

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

## Pictorial

*Uganda's Anti-Homosexuality Act 2014 annulled.*



*HRAPF's Fifth Annual General Meeting*



*HRAPF elects new Board of Directors*



## In this issue

Page 3: How the Anti-Homosexuality Act met its end.

Page 5: HRAPF paralegal training.

Page 6: Training Local council leaders in basic land law and rights

Page 7: Sex workers trained in basic legal and human rights.

Page 8: Training People Living with HIV to assert their rights.

Page 9: HRAPF challenges Anti-Homosexuality Act at the East African Court of Justice.

Page 10: HRAPF hosts panel on the Anti-Homosexuality Act 2014

Page 11: HRAPF advocates for the rights of minorities at the African Commission on Human and Peoples' Rights

Page 12: African Commission passes a resolution on the protection of sexual minorities.

Page 13: HRAPF participates in activities to mark HURINET 20th Anniversary

Page 14: HRAPF holds Fifth AGM

Page 16: HRAPF elects new Board of Directors

Page 17: HRAPF staff trained in M&E

Page 18: HRAPF Audit Report 2013 is out

Page 19: Updates on the Internship Program.

# INTRODUCTION



**Mr. Adrian Jjuuko- Executive Director**

**H**RAPF's Quarterly Newsletter is out once again. This is the fifth issue since we started providing periodic updates to our partners and friends through the newsletter.

This issue covers the period April to July 2014. The period was productive and successful for HRAPF despite its being a very hectic one. The key highlight of the quarter was the court victory that saw the Anti Homosexuality Act 2014 off the law books of Uganda. The Act, which was like a noose around the necks of LGBTI individuals and organisations working to protect human rights, was declared unconstitutional by the Constitutional Court on 1<sup>st</sup> August 2014. This was on the basis that the law was passed without the necessary quorum and that the Speaker never followed the rules of Procedures when the issue of quorum was raised. As such the resulting Act was a nullity. HRAPF was one of the petitioners, and also part of the Legal Team that handled the Petition.

During the quarter, we also filed a case at the East African Court of Justice on behalf of the Civil Society Coalition on Human Rights and Constitutional Law (CSCRCL) challenging the passing of the Anti-Homosexuality Act 2014 as a violation of the principles that govern the East African Community as laid down in the Treaty Establishing the East African Community.

On a sad note, we lost the case of *Kasha Jacqueline and 3 others vs. Attorney General & Hon. Simon Lokodo, Misc. Cause No.33 of 2012*. This case was challenging the Minister of Ethics and Integrity's action in closing an LGBTI skills training workshop in 2012. The Judge held that the closure of the workshop was constitutional as the motive of the workshop was to promote same sex practices and it constituted a conspiracy to engage in illegal practices. This was on the basis that Section 145 of the Penal Code criminalises 'carnal knowledge against the order of nature'. The ruling has been appealed against in the Court of Appeal.

In addition to these legal challenges, we continued with our everyday work. Legal aid service provision to marginalised groups formed the bulk of this work. HRAPF continued to provide legal aid services to LGBTI persons, sex workers, women and children living with HIV/AIDS as well as women and the elderly with land justice issues.

We also continued to promote awareness of basic law and human rights to all or target groups in the districts where we work.

We continued to advocate for the rights of marginalised groups at national, regional and international levels. At the national level, HRAPF hosted a panel discussion on the efforts to challenge the Anti Homosexuality Act during the National Civil Society Fair 2014. At the regional level, HRAPF was one of the NGO participants at the 55<sup>th</sup> session of the African Commission on Human and Peoples' Rights in Angola. Also HRAPF participated in a regional civil society discussion on how to effectively advocate for inclusionary laws in Johannesburg South Africa. Internationally, HRAPF presented in the World Pride Human Rights Conference in Toronto Canada and participated in discussions on advocacy for non-discrimination alongside participants from other parts of Africa, Eastern Europe and the United States of America in Florence, Italy.

Finally, as a way of strengthening the organisation's governing structures, HRAPF held its fifth Annual General Meeting. During this meeting, HRAPF elected its second Board of Directors which will steer the organisation forward for the next three years. A successful audit of the organisation's accounts was also done, and our internship program continued to thrive with students from Harvard University and Makerere University. We also received a new car, which will be central in easily reaching the rural areas where HRAPF works and to more securely transport HRAPF staff for their work.

Our work during this quarter, and as always was done with the support of our partners who provided financial and moral support to HRAPF's cause. HRAPF extends its gratitude to all the parties, nationally and internationally who supported our work.

I hope you find this fifth issue of our newsletter a helpful resource for updates on our work.



# UPDATES FROM THE ACCESS TO JUSTICE DEPARTMENT

## Overview



**Ms. Fridah Mutesi- Acting Head of Department**

The Access to Justice Department was kept very busy during the course of the quarter. This was due to the passing into law of the Anti-Homosexuality Act 2014 and the Anti Pornography Act 2014. Both laws made the situation of LGBTI persons and sex workers in Uganda more precarious and thus increased the need for legal intervention. Cases of mob justice, eviction for homes and threatening violence increased multiplefold during this period and this stretched HRAPF's resources. The passage of the laws also ensured that efforts were directed towards challenging these laws in Court since HRAPF was one of the key partners in this struggle in its role as the Chair of the Legal Committee of the Civil Society Coalition on Human Rights and Constitutional Law.

The period April to July was fundamental in terms of promoting access to justice for the marginalised groups in Uganda. The Anti-Homosexuality 2014 was overturned by the Constitutional Court on the basis that it was passed without following the Constitutional requirements as to quorum as well as the procedure laid down in the Parliamentary Rules of Procedure as regards Quorum. This was through a Constitutional Petition that was filed by ten petitioners from a wide spectrum of society who included the members from the academia, LGBTI activists, members of Parliament,

distinguished journalists as well as human Rights Organisations in March 2014. The nullification of the law was an elating moment not only for the LGBTI community but also for Civil Society actors at large most of whom were targets of this wide sweeping law. The Access to Justice Department of HRAPF played a key role in this case.

The loss in the strategic case of Kasha Jacqueline and 3 others vs. A.G Misc. Cause No.33 of 2012 was lost to the Attorney General was a big blow for it effectively means that holding meetings and workshops by/for LGBTI persons is criminalised. This was a sad day for freedom of association and expression in Uganda.

The Department also continued to provide legal aid services to women and girls living with HIV/AIDS in the rural areas of Central Uganda as well as elderly men and women seeking land justice. These groups were represented in court, other cases were resolved through Alternative Dispute Resolution, and police interventions.

The Department hosted two interns during this period, Brian Kloestobear from Harvard University and Pauline Sebakaki from the Public Interest Law Clinic, of the School of Law, Makerere University.

## How the Anti Homosexuality Act 2014 met its end

On April 11<sup>th</sup> 2014, soon after the passing into law of the Anti-Homosexuality Act 2014, HRAPF and other like-minded organisations as well as individuals filed a petition in the Constitutional Court challenging the Constitutionality of the Act. The Petition was officially cited as *Prof. J. Oloka Onyango, Hon. Fox Odoi-Owylowo, Prof. Morris Ogenga-Latigo, Andrew M. Mwenda, Dr. Paul Semugoma, Jacqueline Kasha Nabagesera, Julian Pepe Onziema, Frank Mugisha, Human Rights Awareness and Promotion Forum and the Centre for Health, Human Rights and Development (CEHURD) v Attorney General, Constitutional Petition No. 008 of 2014*. The petitioners were: a law professor, one of the members of parliament (MP) who authored the minority report on the anti-homosexuality bill, a former leader of the opposition in the last parliament, a journalist and media house owner, an HIV activist for men who have sex with men, a gay activist, a transgender activist, a lesbian activist, an organisation offering legal aid services to marginalised groups, and an organisation

working on health issues respectively.

The petition challenged the constitutionality of the Act on both procedural and substantive bases. The procedural basis was that the Act was passed without the Constitutionally mandated quorum and that the Procedure laid down under the Rules of Procedure of Parliament were not followed when the issue of quorum was raised. The substantive basis was that the majority of the provisions of the Act violated the human rights protected in Uganda's Constitution including the right to privacy, freedom from inhuman, cruel and degrading punishment, equality before and under the law, property, and fair trial.

The Attorney General responded by denying all the grounds of the Petition and putting the petitioners to strict proof.

## How the Anti Homosexuality Act 2014 met its end. From page 3



The Petitioners also filed Constitutional Applications No. 8 and No. 9 of 2014 arising from the petition. These sought an interim injunction, and interim orders against the enforcement of the Act and the publication of injurious materials pending the determination of the petition.

The Court set a date for scheduling but when the parties appeared before the Registrar the Attorney general requested an extension of up to 10<sup>th</sup> September in order to consult more widely. This was granted.

However, before scheduling could take place, the Court set July 30<sup>th</sup> as the date for the hearing of the Petition. Both parties duly attended court on 30<sup>th</sup> July and when the Court asked the Petitioners to proceed with their case, the Attorney General's lawyer objected to the hearing stating that they were not ready since the case had been set for September 10<sup>th</sup> for scheduling, and that there were other affidavits that the Attorney General wanted to file.

The judges overruled the objection and then asked the Petitioners to submit on the first issue- the issue of quorum. The Petitioners lawyers submitted that the Act was passed without quorum and that the Speaker did not follow the Rules of Procedure as laid down by ruled 23 of the Parliamentary Rules of Procedure. They relied on the affidavits of Hon. Fox Odoi who is a member of Parliament and Prof. Ogenga Latigo, a former member of Parliament.

The next day 31<sup>st</sup> July, the Attorney General was also heard in response to the issue of quorum. The Attorney General argued that the burden of proof was on the petitioners to prove that there was no quorum that day and this burden had not been discharged. The Petitioners responded that the Attorney general did not deny that there was no quorum and this was an admission.

The Court reserved its judgment on this issue for the next day. On 1<sup>st</sup> August 2014, the Court It was heard and decided by a panel of five Judges: composed of: Hon. Justice Mr. Stephen Kavuma, Hon. Justice Augustine Nshimye, Hon. Justice Ruby Opio Awere, Hon. Lady Justice Solomy Balungi Bbosa and Hon. Justice Eldad Mwanguhya delivered its judgment and unanimously found that the passing of the Anti Homosexuality Act 2014 without the required quorum was in contravention of the Constitution. That though the burden of proof to prove that there was no quorum was on the petitioners, there is an exception where the respondent does not expressly deny the allegations. They noted that in this case, the Attorney General did not deny the allegation that there was

no quorum, and as such this fact was taken as admitted. Again since this was a civil matter, the standard of proof was 'balance of probabilities' and so the affidavits of Hon. Fox Odoi and the hansards were enough to prove the absence of quorum. The Court also found that the act of the Hon. Speaker of Parliament of not entertaining the question of quorum when it was raised was an illegality under the Parliamentary Rules of Procedure and this rendered the enacting process and the resulting Act a nullity. The court did not find it necessary to consider the other issues raised in the petition because this would be an academic exercise.

With that judgment, the Anti-Homosexuality Act ceased being law in Uganda. .

The case was argued by a team of five lawyers: Ladislaus Rwakafuzi, Caleb Alaka, Nicholas Opiyo, John Francis Onyango and HRAPF's Fridah Mutesi.

Winning this case means a lot to HRAPF. First, it means a win for democracy, constitutionalism and the rule of law. Secondly, it is a reversal of the draconian Anti-Homosexuality Act 2014 which will result in the upholding of human rights for all. And thirdly, it means that HRAPF's struggle for a society where the human rights of all persons including marginalized groups are valued and respected is on track.

HRAPF appreciates all stakeholders in the struggle. We thank all the other petitioners for standing up for what is right; the lawyers in the matter for ably and bravely representing the petitioners; and our partners, especially UHAI and the Civil Society Coalition on Human Rights and Constitutional Law (CSCRCL) for their support of the Petition.



*HRAPF's Ms. Flavia Zalwango and other petitioners waiting for the judgement in the case against the Anti-Homosexuality Act 2014 at the Constitutional Court on 1st August 2014*



## HRAPF Legal aid clinic receives over 120 cases in four months

With 6 lawyers, 2 Legal Assistants and 2 paralegals, the legal aid clinic at HRAPF offers quality legal aid services. Unique to the clinic is its handling of cases of marginalised groups. These groups are: sexual minorities which include sex workers and LGBTI people, women and girls living with HIV/AIDS in Luwero, Kiboga, Mityana and Mpigi districts, and poor women and the elderly on issues of land.

During the period April to July 2014, the legal aid clinic received 126 cases from the groups handled. 47 cases concerned sexual minorities, 48 cases were for women and children living with HIV/AIDS and 31 cases concerned poor women and elderly persons seeking land justice.

The cases received and handled concerned a wide range of issues of violations of human rights and dignity. They concerned arrests, mob justice, family rejection, threatening

violence, office raids, evictions, kidnapping and abductions, child neglect and blackmail. Others involved succession disputes and illegal land evictions, child custody and assault among others.

At HRAPF, cases are handled through direct court representation, mediation, legal advice and other alternative means of dispute resolution.

## HRAPF paralegal training rolls on

This quarter saw the beginning of yet another phase of HRAPF's paralegal trainings. The two trainings were held on the 23rd -25th April 2014 and 11th - 13th June 2014. Seven persons were trained. The training focused on rural areas and trainees were drawn from upcountry areas like Migyeera, Kasese, Hoima, and Fort Portal. Only a few were from organisations in Kampala that has not participated in the trainings before. The aim of the trainings was to increase the number of paralegals in rural areas and to enhance legal aid service delivery to marginalised communities in areas with limited access to

justice.

Module one introduced trainees to the concept of paralegals, skills of paralegals, the law in Uganda, hierarchy, composition and functions of the courts, the police and its functions, the prison system, and the roles of independent commissions and non-state actors in advancing justice. Module two expounded on criminal law: criminal jurisdiction of courts, sexual offences, the law of arrests, charges and prosecution of criminal offences, the trial and bail process, pleas and witnesses, defenses and final submissions, and judgment, sentencing and appeals. The trainees now have to undergo one more training before they can be certified as HRAPF trained community paralegals.

A HRAPF-trained paralegal also showed up to share his experiences and inspire the trainees. The paralegal said: "HRAPF did a good job in training me. People having faith in me is one of the good things. My success story and satisfaction are derived from being able to help others. When you start a case, make sure you follow up. Being a paralegal is a sacrifice. It is not a job. We are trained to help ourselves in our communities. You should also be able to have confidentiality. You should also be approachable and accessible. As a paralegal, one is also expected to report, especially on cases that are not forwarded to lawyers. There are cases that can be handled by paralegals without involving lawyers. It is also important to learn how to communicate with other paralegals. Paralegals should also be impartial when handling cases especially those that involve our close friends."

The beauty of training paralegals is the ability of the trained paralegals to reach the grass root people who desperately need legal aid that HRAPF's legal aid clinic cannot reach directly. Paralegals are trained from community members themselves, who are well aware of the types of challenges people face. In a period of six months from January-June 2014, HRAPF's trained paralegals identified, handled and referred 143 cases for marginalized people. This is what gives meaning to the paralegal training project.



Trainees in a group photo with the Executive Director



HRAPF Lawyer facilitating the training

## HRAPF trains Local Council leaders in land rights and Alternative Dispute Resolution (ADR) mechanisms



*LC1 Chairpersons in Masuliita pose with HRAPF Lawyers in a group photo after training at Masuliita Sub County Hall*

After implementing the Land Project for two years in Wakiso District, HRAPF learnt that one of the reasons why the Local Council (LC) officials do not adequately handle land issues is simply because they do not know how to do it. HRAPF therefore decided to empower them with the knowledge to work on these cases and resolve disputes.

On the 14<sup>th</sup> June 2014, HRAPF organised a training workshop for Local Council I Chairpersons in Wakiso District at the Masuliita Sub County Hall. The training was designed to empower LC Chairpersons to use alternative means of dispute resolution to solve land conflicts for people in their areas as a way of reducing the number of cases that come to courts.

Fifty-two LC1 chairpersons of different villages attended the workshop and were taught about the procedure local

council courts have to follow in hearings; the duties of the chairpersons in settling disputes; and how to keep records of the proceedings. Record keeping was emphasised because they are needed it for reference in case of appeals to the LC II. The training also expounded on the Local Council Act: the interpretation and origin of the Act, the jurisdiction of Local Council Courts, offences under the Act, charges and their institution, rulings and judgment. Participants were also given a copy of the Local Council Act to help guide them in their operations.

At the end of the workshop, LC I Chairpersons appreciated the training and promised to use the knowledge to help people with problems in their communities. Any Quote?



# HRAPF empowers sex workers with basic legal and human rights knowledge

*"I was highly enlightened that no one is above the law. Even when a police officer insults me, I can have redress."*

Under the Penal Code Act of Uganda, sex work is criminalised under the penal provisions of prostitution and rogue and vagabond. Sex workers are also targeted under the recent legislation: The Anti- Pornography Act 2014. They are therefore arrested and subjected to extortion by police officers, malicious prosecutions and violations of their basic human rights and constitutional rights.

Under the Access to Justice program, HRAPF lawyers facilitated a training for sex workers which was organised at the offices of Women's Organisation Network for Human Rights Advocacy (WONETHA) from 23rd - 27th June 2014. The aim of the training was to enhance sex workers' knowledge on law and human rights and to empower them to assert their rights.

During the four-day training, 19 members of WONETHA, most of whom were peer educators, were taught about civil and criminal law in Uganda, access to justice mechanisms, sexual offences that affect sex workers, pre-trial procedures at police, and trial and post-trial processes in court. They were also introduced to the concept of human rights and taught about basic civil actions that they can take in case of violations of their rights. Basic paralegal skills were also taught to participants to enable them assert their rights.

After the training, one of the participants noted that: "I was enlightened more about my rights. I always thought that sex workers are not entitled to rights since we are deemed immoral by the public." Another one also remarked: "I was highly enlightened that no one is above the law. Even when a police officer insults me, I can have redress." In the same manner, another participant also commented: "I thank the facilitators for the excellent work. It is not easy to teach adults, especially with low level of education. I have learnt a lot on the rights of sex workers and how I can help my fellow sex workers. Thank you for explaining in both languages."



Ms. Fariida Ikyimaana facilitating the training at WONETHA



Mr. Edward Mwebaza facilitating the training at WONETHA





# HRAPF trains people living with HIV/AIDS in Mityana district in patients' rights.



HRAPF project officer facilitating at the session in Mityana

One of the participants reading patients' rights on a poster

In order to reduce stigma and discrimination surrounding HIV, people living with HIV/AIDS (PLWHA) need not only food and medicine aid but also legal services. PLWHA, especially women and children, frequently face challenges that require legal solutions. These challenges include violations of their right to property, custody of children, right to education, and right to medical care, among others. Under the Human Rights Advocacy Project for Strengthening the Legal, Human Rights and Policy Response to the HIV/AIDS Epidemic in Uganda, funded by Positive Action for Children Fund (PACF), HRAPF responds to these challenges by providing free legal aid and human rights awareness to women and girls living with HIV/AIDS in the districts of Luwero, Kiboga, Mityana and Mpigi.

On the 22nd of April 2014, one such awareness session and legal aid camp was held in Mityana, at Kyantungo Health Centre IV, in conjunction with the HIV District Focal Person and the HRAPF-trained paralegals in the district. Seventy-one people living with HIV/AIDS attended the session and legal aid camp and presentations were made by Mr. Julius Ssentamu, the Project Officer, and Ms. Rashidah Nakisagga, a legal associate under the project.

The session had three main objectives: creating awareness and consciousness

of the basic concept of human rights among women and girls infected and affected by HIV/AIDS, introducing the HIV/AIDS Project to the direct beneficiaries in Mityana District, and strengthening efforts to combat HIV-related stigma and discrimination in the district. The objective of the legal aid camp was to provide free legal services to women and girls affected by the disease whose rights have been violated.

*“When she was registering at a medical facility, the first thing the nurse asked her, even before her name, was what her religion was. She therefore wanted to know why patients were asked for their religion at the hospital”.*

Mr. Julius Ssentamu made a detailed presentation on patient's rights and the concept of human rights. He implored the participants to learn about their rights as patients and to report to their legal issues to HRAPF paralegals and lawyers for free legal support. He told them that their rights as patients included: the right individual respect, right to equal treatment, and right of access to medical information. They also have a right to privacy, a right to participation and representation, and

a right to redress. Every patient also has a right to die in dignity and the right to spiritual and moral comfort. When asked if they were aware of any place to complain in case the service delivered was poor or unsatisfactory, most participants mentioned the Local Council courts.

One participant gave a testimony that when she was registering at a medical facility, the first thing the nurse asked her, even before her name, was what her religion was. She therefore wanted to know why patients were asked for their religion at the hospital. Mr. Ssentamu emphasised that religion should not stop any patient from accessing health services, but it can be used for purposes of identifying patients.

The HRAPF paralegals in the district, Ms. Nakato Peninah and Ms. Nabakunja Norah, taught the participants the importance of making a valid will and the contents of a will form. Ms. Rashidah Nakassaga answered some questions on will making and explained the rights of widows.

At the end of the session, a legal aid camp was conducted and 10 participants whose issues required legal intervention were registered. Their cases are now being handled at the HRAPF Legal Aid Clinic.



# UPDATES FROM LEGISLATIVE ADVOCACY AND NETWORKING DEPARTMENT

## Overview



Ms. Flavia Zalwango-Acting Head of Department

The Legislative Advocacy and Networking Department works with likeminded organisations and stakeholders to advocate for non-discriminatory laws. In order to achieve this, the department uses a multi-disciplinary approach of research and publications, awareness and lobbying to influence the adoption of nondiscriminatory legislation.

This newsletter updates readers on the advocacy milestones realised by the department during the period April to July 2014 at the national, regional and international levels:

At the national level, the department continued to lead struggles against oppressive laws through advocacy. During the National CSO Fair, HRAPF hosted a panel discussion where the challenge to the Anti-Homosexuality Act 2014 at the Constitutional Court and at the East African Court of Justice were discussed. HRAPF also exhibited its publications during the CSO Fair. The discussion attracted participants from

upcountry who were not familiar with the issues. HRAPF also facilitated a meeting to discuss the Anti Pornography Act soon after the Act had been signed into law, which meeting culminated into the decision to challenge the Act before the Constitutional Court.

At a regional level, HRAPF participated in the NGO Forum in preparation for the 55<sup>th</sup> Session of the African Commission on Human and People's Rights in Angola, where we presented a report on the violations of the rights of sexual minorities in Uganda together with other activists. This culminated in the African Commission on Human and People's Rights passing a resolution for the protection of persons against violence due to their perceived or actual sexual orientation and gender identity. The Ag. Head of Department represented HRAPF during these meetings. HRAPF also filed a reference against the Attorney General of Uganda at the East African Court of Justice contending that the provisions and effects of the Act violate the rule of law and human rights principles that underlie the Treaty for the Establishment of the East African Community. The Executive Director represented HRAPF at a regional convening of activists for enabling HIV legislation in Johannesburg, South Africa.

Internationally, the Executive Director participated in the World Pride Human Rights Conference in Toronto, Canada. He presented on a panel discussion on the laws criminalising same sex relations in Uganda as well as the efforts to challenge those laws. He also participated in a meeting of activists organised by the Robert F. Kennedy Centre for Human Rights in Florence Italy where experiences of dealing with oppressive laws were shared with activists from the different regions Africa and Eastern Europe.

As a member of HURINET, HRAPF also participated in the celebration of their 20<sup>th</sup> anniversary, where we exhibited HRAPF's work and other publications.

The Department also ensured the publication of the HRAPF Annual Report 2013, the fourth Issue of the HRAPF newsletter, and the Paralegal Reference handbooks for paralegals working with people living with HIV.

The quarter has been busy and we thank other departments for working with us and we appreciate our donors, partners and stakeholders for the support rendered during the period.

## Uganda's Anti-Homosexuality Act challenged in the East African Court of Justice

On 23rd April 2014, the Human Rights Awareness and Promotion Forum, under the umbrella of the Civil Society Coalition on Human Rights and Constitutional Law (CSCRCL), filed a reference before the East African Court of Justice. HRAPF contended that Uganda is in violation of the Treaty for the Establishment of the East African Community by enacting the Anti-Homosexuality Act 2014, because

certain provisions are inconsistent with the obligations laid down by the treaty.

The reference, *Human Rights Awareness and Promotion Forum v Attorney General of Uganda*, argues that certain provisions of Uganda's Anti-Homosexuality Act of 2014 are in violation of the Treaty for the Establishment of the East African Community. Articles 6(d), 7(2) and

8(1)(c) enjoin partner states to govern their populace on the principles of good governance, democracy, the rule of law, social justice and the maintenance of universally accepted standards of human rights, which include provision of equal opportunities and gender equality, as well as the recognition, promotion and protection of human and people's rights.

## HRAPF hosts panel on the Anti-homosexuality Act 2014 during the National CSO Fair 2014



Ms. Flavia Zalwango facilitating at the parallel session

HRAPF hosted a parallel session during the 4<sup>th</sup> National Civil Society Organisation Fair on June 26-27 at Hotel Africana where the current efforts to challenge the Anti Homosexuality Act were discussed. Dr. Stella Nyanzi, a PhD and research fellow at the Makerere Institute of Social Research, chaired the panel that included Ms. Flavia Zalwango, Head of Department of Advocacy and Networking, Ms. Fridah Mutesi, Head of Department of Access to Justice, and Mr. Ladislaus Rwakafuzi, co-counsel for the petitioners in the constitutional petition challenging the Anti-Homosexuality Act and co-counsel on the Reference challenging the Anti Homosexuality Act which was filed at the East African Court of Justice.

Deputy Executive Director Mr. Anthony Mutimba opened the session by discussing how the Anti-Homosexuality Act, Anti-Pornography Act, and Public Order and Management Act are related and how they have negative political, economic, and legal effects on civil society.

Ms. Flavia Zalwango then spoke about how the Anti-Homosexuality Act hurts the freedom and liberty of all Ugandans. She described how the Act has stirred up homophobia and how the “gay panic” defense in Section 5(1) would give complete immunity to anyone who engages in violence against an alleged homosexual. She also discussed how the Act is constraining dialogue in civil society since NGOs could lose their license if they “promote” homosexuality under Section 13.

*Others expressed openness for learning more about LGBTI issues and invited HRAPF to conduct awareness sessions in their villages. Even though members of the audience were passionate about this issue, the conversation was calm and civil.*

Ms. Fridah Mutesi discussed the challenge to the Act in the Constitutional Court of Uganda. She began by reviewing the background of the Anti-Homosexuality Bill and addressing the issue of quorum. After describing the vagueness of the Act, she discussed how it violates the Constitution of Uganda, including the right to privacy, right to fair trial, right against cruel and unusual

punishment, right to healthcare, and right to engage in civil society. “This law is legalizing homophobia,” Ms. Mutesi said. “It is a state of fearing what you don’t know. We are talking about adult consensual sex in private – not children or recruitment. We heard when they brought this law that this Act was targeting those who recruit children, but this law does not address that. If that was the real issue, then we would not challenge it.”

Mr. Ladislaus Rwakafuzi then discussed the challenge to the Act in the East African Court of Justice. He described how the petitioners had jurisdiction in the East African Court and how the result of the case would be binding on



Above, a participant asking a question and below, HRAPF staff exhibiting information materials



the entire East African Community. The petitioners are therefore working with advocates in Kenya, Tanzania, Rwanda, and Burundi to join the petition.

After the lawyers spoke, HRAPF showed a video clip on the constitutional challenge to the Act and the chairperson opened the floor for questions and comments. Over sixty questions were written down and passed to the panelists and there were twenty questions and comments on the floor. Most civil society members were curious about how the Act would affect their work. Some were in favor of laws criminalising homosexuality because of their religion, culture, and personal convictions. Others expressed openness for learning more about LGBTI issues and invited HRAPF to conduct awareness sessions in their villages. Even though members of the audience were passionate about this issue, the conversation was calm and civil.



## HRAPF hosts panel on the Anti-homosexuality Act 2014 during the National CSO Fair 2014. From page 10

The HRAPF Deputy Executive Director, Anthony Mutimba closed the session by addressing some of the questions and comments. *"... Finally, culture is not static. This is not what we were addressing when the Uganda martyrs were killed. There is no harm in changing our cultural beliefs. The most important thing here is why do you want to victimise a small group of people simply because they are different from you? Why should you want to criminalise them unless what they are doing has an effect on you?"*

The National CSO Fair is space that HRAPF has utilised since last year to promote dialogue and awareness on the rights of minorities. The CSO Fair brings together members of civil society, government, donors and the general public to share their work. Participant organisations exhibit their work and hold public discussions on several issues that affect them in the two days of the fair. Last year, HRAPF discussed the difficulty intersex children go through and their effects on development.

## HRAPF advocates for the protection of the rights of marginalised groups in Uganda at the African Commission on Human and People's Rights.



Ms. Flavia Zalwango and other activists in Angola during the 55th session of the African Commission on Human and Peoples' Rights

Under the Legislative Advocacy and Networking Program, HRAPF works at national, regional and international levels to ensure that the legislative environment is respectful of the rights of everyone, especially people who are marginalized. In order to fulfill this, HRAPF joined the Pan African Advocacy Programme under The East African Sexual Health and Rights Initiative (UHAI) with support from COC Netherlands. The Pan African Advocacy Programme intends to undertake strategic advocacy work at the regional and continental levels by supporting East African minority rights activists.

This year, the Acting Head of Department-Legislative Advocacy and Networking, Ms. Flavia Zalwango, attended the African NGO Forum preparation meeting of the NGOs for the 55th Ordinary Session of the African Commission on Human and People's Rights. This was held on 24th -27th April at Belas Conference Centre, and Ms. Zalwango also attended the session from 28th April -12th May 2014 at Taratona Conference Hall in Luanda-Angola. The major focus of the trip was to discuss the situation of minority rights in Uganda with other NGOs and activists and to contribute to the adoption of a resolution for the protection of minority rights in African countries.

At the African NGO Forum meeting, HRAPF presented a report on the situation of the Ugandan sexual minorities in light of the passing of the

Anti-Homosexuality Act 2014. This report was supplemented by other activists from Uganda to develop a joint report that was presented to the 55th session of the African Commission on Human and Peoples' Rights. Since none of the activists' organisations had observer status at the commission, the report was presented by Ms. Alice Mogwe, the Executive Director of the Botswana Centre for Human Rights. The statement highlighted the effects of the passing of the Anti-Homosexuality Act and human rights violations that Ugandans are more likely to face because of the Act. This report was later used to develop a resolution that was adopted by the African Commission on Human and Peoples' Rights.

HRAPF also attended other side meetings at the session. One meeting was with a delegation of members of parliament and other dignitaries from Uganda who had questions on the report presented on sexual minorities in Uganda. Ms. Zalwango was privileged to meet with Mr. Meddie Kaggwa, Chairperson of the Uganda Human Rights Commission, with whom she discussed several issues regarding rights of minorities. He pledged to support the resolution for minority protection and promised to work with the activists to ensure that these violations are included in the annual reports for the Uganda Human Rights Commission.

These engagements have helped HRAPF and the entire minority movement gain recognition at regional and international levels.

# The African Commission passes a resolution on sexual orientation and gender identity

*This resolution is a result of efforts by civil society organisations advocating for the rights of sexual minorities at a regional level. HRAPF participated at the session and in the lobbying efforts.*

The African Commission on Human and Peoples' Rights passed a resolution on protection against violence and other human rights violations against persons on the basis of their real or imputed sexual orientation or gender identity. The resolution was passed during the 55th Ordinary Session of the African Commission on Human and Peoples' Rights in Luanda, Angola, held on the 28th April to 12 May 2014.

The resolution was passed in the wake of increasing violence and other human rights violations, including murder, rape, assault,

arbitrary imprisonment and other forms of persecution, against persons on the basis of their imputed or real sexual orientation or gender identity in most African Countries. There has also been a continuous narrowing of civil society space for organisations promoting and defending human rights for sexual minorities in Africa. The resolution was passed after minority rights activists from Uganda and other countries, including HRAPF, reported on the situation of minority rights in the respective countries.

In the preamble to the resolution, the commission expressed deep disturbance at the failure of law enforcement agencies to diligently investigate and prosecute perpetrators of violence and other human rights violations targeting persons on the basis of their imputed or real sexual orientation or gender identity. Yet Articles 4 and 5 of the African Charter entitle every individual to respect of their life and integrity of their person and prohibit torture and other cruel, inhuman and degrading treatment or punishment. Article 3 of the African Charter also entitles every individual to the equal protection of the law.

The resolution calls on state parties to "ensure that human rights defenders work in an enabling environment that is free of stigma, reprisals or criminal prosecution as a result of their human rights protection activities, including the rights of sexual minorities;" and "strongly urges States to end all acts of violence and abuse, whether committed by State or non-state actors, including by enacting and effectively applying appropriate laws prohibiting and punishing all forms of violence including those targeting persons on the basis of their imputed or real sexual orientation or gender identities, ensuring proper investigation and diligent prosecution of perpetrators, and establishing judicial procedures responsive to the needs of victims."

It also specifically condemned the situation of systematic attacks by state and non-state actors against persons on the basis of their imputed or real sexual orientation or gender identity.

This resolution is a result of efforts by civil society organisations advocating for the rights of sexual minorities at a regional level. HRAPF participated at the session and in the lobbying efforts.

## Parliament passes the HIV Prevention and Control Bill 2014

On May 13, 2014, parliament passed the HIV/AIDS Prevention and Control Bill 2010, which contains provisions that discriminate against people living with HIV/AIDS, including one that may end up criminalising people living with HIV if the President assents to it.

The HIV/AIDS Prevention and Control Act incorporates provisions which criminalise 'attempted' and 'willful' transmission of HIV with a five year imprisonment term, provide for the mandatory testing of pregnant women, and permit healthcare workers to forego confidentiality by unilaterally disclosing a patient's positive status to an "at-risk" partner or household member.

These provisions violate the rights to equality, autonomy, bodily integrity and privacy guaranteed

in the Constitution of the Republic of Uganda. They also go against evidence-based and rights-based approaches to fighting HIV, as embodied in the East African Community HIV and AIDS Prevention and Management Act of 2012. From a public health perspective, the implementation of these provisions increases the risk of exacerbating the recent surge in the number of new HIV infections, which over the past 5 years has increased from 6.4 to 7.3%. The implementation of the provisions of this Act will not only place a heavy burden on the already burdened state, but will place an onerous task on Uganda's judiciary, which will be obliged to adjudicate these matters.

As an organisation that has been involved in advocacy against some provisions of this bill, HRAPF has been disheartened that this law was passed when efforts



## Parliament passes the HIV Prevention and Control Bill 2014

should be geared toward reducing HIV infections, stigma and discrimination to zero.

HRAPF therefore calls upon the President to put an end to stigma and discrimination of people living with HIV/

AIDS by rejecting this law. We also advise Parliament to revisit the provisions that will accelerate rather than decrease the prevalence of HIV/AIDS.

## HRAPF participates in activities to mark the 20th Anniversary of HURINET

Under the HRAPF Strategic Plan 2013-2017, HRAPF creates synergy for marginalised peoples' rights by building networks and actively participating in the activities of other organisations. HRAPF joined the Human Rights Network (HURINET) in 2013 for especially that purpose. HURINET is a network of human rights organizations across Uganda and is an important avenue for protecting and promoting the rights of marginalized groups.

On the 24th and 25th of June 2014, HURINET commemorated its 20th anniversary at Hotel Africana. Key to these celebrations was an exhibition in which HRAPF participated. The exhibitions were inspected by dignitaries from the diplomatic community, government departments, the Human Rights Commission, the media and the general public. Ninety-seven participants visited HRAPF's exhibition, each of whom took a copy of the HRAPF Annual Report 2013, a research report on the implementation of laws criminalizing same sex conduct in Uganda, a booklet on criminal law and procedure in Uganda, the Human Rights Advocate Magazine, and a brochure a poster on the Equal Opportunities Commission.

Activities such as these have always helped HRAPF to showcase its work and interact with the members of the public and other stakeholders on the rights of marginalized groups in Uganda.



*HRAPF staff displays information about human rights at Hotel African during the exhibition to celebrate the 20th Anniversary of Human Rights Network- Uganda (HURINET)*

# UPDATES FROM FINANCE AND ADMINISTRATION DEPARTMENT

## Overview



Mr. Anthony Mutimba-Deputy Executive Director

The Finance and Administration Department focuses on creating the appropriate institutional structures and organisational framework for the efficient and effective implementation of the Program activities and realisation of the HRAPF Program Goal.

During the period April-July 2014, the department continued to support HRAPF program implementation by availing the necessary logistics for program staff.

In terms of staff development, the department organised a training for staff in monitoring and evaluation and ensured that some staff attended strategic trainings to empower them for their work.

The department also helped HRAPF to beef up its security in light of increased break-ins at Ugandan NGOs.

In terms of finances, the department continued to manage the organisation's finances in accordance with acceptable accounting principles.

The department also supported fundraising efforts in the organisation. One of the outstanding outputs of this is the procurement of a new four-wheel-drive vehicle to assist HRAPF's work across the country.

HRAPF's accounts were audited for the year ending 31st December 2013 and were found in a healthy state. Our partnership with donors has strengthened as many have renewed their grants.

During the Quarter, HRAPF held on two Board meetings and one Annual General Meeting. During the Annual General Meeting, a new Board of Directors was elected which is to make HRAPF's Policy decisions for the next three years.

## HRAPF holds fifth Annual General Meeting

Under Article 12(1) of the HRAPF Memorandum and Articles of Association, HRAPF is mandated to hold an Annual General Meeting every year. The Fifth Annual General Meeting was held on the 19th July 2014 at the HRAPF Secretariat and was attended by 50 participants, including members, Board of Directors, staff and partners.

The chairperson of the Board of Directors (BOD), Ms. Sheila Muwanga, presided over the meeting. She noted that the Fifth Annual General Meeting was very important because it confirmed HRAPF's five years in existence. She also noted that the organisation was to elect a new Board of Directors at that Annual General Meeting. The members would also consider the HRAPF Annual Report 2013 and Audited Accounts 2013, and the Board of Directors had proposed amendments to HRAPF's Memorandum and Articles of Association.

In his report, the Executive Director Mr. Adrian



HRAPF Chairperson Board of Directors, Ms. Sheila Muwanga addressing members during the Annual General Meeting held at the HRAPF Secretariat



## HRAPF holds fifth Annual General Meeting. From page 14



HRAPF Executive Director displaying the work HRAPF does to members at the AGM



HRAPF members and staff in a group photo



Outgoing Vice Chairperson BOD Mr. Kafuruka Biryomumaisho receives an appreciation award.



HRAPF staff introducing themselves to HRAPF Members



Jjuuko, noted that HRAPF has continued to grow tremendously because of the generous support of the members and partners both nationally and internationally. The organisation had maintained all its donors during the year and continues to fundraise for the work that it is doing. He noted the following:

*The key achievements during the period were: the launch of a research report and the Human Rights Advocate magazine, acquisition of a new car, developing a financial strategy for the organisation, increased visibility of the organisation, successful fundraising for the period, training paralegals for people living with HIV/AIDS, and contributing to the passing of a resolution for the protection of minorities by the African Commission on Human and Peoples' Rights.*

In terms of legal aid service provision, 350 new cases were received and handled in the period between 1st August 2013 and 30th June 2014, which was 111 more cases than were reported at the last AGM. 132 cases involving sexual minorities were received and handled; 76 land cases were handled, mostly on unlawful evictions, illegal transfers, and succession issues; and the HIV/AIDS project registered 140 cases. Over 500 persons directly benefited from these services overall. Legal aid camps and awareness sessions with different target groups in the areas where HRAPF operates were also successful. In total, 1776 people were reached during the awareness sessions and legal aid camps.

HRAPF also continued strategic litigation during this period. It kept working on the case of *Jjuuko Adrian vs. Attorney General* and filed two cases in the Constitutional Court of Uganda and the East African Court of Justice against Uganda's Anti-Homosexuality Act 2014.

The key achievements during the period were: the launch of a research report and the Human Rights Advocate magazine, acquisition of a new car, developing a financial strategy for the organisation, increased visibility of the organisation, successful fundraising for the period, training paralegals for people living with HIV/AIDS, and contributing to the passing of a resolution for the protection of minorities by the African Commission on Human and Peoples' Rights.

The Executive Director also noted some challenges during the period which were: the political environment that is hostile to NGOs, especially in light of the passing of the Anti-Homosexuality Act 2014, the lack of independent funds for HRAPF's activities, and the sustainability and security challenges during the organisation's work.

The meeting also considered the HRAPF Annual Report 2013, the Audit Report 2013, and the members approved amendments to the HRAPF Memorandum and Articles of Association.



## HRAPF elects new Board of Directors



Left to right: Members of the new Board of Directors; Ms. Patricia Atim, Mr. Adrian Jjuuko, Mr. Edward Ssemambo and Mr. Stuart Kamyia.

### *A new Board of Directors was elected in a transparent and fair manner by the members of HRAPF during the Fifth Annual General Meeting.*

During the Annual General Meeting, a new Board of Directors of HRAPF was elected. The outgoing Board of Directors started its first 3-year term of office in 2011. The HRAPF Memorandum and Articles of Association allow a fully paid HRAPF member two terms of office and they must be reelected after three years in office. It also requires that 70 percent of the Board of Directors shall be elected from members with power to vote, 30 percent coopted based on their expertise in human rights, and at least two members of the old BOD shall be retained to ensure continuity.

The outgoing members to Board of Directors were: Ms. Shiela Muwanga (co-opted), Mr. Kafuruka B. Biryomumaisho, Mr. Stuart Kamyia, Mr. Walter Alikier (co-opted), Ms. Patricia Atim, and Ms. Nuruh Nakiwala. This was the first board for HRAPF after the expiration of the HRAPF Executive Committee that steered the organisation from 2008 to 2010. The first Board of Directors was pivotal in the development of the institutional framework for HRAPF. The Board ushered HRAPF into its second strategic plan 2013-2017 and it reviewed, developed and passed a number of policies including: the finance policy, the staff handbook, the

security policy, the nondiscrimination policy, the resource mobilization strategy and the membership policy. These policies have helped to strengthen HRAPF's governance structures and resulted in a stronger human rights advocacy organisation. The BOD meets on a quarterly basis to discuss issues pertinent to the development of HRAPF and it monitors HRAPF's activity implementation through reports provided by the Executive Director and Heads of Departments.

A new Board of Directors was elected in a transparent and fair manner by the members of HRAPF during the Fifth Annual General Meeting. One member from the previous Board of Directors, Mr. Kafuruka B. Biryomumaisho, the former Vice Chairperson, retired from Board. All others expressed interest and were reelected. Members also retained the two coopted members to the Board of Directors and the new membership is as follows: Ms. Shiela Muwanga, Mr. Stuart Kamyia, Mr. Walter Alikier, Mr. Edward Ssemambo (new entrant), Ms. Patricia Atim and Ms. Nuruh Nakiwala. The new Board of Directors shall be charged with a responsibility of guiding the organisation to implement the Strategic Plan 2013-2017, fundraising and further strengthening HRAPF's institutional framework.

Mr. Kafuruka B. Biryomumaisho, who retired from the BOD, was highly commended for his exceptional leadership since the days of the Executive Committee, and he was awarded a HRAPF Appreciation Award. He will continue serving HRAPF as a Trustee.



# HRAPF trains staff in Monitoring and Evaluation

On the 17<sup>th</sup> and 18<sup>th</sup> June 2014, HRAPF staff underwent training in Monitoring and Evaluation at Namirembe Guest House Kampala. The training was conducted by Smart Consultants and it was aimed at equipping staff with skills in monitoring and evaluation in light of the implementation of the new strategic plan. It also emerged from a need to involve staff in the development of the HRAPF Monitoring and Evaluation Framework and to improve the documentation and reporting of HRAPF's activities and results.

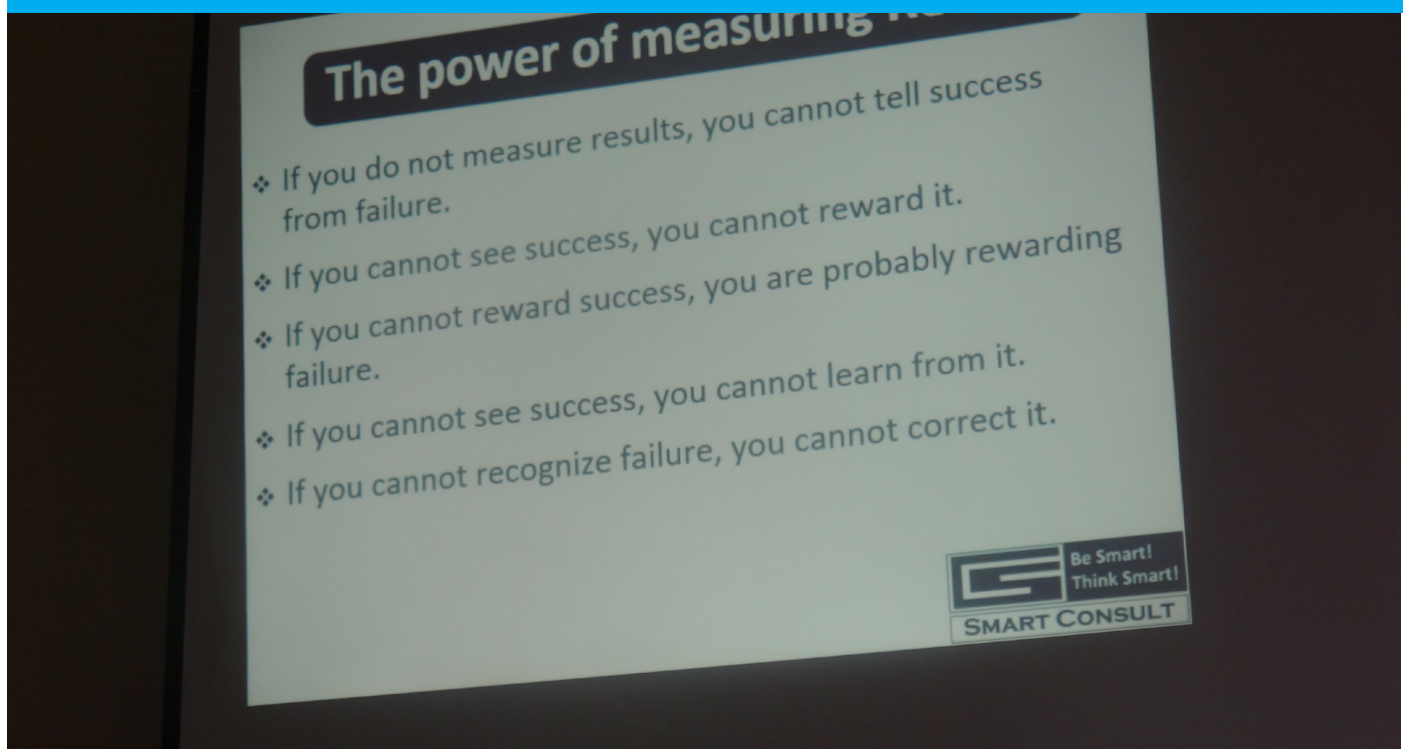
During the training, the staff was taken through various topics in Monitoring and Evaluation. They were taken through the functions of M&E, the most common words used in M&E, the results chain and its logical framework, M&E roles, the monitoring process and the evaluation process. Practical sessions of developing M&E tools and frameworks for projects were also conducted. Every staff member at HRAPF found this training useful because they are all responsible for monitoring projects and evaluating data.

At the end of the training, staff members gave suggestions for developing the Monitoring and Evaluation Framework, which the consultant undertook to finalise.

With support of its partners, HRAPF ensures that staff is given the requisite skills to effectively implement program work to achieve the desired results. Trainings such as these are some of the ways in which staff capacity is built and improved.



Above HRAPF staff during the monitoring and evaluation training workshop at Namirembe Guest House and below is one of the slides of the training.



## HRAPF passes audit for 2013.



Mr. James Kamanyire, Managing Partner BIZ & CO, presenting the HRAPF Audit Report 2013 during the Annual General Meeting

HRAPF's financial statements give a true and fair view of the financial position of the organisation as of 31st December 2013, in accordance with generally accepted accounting principles. This is according to the Audit Report that was presented to the Members during the Annual General Meeting by the organisation's auditors, BIZ & CO Certified Public Accountants at the Fifth Annual General Meeting.

According to Mr. J. Kamanyire, the Managing Partner at BIZ&CO, HRAPF was found to have managed its finances in accordance with the respective donors' policies, procedures and

grant agreements; and that supporting documents, records and accounts were well-maintained in respect of all organizational activities. The internal control structure in place is strong enough to prevent, detect and eliminate errors and irregularities in the handling of finances. Mr. Kamanyire thanked the Board of Directors and management for ensuring that the organisation's finances are handled in accordance with acceptable accounting principles.

The Executive Director also assured the members and partners that the financial system is in place to allow all funds that HRAPF receives are used to serve the organisation's objectives.

## HRAPF receives new car for the legal aid project



HRAPF received funding from MIVA Onemen and AJWS to purchase a motor vehicle to ease its work of providing legal aid to marginalised groups throughout the country. This comes as a relief to HRAPF, because the current car, which was provided by PACF under the HIV project, was not enough to facilitate transport for all of HRAPF's activities, especially given the fact that the HIV/AIDS project is implemented in four districts.

The car will help HRAPF Lawyers to reach people in dire need of legal aid quickly and easily. HRAPF used the funds provided and purchased a Toyota Hilux double cabin for its strength and ability to traverse bad roads in the up-country districts of Uganda.

We thank our partners MIVA ONEMEN and American Jewish World Service (AJWS) for the financial support to purchase the vehicle, and we pledge to use it to take human rights to all.





## Updates on the Internship Program.

The internship program at HRAPF continued to thrive during the period. The organisation received one intern from Harvard Law School and two interns from Makerere University Law School. The internship program at HRAPF offers an opportunity for students of law to experience first-hand practical experiences of litigation, human rights education and legal writing. During the program, they are also able to put in practice what they study in respective law schools. It also helps HRAPF to learn from different experiences and backgrounds of the interns themselves. The interns are given the same opportunities as staff members to think and suggest ways in which the organization can best implement activities to help marginalized groups.

Interns for this period are:



**Mr. Brian Klosterboer**, who is a graduate with a bachelor's in history from Centre College in Kentucky, USA, and a second-year student at Harvard Law School. He lived in Uganda before, where he conducted research on the media through a Fulbright Scholarship and interned at The Daily Monitor. Brian currently works with the Access to Justice Department. He brings a lot of experience in writing and research and has been very instrumental in editing some of HRAPF publications. He also has actively participated in HRAPF's Legal Aid Clinic.



**Ms. Joanita Pauline Nanteza** is a second-year student at Makerere University Law School in Kampala. Joan comes with the zeal of a young lawyer to explore the practical applications of the law in protecting, defending and asserting the rights of marginalized Ugandans. She is attached to the Legislative Advocacy and Networking Department. She has been very helpful in research, organising and reviewing documents, and reviewing newspapers for issues that concern HRAPF's work. She too has learned a lot from HRAPF.



**Ms. Pauline Sabakaki** is an intern from the Public Interest Law Clinic (PILAC) of the School of Law Makerere University. In partnership with PILAC, every year HRAPF receives one intern from Makerere University. Pauline is in her third year of Bachelor of Laws at Makerere University. She brings to HRAPF an ambitious mind ready to learn and think ahead. She has been involved in legal research in the Legal Aid Clinic, as well as attending field activities at courts and police stations.

### 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](mailto:info@hrapf.org). Website: [www.hrapf.org](http://www.hrapf.org).