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INTRODUCTION



Mr. Adrian Jjuuko- Executive Director

I am glad to yet again present to you another edition of the HRAPF quarterly newsletter. This edition covers the second quarter of 2016- the period from 1st April to 30th June. The second quarter of the year ended on a note of reflection for us at HRAPF as we held our mid-year review meeting, where all units presented on progress made and we jointly evaluated the progress so far made in achieving our yearly targets. The progress so far made, despite the many challenges during the quarter, is commendable and we look forward to catching up where we have fallen short of our targets in the next half year.

Talking of challenges, this quarter HRAPF faced an unprecedented situation in all our history, when our offices were broken into on 22nd May 2016 and the guard on duty that night murdered. The assailants, whose every move and action was captured on CCTV camera, after killing Emmanuel Arituha broken into the main office block and directly went to the offices of the Executive Director and the Deputy Executive Director (Programs). The Executive Director's office was ransacked, and documents and a TV set were taken. It was the first time that something of this magnitude happened to us. Prior to the incident 3 of our staff were also attacked and their computers and phones stolen in unclear circumstances. Up to now we are still grappling with the motive of the attacks, as police investigations do not seem to be getting anywhere close to solving this case even with the CCTV footage, the fingerprints, and blood samples. The incidents created a state of fear and anxiety among staff and the people we serve. Together with other human rights defenders and partners, we honored the deceased security guard as a human rights defender, and spoke out against break-ins at NGO offices which have become a trend as well as the inconclusive investigations in almost all these cases. We thank all our partners and other stakeholders who stood strong with us during this period.

Despite the security challenge, HRAPF's work continued

to thrive throughout the quarter. Our flagship program, the Access to Justice Program, continued provision of legal aid to the elderly and indigent women facing land injustice in Wakiso district, women and girls living with HIV/AIDS in the districts of Mpigi, Luweero, Mityana and Kiboga, and LGBTI and sex workers country wide. In the quarter, the two units in that program handled a total of 163 cases. 71 of the cases were received under the Land and HIV Unit, while the Sexual Minorities Unit received 92. Of the 92 cases received under the Sexual Minorities Unit, 48 were for Sex Workers and 44 were for LGBTI persons. We continued to train paralegals and monitor their work. 16 LGBTI paralegals were passed out and one sharing session held which was attended by 30 paralegals. In addition, 26 already trained paralegals were refreshed. To further prove our commitment quality legal aid, we held a consultative meeting with the LGBTI community on how we can better our services to them.

Our strategic litigation work stood out in the quarter with a number of activities around the different cases. We filed a new strategic case in the High Court, challenging the Uganda Registration Services Bureau's refusal to register Sexual Minorities Uganda. In addition to this, after eight years in court, the Constitutional Court finally re-heard the *Adrian Jjuuko case* which challenges section 15(6)(d) of the Equal Opportunities Act. We anxiously await judgment. Our case at the East African Court of Justice was also heard and oral submissions made by both sides. The judgment date was set for 27th September and we eagerly look forward to it.

As HRAPF, we reiterate our commitment to serve our target communities in the very best way we can, and look forward to the last half of the year with renewed strength and hope. Enjoy reading about our highlights and thank you for the continued support as we take human rights to all!

THE SEXUAL MINORITIES UNIT

The Sexual Minorities Unit is one of the units under HRAPF's Access to Justice Program. The unit provides legal aid services, creates awareness, trains paralegals, documents cases, and builds capacity of organisations. The Unit primarily targets sexual minorities i.e. LGBTI persons and Sex Workers. It had various targets at the beginning of the second quarter, and it managed to achieve the following;

Provision of legal aid services to Sex Workers and LGBTI persons



HRAPF staff moderating at a consultative meeting with LGBTI persons on legal aid services offered by HRAPF

The second quarter saw a reduction in the number of cases received and handled by the Sexual Minorities Unit. Unlike the first quarter where the Unit received a total of 105 cases, only 92 cases were received in the second quarter. 48 of the cases were for sex workers while 44 cases were for LGBTI persons. Among sex workers, cases of child neglect continue to rank highest with a total of 21 received in the quarter while amongst LGBTI persons, criminal arrests ranked highest with 15 arrests recorded in the quarter. In providing the legal aid, different interventions were made in the above cases and these included 26 police interventions, court representation in 5 cases, mediations in 4 cases, legal advice given in 10 cases, and an application for certification of a document in 1 case. These interventions resulted into different remedies for the clients which included release without charge from Police in 6 cases, police bonds obtained in 9 cases, compensation for medical expenses got in 2 cases, a mediation agreement reached in one case and a certification of documents obtained in 1 case. This legal aid service provision reached out to a total of 183 persons. 94 of these were Sex Workers, 16 were Gay men, 3 Lesbians, 6 Transgender persons, 8 bisexuals, 4 LGBTI organisations, and 52 children and relatives of sex workers. Of the 92 cases received during the quarter, the Unit managed to handle 24 cases to completion and the remaining 68 will

be handled in the subsequent quarters. In addition to these, the Unit also continued handling cases that were brought forward from the previous quarter. As a result, 17 of the pending cases were handled to completion, 8 being Sex Workers' cases and 9 being LGBTI cases.

From the cases recorded in the first quarter of the year, there was indication that numbers of cases received from the LGBTI community had considerably reduced. HRAPF is committed to the continued and sustained provision of quality legal aid services to its target communities and therefore the Unit sought to find out what the cause of the reduction was and whether there were any pertinent issues that needed to be addressed. To this end a consultative meeting was organized with leaders of the LGBTI community to hear from them about HRAPF's legal aid services, and understand what the reduction in the number of cases reported meant. This meeting was held at the Grand Global Hotel on 2 June 2016 and was attended by a total 36 persons who commended HRAPF for the job well done so far and also made suggestions for further improvement of the quality of the legal aid service provision. The suggestions included diversification of cases handled by HRAPF to include matters like child neglect, increasing focus on the intersex community and engaging extensively with local community leaders like local Chairpersons who are stakeholders in the protection and observance of the rights of LGBTI persons. These suggestions were taken on by HRAPF and we hope to implement them in order to further improve the quality of the legal aid service provision.

Enhancing access to information for sexual minorities

In addition to provision of legal aid, the Sexual Minorities Unit works to increase the information available to sexual minorities, especially about the laws that affect them and their rights. The availing of this information to the communities is intended to empower these communities in knowing how to be able to live within the existing legal framework and making it achievable for sexual minorities to demand for the respect of their rights. To achieve this, the Unit reaches out to the target communities using different means. These include outreaches, awareness sessions, and legal aid camps among other methods. In the second quarter, a legal aid camp was organized in Gulu in which the Unit reached out to 27 persons, 15 of whom were LGBTI and 12 Sex Workers. These participants were taught about the Uganda's legal framework in relation to their rights and they also received instant legal aid. In the process, 7 cases were identified for handling by the legal aid clinic, 4 of which were Sex Workers' cases, and 3 LGBTI cases. The Unit also held 2 outreach sessions for Sex Workers, one in

The Unit manages a paralegal project wherein selected members from the Sex Workers' and LGBTI communities are trained in basic law principles with the objective of using that knowledge to empower their communities and increase their access to justice. The training of these paralegals is conducted in three modules covering introduction to the concept of a paralegal and legal systems, basics of criminal law and procedure and human rights and civil law respectively. The third module for this year was conducted between 10th and 13th May and it elaborated the concept of human rights, and their enforcement, as well as highlighting the various tortious actions that are commonly suffered by LGBTI persons like assault and battery. 10 paralegals were trained in the module.

As this was the final module of the training, the paralegals underwent placement at the HRAPF secretariat, wherein they had practical experiences of the various legal topics that they had learnt in the course of the training. Upon completion of the placement, the trainees, together with some of those previously trained, were awarded certificates, and officially passed out as paralegals in a colourful ceremony that was held at the HRAPF secretariat. A total of 17 members of the LGBTI community were passed out as paralegals that day. These join other paralegals that had already been passed out, in serving their communities and increasing their access to justice.



One of the recently trained paralegals, Isanga Andrew, receiving her certificate during the certification and pass out ceremony from HRAPF's Executive Director, Adrian Jjuuko

Masaka, Nyendo and another in Kireka. These were attended by 37 and 28 Sex Workers respectively. In these outreach sessions, the participants were taught about the existing legal frameworks and how these affect their rights.

Over time, there have been emerging issues affecting the LGBTI community that needed to be addressed. These are issue of refugee law and asylum. Following the passing of the Anti-Homosexuality Act, many Ugandan LGBTI persons fled the country to seek refuge and asylum abroad and as a result, there was a refugee crisis in the receiving countries especially Kenya. HRAPF sought to address these issues and conducted a workshop on refugee law and asylum which was attended by 45 persons from the LGBTI community.

The paralegal project

i) *New additions to the Paralegal fraternity*

ii) *Already trained paralegals refreshed*

In addition to the trainings, 26 already trained paralegals were taken through a refresher course to ensure that they are kept abreast of new developments in the country's ever changing legal terrain. The course was intended to increase their understanding of new laws that had been enacted and affect their communities, emerging legal issues in the LGBTI community, laws that were being proposed in parliament and new legal precedents that had been set by court affecting LGBTI persons. Laws that were discussed included the HIV/Prevention and Control Act, the now annulled Anti-Homosexuality Act, the NGO Act, and the Registration of Persons Act.

From these laws, the discussion focused on provisions that directly affect rights and lives of LGBTI persons. Proposed laws were also discussed and these included the Sexual Offences Bill and the Prohibition of the Promotion of Unnatural Sexual Offences Bill. The paralegals were informed on how



One of the HRAPF lawyers facilitating at the paralegal refresher course

they can engage in advocacy efforts with other civil society actors to influence the outcome of the bills. In addition to the above, the paralegals were taken through previously taught courses like criminal procedure and employment contracts, with specific focus on various forms of discrimination against LGBTI persons in the work environment.

iii) **Quarterly Sharing sessions and paralegal outreach sessions**

The Unit also always holds quarterly sharing sessions for the trained paralegals wherein paralegals meet to discuss their work, and how best they can deal with the challenges that they face. In this quarter, a paralegal sharing session was held on 24th June and it was attended by 30 paralegals, who reported on the activities they had engaged in the previous quarter. Among them, they had handled 49 cases and organized five outreaches sessions which reached out to 132 community members. In the outreach sessions, the paralegals discussed human rights and new laws that affect their communities like the NGO Act. These outreach sessions are jointly organized by the paralegals and HRAPF and are intended to empower the paralegals, increase their relevance to their respective communities and also as a way of providing information to their communities. During the sharing session, the paralegals also cited a challenge of lack of a streamlined mechanism of reporting the cases that they work on. HRAPF promised to rectify this.



HRAPF paralegal facilitating at the outreach session organised by Freedom and Roam Uganda (FARUG)

of its target communities. The Unit always takes part in these cases in various ways and in the quarter, they engaged in four strategic litigation cases i.e. *Adrian Jjuuko v Attorney General*, *HRAPF v Attorney General*, *Jacqueline Kasha Nabagesera & Ors v Attorney General* and a case filed with the Uganda Human Rights Commission. In the *Adrian Jjuuko case*, the Unit represented the petitioner when the case came up for hearing in the Constitutional. The case was heard by the Constitutional Court on the 25th April 2016. The Unit also represented the applicant at the East African Court of Justice in the case of *HRAPF v AG* when final submissions were being made in the case on 16 June 2016. In the *Kasha Jacqueline case*, the Unit represented the appellants when the case came for scheduling in the Court of Appeal. The Unit was also responsible for the filing of a test case with the Uganda Human Rights Commission in which two persons complain against abuses suffered at the hands of Police, when they were arrested on allegations of being gay. All these cases are intended to change the legal and human rights framework within which LGBT persons live.

Building capacity of organisations

The Unit engages in the registration/incorporation of LGBTI and Sex Workers' organisations. In addition to incorporation, the Unit has been recently carrying out an assessment exercise to see how these organisations are operating and whether they are meeting their legal obligations under the law. During the quarter, 3 organisations were assessed, in addition to the 17 that had been assessed in the previous quarter. The three organisations that were assessed were Rainbow Health Foundation Mbarara, Perfect Initiative and Let's Walk Uganda. During the assessments, it was discovered that these organisations were not aware of their legal obligations as incorporated entities and they also did not have proper corporate governance structures in place. As a result, a workshop was conducted by HRAPF in which different leaders of the organisations were taken through the legal obligations of incorporated organisations and the new NGO law that governs Non-Governmental Organisations, and the rights and obligations of the organisations under the law. The workshop was attended by 41 persons.

Engagement in Strategic Litigation

HRAPF engages in strategic litigation as a form of advocacy to create jurisprudence on the rights

The land and HIV Unit provides legal aid services, engage in human rights awareness and capacity building of its target communities. It targets women and girls living affected by HIV/AIDS in the districts of Mpigi, Luweero, Kiboga and Mityana; and women, girls and the elderly with land justice issues in Wakiso district.

Provision of Legal Aid services

During the quarter, the Unit received 71 new cases from their target communities. Of these, 53 cases were received from women and 18 were from men. Although the Unit does not ordinarily target men, it does receive cases from men, if such cases have women or girls as direct beneficiaries. Out of the 71 cases, there were 56 direct female beneficiaries, 109 indirect female beneficiaries, 15 elderly women and 6 elderly men. Cases of trespass on land still rank highest in the number of cases received with 15 cases received in the quarter, followed by family disputes with 10 cases. All these cases were handled expeditiously and mostly in ways that do not aggravate conflict, but rather foster peaceful co-existence. The Unit therefore encourages Alternative Dispute Resolution. To this end, 20 cases were handled through mediation, 13 of which were successful and 7 is still on going. In all the successful mediations, the clients were able to get land

that was previously being disputed back. Other remedies were used and they included 5 searches, 6 caveats, 21 cases for legal advice and 7 cases were referred to partners for handling. Of the 46 cases received, 33 were from Wakiso, 1 from Mbale, 3 from Luweero, 3 from Kampala, 2 from Kiboga, 1 from Mubende, 2 from Mpigi, and 1 from Gomba. These cases are received in various ways. In the second quarter, 10 cases were referred to HRAPF by area local council chairpersons, 6 by former clients, 13 from awareness sessions, 4 by persons that have heard about HRAPF, 4 by the HRAPF signpost, 4 through radio talk shows, 4 were referred by court, and 1 through a mediation.

The Unit also handled cases pending from previous quarters. From these cases, 25 clients were represented in court, 11 mediations were held, 3 caveats were lodged, 2 letters of administration and one search conducted.



The Head of the Unit conducting a mediation in the case of an elderly widow (the one with a walking stick)



One of the Indigent women kneels down for the Head of the Unit to thank her for securing her kibanja



The Head of Unit visiting a Kibanja, the subject of a dispute in one of the cases

Creation of awareness

i) *Conducting of awareness sessions*

3 awareness sessions were conducted during the quarter, in collaboration with trained paralegals in Kakiri, Luweero and Masuulita. A total of 133 persons were reached out to during the sessions. Of these, 68 were men and 65 were women. In the session in Masuulita, the participants were talked to about land systems in Uganda, land rights and the general services that HRAPF offers. From this session, 13 cases were identified for legal aid service provision. For the session in Kakiri, the Chairperson of Kiteredde village requested HRAPF for a session in which she could teach her committee the procedure and decision making process for the Local Council court. This was done and members of the Executive committee of the village were taught about the powers of Local Council Courts and how they handle cases. The session in Luweero was organized for persons living with HIV/AIDS who were taught about patient rights and property rights.



The Head of Unit addressing participants in the awareness session in Masuulita



HRAPF Legal Associate addressing participants at the awareness session held in Luweero at Kamira Health Centre III

ii) *Training of Local council leaders*

In a bid to strengthen the local council courts' work and improve access to land justice for marginalised persons, HRAPF trains local council leaders on how they can use their mandate to enhance land justice in their different jurisdictions. In this quarter, two such trainings were held in Wakiso district in Nsangi and Kakiri sub-counties. The trainings were attended by 75 and 65 participants respectively. They have been conducted in response to findings that one of the main precursors of land injustice in rural central Uganda is the lack of a proper understanding of land laws by leaders that are extensively involved in solving land matters. These leaders did not know that there is a law that guides their work i.e. the Local Council Courts Act. Different aspects were covered for the trainees like the roles and responsibilities of local council leaders, their powers in adjudicating cases, what would constitute ethics and integrity

and the proper procedure to be taken in decision making processes. These trainings were conducted with support from different institutions and local leaders like the Mayor of Kakiri Mr. Muhammad Kisekka, the Nsangi Sub-County LC III Chairperson Hajji Abdu Kiyimba, the office of the Administrator General, the Wakiso Land Registry and the Wakiso Chief Magistrate Court. As a follow up process, HRAPF is continuously monitoring the work of the leaders in the trained sub-counties and so far there is sign of progress as the Local Council Courts are showing changes their mode of operations. The trainings have also created important links between the leaders and HRAPF and in this quarter, the LC I Chairperson of Jomba Village in Masuliita organized an awareness session on land rights and called HRAPF to facilitate it. These relationships improve access to justice for marginalised persons in these areas.



(Top and Bottom) Local leaders addressing participants at the awareness session organized in Jomba village, Masuliita.

HRAPF Deputy Executive Director addressing trainees during one of the trainings of Local Council leaders



The paralegal project

As part of its access to justice program for women and girls living with HIV/AIDS in rural central districts, HRAPF trained paralegals from the different HIV/AIDS communities in the districts of Kiboga, Mpigi, Luweero and Mityana. The paralegals were trained to act as first legal aid providers to their community members. For years, the paralegals have successfully done this by handling cases and engaging in the sensitization of their communities and other institutions about patients' rights. In this quarter, a sharing session was held to once again bring these paralegals together to share on the work they have done, the successes they had registered and the challenges they face so as to make their service delivery better. The paralegals shared that they handled a total of 58 cases amongst them and had organized 12 awareness sessions on laws and human rights, reaching out to 976 persons. The paralegals' biggest success was the fact that their work was now officially recognised the district authorities which gave them more space and legitimacy for the work they do. Sadly, their biggest challenge was the death of two of their fellow paralegals and their constant poor health. HRAPF promised to handle this by training more paralegals to re-enforce the work being done by the already existing ones.



One of the paralegals sharing about the work engaged in in her community during the sharing session

THE RESEARCH AND ADVOCACY UNIT

The Research and advocacy Unit aims at advocating for and influencing the adoption of policies and legislations that promote equality and non-discrimination in order to prevent discrimination of marginalized groups.

Analysis and assessment of laws, bills and policies

The Unit engages in the analysis of laws, bills and policies that have implications on the rights of marginalised groups. These analyses are used as advocacy tools. In the quarter, the Unit analysed the Sexual Offences Bill 2015, and published this analysis. The Bill intends to codify all laws on sexual offences including offences on Sex Work and same sex relations. The Unit analysed its provisions and how they could potentially affect the rights of sexual minorities and made recommendations. 1000 copies of the analysis were published and distributed to different stakeholders like the target community members and HRAPF's partners. The analysis is intended to be used as an advocacy tool by different stakeholders to influence the discussions in Parliament on the law, to ensure that its final outcome does not have dire implications on the lives and rights of sexual minorities.

The Unit is also currently conducting research into the interpretation and implementation of different laws in Uganda. These include laws that create vagrancy offences like the offence of being rogue and vagabond and the offence of being idle and disorderly, laws on abortion, laws affecting drug users, and laws on Sex Work. During the quarter, collection of data on these research projects continued. The resultant research reports are intended to be used as evidence based tools to show how these laws are being used to hamper the enjoyment of

rights by marginalised persons.

Supporting strategic litigation

The Unit supports strategic litigation cases by doing advocacy activities around them. In the quarter, the Unit supported three strategic cases by doing the following;

i) *Jjuuko Adrian v Attorney General*

The case came up for hearing during the quarter and the Unit prepared a pre-hearing update, which was used by the Executive Director to inform our partners and stakeholders about the date of the hearing. This was a way of mobilizing different persons to attend the hearing in big numbers and in solidarity, which happened on the date of the hearing. The unit also prepared and published a post-hearing note in the media about the case and what transpired in court. All unit members attended the court session and tweeted about the hearing. This was a landmark day for HRAPF for such a case that had taken so many years to be heard.



The lawyers representing the applicant, Mr. Ladislaus Rwakafuuzi and Ms Patricia Kimera in court during the re-hearing

ii) *Frank Mugisha & Ors v URSB (SMUG Case)*

The Unit held two meetings on the case. One meeting was held with the petitioners to discuss the case and receive instructions officially. It was also in this meeting that the potential petitioners were discussed. The second meeting was held with SMUG staff to discuss the case and agree on how it would be filed and the

key roles to be played by both HRAPF and SMUG in the process. The Unit also held a press conference and released a press statement upon the filing of the case. The statement was published in the Observer and the East African Newspapers. All this is aimed at creating visibility around the cases so as to increase their likely impact.



Top and bottom, the applicants in the case addressing the public at the press conference held to talk about the case and its filing

iii) *HRAPF v Attorney General*

The case came up for hearing during the quarter and the Unit organized a legal strategy meeting that brought together lawyers to discuss, refine and strengthen the submissions to be made by counsel representing the applicant during the hearing. The written submissions were examined together with the Attorney General's reply, and suggestions for their refinement made. More suggestions were also made to the lawyers on what

the oral submissions should entail to address some of the issues raised by the Attorney General. The Unit also made arrangements for two lawyers to travel to the East African Court of Justice to represent HRAPF. After the hearing of the case, a press statement was prepared by the Unit and published in Uganda, Kenya, Tanzania, Rwanda and Burundi. The statement was a way of updating partners and stakeholders on what happened at the hearing and the progress on the case.



Top and bottom, a group of lawyers and activists attending the strategic meeting to discuss submissions in the case

Establishing and maintaining partnerships

One of the major objectives of the Unit is to establish and maintain partnerships at the national, regional and international levels, which can be harnessed for advocacy for the rights of marginalized groups of persons. The following was done;

i) *Meetings with partners*

8 meetings were held in the quarter with different partners. These meetings were used to discuss HRAPF work and how these partners can be brought on board and others were to increase HRAPF's visibility and its engagement in the work done especially coalitions. The meetings were as follows; one meeting organized by Uganda Harm Reduction Network and CHAU where HRAPF presented on the anticipated human rights impact of the new Narcotic Drugs and Psychotropic Substances Act on drug users in Uganda; a meeting in Nairobi on the role of civil society and communities in increasing Universal Health Coverage in East African Community using the Human Rights Approach; a meeting with the HIV/AIDS Coalition to discuss the strategies to take on the challenge of the HIV/AIDS Prevention and Control Act 2015 in which HRAPF contributed to and attended the activities around the filing of the petition like the march; HPAC meeting to discuss the progress of the S&Gs to stop maternal mortality due to unsafe abortion; two meetings with the coalition to Stop Maternal Mortality due to Unsafe Abortions to discuss activities of the coalition; a meeting by HURINET on the Universal Periodic Review to discuss engagement in the phase after submission of the report; and a meeting with the registrar of the Uganda Dental and Practitioner

Council and the Mobilisation Secretary for the Uganda Medical Council to discuss how they can get involved in HRAPF's abortion project.

ii) *Training of leaders of LGBTI organisations on the Police and the Judiciary*

The Uganda Police Force and the judiciary are one of the biggest stakeholders in the protection and promotion of the rights of LGBTI persons as they have the constitutional mandates to enforce and interpret laws respectively. However for a long time, the LGBTI community has regarded these two institutions as opponents rather than potential allies. This arose from the fact that the two institutions, especially, the Uganda Police Force, in fulfilling their mandate grossly violate the rights of LGBTI persons. As a matter of fact, the reports published on the violation of the rights of LGBTI persons all identify the Uganda Police as the top most perpetrator of violations against LGBTI persons. The judiciary, particularly the High Court has also recently passed judgment expanding the interpretation and application of section 145 of the Penal Code which decision poses grave risk to the full enjoyment of rights by LGBTI persons. All this notwithstanding, these two institutions remain with some of the most relevant mandates regarding improving of the observance of the rights of LGBTI persons and if properly harnessed, these mandates could change the course of LGBTI rights in Uganda. To this end, HRAPF selected LGBTI leaders and trained them in how to engage in advocacy using the police and the judiciary. The training was intended to clarify the mandate and duties of the two institutions to the leaders and how they can use these to engage with the institutions. The training was attended by 34 leaders and was facilitated by representatives from police, the judiciary, leading LGBTI activists and lawyers.



The Police representative addressing participants at the training

HRAPF's Executive Director addressing participants at the training

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