

Newsletter

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INTRODUCTION



Mr. Adrian Jjuuko- Executive Director

his is the sixth issue of the HRAPF Newsletter. The HRAPF newsletter is a platform through which we share progress on our work with our partners, friends and stakeholders on a quarterly basis.

The sixth issue covers the period January to March 2015. The highlights of the quarter were:

This period marked the beginning of 2015 but importantly the beginning of the third year of implementation of the HRAPF strategic plan 2013/2017. The first quarter of 2015 started with beginning of year staff activities. We had a staff retreat to Mbarara where staff were oriented in different aspects and skills they needed to start the year Staff developed their annual work plans and budgets that later fed into the organisational annual work plan and budget. The retreat was also for staff to relax and refresh themselves to begin work in the New Year. Staff visited Lake Mburo National Park to explore nature and relax at the shores of lake Mburo. It was a refreshing moment for staff but more importantly a time off office to plan work for 2015.

During the quarter, HRAPF continued to serve the most indigent communities in Uganda. We continued to provide legal aid services to sexual minorities , women and girls living with HIV and poor women and elderly persons facing land injustice. In total, HRAPF's legal aid

clinic handled 107 cases in the first quarter benefiting over 215 individuals directly.

Our strategic litigation efforts continued in the quarter. We followed up the case against the AHA at the East African Court of Justice. Two applications for parties to join as amicus curiae were dismissed. The court accepted our amendments to the earlier pleadings in the case to reflect the post AHA period. In Uganda, we followed up the appeal in the Kasha Jacqueline and 3 others vs. Attorney. General & Hon. Simon Lokodo, Civil Appeal No. 195 of 2014. In June 2014 the High Court held that the actions of the Minister of Ethics and Integrity to close an LGBTI skills training workshop did not violate the constitution since same sex acts are criminalised under section 145 of the Penal Code.

HRAPF also started researching on a case that would strategically impact on the registration of LGBTI organisations in Uganda. The case concerns the refusal of the Uganda registration Services Bureau to reserve the name Sexual Minorities Uganda. This was after constant reminders and back and forth communications with the registry on the registration of SMUG. Finally in March the registry clearly stated that they could not reserve the name because section 145 of the Penal Code criminalised same sex activities The HRAPF legal team is working with SMUG on arrangements to have the decision challenged.

In terms of institutional building, the new Board of Directors held its first Board of Directors meeting during the quarter where they discussed and approved quarterly and annual work plans and budgets and new strategies for the year.

We applaud all our partners, stakeholders and friends for supporting the work we do. It is because of their support that we implement all the activities we plan.

I hope you find the sixth issue of the HRAPF Newsletter a useful resource to update you on our work in the months of January to March 2015.

UPDATES FROM THE ACCESS TO JUSTICE DEPARTMENT

Overview



Ms. Fridah Mutesi- Head of Department Access to Justice

he Access to Justice Department continued to receive, handle and document cases involving violations of target communities. This was done under the two units: The Sexual Minorities Unit and Land and HIV/AIDS Unit. The unit received a total of 107 cases with 50 of those being for land and HIV, 38 for the LGBTI project and 19 being for the sex workers project.

From these cases, legal aid services were extended to a total of 105 beneficiaries including 59 sex workers, 39 LGBTI persons and 7 organisations. The cases were handled expeditiously and completed in a timely manner. Clients got remedies like release on police bond, referrals and bail. Violations continue to get documented and entered in the Martus case database which is used to compile periodic violation reports that are used in advocacy.

The Unit faced some challenges during the quarter including lack of substantial sureties for clients and very unrealistic expectations from HRAPF like financial assistance. However, the major challenge the Unit had to deal with was conflicts within the community members themselves. Some of these conflicts went to court. The Unit however

managed to overcome this by conducting mediations between the different parties and all such cases were solved amicably. This was a great innovation and it helped emphasise HRAPF's pledge to ensure access to justice for all sexual minorities without discrimination.

Challenging the AHA at the East African Court Of Justice.

case was filed in the East African Court of Justice challenging Uganda's infamous Anti-Homosexuality Act 2014 at the same time as the case in the Constitutional court. The case was filed by Human Rights Awareness and Promotion Forum as the petitioner against the Attorney General of Uganda. HRAPF argues that certain sections of the Act and their subsequent implementation during its period in force violated particular sections of the East African Treaty to which Uganda is a party.

After the Act was annulled in the Constitutional Court however, there were concerns that the case at the East African court could be moot, since the law being challenged was no longer in force. This was a serious development that needed serious considerations since it determined the success or failure of the case. It was agreed that a meeting be held to discuss whether the case should be withdrawn or not. A decision made by the East African Court of Justice is binding on all East African countries and it was important to have activists from the whole region as part of the discussion. As a result, a high level meeting with activists from all countries of the East

African Community was held in Kampala.

In the meeting, it was agreed that the case continues at the court but with amendments to reflect the changes in the circumstances. An application to amend the reference was successfully made at the court. The amendments, together with further affidavits and supporting evidence, were also successfully filed and accepted by court albeit with objections from the Attorney General.

In order to give the case a regional face, different groups from the region (Rwanda and Kenya) had filed to the court to join the case as amici curiae. Their applications were heard at the beginning of the year but were dismissed. The court said that UHAI-EASHRI (Kenya) had a lot of interest in the case, while HDI (Rwanda) had no interest in the case. Other people and organisations have applied to join. So far, the UNAIDS has already finished preparing its application. These efforts are still ongoing.

The main reference has not been heard but conferencing has been fixed for 23rd April 2015.



The case of Sexual Minorities Uganda denied registration

exual Minorities Uganda is an LGBTI umbrerra organisation that sought to be incorporated as a company limited by guarantee with HRAPF being its lawyer in 2012 where an application to reserve the name was filled with the Uganda Registration Services Bureau (URSB). This however did not go far as red flags were raised by the URSB right at the start of the process. The URSB said as an initial step, the name of the organisation could not be reserved as it was unclear. Efforts were made by HRAPF to explain the name of the organisation which included availing the objectives of the organisation to the registry so as to provide a clear understanding of the intention of the company.

This back and forth writing went on for some time until the URSB went quiet on the issue. In this quarter, HRAPF wrote to the URSB demanding for their final position regarding the reservation of the name. The URSB rejected the name on the grounds that it was going to be involved in criminal activities. Same sex sexual conduct is criminalized in the Penal Code Act, thus the name SMUG was 'undesirable'.

There are plans to have this challenged

HRAPF lawyers recieve a refresher course on LGBTI Issues

espite the annulment of Anti-Homosexuality Act in 2014, the LGBTI community in Uganda still remains marginalised and prone to multiple human rights violations. In fact, an analysis of trends made by the Access to Justice Department at the end of 2014 showed that the violations increased immediately after the annulment of the Act. There is therefore postulation that these violations could increase in the near future. Even with these trends, HRAPF remains the only specialised legal aid clinic in the country offering legal aid services to the LGBTI community and constantly recruit new lawyers.

There was therefore neet to refresh HRAPF lawyers on the legal and human rights frameworks and issues affecting LGBTI persons in Uganda and the best way of handling them. This was important because this community faces specific and unique threats and therefore has different and unique legal needs. The lawyers were appraised on the legal framework in Uganda with emphasis on the laws that affect the LGBTI community. These included both domestic and international laws and different human rights mechanisms at National, Regional and international levels.

The training also acted as an experience sharing workshop where senior lawyersand practitioners who have worked on issues of LGBTI persons shared their experiences in doing this

kind of work. It was crucial since lawyering on these issues presents its own challenges like blacklisting and stigma within the profession. HRAPF lawyers needed to know from people that have been there that it is not a walk in the park. This session was facilitated by Mr. Ladislaus Rwakafuuzi, a public interest lawyer who has litigated on various cases discussing LGBTI issues. He was part of the team of lawyers that challenged the Anti-Homosexuality Act, he represents the petitioner in the case of Jjuuko Adrian v AG and also represents the petitioner in the case at the East African Court of Justice. He therefore brought a wealth of experience. In his facilitation, he emphasised the importance of having passion for the work they do as this helps them overcome the stigma.

Unlearning and relearning: HRAPF lawyers recieve a refresher course on LGBTI Issues- Continued from Page 5

A panel of activists was also invited to discuss the issues that affect the LGBTI community most. These were seasoned LGBTI activists who have been in the movement for a long time and clearly understand the needs of this community. They were: Kasha Jacqueline Nabagesera, Julius Kaggwa, Deniss Wamala, Shawn Mugisha and Sandra Ntebi.

They discussed the violations that the community members face on a daily basis among which were mob attacks, forced evictions and stigmatisation.

The training was a very successful exercise that hopefully will create an increased and improved task force handling LGBTI issues in Uganda. A task force that properly understands the uniqueness and vulnerability of this community.



HRAPF Lawyers attending a refresher course in LGBTI issues at Rider Hotel Seeta



Reaching out to the communities: Activities in the Paralegal Project

aralegals remain HRAPF's main link to the communities that we work with. They provide an important connection between the organisation and members of their communities. Thus, in the quarter, more paralegals were identified from different organisations and their training commenced. A total of 7 paralegals were identified from the LGBTI and sex workers communities after a critical selection process. This year, like last year, emphasis was put on organisations out of Kampala and groups in the community that did not have enough paralegals. We therefore have paralegals being trained from Lugazi, Mukono, Mbarara and also paralegals being trained from the bisexual and lesbian communities which seemed to not have enough paralegals. The paralegals have so far completed the first module of the training and in this module, they were trained about the concept of a paralegal and the legal system in Uganda especially concerning laws that affect their communities.

During the quarter, paralegals that completed the training in 2014 were also awarded certificates that marked their completion of the course. They thus became fully qualified paralegals and were sent off to practice what they were taught to help their communities. They seemed very eager to carry out their duties and the older

paralegals were present to give them inspiration.

HRAPF always holds quarterly sharing meetings for the trained paralegals every quarter to evaluate their work and identify areas of weakness so as to give them the necessary support. One was held in this quarter at the HRAPF secretariat and was attended by 22 paralegals. The paralegals discussed what they had been doing in their communities. Amongst them, they had handled a total of 46 cases in which they used the knowledge given to them in the training to provide legal aid services to their respective communities.

Still as part of reaching out to the communities, HRAPF, in conjunction with the trained paralegals always hold outreach sessions with each paralegal's respective community and these sessions are used to discuss any arising matters affecting that community and it is a chance for the paralegal to teach their communities legal and human rights issues using the knowledge HRAPF gave them. In the quarter, such a session was held with 2 paralegals from the intersex community at SIPD. The session brought forth issues in that community like child neglect and they were also taught about the recently passed Registration of Persons Act in which they had great interest.



Updates on Land and HIV interventions.

RAPF implements activities to increase access to justice for people living with HIV and poor women, the elderly and children with land justice challenges. Most of the beneficiaries are women and girls.

During the quarter, HRAPF received 50 new cases and 21 of these were handled to completion. From the cases handled in the quarter, 7 of the clients were able to get their land back as a result of HRAPF's intervention. These victories mean a lot to our clients and it is always gratifying to see that the legal aid clinic is changing lives. Nine of the received cases were also filed in different courts of law including Mubende, Nakasongola, Makindye and Entebbe.

In addition to legal aid, HRAPF also carried out four awareness sessions in the quarter as part of empowering these target communities with information about their rights and obligations especially regarding property and inheritance. These awareness sessions were held in Kikandwa and Wabiyinja villages in Mubende district, and in Masuliita and Nakalya villages both in Wakiso district.

HRAPF also registered success in courts of law on behalf of its clients during the quarter. In one outstanding case, a widow bought a piece of land but the seller sold it to another person. The seller then forcefully evicted the widow and destroyed her property and crops. The widow took the case to court and HRAPF represented her. She won the case and was given her land back and also compensated with four million shillings. This is a decision that changed the widow's life and it was a big success, after the case being in court for three years.



People Living with HIV/AIDS request HRAPF to sustain legal aid service provision in Mpigi District.

uring the quarter, a HRAPF team together with a team from Positive Action for Children Fund (PACF) visited the partners with which HRAPF works on the HIV/AIDS project which started in 2011 and ended in 2014. The project targeted women and girls infected and affected by HIV/AIDS in specific rural districts of Uganda.

The team which visited the project beneficiaries who included the clients and partner organisations in Mpigi district, one of the districts in which the project was implemented. The beneficiaries showed a lot of gratification for the project in Bubule village. It is in this village where a widow, who was being evicted from her land by a real estate company had been helped and the eviction was stopped. At the time of the visit, the widow was utilising her land and had even established

development projects on it.

Different partner organisations in the districts in which the project was implemented were also satisfied with the project results and wished for its continuation. The Programs Coordinator of Help the Sick (HESI) in Mpigi district specifically requested the team to expand all the activities of the project even to the nearby Districts because legal issues for persons infected and or affected by HIV/AIDS were not being handled by any other organisation.



HIGHLIGHTS FROM LEGISLATIVE ADVOCACY AND NETWORKING DEPARTMENT

Overview



Mr. Edward Mwebaza; Head, Legislative Advocacy and Networking Department

he Legislative Advocacy and Networking Department implements advocacy strategies to create a conducive legal and enabling environment for all people. This we do working with like minded organisations and partners.

During the first quarter of 2015, the department continued to perform that role. We analysed polices and bills and published the analyses. We analysed the proposed NGO Bill 2015 and found that if the Bill is passed in its current form, it would curtail the work of civil society in general but would have worse on organisations working on issues of sexual minorities.

We participated in celebrations that marked International Women's Day 2015. We issued a press release in which we condemned passing of laws that could further discriminate and stigmatise women and all such other practices that undermine their rights. We also took part in celebrations of the day for Wakiso district held in Entebbe where we offered on the spot legal aid and dissemination of IEC materials on human rights.

We completed the second issue of the Human Rights Advocate magazine. This issue of the magazine exposes reasons why the annulled Anti Homosexuality Act (AHA) would be unconstitutional besides the quorum issue. It relays the contents of the Act and discusses the hidden human rights implications that would deem the AHA unconstitutional. The magazine has 9 analytical articles written by known authors. In one article the writer shows why section 5.1 of the AHA would invoke a death penalty for people who are or perceived to be homosexuals. Another writer opens ours eyes to the universal danger of the AHA, while other articles discusses the AHA's health implications and the abuses of rights it had brought upon people in the few months of its existence. In another article the writer scans the AHA's effects from the perspective of international law yet another article gives a broader picture on the genesis of recent legislation in Uganda. The magazine also gives the reader an update on the legal battle against the AHA and the case at the EACJ.

The Advocacy and Networking Department was also involved in strategic interest litigation. The department provides a supportive role to the Access to Justice Department and partners that handle strategic interest cases. Doing this role, the department continued with its advocacy efforts on the HIV/AIDS Prevention and Control Act 2014 through the coalition advocacy committee. One meeting was attended with UGANET about the plans to challenge the HIV/AIDS Prevention and Control Act 2014. The meeting discussed the possibilities of filing a petition to challenge some sections of the Act.

The department further engaged in expanding the advocacy work of HRAPF targeting duty bearers to promote rights of sexual minorities. This will go a long way in creating a conducive environment for enjoyment of human rights by everyone.

HRAPF takes part in Wakiso district's celebrations for Women's Day 2015.

RAPF participated in the District Women's Day Celebrations for Wakiso district. The celebrations took place on 12th March, 2015 at Kiwafu Playground. Being one of the human rights organisations present on that day, every guest speaker kept on mentioning HRAPF and requesting participants to visit its tent. Even the Guest of Honour Hon. Minister Mariam Najjemba Mbabaali encouraged fellow women to use the

services of HRAPF to address issues of domestic violence and land problems in the country. 113 participants visited our tent and five clients received free legal services.

HRAPF released a press statement on women's day in the Observer of 9th March 2015. The press statement was titled Make it happen; enact laws that ensure equality for women.



 $The \ Guest \ of \ Honour \ at \ HRAPF's \ Tent \ whiles \ the \ Head \ of \ Property \ Unit \ explaining \ about \ the \ organisation's \ services.$



HRAPF calls on legislators to desist from passing laws that are likely to entrench discrimination of women.

RAPF joined the rest of the world to celebrate international women's day this year. HRAPF released a press statement that was published in The Observer, a weekly newspaper. The theme for this year's celebrations "Empowerment of women and girls is progress for all: Three decades of gain for Ugandan women and girls". HRAPF's message was centred on striving to achieve not only legal equality for women, but also factual equality. The message looked at the different laws that had been passed in the recent past like the Anti-Pornography Act and the HIV/ AIDS Prevention and Control Act and argued that while these laws seem gender neutral, in fact they perpetuate discrimination and marginalisation of women in Uganda.

HRAPF called on legislators to desist from passing laws that are likely to entrench discrimination of women and instead pass laws that promote both legal and factual gender equality. HRAPF also called upon the populace to take advantage of the forthcoming elections and ensure that they elect a government that can advocate for and promote factual equality for women and girls in Uganda.

The message was inspired by a spate of new laws that had been

passed that caused a threat to women's rights. These were laws that appeared gender neutral on the face of it but bore the likelihood of being implemented discriminatively because of the prevailing gender dynamics in the country. Laws like the Anti-Pornography Act 2014 had already served as an example of laws that could appear gender neutral but entrench gender inequalities.

Therefore for Uganda to celebrate the empowerment of her women and girls, consideration had to be had of implicit ways in which we perpetuate gender discrimination and marginalisation.

Using Radio Talk Shows to create awareness of human rights

RAPF engages in radio talk shows as a way of reaching out to our target communities. On these shows, HRAPF not only discusses its work, but also human rights in general and any other topical issues in society. In the quarter, we held 4 radio talk shows in which we discussed Land rights, the electoral process, and about HRAPF work and how it feeds into access to justice for marginalised communities.

The HRAPF staff presenting on the shows managed to interact with audiences through direct call-ins. People called in during the talk shows and their questions and issues were handled on air. As a result, 3 of the callers had their issues reported to the legal aid clinic and these were handled.



HRAPF publishes Second Issue of the Human Rights Advocate Magazine.

part of its advocacy efforts, HRAPF publishes human rights magazine called the Human Rights Advocate. The magazine majorly focuses on the human rights implications of different laws on marginalised persons in Uganda. In the quarter, the second issue of the magazine titled "Beyond quorum: Why the Anti-Homosexuality Act 2014 was unconstitutional" was released. The magazine looks at the now annulled Anti-Homosexuality Act and its human rights implications. This is because when the Act was being annulled by the constitutional court, the only issue that was dealt with was the issue of quorum. The Act however had other various human rights implications especially on marginalised groups and yet these

were not discussed by court.

The 2nd issue therefore seeks to highlight the would be implications of the Anti-Homosexuality Act had it not been annulled. The magazine brings together opinions from academics, critics, opinion leaders and leading activists in the field of human rights in Uganda. They come together to make an analysis of the implications of some of the sections of the Act, the impact of the Act on the lives of the LGBTI community while it was in force, the impact of the Act on different aspects of LGBTI persons like health, the context within which the law was passed among others.

A lot of people had made analyses of the Act and the magazine brings togethersome of these leading analyses from people like Prof. Joe Oloka-Onyango of Makerere University law school, Dr. Stella Nyanzi of the Makerere Institute for Research, Dr. Asia Russell of Health GAP, Dr. Paul Ssemugooma a Ugandan LGBTI activist in South Africa, Mr. Francis Tumwesige an advocate, among other people. Their contributions create a wealth of information in the magazine and make it the ideal go to source for information regarding the Anti-Homosexuality Act.

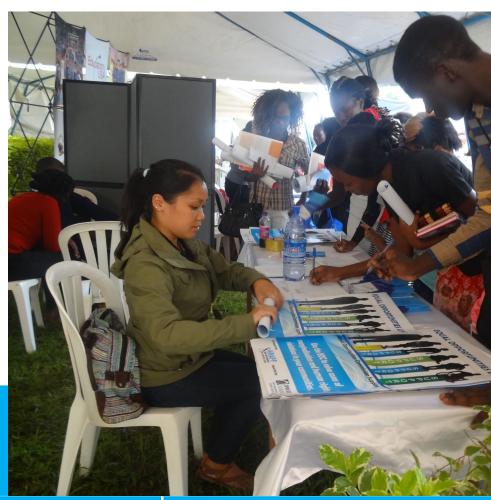
The magazine has been distributed to different partners and has also been made available on the organisation's website and on the organisation's social media platforms.

HRAPF participates in the second Makerere University Human Rights Expo.

he Department organised for HRAPF's participation in the Makerere University Annual Human Rights Expo. HRAPF's stall was visited by participants from the academia, other organisations, development partners, government officials and the general public.

A total of 509 participants visited the HRAPF tent during the two days of the Expo duration and a total of 1527 IEC materials were distributed. This increased the organisation's visibility because everyone who visited the tent went with either/or/both a publication and the organization

Participants registering for publications during the Annual Human Rights Expo at Makerere University



HIGHLIGHTS FROM FINANCE AND **ADMINISTRATION DEPARTMENT**

Overview



Ms. Flavia Zalwango; Head, Human Resources and Administration

he Finance and Administration Department falls under the Capacity Building and Organisational Development program in the HRAPF Strategic Plan 2013-2017. However the department is divided into two components. These are: Human Resources and Administration Component and the Finance Component. It therefore ensures that there is value for organisations funds whenever they are spent and that staff welfare is well maintained.

During the first quarter, the daprtment ensured that the beginging of year staff training was conducted in order to refresh staff as we begun the year. The department maintained good staff welfare in the quarter and as a result, HRAPF maintained a total of 19 employees. All staff were enrolled on medical insurance and Workman's Compensation was renewed.

During the quarter, the department acquired two office chairs and tables, a TV set, a DSTV decoder, a Mac book Pro Laptop Computer and all necessary stationery and office supplies were procured during the first quarter. The organizational vehicles were

maintained in good working condition.

All financial procedures were followed and preparations for the 2014 Audit were made in terms of preparing all financial data in readiness for the audit. We are glad to provide the infrastructure support that HRAPF needed to implement the above programs.

Beginning of year training

t is HRAPF tradition that at the beginning of every year, staff members are taken for a retreat to welcome them from the end of year break and prepare them for the New Year. The retreats are also used to teach staff new skills that are aimed at improving their job competence and increase their effectiveness. For this year, the retreat was in Mbarara. The location itself, known for very many beautiful spots, was enough to excite people. From the time of leaving the HRAPF secretariat to Mbarara,

people were eagerly looking forward for the weeklong retreat.

Staff members, who were attending the retreat for the first time, did not know what to expect. They were however pleasantly surprised. The retreat was characterised by intensive trainings on different concepts like making budgets and work plans. This was very rigorous and at the end of it, all staff members were required to draft budgets and work plans. These two are very

crucial components of the work the organisation engages in and the participants seemed very glad to have received this training.

Staff were also taught about monitoring and evaluation. New tools of monitoring and evaluation were being introduced and they were supposed to be used by all staff members. There was therefore need for them to be trained on how to use them. These tools included feedback forms for staff that go to field and interact with clients, meeting

Beginning of year training- From page 14

feedback forms for people who attend external meetings, project officers were also given reporting tools that they would use when reporting on progress for their respective projects. This was aimed at creating consistency within the HRAPF reporting system and improving data collection on projects. The training was intense and greatly prepared participants for the year of work ahead.

However, it was not all work and no play. Every evening after the intensive day sessions, staff engaged in extracurricular activities like running and football. These were participatory and all members took part. The most notable extracurricular activity was the excursion. This involved a visit to L. Mburo National Park. People were eager to visit the national park and they were not disappointed. Different animals were seen like antelopes, zebras, buffalos, warthogs among others. There were guided tours within the park where staff members were taken closer to these animals and brief animal profiles given to them by guides. These were both entertaining

and informative. There was then a ride to the L. Mburo itself where the group spent the evening taking beautiful pictures of the sunset, eating drinking and making merry.

By the end of the retreat, HRAPF staff had been trained in different skills that would improve their effectiveness at work, and had also had fun. People left the beautiful hills of Mbarara energised and revitalised to start work for the New Year.



HRAPF staff tour Lake Mburo National Park during the begining of year staff retreat and training in Mbarara in January 2015.

The internship program

RAPF runs an internship program, which is aimed at building the capacity of young people interested in human rights for marginalised persons. The program targets young scholars from different universities who seek to gain experience and learn more about working with marginalised groups of people and human rights generally. The program is very diverse as it encompasses students from different academic fields like law, social administration among others.

For the program's success, HRAPF has created partnerships with different institutions with students that would be interested in building their capacities in the fields of human rights for marginalised people. The program has received students from the Public Interest Law Clinic at the Makerere University School of Law, the University of Pretoria, Harvard University, the University of Toronto and the University of California.

In this quarter, HRAPF had an intern from the University of California Los Angels. Ms. Jenevieve Discar was a law student interested in human rights of marginalised persons in Uganda. She had heard about the work HRAPF is engaged in and thought it would be the best place to do her internship from. She has been at the organisation since January and her internship will be ending in May.

She has been very instrumental in HRAPF's work and has made tremendous contributions. She is one of the people that contributed to the 2nd issue of the Human Rights Advocate. She has also contributed to HRAPF's various

writings like reports and analyses of different laws by reviewing them and advising accordingly. She has been very engaged in the cases that are handled by the legal aid clinic and has on several occasions gone with different officers to police stations and to court to follow up on such cases. Her insight and opinion regarding action to be taken on these cases has been very useful. Ms Discar is still at HRAPF till May and we hope to benefit more from her stay.

During the quarter, many applications for internships were received and two of those have been confirmed. The program is therefore still dedicated to helping young people develop their capacity and interest in human rights for marginalised persons.



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