

They were taught skills in budgeting, networking, managing donor relations, creating and managing reserves, cost management and control and sourcing for new donors. They brainstormed ways of raising funds locally and one of them being to encourage staff and member contribu-

tions to the cause. However small it might be, these contributions play a great deal in improving the finances of an organisation because they are usually not restricted.

By the end of the training, staffs' mindsets had been changed and individual staff members were captured pledging to make small financial contributions to the organisation as well as making efforts to cut costs.

It was also resolved that Smart Consult use the knowledge and opinions gathered to develop an HRAPF financing strategy. The financing strategy was finalised and adopted by the Board of Directors.

Security training

Normally, when people hear about security training their minds run to safeguarding their assets and properties against thieves, self-defense tactics and combats. What happened at Source of the Nile Hotel Jinja changed this perception for HRAPF staff who attended the security training.

HRAPF trains staff in resource mobilisation and security. Continued from page 13

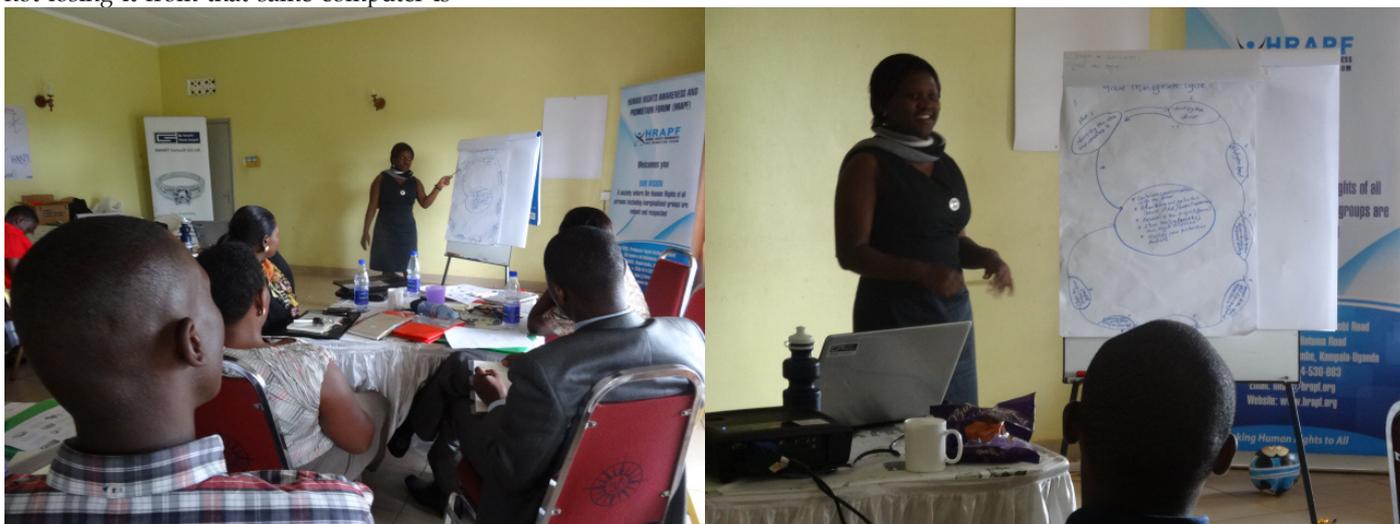
Conducted by consultants from Defenders Protection Initiative, this security training was aimed at equipping staff with security skills and to identify HRAPF's strengths and weaknesses in the security policies and ways to improve them. The training brought in a new understanding of security to HRAPF staff because it went beyond just being secure from thieves to being secure on a persons' computer. The ability to save and keep data on a computer is one thing and not losing it from that same computer is

another. All those were handled during the training.

Participants were introduced to digital and physical security. Under digital security, a combination of tools and habits that users can use to prevent others from secretly monitoring their actions on line, accessing or tempering with their electronically stored information or communications and interfering with their electronic devices or programs were handled. This also covered tactics used to ensure

secure browsing on the internet, password protect computers and documents and ensure that the devices used are safe and secure both in and outside office.

Physical security on the other hand dealt with the ability for staff to protect both themselves and the organisation was handled as equally important. Staff was taught that security begins with an individual and that every loss means a lot to the organisation.



HRAPF Acting Head of Department legislative Advocacy and Networking Ms. Flavia Zalwango presenting to other staff during a resource mobilisation training at Namirembe Guest House



HRAPF staff attending a security training workshop at Jinja Nile Resort.

HRAPF Executive Director awarded at the University of Pretoria



One of HRAPF's management priorities under the Organisational Development and Capacity Building Program of the new strategic plan 2013-2017 is human resource management and development. Specifically, HRAPF prioritises implementation of a staff training and development strategy through organising staff trainings in different skills and encouraging them to upgrade their education.

Late in 2012, HRAPF's Executive Director Mr. Adrian Jjuuko led by example when he won a scholarship for a Master of Laws in Human Rights and Democratisation in Africa at the University of Pretoria. The course took one year from January to December 2013. The graduation took place on 10th December 2013 where HRAPF Executive Director was awarded twice: The Nelson Mandela Prize for the best overall performance in the course which he shared with Precious Eriamiatoe and the Victor Dankwa Prize for the best performance in the module on Human Rights in Africa.



The awards were presented to HRAPF staff, members and partners during the certificate award ceremony for paralegals working with People Living with HIV/AIDS conducted at HRAPF Secretariat on February 21, 2014. Speaking at the function, the Vice Chairperson Board of Directors HRAPF, Mr. Kafuruka Baryomu-maisho said that the awards were achieved in an individual capacity but were of great importance to HRAPF as well. The Executive Director said that he would use the knowledge acquired to advocate for the rights of all Ugandans and Africans in general.

Above, HRAPF Executive Director holding the award and in a group photo with classmates. Below, HRAPF Vice Chairperson presenting the awards during the Paralegal pass out ceremony at the secretariat in February 2014

In the same measure, the Acting Head of Department Legislative Advocacy and Networking Ms. Flavia Zalwango graduated with a Post Graduate Diploma in Monitoring and Evaluation from Uganda Management Institute Kampala. This knowledge and skills will be very instrumental in improving HRAPF monitoring and evaluation function.



Contact us:

Plot 390 Prof. Apolo Nsibambi Road, 20 Metres off Balintuma Road Namirembe, Kampala.

P. O. Box 25603, Kampala.

Tel: +256-414-530683. Email: info@hrapf.org. Website: www.hrapf.org.