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# INTRODUCTION



**Mr. Adrian Jjuuko- Executive Director**

I am pleased to present HRAPF's newsletter for the first quarter of 2017. This newsletter is an update of the major news and activities of the organisation for the months of January, February and March.

HRAPF has expanded its Access to Justice Program by splitting the Sexual Minorities Unit into two separate units focusing on the cases of Lesbian, Gay, Bisexual, Transgender and Intersex persons on the one hand and on the cases of sex workers, People Who Use Drugs (PWUDs) and women and health workers who have come into conflict with the law on abortion on the other. Previously, abortion cases and matters involving sex workers were handled together with LGBTI matters under the Sexual Minorities Unit. The extension of services to PWUDs is also a first for the organisation. A total of 356 cases were handled by the Access to Justice Programme over the course of the quarter. This is a major increase from the 121 cases handled in the previous quarter. This increase can be attributed to the progressive growth of the new land office in Masaka as well as the broadening of HRAPF's target groups to also include People Who Use Drugs. Of the 356 cases, 80 were handled by the Sex Workers and Other Minorities Unit; 85 were handled by the LGBTI Unit while 191 were handled by the Land and HIV Unit.

This quarter was a steady start to the year with a very busy legal aid clinic; ongoing strategic litigation cases and awareness raising and trainings under our various programmes focusing on different target groups. We hope to encourage and inspire as we share a few of the highlights of the quarter in this newsletter.

We remain grateful to our partners and clients for their unwavering support and cooperation.

# UPDATES ON THE ACCESS TO JUSTICE PROGRAM

The Access to Justice Department is divided into three units. The Land and HIV Unit; the Sex Workers and Other Minorities Unit and the LGBTI Unit. Below we provide updates on the work of these units during the months of January, February and March 2017.

## THE LGBTI UNIT

### Legal Aid Service Provision



*The Head Access to Justice - LGBTI Unit with clients after securing them bail.*

The LGBTI Unit provided quality legal aid services to Lesbian, Gay, Bisexual, Transgender and Intersex Persons across the country. The Unit handled a total of 83 cases during the quarter. A total of 85 cases were received but two of these cases were referred to other organisations that were better equipped to deal with the particular matters. A total of 34 matters were finalised while 49 were still pending by the end of the quarter.

Out of these 83 cases, 17 cases were matters of criminal arrest where LGBTI community members were arrested by the police, in most cases on the basis of their actual or perceived sexual orientation and gender identity. Organisational matters also rank high in terms of the nature of cases dealt with by the Unit. In this quarter, 33 of the cases handled were aimed at assisting LGBTI organisations in reserving company names, registering company resolutions, certification of their documents and filing annual returns. The Unit also dealt with 7 cases of assault and 10 land and property matters. The Unit also handled a small number of cases dealing with family rejection, blackmail and eviction.

HRAPF made a wide variety of interventions in these cases including making 12 police interventions, filing 7 company name reservations and holding 2 mediations. Police bond was secured in 6 matters, 2 clients were released without charges and bail was secured in 1 case. Four organisations were registered and 6 organisation bank accounts were opened. A total of 89 individuals and organisations benefitted from these interventions. These beneficiaries are made up of 33 organisations, 31 gay men, 3 lesbians, 7 bisexual, 11 transgender, 2 intersex persons and 2 others.

## Efforts to reach intersex persons with legal aid services

The organisation has become aware of the fact that intersex persons are a hidden population within the country. Organising for this group is not as strong as it is for some of the other groups under the LGBTI umbrella. During the quarter, the Unit made it a priority to go to lengths in order to ensure that the intersex community is aware of HRAPF's legal aid services and would feel comfortable in accessing our services when needed.

As part of these efforts, 12 police stations, 9 media houses and 3 prisons across Kampala were visited. Interactions

were made with the various police officers at the different stations, Officers in Charge of Prisons and persons in the media industry. The major aim of these efforts was to reach out to intersex persons and inform them about HRAPF's legal aid services, and also to identify already existing cases involving intersex persons, in which HRAPF could intervene. Through these visits, HRAPF established rapport with these state actors and media members and introduced our legal aid services so that potential intersex clients could be referred to us in future.



*HRAPF Legal Assistant conducting a mediation in a case involving an intersex person.*

**H**RAPF also held a consultative meeting with 20 intersex persons and 18 parents of intersex minors in order to discuss the legal challenges that this group faces. Participants shared their difficulties in changing their personal documentation to align with their gender identity and the stigma and discrimination that they have to deal with. Unit members facilitated a session in which the laws that affect intersex persons as well as the instruments protecting their rights were discussed. The

meeting was organised in liaison with SIPD Uganda.

It is believed that these efforts have already begun to bear fruit – the Unit handled 2 cases of intersex persons during the quarter, whereas there had not been a single intersex case handled in the whole of 2016. In one of these matters, the Unit assisted an intersex woman in changing her passport to reflect her preferred gender identity. HRAPF hopes to expand our legal aid services to intersex persons in more profound ways in the coming quarter.



*HRAPF Legal Assistant facilitating at the consultative meeting with intersex persons.*

## Legal education and awareness raising

**D**uring the quarter, three outreach sessions were conducted in liaison with HRAPF trained paralegals. The three outreach sessions were attended by a total of 92 participants. Of the 92 participants, 71 were males (gay and bisexual males), 9 were female (lesbians and bisexual women) and 12 were transwomen. The paralegals were the key mobilisers and facilitators during the outreaches. They were assisted by the HRAPF lawyers in responding to questions.

During these outreach sessions, participants were informed and reminded of their basic human rights. They were assisted with legal information as well as practical pointers about how to handle an arrest. Participants were also informed about the services that HRAPF offers and encouraged to keep the contact details of HRAPF lawyers and paralegals close at hand.

Two of the outreach sessions were held in Kampala and

one was held in Kyengera. The first was held at the Most At Risk Populations Network Offices and was attended by 34 participants. The second outreach session was coordinated by Gala Initiative Uganda Limited and attended by a total of 27 participants in Kyengera. The third outreach, attended by 30 participants, was held at Ice Breakers Uganda Ltd and was coordinated by Men of the Night Uganda Ltd.

The Unit also conducted a legal aid camp in Fort Portal which was attended by 30 LGBTI persons and as a result, three cases of family rejection were recorded and handled. An awareness workshop was also conducted with 40 LGBTI persons in Jinja with the purpose of providing education on the different avenues for accessing justice.



*A trained paralegal sharing experiences with trainees at the 2<sup>nd</sup> module of the paralegal training.*

HRAPF places much focus on training paralegals to assist members of our target groups within the community and across the country. Paralegals are our strategy for making an impact and providing services beyond the reach of our organisation's own resources. HRAPF is continuously training paralegals from across the country and also invests in ensuring that the paralegals who have been trained by us have continuous opportunities for refining their legal knowledge and gaining more practical experience and skills.

During the quarter a group of 10 trainees that have completed the first of our three paralegal training modules in the previous quarter also completed the second module. This module focuses on criminal law and procedure in Uganda. In

facilitating this training, the HRAPF team was joined by Rihana Mukasa, a community member who shared her arrest experience, and Jacklyne Akao a state Attorney from the Mukono Chief Magistrate's Court.



*Some of the paralegals take pictures at Mukono Chief Magistrates Court during the paralegal training.*



A quarterly sharing session was conducted at which 27 paralegals conveyed information about the cases they have handled and the challenges they face in the field. These quarterly sessions are important for touching base with the paralegals that have been trained by HRAPF and are working in their own communities. The sessions create a basis of support and an exchange of ideas on how to deal with challenges commonly faced in the field.

*One of the trained paralegals sharing experiences at a paralegal sharing session.*

# Strategic Litigation

Strategic litigation is an advocacy tool employed by HRAPF to use the courts of law as avenues for the enforcement and respect of the rights of marginalised persons. The purpose of these strategic cases is to promote the rights of HRAPF's target groups and to improve the legal environment which impacts upon them. During the quarter, the Unit was involved in four cases:

1. **Complaints at the Uganda Human Rights Commission:** During the LGBTI pride week in August 2016, police raided the Ms/Mr/Mx pride beauty pageant and brutally arrested the event's organisers and activists. The attendees of the event were also unlawfully detained at the venue. A large number of human rights violations occurred as persons were brutally beaten, had their hair pulled out and their pictures forcefully taken. In response to this event, the Unit lodged a complaint with the Uganda Human Rights Commission, challenging the actions of the police in the raid. This is the case of *Shawn Mugisha and 6 Others v DPC Kabalagala*. In addition, the Unit also filed a complaint challenging police actions in conducting the arrest of a transgender woman and a gay man that happened in January 2014. This is the case of *Jackson Mukasa & Another v Attorney General*. During the quarter, follow-up was made on both of these cases. The Unit was informed that it may take up to 3 years for these cases to be heard after investigations, since there has been a backlog of cases at the Commission since 2009. The Unit found this delay in the hearing of the matters disappointing since, in the face of the backlog experienced by courts at all levels, it was hoped that the Commission would provide an avenue of accessing justice without delay.

2. **The SMUG case:** The case challenges the refusal by the Registrar of companies to register Sexual Minorities Uganda as a company limited by guarantee. The case came up for hearing twice during the quarter and the Head of Unit was prepared to represent the Applicants as one of the lawyers in the case. On both occasions, however, the case was adjourned and hearing was postponed to the next quarter.

3. **The Lokodo Appeal case:** The case appeals the decision of the High Court in which it was held that the Minister of Ethics and Integrity, Fr. Simon Lokodo was justified in closing down a skills training workshop organised for LGBTI persons. However no hearing date has been set for the case. During the quarter, follow-up was made with the Registrar of the Court of Appeal and the Unit was informed that the Court is giving priority to Election Petition cases at present. A court date would only be allocated to this case once the election matters have been cleared from the roll.

# SEX WORKERS AND OTHER MINORITIES UNIT

The Sex Workers and Other Minorities Unit is a new unit within the organisation, which was formed when the existing Sexual Minorities Unit was split in two at the beginning of 2017. The Unit provides legal aid services to sex workers, drug users and women, girls and healthcare workers who have come into conflict with the law on abortion.

## Legal aid service provision

During the quarter, a total of 80 cases were handled by the unit: 54 sex worker cases, 23 drug user cases and 3 abortion cases. Of the 54 cases involving sex workers, 29 cases were concluded and 25 remained pending. The majority of the cases (24) dealt with the arrest of sex workers. The police remains the greatest violator of the rights of sex workers and this quarter illustrated the maintained need for legal aid services to sex workers who are arrested. A large number (15) of child neglect cases were also received and dealt with by the unit. Sex workers often have trouble in ensuring that the fathers of their children fulfil their child maintenance duties. Men tend to deny paternity of children borne by sex workers and sex workers are in need of assistance to ensure that they have financial support in raising their children. Other cases handled included 4 assault cases, 4 land matters and a case of child custody. The Unit also handled 23 cases of drug users of which 17 were finalised and 6 remained pending. All the 23 cases are cases of arrest. The arrested persons were mostly charged with smoking opium (7), the possession of opium (5), frequenting a place used for smoking opium (4); being a rogue and vagabond (5); theft (1) and threatening violence (1). The Unit also handled 3 abortion cases in the districts of Kampala, Rakai and Tororo.

During the quarter, there were a total of 175 beneficiaries under the sex workers' docket; 97 beneficiaries under the drug users' docket and 3 beneficiaries under the abortion docket including 2 health workers and 1 woman.

In terms of remedies, the most common intervention for cases of sex workers, drug users as well as abortion cases were police interventions. There were also a number of court interventions, mediations and the provision of legal advice. The majority of clients were released without charges while many also received non-custodial sentences. In some cases, clients were also able to obtain police bond, child support, secured tenancy as well as compensation.

## Awareness raising of HRAPF's legal aid services

In order to identify cases and to make potential clients aware of HRAPF's services, the unit conducted visits to police, courts and health centres. A total of 38 police stations were visited during the quarter wherein the police officers were informed about HRAPF's legal aid services to sex workers, drug users and women, girls and health workers in conflict with the law on abortion. The unit also engaged in media scanning and identified four sites in which sex workers and drug users could easily be reached. 12 Magistrates' Courts were visited, inquiries as to ongoing drug user and sex worker cases were made and 15 cases were identified to take on. Two prison visits were also conducted and inquiries were made about inmates who were facing sex work related charges. Three health centres offering abortion services were also visited in order to inform health workers about HRAPF's legal aid services.

# LAND AND HIV UNIT

## Legal aid service provision

**T**he Land and HIV Unit offers legal aid services to women and girls living with HIV/AIDS in the districts of Kiboga, Luwero, Mityana and Mpigi; and to women and the elderly with land justice issues in the districts of Masaka and Wakiso.

A total of 191 land cases were received during the quarter. Of these, 86 cases were reported by women, 75 by men, 28 by elderly persons and 2 by children. Of the 191 cases, 70 cases were worked on to completion and 121 remained pending by the end of the quarter. 131 of these cases were received and handled at the main offices in Kampala while the rest were received from the Masaka office. Most of these land cases concerned matters of trespass (28 cases), followed by successions disputes (24 cases) and threatened and illegal eviction (17 cases). These conflicts are a result of many of our clients having overlapping interests on mailo land. Our clients are also often illiterate and lack knowledge on their rights and duties as tenants. Of the 191 cases received, 45% of the cases were referred by Local Council Leaders, 34% were received following legal aid camps, 10% were referred by the trained paralegals and 1% were walk-in clients.

The Unit provided a variety of remedies including conducting mediations, giving legal advice, providing legal representation and drafting wills. All the remedies were aimed at achieving the best interests of the client and restoring their rights. HRAPF avoided adversarial remedies and this has helped to keep disputing families and communities together. Some cases were referred to other organisations that are better equipped to deal with the issues at hand such as Platform for Labour Action, CEHURD, Justice Centers Masaka, FHRI, the Administrator General's Office, FIDA, MIFUMI, the

Center for Legal Aid and the Uganda Law Society.

The persons who benefited from our services were 525 and of these 302 were children, 132 women and 91 men.

During the quarter, the Unit also handled 40 cases of persons living with HIV. Of these, 21 cases were completed and 19 remained pending by the end of the quarter. These cases benefited a total number of 150 individuals directly and indirectly. 42 individuals benefited directly while 108 benefited indirectly and they were 74 children, 54 women, and 22 men. Indirect beneficiaries were in most cases children and relatives of our clients.

Of the 40 cases received, 26 cases were registered from the legal aid camps at the different health facilities from where our clients receive medical services and the remaining 14 cases were referred by the HIV trained paralegals from the districts we work in. Most of the cases of people living with HIV concerned land disputes (11 cases), followed by successions disputes (8 cases) and cases of stigma and discrimination (6 cases).

The cases were resolved by engaging in Alternative Dispute Resolution, the provision of legal advice, the lodging of caveats, will-making, counselling, applying for letters of administration and referrals to partner organisations.

The Land and HIV Unit continues to grow in terms of its reach of target communities and experiences a steady increase in reporting from these communities due to the expanding visibility of the organisation.

## Awareness raising and education on the rights of people living with HIV

**T**he Unit views awareness-raising as an integral part of its work. Stigma and discrimination in respect of HIV and AIDS remains rife and changing mindsets of both people living with HIV as well as the broader community remains an ongoing process.

During the quarter, the Unit conducted 3 legal aid camps and awareness sessions targeted at people living with

HIV. During these sessions, participants were made aware of basic human rights, patient's rights, will-making and avenues of accessing justice in case their rights are violated. The trained HIV paralegals were engaged in conducting the sessions and they facilitated sessions on will-making in the different districts. Two sessions were held in Mpigi, respectively attended by 40 and 59 participants and one session attended by 35 participants was held in Mityana making it a total of 134 participants

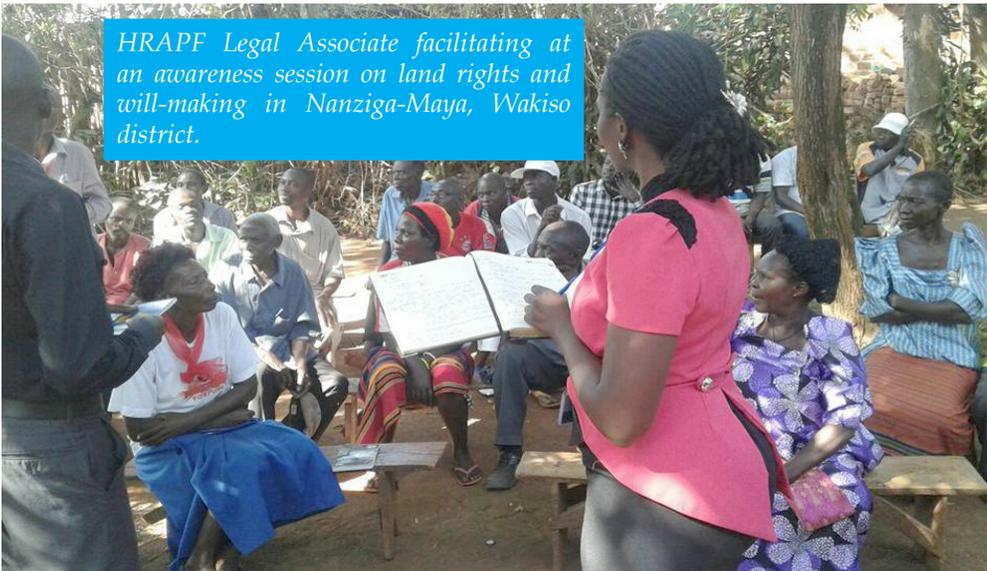
reached out to. Of these, 113 were women and 21 were men. The low turn-up of men at health centers indicated that men are reluctant to collect their HIV medicine themselves and the conclusion is drawn that those who are on anti-retroviral treatment share medicine with their wives. This observation is an indication of the need to do increase awareness raising and sensitization on HIV/AIDS among men in particular. After the legal awareness sessions, participants were given the opportunity to register cases on legal issues. 18 new cases were registered following legal aid camps.

As part of combating stigma and discrimination on the basis of HIV/AIDS status, the Unit is engaging in trainings of health workers. During the quarter, 4 workshops for the health workers were conducted in Kiboga, Mpigi and Luwero districts. A total of 172 health workers

were identified in these two districts and trained. The workshop for Kiboga district attracted 40 participants, in Luwero district 2 workshops were conducted attracting 73 Health Workers and in Mpigi district the workshop had 59 participants.

The participants were trained about patients' rights using the Patients' Charter from the Ministry of Health. During the evaluations conducted before the training, it was revealed that most of the health workers had never received information on patients' rights. The Patient's Charter was promulgated by the Ministry of Health in 2015 and it spells out the rights, duties and responsibilities of both the patients and Health Workers. It is therefore essential to raise awareness among health workers about the rights which patients, and HIV patients in particular, are entitled to.

## Awareness raising and education on land rights



*HRAPF Legal Associate facilitating at an awareness session on land rights and will-making in Nanziga-Maya, Wakiso district.*

as the first port of call in either protecting or allowing the violation of land rights. Through its work, the Unit came to realise that Local Council office bearers lacked basic training to enable them to carry out their mandate. The Unit embarked on enhancing their skills and improving their understanding of their roles and responsibilities, the prescribed procedures for decision-making according to the Local Council Courts Act, and the intricacies of intestate and testate succession and land administration systems.

The Unit conducted 1 workshop for Local Council leaders in Namayumba sub-county in Wakiso district. 31 persons participated in this workshop including 26 Local Council Leaders, 5 area land committee members. Pro-active and self-motivated women members of local council courts were particularly encouraged to participate. The purpose of the training was to enable the Local Council leaders to improve their skills in handling issues affecting women, children and the elderly persons facing land challenges. The trainees were taught the ethics and integrity of leaders and the roles and responsibilities of Local Council Court members.

**T**he Unit recognises the value in continuously expanding the organisation's reach to people in rural areas who may be in need of land justice. A great barrier in the way of accessing justice can be overcome where access to information is ensured. HRAPF therefore seeks to empower communities with information and knowledge about their rights and the available avenues for accessing justice.

2 awareness sessions were held on human rights and the land laws affecting marginalised persons in Uganda. A total of 102 persons participated, of which 64 were men, 36 were women and 2 were children. Both awareness sessions were held in Wakiso.

The major topics addressed during these sessions were chosen by the community members based on their daily experiences and legal challenges. However, the participants were also sensitised about land tenure systems in Uganda, the history and background of the Mailo land tenure system, security of occupancy enjoyed by the different categories of occupants, and the obligations and responsibilities of occupants and registered owners.

The Unit not only protects the rights of vulnerable persons themselves by equipping them with knowledge about their rights, but also addresses Local Council leaders

## Radio and television talk shows

The Unit has been utilizing radio and television as a major avenue for reaching out to their target communities, especially those in hard-to-reach rural areas with no trained paralegals. Over the course of the quarter, three television talk shows were held. The shows on Kingdom TV and Delta TV dealt with land rights and Local Council elections. The Head of the Unit also discussed women's land rights and access to justice during an interview on Spark TV.

There were also radio talk shows during which the HRAPF team discussed land rights and Article 23 and 26 of the Constitution in particular. Other talk shows were aimed at promoting the rights of people living with HIV/AIDS by discussing stigma and discrimination, patients' rights and avenues for accessing justice. The radio talk shows were conducted through partnership with other organisations.

Radio shows reached Mityana through broadcasting on Mbona FM; Mpigi through Buwama FM and Kampala through Family Radio. A total of 22 callers reached the HRAPF staff members during these talk shows and their questions received responses.



# UPDATES FROM LEGISLATIVE ADVOCACY AND NETWORKING PROGRAMME

## HRAPF strengthens work with members of Key Populations

From the beginning of 2017, HRAPF has been placing greater emphasis on the target groups which the organisation works with in their capacity as Key Population groups that are more vulnerable to HIV infection than members of the general population. HRAPF supports the 'fast track strategy' of the Joint United Nations Programme on HIV (UNAIDS) to end HIV/AIDS by 2030 through empowering members of Key Population groups to take the lead in the fight against the epidemic.

During the quarter, four quick scan booklets were developed on the laws and policies affecting transgender persons, People Who Inject Drugs (PWIDs), Men who have Sex with Men and Women who have Sex with Women as Key Population groups. The booklets analyse a broad variety of laws impacting upon the rights of these groups to exercise their sexual and reproductive rights and to access HIV prevention and treatment.

In all four booklets, emphasis was placed on the provisions of the Penal Code Act which criminalise conduct associated with marginalised groups such as the provisions criminalising sex work and same-sex sexual relations as well as the 'Idle and disorderly' laws which are used to clamp down on unpopular groups in Uganda. The HIV Prevention and Control Act; the Non-Governmental Organisations Act and the Equal Opportunities Commission Act were also considered in respect of each of the four selected groups. Various policies regulating HIV counselling and testing; HIV treatment, Post-Exposure Prophylaxis as well as national strategic health plans and the National Most at Risk Populations Priority Action Plan were considered. Each of the booklets contains examples

to illustrate the implications of the analysed laws and policies on the selected Key Population groups.

The purpose of these booklets is to empower members of Key Populations themselves to engage in legislative and policy advocacy in favour of the groups that they work with. The booklets have also been translated into Luganda in order to reach a larger segment of the targeted Key Populations. The booklets can be accessed on the HRAPF website [www.hrapf.org](http://www.hrapf.org)

HRAPF has also collaborated with THETA and the MARPs Network in order to train members leading Civil Society Organisations dealing with issues concerning Key Populations on policy analysis. The participants, who are all members of Key Populations themselves as well as being active in civil society, attended a three day training in March. The training introduced them to the basics of the law and the legal system in Uganda. Participants were also instructed in the concepts and foundational principles surrounding legislative and policy advocacy. The training had a large practical component in that participants had the opportunity to practice analysing laws and policies affecting the sexual and reproductive health rights of key populations, with an eye on engaging in advocacy. A follow-up training is planned for the next quarter in which the same participants will have the opportunity to learn and practice the skill of developing position papers for advocacy purposes.

HRAPF intends to continue empowering members of Key Population groups to be the leading advocates in the fight against HIV/AIDS.



*HRAPF Deputy Executive Director Programs facilitating at the THETA training.*

# HRAPF releases third issue of *The Human Rights Advocate*

A Publication of  
Human Rights  
Awareness and  
Promotion Forum



## THE HUMAN RIGHTS ADVOCATE

**The Potential Impact of the Non-governmental Organisations Act 2016 on Marginalised Groups**



During the quarter, HRAPF released the third issue of our annual human rights advocacy magazine entitled *The Human Rights Advocate*. Every issue of the magazine is themed on a particular law that affects marginalised groups and contains deliberations from a variety of authors representing academia, civil society and government. The two previous issues focused on the Equal Opportunities Commission Act, 2007 and the Anti-Homosexuality Act, 2014 respectively. The third issue of the *Human Rights Advocate* focuses on the new Non-Governmental Organisations Act, 2016 is entitled 'The likely implications of the Non-Governmental Organisations Act 2016 on marginalised groups'.

The new NGO Act came into force on 14 March 2016. Although some of its objectives and provisions are commendable in terms of improving the operational environment of civil society, it also presents severe limitations on the freedom of association in Uganda. In the first place, the Act presents obstacles in the way of NGO operations in Uganda by giving over-broad powers to the NGO Bureau to refuse the registration of an organisation. Furthermore, the NGO Act poses threats

to the operation of organisations serving marginalised groups in particular through its provisions on special obligations.

This third edition of the magazine contains an editorial, feature, two opinion pieces, two commentaries on the Act and two commentaries on case law. The editorial considers the NGO Act, 2016 and the threats that it poses from a human rights perspective. The feature considers the legislative history of the NGO Act and describes the contents of the NGO Act. The first commentary considers the NGO Act from an international human rights law perspective while the second commentary compares the regime governing NGOs in Uganda to that of Kenya. The first opinion piece argues that the NGO Act forms part of a broad series of 'legalised repression' of political rights and freedoms. The second opinion piece considers the impact of this law on the human development of the country through its repression of the associative rights of minorities.

The first case commentary considers the impact of the recent Constitutional Court decision in the matter of *HURINET and Others v Attorney General* in which provisions of the previous NGO Act and Regulations were upheld on the new regulatory framework of NGOs. The second case commentary discusses the High Court case of *Frank Mugisha, Dennis Wamala & Warry Ssenfuka v Uganda Registration Services Bureau (URSB)*, which has been filed subsequent to the Uganda Registration Services Bureau's refusal to register Sexual Minorities Uganda as an organisation on the basis of its objective to protect the rights of Lesbian, Gay, Bisexual and Transgender (LGBT) persons.

Finally, the Appendix contains the text of the NGO Act 2016; HRAPF's position paper on the NGO Act, 2016 released shortly after the Act came into force; and HRAPF's suggested regulations to the NGO Act, which would address the concerns of minorities and marginalised groups in respect of the Act.

It is HRAPF's hope that readers will find this magazine to be a valuable tool in analysing the human rights implications of the NGO Act, 2016. In particular, it is hoped that the magazine will shed light on the dangers presented to the future operation of NGOs advocating for the rights of marginalised groups or persons who engage in activities that are considered criminalised along with the threats posed to the NGO sector as a whole. It is HRAPF's aim for the magazine to be used as an advocacy tool to challenge the provisions of the NGO Act, which are not in line with Uganda's Constitution and international human rights standards. The magazine can be accessed on our website [www.hrapf.org](http://www.hrapf.org)

# Revival of the Civil Society Coalition on Human Rights and Constitutional Law

The Civil Society Coalition on Human Rights and Constitutional Law was established to create a united front in the fight against the Anti-Homosexuality Bill of 2009. When the Anti-Homosexuality Act was finally annulled in 2014, the Coalition was no longer active since the purpose of its existence had been achieved. The brutal attacks on the LGBTI community during the celebration of pride in August 2016 made it plain that there was once again need for a unified response. The Coalition was revived and a coordinator was appointed to take care of its activities. HRAPF, through the Research and Advocacy Unit, acted as the host of the Coalition.

During the quarter, three monthly meetings of the Coalition were held, which the Unit assisted in organising. There were also two Steering Committee meetings and a Legal Committee meeting to discuss a way to make progress in the case instituted to challenge the Anti-Pornography Act, 2014.

During the last Karaoke held at the end of March, HRAPF's agreed period for hosting the Coalition as well as the Coordinator's term came to an end. The meeting was attended by 49 representatives of various organisations that are members of the Coalition. The impact and successes of the Coalition during its revival period were discussed and

suggestions were made as to how the leadership, structure and functioning of the Coalition could work. Some of the achievements of the Coalition included the institution of cases before the Uganda Human Rights Commission challenging the actions of the police during the raid of the Gay Pride event and the publication of a press statement on the rights of marginalised women on International Women's Day. Going forward, suggestions were made to change the Coalition from a single focus movement, to also include other matters of mutual concern to the member organisations such as advocacy for civic space and larger issues concerning sexual orientation and gender identity. It was also agreed that the Coalition should play a greater role in ensuring the security of the member organisations and the communities they serve. It was decided that the coordinator's mandate would be renewed to allow her to convene a retreat at which the future of the Coalition can be planned in detail.

HRAPF is pleased with the ongoing efforts of the Coalition and believes that it was important to have a structure in place to be able to respond to security crises and human rights issues affecting the LGBTI community as they came up following the Pride raid. HRAPF intends on remaining involved in the Coalition.

## Awareness on legal and policy framework on abortion



*Sex worker paralegals and peer educators during the training on the legal and policy framework on abortion in Uganda.*

HRAPF recently started working on issues of abortion and one of the things being done is the creation of awareness on the legal and policy framework on abortion in Uganda. HRAPF is of the view that one of the most important ways in which human rights violations due to the criminalisation of abortion can be reduced is by combatting the deathly silence and stigma surrounding the issue. The Unit continued to raise awareness on the law on abortion among sex workers and healthcare providers during the quarter. An

awareness session attended by 33 sex workers was held in Kasese and another session attended by 16 midwives was held in Iganga. These sessions served to increase the knowledge of participants about the legal and policy framework governing abortion in Uganda and to allow them to overcome the barriers to accessing information on abortion services which are created by the severe stigma surrounding the abortion question in Uganda.

The Unit also organised a two day residential training for HRAPF trained sex worker paralegals and peer educators. The training was attended by 20 participants from various districts such as Masindi, Mbale, Gulu, Bugiri, Busia, Nakasongola, Soroti, Malaba, Kitgum, Kasese and Kampala. The training served to increase the knowledge of participants on the law governing abortion. The participants were introduced to the issue of the magnitude of abortion and maternal mortality due to unsafe abortion by Dr. Charles Kiggundu. A number of sessions were facilitated by HRAPF lawyers and paralegals and were aimed at training the participants in dealing with arrests in abortion cases. A Values Clarification and Attitudes Transformation (VCAT) session was facilitated by a trained midwife, Ms. Sarah Namyalo, in order to help the participants to deal with their own prejudices in serving their communities.

# HRAPF releases analysis of the Human Rights Enforcement Bill, 2015

**H**RAPF published an analysis of The Human Rights Enforcement Bill, 2015 during the quarter. The Bill was published in the Uganda Gazette on 1 October 2015 as Bill No 26 of 2015. The Bill is sponsored by the Human Rights Committee of Parliament and its main objective is to give effect to Article 50(4) of the Constitution by providing for the procedure of enforcing human rights under Chapter Four of the Constitution. The Bill was tabled in Parliament for its first reading on 10 November 2015 and is currently with the Committee on Legal and Parliamentary affairs for considerations, consultations and reviews.

The Bill has bearing on the rights of marginalised groups in as far as it can be used to ensure that their constitutional rights are enforced and that violations of rights are addressed. The Bill was analysed by HRAPF through the lenses of ensuring that optimum protection would be provided to these groups and that they would not be excluded from the protection and benefits that the Bill aims to provide. In particular, the provision that provides for locus standi, the procedure for instituting a complaint and the forum for human rights enforcement were criticized.

The Bill provides for the enforcement of human rights in the High Court. HRAPF has suggested that the Bill should expand its application to other courts and bodies to ensure that the general principles relating to human rights enforcement apply to all forums that enforce human rights.

The analysis criticised the Bill for failing to give full effect to the locus standi provisions in the Constitution. While the Constitution in Article 50(1) makes it clear that both the infringement of rights as well as threatened infringements are actionable, the Bill does not expressly extend to threatened infringements. Article 50(2) of the Constitution furthermore provides that 'Any person or organisation may bring an action against the violation of another person's or a group's human rights'. The Constitution makes provision for the filing of cases in the public interest, where the applicant's own rights have not been affected, but the Bill leaves this out. HRAPF recommended that the Bill should give guidelines on the circumstances that give rise to an application for the enforcement of human rights and that the Bill should also echo the locus standi provisions of the Constitution and make it clear that a person or organisation can institute an action on behalf of another person or group.

The procedure for an application for redress in case of violation or enforcement of human rights is stated in the Bill to be by plaint. HRAPF recommended that the procedure provided ought to be by Notice of Motion since this procedure is easier, quicker and less cumbersome. It allows for evidence to be brought before the court by affidavit and would be in step with efforts to enforce human rights to allow the application procedure to be as accessible as possible.

This analysis of the Bill, as well as a summary of recommendations, were furnished to the Committee on Legal and Parliamentary Affairs during the period in which public



## LEGAL ANALYSIS OF THE HUMAN RIGHTS ENFORCEMENT BILL 2015



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views were received over the course of the quarter. It is believed that HRAPF's contribution would serve to strengthen the Act that will eventually be adopted and enhance the human rights protection that it is capable of providing to marginalised groups. The analysis is available on the HRAPF website: [www.hrapf.org](http://www.hrapf.org)

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