



**STATEMENT BY HUMAN RIGHTS AWARENESS AND PROMOTION
FORUM TO THE AFRICAN COMMISSION ON HUMAN AND
PEOPLES' RIGHTS ON THE VIOLATION OF THE RIGHTS OF
MARGINALISED PERSONS IN UGANDA INCLUDING LESBIANS,
GAYS, BISEXUALS, TRANSGENDER AND INTERSEX (LGBTI)
PERSONS THROUGH THE ENFORCEMENT OF COVID-19
MEASURES**

**Presented at the 66th Ordinary Session of The African Commission on Human and
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Mr. Chairperson,

Human Rights Awareness and Promotion Forum (HRAPF) acknowledges the crucial steps taken by the Government of Uganda in order to prevent the spread of COVID-19. HRAPF appreciates the decisive and timely measures, which have so far proved effective in controlling the spread of the virus within Uganda.

However, we note with concern that the restrictions imposed have been deliberately or otherwise used to violate the rights of marginalised and vulnerable persons, including Lesbian, Gay, Bisexual and Transgender (LGBT) persons on the basis of their real or perceived Sexual Orientation and Gender Identity (SOGI). On 29th March 2020, 23 youths were arrested from a homeless shelter for LGBT youths in Kyengera, Wakiso District, because they were all 'male' and were 'staying in the same house' and 'had for long been suspected of being homosexuals.' They were charged with 'doing a negligent act likely to spread infection of disease', contrary to section 171 of the Penal Code Act. The 23 were subjected to beatings, tied together with ropes and marched off in single file to the police station by local authorities. 20 of them were remanded to prison, where they spent 50 days, before the Director of Public Prosecutions withdrew charges.

The withdrawal of charges against the 20 shows that the arrest was baseless, and the charges were simply intended to keep them in detention due to their sexual orientation and/or gender identity.

Like most persons arrested during the COVID-19 period, the lawyers representing the 20 were



not allowed access to their clients, and it was only after the lawyers secured a court order they were allowed to visit their clients – 46 days after they were remanded.

While in prison, the 20 were subjected to taunts, frequent beatings, denial of toilet facilities and in two serious incidents, a warder ordered another prisoner to examine the anus of one of the 20 for ‘evidence’ of homosexuality, and in another, a prisoner was burnt by a warder with a burning piece of wood.

HRAPF is also concerned about the continued arrest of people for violation of the Regulations made for the control of the COVID-19 response, which regulations fall in the category of ‘petty offences.’ Over 2000 people have been arrested since the COVID-19 related restrictions started in March 2020. This has put pressure on the already over burdened police and prison cells.

Human Rights Awareness and Promotion Forum (HRAPF) therefore calls upon the African Commission to:

- a) Urge the Government of Uganda to desist from using the COVID-19 situation to violate the rights of Lesbian, Gay, Bisexual and Transgender persons based on their sexual orientation, and particularly desist from subjecting them to institutionalised violence in line with Resolution 275 of the African Commission on Human and Peoples’ Rights
- b) Urge the Government of Uganda to ensure that non-derogable, fundamental rights such the right to a fair hearing and the right to freedom from torture, inhuman and degrading treatment are not indirectly suspended during the state’s response to the COVID-19 pandemic
- c) Urge the Government of Uganda to decriminalise and declassify Petty Offences as well s adopt alternative punishments to petty offenders and those who violate COVID-19 measures in order to decongest police cells and prisons and therefore reduce the risk of spreading COVID - 19 in detention places.
- d) Urge the Government of Uganda to respect its human rights obligations to ALL its citizens as provided under the Constitution of Uganda, the African Charter on Human and Peoples’ Rights and other international human rights instruments.

I thank you Mr. Chairperson