

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



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INTRODUCTION



Mr. Adrian Jjuuko- Executive Director

At HRAPF, the year 2016 started on a very high note with many expectations. We had just recruited a number of new staff members and changed the staff structure. We were therefore very expectant of how everything would unfold. We are very glad that so far, these changes seem to be everything we hoped for. This newsletter looks at some of the highlights of our work for the months of January, February and March 2016.

We kept the same programs we had last year, with the only changes being in their administrative structure. We decentralised management and we now have a deputy director in charge of programs who is responsible for all the programmatic areas of the organisation and hope to recruit a deputy director to handle the finance and administration arm. This has eased management and increased efficiency. The organisation also officially expanded in terms of space. At the beginning of the year, we officially opened up new offices to cater for the growing number of staff members. The offices occupy space right next to our main secretariat and we therefore still work as one organisation. The new offices currently house two units i.e. the Land and HIV Unit

and the Research and Advocacy Unit. We are proud of this growth.

As regards our work, we continued to provide legal aid services to our target communities. In the quarter, the legal aid clinic received a total of 175 cases, with 105 cases received by the Sexual Minorities Unit and 70 by the Land and HIV Unit. All these cases were expeditiously handled by the responsible officers and a total of 656 persons benefited. It is very heart-warming to see HRAPF change such a big number of lives.

We also continued to reach out to our target communities and this quarter, we concentrated a great deal on upcountry areas. There exists a service provision gap regarding marginalised communities in rural Uganda and we sought to cover that gap. We extended our services to sexual minorities in rural districts like Kasese, Kiboga, Lira, Luwero, Mbale, Mpigi, and Wakiso. This has increased empowerment of these communities and increased their access to justice.

Our visibility in the quarter also increased on different platforms. Our social media presence substantially increased, along with our presence in mainstream media. We got media mentions in the New Vision and the Guardian UK, published opinions in The Observer, had a televised talk show about the NGO Act on Record TV, and had a very extensive coverage of our training of Local Council leaders on Bukedde TV. This implies that our work is reaching many audiences and this increases our advocacy impact. We have also embarked on new projects like the one on abortion, and we hope this further improves the enjoyment of rights by minorities.

Finally, there were the elections! These were a nation-wide process and HRAPF variously contributed, as you will read in this newsletter. We hope you enjoy the highlights mentioned here. Since this is the first volume for this year, allow me, on behalf of HRAPF, to wish everyone a very happy and prosperous 2016, as we continue to take human rights to all!

UPDATES FROM THE ACCESS TO JUSTICE DEPARTMENT

The access to justice department is divided into two units. The Sexual Minorities Unit and the Land and HIV Unit. The Sexual minorities unit provides legal aid services to LGBTI persons and sex workers while the Land and HIV Unit provides legal aid services to women and girls living with HIV, poor women and the elderly seeking land justice. Below we provide you with updates on both units during the months of January, February and March 2016.

THE SEXUAL MINORITIES UNIT

HRAPF continues to provide legal aid services to sexual minorities

HRAPF's core work is provision of legal aid services to marginalised communities. The Sexual Minorities Unit continued to provide quality legal aid services to sex workers and LGBTI persons during the first quarter. In total, the Unit received and handled 105 cases, 45 of which were from LGBTI persons and 60 from sex workers. The most common cases were cases of criminal arrests and child neglect respectively. These cases were handled expeditiously and respective remedies given to the clients. Such remedies included securing police bond and bail, mediations, registration of organisation, court

representation among others. The legal aid provision directly benefited 198 persons, most of whom were sex workers. Among the LGBTI community, gay men were the highest number of beneficiaries. 6 organisations were also beneficiaries of the legal aid as their different issues including incorporation, opening of bank accounts among others. All these cases have been properly documented in HRAPF's databases.



HRAPF Deputy Executive Director talking to sex workers during a consultative meeting on the issues that they may want HRAPF to work on.

Sex workers and LGBTI persons trained in criminal law and procedure

As a way of reaching out to its target communities, HRAPF trains different persons in the basic principles of the law and passes them out as community paralegals. These paralegals are trained using a curriculum that is divided into three modules. During the first quarter, 8 paralegals were trained in the second module which covered basics of criminal law and procedure. The module covered, among others, the different offences in Uganda's criminal laws that affect sexual minorities and how these offences have been interpreted by law enforcement agencies. Among the issues highlighted in the training were the two precedent setting convictions and one acquittal that had been handed down by courts on the offence of having carnal knowledge against the order of nature. These were the first full prosecutions on the offence and were therefore very informative on the legal framework affecting especially

LGTBI persons. The paralegals were also taken through different criminal procedures like arrests and trials and given information that they can use to advise members of their respective communities and provide legal first aid, for example obtaining police bond and preparing witnesses. The trainers ensured that the training is as practical as possible and as such included role plays on how criminal trials are conducted and took the trainees to Mukono Chief Magistrates' court where they witnessed a real-life criminal trial and were taken through the criminal process by the Resident State Attorney. The curriculum is constantly updated to keep up with the changing terrains and the information given to the paralegals is expected to be used to assist their respective communities with legal aid needs.



Paralegal trainees at the Chief Magistrates' Court Mukono after witnessing a real-life criminal trial to understand what had been taught to them in theory.

Community paralegals continuously engaged to reach out to their communities

One of the key objectives of HRAPF's paralegal programme is to create sustainable contact with the HRAPF target communities. During the quarter, the paralegals were engaged in different ways, most notable of which are the paralegal sharing session and the different community outreaches. Paralegal sharing sessions are quarterly meetings bringing together HRAPF trained community paralegals in which they share experiences in the field, the challenges and success stories. One such session was organised in the quarter and it was attended by 30 paralegals. They shared on the number of cases that they had handled in the quarter, and the different issues that arose during their handling of such cases. Some of the issues raised during the session were the need to understand the correct forums to which to report different cases and also the issue of security. The paralegals intimated that they face security threats especially at police since they

are in most cases not recognised as legal aid providers as they lack proper identification. HRAPF undertook to take necessary steps and get items that can act as identification for the paralegals to reduce such risks. During the quarter, HRAPF also held outreaches with the paralegals. A total of 5 outreaches were held with 5 paralegals, with their respective communities. During these outreaches, the paralegals taught their fellow community members about different issues like new laws, new developments in the community among others. Particular focus was put on the NGO Act as it was the newest law that substantially affects organisations working with sexual minorities. In the outreaches, a total of 122 people were reached out. This continuous engagement with paralegals provides a platform for continued updates on new developments that affect their communities.



Legal aid services extended to sexual minorities in upcountry Uganda

HRAPF remains committed to extending its legal aid and human rights awareness to all sexual minorities in Uganda. We are currently broadening HRAPF's reach through various means, one of which is awareness sessions and legal aid camps. This quarter, two legal aid camps were held in Kasese and Mbale where a total of 43 LGBTI persons and sex workers were reached out to. These were taught about the concept of human rights and the laws that affect their respective communities. This kind of awareness is aimed at empowering the communities to know their entitlements as rights holders and be able to demand for accountability from duty bearers. The sessions were also

used as legal aid camps to offer instant legal aid services to the community members. From the legal aid camps, the legal officers received and handled a total of 16 cases. This increased Access to Justice for the marginalised communities in these upcountry areas. This exercise was informed by the fact that most of the services and programmes targeting sexual minorities were concentrated in Central Uganda, further marginalising already marginalised communities. HRAPF uses its community paralegals and partner organisations to identify areas with the most need for the services, and reaches out to such areas.

Below HRAPF team facilitates an awareness session in Gulu where a legal aid camp was held thereafter.



Sex workers and Police in Iganga district taught about human rights



The Community Liaison Officer Iganga police addressing participants during the session

Sex workers in Iganga continuously complained to HRAPF about the human rights violations they are subjected to at the hands of police officers in Iganga, especially the junior officers and crime preventers. Some of the violations complained about included arbitrary arrests and extortion. Hence on 29th March 2016, a team from HRAPF went to Iganga and held an awareness session between sex workers and the police officers on the laws governing sex workers and the human rights framework within which they should all operate. The session was attended by 38 sex workers, the District CID Officer, the Community Liaison Officer, O.C Family and Child Protection Unit, an officer from the Sexual and Gender Violence Desk and two officers in charge of operations at Iganga Central Police Station. The Legal Officers from HRAPF emphasised the need for sex workers and police to work together as it reduced the incidence of crime and promoted the respect for human rights. Police pledged to investigate further the unlawful actions of its junior officers and crime preventers and promised to bring them to book. This is one of the many engagements with duty bearers that HRAPF intends to conduct in a bid to improve the observance of human rights of sexual minorities.

Midwives engaged on abortion laws in Uganda under new project

At the beginning of the new quarter, HRAPF embarked on a new project, aimed at providing legal aid services to persons found in contravention of abortion laws in Uganda. The persons majorly targeted are health-workers, women and girls living with HIV/AIDS in selected districts of Northern Uganda and sex workers. In addition to provision of legal aid, HRAPF also intends to carry out advocacy and awareness on the laws on abortion within its target communities. Such awareness was flagged off by organising a meeting with midwives in Kampala. Midwives were selected as the on-ground health providers that receive and handle abortion cases on a daily basis. The meeting was attended by 27 midwives, who were taught about the legal framework governing abortion in Uganda. This covered all domestic, regional and international laws on abortion. The Head of the Sexual Minorities Unit in her presentation emphasised the fact that abortion is not entirely illegal in Uganda, but is rather restricted to particular circumstances. In response, one of the midwives noted; *“The Ministry of Health does not want to have anything to do with a health worker who is arrested for abortion”*

This highlighted the institutionalised misunderstanding of the laws on abortion and the continued re-enforcement of cultural and religious stigma as a national issue. The issue of abortion remains controversial in Uganda with moral arguments often over-shadowing the need to protect women’s health.



THE LAND AND HIV/AIDS UNIT

More indigent women, girls and the elderly access land justice



HRAPF Lawyer interviewing a client during a legal camp in Mityana

HRAPF provides legal aid to indigent women and girls with land justice problems, women and girls living with HIV/AIDS, and elderly persons selected districts of rural central Uganda. During the first quarter, the unit received a total of 70 cases and handled them expeditiously. 31 of the cases were received from women, girls and the elderly with land justice issues in the district of Wakiso, while 39 were received from women and girls living with HIV/AIDS in the districts of Kiboga, Luweero, Mpigi and Mityana. The most common cases received were cases of unlawful evictions and child neglect respectively. These were handled using different mechanisms like mediations, lodging of caveats, drafting of wills, conduct of searches, court representation, making referrals among others. The legal aid services provided by the unit benefited a total of 458 persons, directly or indirectly. In addition, the unit continued handling the cases that were pending from previous years, especially the cases in court.

Local Council leaders in Wakiso district empowered to provide land justice



One of the biggest problems faced by women, girls and the elderly in rural central Uganda is land injustice. All these groups of persons are marginalised and are therefore taken advantage of by people in more powerful positions who deny them of their rightful

enjoyment and use of their land. This however is met with lack of enough mechanisms to address these land injustice issues, as the judicial system in Uganda plagued by backlog and is expensive. In its continued service of marginalised persons, HRAPF realised that there is great potential for Local Council courts and leaders to serve as an effective mechanism for handling these issues. Despite this potential, these persons lack the proper knowledge, skills and facilitation to carry out such responsibilities. Even with the power bestowed upon them legally by the Local Council Courts Act, most of these leaders live in absolute ignorance of the existence of such powers. To fill this gap, HRAPF conducted a training of Local Council leaders in Wakiso district, Kakiri sub-county on the roles and responsibilities of Local Council Court members, the Local Council Court procedures, and the decision making process in such courts. 65 Local Council leaders were trained including LC I, LC II and LC III Chairpersons, who are the members legally allowed to constitute Local Council Courts. Also present at the training were officers from the office of the Administrator General, Officers from the Lands Office, and Magistrates. This empowering of LC persons will hopefully increase access to justice for marginalised persons facing land justice issues.

HRAPF reaches out to persons living with HIV/AIDS in rural central Uganda on issues of human rights



HRAPF Legal Associate Mr James Jemba facilitating an awareness session for people living with HIV in Kiboga district

clinic days in the districts of Mpigi, Kiboga and Luweero and reached out to 223 persons living with HIV/AIDS and taught them about patient's rights and duties, will-making and property rights. The sessions were held at Bunjakko Health Centre III (Mpigi), Kiboga Health Centre III, and Kamira Health Centre III (Kiboga). Of the 223 participants, 137 were women and 86 were men. The sessions were also used to hold legal aid camps in which participants with legal issues were given instant legal aid. From the three sessions, 26 cases were received for legal aid in which 23 were for women and 3 for men. This continued human rights education among marginalised persons empowers them to demand for accountability from duty bearers in case of human rights violations.

Living with HIV/AIDS in Uganda continues to be a ground for extreme stigmatisation and human rights violations. This is exacerbated by the lack of knowledge among the patients of their entitlements as rights holders. The violations thus go un-addressed as they are rarely pointed out. HRAPF targeted

Widow's property saved from unlawful possession and sale



Nalongo Betty Nanziri Sserunkuuma's husband died and left her with 7 commercial rooms for her and her children's sustenance. She collected money from these rooms which she used to look after her children, by among other things, paying school fees for

them. A while later, her step-son (her late husband's son that she is not mother to) stopped her from collecting this money and started the process of selling the respective plot of land and the commercial rooms thereon. She reported the case to our legal aid clinic and mediation was conducted with her and the son. It was explained to both of them that they were entitled beneficiaries of the deceased's estate, being wife and child, in addition to the young children that were still under Nalongo's care. HRAPF therefore facilitated the equitable sharing of the property between the various beneficiaries and it was agreed that each one gets an equitable share, with the share of the young children being left in Nalongo's care in trust for them. This was agreed to. We did not only stop the unlawful taking away of the property from the widow and her young children, but also ensured that the property was fairly shared to the benefit of all the beneficiaries. Currently, all parties live in contentment with their respective shares of the estate.

UPDATES FROM LEGISLATIVE ADVOCACY AND NETWORKING DEPARTMENT

Work under the Legislative Advocacy and Networking Department is implemented through the Research and Advocacy Unit. The department aims at working with Like minded organisations and institutions to advocate and influence the adoption of policies and legislation that promote equality and non discrimination in order to prevent discrimination of marginalised groups.

HRAPF convenes Civil Society leaders to discuss implications of the new NGO law on organisations working with marginalised groups.

On 30th January the President of Uganda assented to the Non Governmental Organisations Act, 2016 (The NGO Act) which came into force on 14th March 2016. The Act replaces the Non Governmental Organisations (Registration) Act Cap 113 (NGO Registration Act).

HRAPF held a strategic meeting on 26th February with with leaders of civil society organisations to discuss the implications of the NGO Act 2016 on organisations working with marginalised groups. The meeting discussed HRAPF's position on the Act especially sections 30 1(a) and 44 (d) and (f), which, if they are not interpreted well are likely to undermine the gains civil society had made on the law. All participants agreed that there is a real problem with the act which should be collectively tackled. From this meeting the following recommendations were made. These were:

- ❖ The Minister of Internal Affairs should as soon as possible come up with Regulations that clearly define the vague terms used in the Act in line with the powers given to her under Section 55(1) of the Act.
- ❖ The Minister of Internal Affairs should immediately pass a statutory instrument revoking the NGO Regulations, 2009 which are still in force by virtue

of Section 56(2) of the NGO Act, 2016 and yet most of their provisions are inconsistent with the NGO Act, 2016

- ❖ The Minister should delay the commencement of the Act until new Regulations are ready and approved by Parliament.
- ❖ Development partners should engage the government on the need for Regulations that clearly define the meaning of the vague terms in the Act and for the repeal of the NGO Regulations, 2009.
- ❖ Civil Society Organisations should come up with a joint position paper highlighting these problematic provisions and use it to engage the Minister of Internal Affairs on the need for Regulations that are clearer and that do not disproportionately affect certain sections of civil society.
- ❖ If the Regulations that the Minister comes up with do not resolve the vagueness, then Civil Society Organisations should challenge the identified provisions in the Constitutional Court seeking interpretation.



Ms. Margret Ssekaggya and Mr. Richard Ssewakiryanga Executive Directors of Human Rights Centre and NGO Forum respectively attend CSO leaders meeting at Protea Hotel.

HRAPF commissions two researches in the quarter

Human rights advocacy is decidedly incomplete without the presence of legitimate information to back it up. This is why HRAPF prides itself as a research organisation. We carry out research to inform all our advocacy and programmes. To that end, two researches were commissioned in the quarter. One is a research on the enforcement of abortion laws in Uganda and their impact on the rights of women and girls in Uganda. On this research, we partner Ipas, an international NGO dedicated to the improvement of the observance of reproductive health rights in the world. HRAPF hired Prof Ben Twinomugisha, a professor of law and recognised expert on reproductive health rights in Uganda to undertake the research. The research seeks to analyse abortion cases that have gone through Uganda's criminal justice system for the past 10 years in selected districts, and seek out various information on the implementation of the laws on abortion from different

stakeholders in law enforcement in Uganda.

The second research is on vagrancy laws and how these have been selectively implemented against marginalised persons. In our legal aid provision to marginalised communities, we have realised that there is a discernible trend of police selectively implementing vagrancy provisions, to the disadvantage of marginalised persons. In a bid to substantiate this claim for advocacy, HRAPF enlisted the services of Ms Fridah Mutesi, a human rights lawyer who has worked with marginalised communities before, to conduct a research on how vagrancy laws have been implemented in Uganda, and how their implemented has substantially contributed to the various human rights violations suffered by marginalised persons. These researches are aimed at creating a wealth of information to be used in advocacy on the respective issues they address.

HRAPF ensures presence of LGBTI issues on Uganda's UPR agenda



HRAPF and partners discussing the draft UPR report

The second cycle of the Universal Periodic Review is currently under way and Uganda will be reviewed in October 2016. The stakeholders' reports were to be submitted in the first quarter of 2016 with a deadline of 25th March. HRAPF actively took part in the process in two capacities; first as part of the Uganda National Stakeholders' Forum on the UPR and secondly as part of a loose consortium formed together with LGBTI organizations in Uganda. The National Stakeholders' Forum brings together different organizations working on different issues to engage on UPR work. In the forum, HRAPF heads the minorities' cluster and submitted a report on the human rights issues concerning LGBTI persons in Uganda. This report is combined together with others to produce one joint stakeholders' report. HRAPF also contributed to the report submitted by the Right to Health cluster and ensured that issues of LGBTI persons are clearly captured. In addition, HRAPF formed a loose consortium that brought together different LGBTI organizations, who worked together to compile a joint report that was submitted on behalf of the LGBTI community. All these efforts were aimed at ensuring that LGBTI persons and the human rights violations they face feature prominently at Uganda's review in October.

The submitted report highlighted the issues affecting LGBTI persons in Uganda highlighting on progress and weaknesses. The issues included repressive laws and violations of human rights of persons based on their gender identity and sexual orientation. **IN OTHER NEWS...**

Uganda holds its general elections and HRAPF participates

The first quarter of the year saw the conduct of Uganda's general elections, an opportunity for Ugandans to democratically choose their leaders, especially the top leadership of the country. The election period begun in 2015 but its most substantial activities were in the first quarter of 2016. Needless to say, the most coveted seat in the process was that of the presidency. A total of eight persons vied for this seat including the incumbent, Yoweri Kaguta Museveni. This presidential election was historic in as far as it saw the organizing of the first ever presidential debates in Uganda. Two debates were organized in which the presidential candidates were tasked to explain their planned policies and forms of government to the general public. All candidates participated. Among the issues that were discussed was the issue of homosexuality which was strongly condemned by Abed Bwanika. He distinctly promised Ugandans that if elected into office, they would not have to deal with homosexuals anymore. HRAPF followed the debates closely and extensively tweeted about them, highlighting the key issues. HRAPF was also part of

the Citizens Elections Observers Network which observed the conduct of the electoral process and the elections across the country. HRAPF noted with concern that the process was marred with irregularities and human rights violations like violence against voters, continued incarceration of opposition politicians among others, and joined other partners in condemning these occurrences. The highly contested results of the election saw the incumbent, Yoweri Kaguta Museveni announced as the winner, which results were challenged in Uganda's Supreme Court. The case was also historical as for the first time, third parties were allowed to join an election petition as amici curiae. In presenting and allowing the amicus application, a lot of reference was made to HRAPF's case at the East African Court of Justice. The case of *HRAPF V Attorney General* has set groundbreaking precedents regarding the concept of amicus curiae. It was therefore humbling for us to be making such an enormous jurisprudential contribution to Uganda. We continue to hope and work towards better democratic governance in Uganda.



ORGANISATIONAL DEVELOPMENT AND CAPACITY BUILDING PROGRAM

The Organisational Development and Capacity Building Program is divided into the Finance Unit and the Human Resources and Administration Unit. It aims at creating appropriate institutional structures and organisational framework for the efficient and effective implementation of the program activities and realisation of the program goal.

Beginning of year staff retreat successfully held



HRAPF staff during the beginning of year staff training held in Kasese district in January 2016

Every beginning of year, HRAPF holds a retreat for its staff to welcome them back from the festive holiday and prepare for the new-year. This year was no different. The retreat was held in Kasese. All staff members, new and old attended the retreat. The new HRAPF structure was shared with staff by the Executive Director, who went on to explain how the structure would work and the roles and responsibilities of each staff member. The retreat was also used to teach staff principles of budgeting and planning and each unit was therefore asked to prepare its own budget and work plan. This greatly improved the planning capacities of staff members. Staff also engaged in team building activities like visits to the Kitagata hot springs and an excursion to Queen Elizabeth National Park. By the end of the retreat, everybody was ready to put in work for the new-year.



HRAPF staff was also taken through a Values Clarification on abortion training in order to implement a project that aims at addressing legal barrier to access to safe abortion. In the photo, Dr. Tatua from Kenya taking staff through the training.

HRAPF hosts interns from Harvard University

The internship program at HRAPF is very robust and continues to attract students from the best institutions in the world. During the quarter, we hosted three volunteers and six interns from Harvard Law School, Makerere University School of Law, Kampala International University and Yale University. Five of these interns came from Harvard Law School and were hosted at HRAPF for one week. The interns provided support in terms of research to beef up a strategic litigation case concerning the refusal of the registrar of the Uganda These volunteers and interns were students that sought to acquire practical skills for their legal careers. The volunteers and interns that join HRAPF are those that are interested in pursuing human rights careers with focus on marginalized communities. With our work and experience, we continue to present the best platform for an aspiring human rights advocate. The students are always extensively engaged in hands-on work on our programs, especially research and legal aid service provision. We are confident that their experiences at HRAPF make an immense contribution to their careers.



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