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JOINT CIVIL SOCIETY SUBMISSION ON THE RIGHTS OF LGBTI PERSONS

UN HUMAN RIGHTS COUNCIL

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List of contributing organisations:

1. Human Rights Awareness and Promotion Forum (HRAPF)
2. Sexual Minorities Uganda (SMUG)
3. East and Horn of Africa Human Rights Defenders Project (EHAHRDP)
4. Ice Breakers Uganda
5. Trans Gender Equality Uganda (TEU)
6. National LGBTI Security Committee
7. Defenders Protection Initiative (DPI)
8. Spectrum Initiatives Uganda
9. Refugee Law Project (RLP)
10. The Consortium on Monitoring Violations Based on Sex Determination, Gender Identity and Sexual Orientation

I. EXECUTIVE SUMMARY

1. This report is a joint submission of organisations and groups working to advance human rights for Lesbian Gay Bisexual Transgender and Intersex persons (LGBTI persons) in Uganda. The report is submitted under the auspices of the Consortium on Monitoring Violations based on Sex Determination, Gender Identity and Sexual Orientation (The Consortium). Human Rights Awareness and Promotion Forum (HRAPF), an organisation that has, for seven years, worked to bring access to justice to LGBTI persons in Uganda, chairs the consortium. Over the past four years, members of the consortium have been documenting human rights violations and abuses against LGBTI persons in Uganda. The consortium has four member organisations but was joined by 9 other organisations to compile this report. The groups held formal and informal consultations to compile their findings and observations for the UPR. The report therefore discusses how far Uganda has

fulfilled its Universal Periodic Review (UPR) commitments made during the first cycle.

2. LGBTI persons have continued to face discrimination in Uganda. This discrimination is anchored in the laws of the country and in social, religious and cultural attitudes that justify abuses and violations of the rights of people because of their sexual orientation, gender identity and expression (SOGIE). Still, the years 2012 to 2016, the UPR period under review, saw more conversation around the rights of LGBTI persons in Uganda. This conversation was partly precipitated by the enactment of the Anti-Homosexuality Act, 2014 (AHA) in February 2014 and its annulment in August 2014.
3. In the last cycle, Uganda made commitments to promote the rights of people based on SOGIE. Specifically, Uganda committed to: Take immediate concrete steps to stop discrimination and assaults against LGBTI persons and investigate thoroughly and sanction accordingly violence against LGBTI persons, including gay rights activists. The state also committed that, through the Uganda Human Rights commission, it would investigate and prosecute human rights violations, including attacks on LGBTI persons, and make findings public. Uganda also accepted the recommendation to increase education and awareness on all sets of human rights, strengthen human rights and democratic institutions, including the Uganda Human Rights Commission. The country further committed to revising laws related to freedom of expression and assembly to meet international standards. The country also committed to protect human rights defenders from harassment and intimidation and to train security forces to respect freedom of assembly and expression. It also committed to put in place a National Action Plan for human Rights. In the line of health, Uganda committed to work with World Health Organisation to enhance quality of health care for all.¹
4. In this vein, the courts nullified the AHA on procedural grounds in 2014. The Minister of health also issued a Ministerial Directive on non-discrimination in health service provision, which directly concerned LGBTI persons and the National Action Plan for human rights is in its final stages. Police has also started displaying posters barring media from taking photos of suspects at a few police stations.
5. Even then, LGBTI persons are still left out of mainstream public health campaigns, especially those on HIV/AIDS. Organisations that work on LGBTI issues are still denied registration while some were closed down. Cases of violations and abuses by both state and non-state actors that were reported were not investigated and more continue to occur.
6. More laws that threaten LGBTI persons and organisations have been enacted. These laws include: the Non Governmental Organisations Act, 2016, the HIV Prevention

¹ Office of the United Nations High Commissioner for Human Rights http://www.uprinfo.org/database/index.php?limit=0&f_SUR=182&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly

and Control Act, 2014, the Anti-Pornography Act 2014 and the Registration of Persons Act, 2015.

7. This report discusses the above and more issues in detail. The key issues that are discussed are: Repressive laws, social consequences of repressive laws and violations and abuse of human rights based on peoples' sexual orientation, gender identity and expression.

II. KEY ISSUES

A. Repressive laws: Developments in the Legal framework affecting LGBTI rights in Uganda

8. Uganda is party to key international human rights instruments. These are: the International Covenant on Civil and Political Rights (ICCPR), The International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Covenant on Elimination of All Forms of Discrimination Against Women (CEDAW). At the regional level, Uganda is also bound by the African Charter on Human and People's Rights (ACHPR) and the Protocol to the African Charter on Human And Peoples' Rights on the Rights of Women (African Women's Protocol). All these lay down standards that Uganda must adhere to protect the rights of all, including LGBTI persons,²
9. At the national level, the 1995 Constitution of Uganda protects all persons from discrimination on the grounds of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability. It also avails all other rights for all persons³ except for the right to marry which is restricted to persons of the opposite sex.⁴ Whereas most of these rights can be limited, this must be done in public interest and public interest does not permit political persecution or any limitation beyond what is acceptable in a free and democratic society. Despite Article 2, which makes the constitution the supreme law of the country and all laws inconsistent with it null and void to the extent of their inconsistencies, Uganda still has laws and has enacted others that deviate from these standards.

² For example in *Toonen v Australia*, the Human Rights Committee held that the reference to 'sex' under Article 2 and 26 of the ICCPR includes sexual orientation (*Toonen v. Australia*, UN Human Rights Committee, Communication No. 488/1992, Para 8.7); the Committee on Economic Social and Cultural Rights in concluding observations has also expressed concern about discrimination against LGBT persons in the enjoyment of their economic, social and cultural rights and urged states to adopt legislation that protects them from discrimination (see for example Committee on Economic Social and Cultural Rights Concluding observation on Poland E/C.12/POL/CO/5; at Para 12) and the African Commission has adopted a Resolution calling for protection of LGBTI persons against violence.

³ The Constitution uses inclusive language in reference to the rights.

⁴ Article 31 (1), The Constitution of Uganda 1995

10. The Penal Code Act cap 120 (PCA) in sections 145, 146 and 148 criminalises carnal knowledge against the order of nature, attempted carnal knowledge against the order of nature and indecent practices respectively. These provisions are implemented and the police arrests and charges people with these offences. For example in 2014, there were 36 arrests of LGBTI persons documented by the Consortium.⁵ All these were linked to these sections of PCA. The registration of Sexual Minorities Uganda (SMUG), an NGO that provides health and support services to LGBTI persons, was denied basing on section 145 of PCA.⁶
11. Section 15(6)(d) of the Equal Opportunities Commission (EOC) Act 2007 stops the Equal Opportunities Commission from investigating behaviour that is regarded as 'immoral and socially harmful' or 'unacceptable' by the majority. This section bars LGBTI persons from accessing the commission. The case of *Jjuuko Adrian v. Attorney General*⁷ that was filed to challenge this provision in 2009 remains unheard 8 years later and the Equal Opportunities Commission is yet to investigate any cases on discrimination of LGBTI persons.
12. Parliament passed AHA in December 2013 and it became law in March 2014. The Act punished homosexual acts with life imprisonment and criminalised service provision to LGBTI persons. The Constitutional Court, on procedural grounds, eventually nullified this law after civil society organisations challenged it. Despite this nullification, an official from the Uganda Registration Services Bureau in February 2016 referred to the AHA to deny change of name for a transgender person.⁸ Thus even though the AHA was annulled, violence and discrimination against LGBTI persons increased.⁹ The East African Court of Justice is set to hear a reference filed by HRAPF challenging the provisions of the nullified Act that promoted impunity, gagged civil society organisations and criminalised service provision for LGBTI persons.¹⁰
13. In March 2015, the Registration of Persons Act, 2015 came into force. This law ignored the needs of adult transgender and intersex persons as regards change of sex. While

⁵ The Consortium on Monitoring Violations Based on Sex Determination, Gender Identity an Sexual Orientation, 2015 Uganda report of violations based on gender identity and sexual orientation, <https://www.outrightinternational.org/content/2015-uganda-report-violations-based-gender-identity-and-sexual-orientation> (accessed on 4th March 2016)

⁶ Letter to HRAPF by the URSB dated 16th February 2015 (On file with HRAPF).

⁷ Constitutional Petition, No.1 of 2009

⁸ Change of name documents on file with HRAPF with comment dated 4th February 2016.

⁹ Sexual Minorities Uganda 'From torment to tyranny' May 2014 17 <https://sexualminoritiesuganda.com/wp-content/uploads/2014/11/SMUG-From-Torment-to-Tyranny.pdf> (accessed on 12th March 2016)

¹⁰ *Human Rights Awareness and Promotion Forum v Attorney General of Uganda*, Reference 6 of 2014.

section 38 of the Act provides for change of sex for an intersex child under the age of 18 years, it does not provide for a process under which this can be done for adults and for transgender persons.

14. The NGO Act was signed into law on 30th January 2016 and commenced on 14th March 2016. The Act denies registration to any organisation whose objectives 'contravene the laws of Uganda.'¹¹ Whereas this sounds like a neutral and justifiable provision, the USRB uses this same phrasing to refuse to register LGBTI organisations.¹² The Act also imposes special obligations on organisations not to engage in acts prejudicial to 'the security and laws of Uganda,'¹³ or which is prejudicial to the 'interests of Uganda and the dignity of the people of Uganda.'¹⁴ The provisions are not defined and are likely to be misconstrued and applied to curtail the work of NGOs that work with LGBTI communities.¹⁵
15. The law is an echo of a June 2014 court decision that held that the ethics minister did not violate the rights of LGBTI persons when he closed down a workshop.¹⁶ Referring to section 145 of the PCA, the judge held that because homosexuality is illegal, the workshop, too, was illegal and the minister did not violate any rights by closing it down as the closure fell within the ambit of the limitation clause in Article 43 of the Constitution.¹⁷ This is a dangerous precedent and it threatens to lead to more human rights violations.¹⁸
16. The HIV Prevention and Control Act, 2014 criminalises intentional transmission of HIV¹⁹ and also in certain circumstances allows disclosure of HIV test result to third parties.²⁰ This increases stigma for HIV positive persons and also discourages

¹¹ The Non Governmental Organisations Act, 2016, section 30.

¹² USRB letter to HRAPF on refusal to register Sexual Minorities Uganda, 16th February 2016 (on file with HRAPF).

¹³ The Non Governmental Organisations Act, 2016, section 44.

¹⁴ Above.

¹⁵ See Human Rights Awareness and Promotion Forum 'Position Paper on the Non Governmental Act, 2016' 26 February 2016.

¹⁶ *Kasha Jacqueline Nabagesera and 3 Others v Attorney General and Another* Misc. Cause 33 of 2012

¹⁷ Above.

¹⁸ Human Rights Watch 'Uganda: Ruling Against LGBT Activists Violates Rights' 11th July 2014 <https://www.hrw.org/news/2014/07/11/uganda-ruling-against-lgbt-activists-violates-rights> (accessed on 13th March 2016).

¹⁹ The HIV Prevention and Control Act, 2014, section 43.

²⁰ Above, section 18 (2).

voluntary testing. LGBTI persons are disproportionately affected because they already face discrimination based on SOGIE anchored by laws and cultural attitudes.

17. Laws repressive against LGBTI persons not only violate the various international covenants and state commitments but also reinforce social stigma and homophobia based on SOGIE. This easily translates into institutionalised discrimination and more serious forms of human rights abuses, such as crimes motivated by hatred. These crimes are a threat to life and personal security of LGBTI persons. A 2014 SMUG survey showed that the passing of the AHA increased violence against LGBTI persons by up to 1900% between 20th December 2013 to 1st May 2014.²¹ According to the report, 19 cases were reported in 2012 and 8 in 2013. In 2014, after AHA was passed, 162 cases were reported. These cases included physical attacks, kidnap and torture, arrests and state prosecution. The 2015 consortium violations report also documented 89 cases of violation and abuse of rights of LGBTI persons in 2014 alone. Of these, 47 were perpetrated by state actors including police and local authorities like Local Council Chairpersons and 42 were perpetrated by non state actors. In most of these cases LGBTI persons were subjected to multiple violations.²² Similar violations and abuses are documented by other NGOs like Chapter Four Uganda, which specifically highlighted the failure of state to investigate violations against LGBTI persons even when they are reported.²³ Amnesty International highlighted how a series of repressive laws, including AHA and the Anti-Pornography Act, 2014 (AHA) are being used against LGBTI persons and women.²⁴
18. Also, shortly after the annulment of AHA, over 250 Members of Parliament (MPs) signed a petition to re-table and re pass the AHA that was annulled only on procedural grounds but did not answer substantive questions about whether the law violated constitutional rights.²⁵ The actions of the MPs are another example of how discrimination is sanctioned at the highest levels. It is not just the MPs but also the constituents in the communities where LGBTI persons live.
19. This discrimination emanating from repressive laws bred hostility towards LGBTI persons and some have had to flee the country. Reliable statistics on Ugandans LGBTI refugees is hard to come by because refugees are not always tracked using

²¹ SMUG, n9 above.

²² Consortium, n5 above.

²³ Chapter Four 'Uganda: Where do we go for justice?' <http://chapterfouruganda.com/sites/default/files/downloads/Where-Do-We-Go-For-Justice-.pdf> (accessed on 3rd March 2016)

²⁴ Amnesty International 'Uganda: Discriminatory legislation fuels repression and abuse' 16th October 2016

²⁵ 'MPs start process to re-table gay bill' The Monitor 3rd September 2014 <http://www.monitor.co.ug/News/National/MPs-start-process-to-re-table-gay-Bill/-/688334/2438860/-/f02btj/-/index.html> accessed on 13th March 2016)

their sexual or gender identity. However, between January 2014 and February 2015, over 400 refugees had fled Uganda for Kenya alone due to violence and discrimination based on their sexual orientation, gender identity and expression.²⁶ Sometimes, LGBTI persons continue to face discrimination even in the countries they seek refuge.

Recommendations

- a) *The state should repeal laws that do not meet international human rights standards and that discriminate against LGBTI persons, specifically section 145 of the Penal Code, section 15 (6) (d) of the Equal Opportunities Act and section 44 (d) and (f) of the NGO Act, the Anti-Pornography Act, section 18(2) and 43 of the HIV Prevention and Control Act and the Registration of Persons Act 2015 especially to include provisions for change of sex for adult intersex and transgender persons.*
- b) *The judiciary should hear and speedily decide the case of Jjuuko Adrian vs. Attorney General because it is an important case that may resolve the issue of access to the EOC, a body that is supposed to take affirmative action in favour of marginalised groups, for LGBTI persons.*
- c) *The state should investigate violations and abuses of persons due to their sexual orientation, gender identity and expression.*

B. Violations and abuse of the rights of LGBTI persons

i) The right to liberty and security of person and freedom from arbitrary arrest and detention

20. This right is guaranteed both under international law and domestic law, specifically under Article 9 of the ICCPR and Article 23 of the Constitution of Uganda. The right to personal liberty guarantees that a person shall not be arrested and detained except as provided for by law and such arrests and detention must not be arbitrary. Under the right to security, state parties commit to take reasonable measures to protect a person's personal security.

21. The arrests and the context, in which they happen, worsen negative social attitudes and discrimination based on SOGIE and places the lives of LGBTI persons at stake. For instance, in January 2015, a mob attacked 9 gay men who were coming from a Sexually Transmitted Infections (STI) screening at a Men who have Sex with Men (MSM) clinic.²⁷ Police arrested the men, initially allegedly to protect them from the

²⁶ G Zomorodi 'SOGI-Related Forced Migration in East Africa: Fleeing Uganda After the passage of the Anti Homosexuality Act' July 2015.

²⁷ Erasing 76 crimes 'Uganda: 9 gay men threatened by mob, arrested by police' 27th January 2015 <http://76crimes.com/2015/01/27/uganda-9-gay-men-threatened-by-mob-arrested-by-police/> (Accessed on 3rd March 2016)

mob but later started considering sodomy charges. The men were held in police custody for five days without being charged and brought before the courts of law. This was beyond the maximum of 48 hours allowed under Article 23 (4) of the constitution. The Uganda 2015 LGBTI consortium report documented 18 cases where police detained victims without trial beyond the 48-hours prescribed by the Constitution in 2014 alone.²⁸ The arrests are often accompanied by extortion and blackmail.²⁹

ii) The right to freedom from cruel inhuman and degrading treatment and the right to privacy.

22. This right is guaranteed under Article 7 and 10 of the ICCPR and Article 5 of the ACHPR. The cultural and moral perceptions about LGBTI persons provide fertile ground for state actors to subject them to cruel, inhuman or degrading treatment. This inhuman and degrading treatment is often justified on the basis that homosexuality is not just an ordinary offence but also a moral wrong. This cruel or degrading treatment against LGBTI persons in Uganda comes in several forms, including media outings and public parading of LGBTI persons and non-consensual anal and STI examinations.

23. The Consortium violations report 2015 documented 22 incidents where LGBTI persons were outed in the media in 2014 alone.³⁰ The report further documented 11 incidents where the police paraded LGBTI persons before the media during and after arrest.³¹ Although the police has gone ahead and put up posters that forbid media from taking photographs of suspects, they are, however, only in a few police stations around Kampala. Other police stations, particularly those that are upcountry, still parade suspects, especially LGBTI persons, before media. Sometimes police, after parading the LGBTI person, goes ahead and 'checks' them in public.³² Once they are paraded, their sexuality or gender becomes a topic for public discussion.³³ For instance, in February 2015 an intersex was arrested and paraded before the media.

²⁸ Consortium, 2015 n6 above, 27.

²⁹ Above.

³⁰ 2015 Uganda report of violations based on gender identity and sexual orientation <https://www.outrightinternational.org/content/2015-uganda-report-violations-based-gender-identity-and-sexual-orientation> (accessed on 4th March 2016).

³¹ Above, 30.

³² Chapter Four 'Uganda: Where do we go for justice?' <http://chapterfouruganda.com/sites/default/files/downloads/Where-Do-We-Go-For-Justice-.pdf> (accessed on 3rd March 2016).

³³ 'Uganda Police arrest, humiliate intersex as Parliament Passes Registration of Persons Act 2015' <https://www.youtube.com/watch?v=DLImpgMNj1E> (accessed on 3rd March 2016)

Police allowed members of the public to 'check' in order to verify the sex.³⁴ The media routinely exposes LGBTI persons in Uganda's newspapers, radios, televisions and online media. The media perpetuates harmful stereotypes, which are typically sensational, and misinforming. Even after the ruling against the Rollingstone newspaper in 2011, that found such outings violated LGBTI persons' rights to life, privacy and human dignity, tabloids have continued to out gay people. In February 2014, the Red Pepper published a list of top 200 homosexuals.³⁵ Instead of giving fair coverage, media instead sanctions hate against LGBTI persons.

24. Local religious leaders have used media to speak against LGBTI persons.³⁶ Harmful stereotypes about homosexuality have resulted into the entire LGBTI community being considered 'gay'. This has posed a challenge to LGBTI persons in terms of addressing their unique health and social needs and they continue to live a life of indignity. The media outings and negative social attitudes have also resulted into LGBTI persons losing their jobs and being expelled from school. Thus violating their right to work and their right to education.³⁷

25. Gay men and Transgender women are subjected to non-consensual anal examinations that are inhumane and degrading. The Consortium documented three cases of forced anal examinations and four cases of forced HIV tests in 2014.³⁸ Police performs anal examinations and STI tests as standard procedure for LGBTI persons' related offences. The police may perform the anal examination themselves or send the suspect to a medical doctor.³⁹ The anal examinations do not have any scientific backing and involves the police or medical practitioner telling the suspect to lie on their backs and lift one leg and then inserting a finger or fingers and feeling the sphincter muscles, which is degrading.⁴⁰ People who have been subjected to this test report feeling violated and humiliated. Forceful HIV/AIDS tests are also commonplace and potentially expose LGBTI persons to more discrimination on the basis of their HIV status.⁴¹ The forceful anal and HIV tests are debasing and

³⁴ Above.

³⁵ BBC 'Ugandan 'homosexuals' named in Red Pepper paper' 25th February 2014
<http://www.bbc.com/news/world-africa-26338941>.

³⁶ LSE 'Global Journalism, local realities: Ugandan journalists' views on reporting on homosexuality' 2012
<http://www.lse.ac.uk/media@lse/research/mediaWorkingPapers/MScDissertationSeries/2011/72.pdf>

³⁷ See for instance 'Iganga girls expels 20 over lesbianism' The Observer <http://www.observer.ug/education/85-education/29007-iganga-girls-expels-20-over-lesbianism>

³⁸ Consortium, n6 above, 29.

³⁹ Above.

⁴⁰ Above.

⁴¹ Above.

constitute a violation of the right to freedom from inhuman and degrading treatment. It also violates the LGBTI's person's right to consent to a medical procedure. Like the media outings, they are also a violation of the right to privacy.

iii) The right to health

26. The right to health is guaranteed in the ICSECR and the African Charter. LGBTI persons are however affected by the general apathy towards the right to health. An apathy sanctioned by the fact that the Constitution of Uganda does not directly guarantee the right to health. However, these general challenges regarding the right to health disproportionately affect LGBTI persons, thanks to a history of social and legal exclusion of persons due to their SOGIE. Thus while, in 2014 the Ministry of Health issued a Ministerial Directive on Access to Health without Discrimination⁴² in an effort to extend health care to everyone (including LGBTI persons), discrimination of LGBTI persons in health care continues. This discrimination is based on section 145 and section 146 of the Penal Code Act that criminalises acts deemed unnatural. Decisions such as that in the case of *Kasha Jacqueline and others vs. the Attorney General and Rev. Father Simon Lokodo*,⁴³ that relied on the penal code to hold that the ethics minister's closure of a workshop was not a violation of human rights because homosexuality is illegal and therefore the workshop could be lawfully closed, sanction discrimination of LGBTI persons from accessing health and enjoying other basic human rights under the argument that homosexuality is, after all, illegal.
27. Almost all Uganda health policies except the National AIDS Strategic Plan 2015 - 2020 and Most at Risk programmes do not recognise LGBTI persons or their unique health needs. The UNAIDS, in its GAP report, identified LGBTI persons both as left behind populations and Most At Risk Populations.⁴⁴ In Uganda, the HIV prevalence rate of MSM is 13.7%. This is almost double the national HIV infection rate, which stands at 7.3%.⁴⁵ Among certain populations of MSM, particularly those above 25 years, the prevalence is as high as 22.5%.⁴⁶ Public health campaigns deliberately exclude sexual and gender minorities. The current HIV/AIDS 'How is your love life' campaign and others that highlight condom use, faithfulness and abstinence use media images and messages targeting and packaged for only heterosexuals. As a result, many LGBTI persons are not aware that they too are at risk. One study in Uganda indicated that

⁴² Ministry of Health 'Ministerial Directive on Access to Health without Discrimination' June 2014.

⁴³ High Court Miscellaneous Cause No. 33 of 2012.

⁴⁴ UNAIDS 'The Gap Report'

http://www.unaids.org/sites/default/files/en/media/unaids/contentassets/documents/unaidspublication/2014/UNAIDS_Gap_report_en.pdf Musinguzi, G., /

⁴⁵ Hladik, W., Barker, J. et al. 'HIV Infection among Men Who Have Sex with Men in Kampala, Uganda—A Respondent Driven Sampling Survey' <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3364961/>

⁴⁶ Above.

many MSM believe that condoms are only necessary if a man is having penetrative sex with a woman.⁴⁷ Yet, research on HIV/AIDS and other health issues that affect LGBTI persons is discouraged and deemed illegal as seen from the closure of the Walter Reed project. The result is that social stigma combines with discriminative laws and policies to deny LGBTI persons their right to health.

iv) Freedom of expression and peaceful assembly

28. Freedom of expression is guaranteed under Article 19 of the ICCPR and Article 21 (1) of the Constitution. Article 21(1) of the Constitution also guarantees freedom of assembly. These rights must not be taken away and may be limited only to an extent acceptable in a free and democratic society. However, in regard to LGBTI persons, state and non-state actors continue to infringe on the right to freedom of expression and assembly. The state has raided and closed down meetings and perceived LGBTI organisations.

29. LGBTI organisations in Uganda are usually denied registration. The Uganda Registration Services Bureau (URSB), in 2015, sanctioned the exclusion of LGBTI organisations from registration⁴⁸ and, by extension, operation by denying them registration.

30. Some activities of LGBTI organisations are stopped, for example the stopping of the LGBTI skills training workshop by the Minister of Ethics and Integrity; the raid on Makerere University Walter Reed Project;⁴⁹ and the suspension of the Refugee Law Project.⁵⁰

Recommendations

- a) The Uganda Police Force should investigate all violations and abuses against LGBTI persons and sanction those found guilty.*
- b) The Uganda Media Council should impose sanctions on media that sanctions violence through media outings that spread hate against LGBTI persons.*

⁴⁷ Above.

⁴⁸ See URSB letter to HRAPF, n7 above.

⁴⁹ On 3 April 2014 the Uganda Police raided a US funded health clinic and medical research facility, the Makerere University Walter Reed Project (MUWRP), which was carrying out research on HIV including among MARPs, accusing them of conducting “unethical research” and “recruiting homosexuals. See Daily Monitor: Makerere project recruited gays-Police. Accessed on 30th March 2015. Available at <http://www.monitor.co.ug/News/National/Makerere-project--recruited-gays---police/-/688334/2272794/-/4mxkciz/-/index.html>

⁵⁰ The direct services to refugees by the Refugee Law Project of the School of Law, Makerere University were suspended in April 2014 on allegations that the organisation was promoting homosexuality in the refugee camps. See www.vice.com: Uganda’s Anti- gay witch-hunt has begun. Accessed 30th March 2015. Available at <http://www.vice.com/read/ugandas-anti-gay-witch-hunt-has-officially-begun-627>

- c) Uganda Police should stop non-consensual anal examinations and forced HIV tests on LGBTI persons.*
- d) The ministry of Health should revise health policies and programmes to target LGBTI persons as well*
- e) Police should strengthen measures to stop parading LGBTI persons before the media*

III. CONCLUSION

Whereas international human rights law protects all persons equally without distinction or discrimination, the broad range of human rights - civil, political, economic, social and cultural - should equally be enjoyed by all groups of individuals in Uganda. The protection of the basic human rights of LGBTI persons is therefore, grounded in a human rights framework that all people are worthy of equal respect and dignity whatever their situation. The LGBTI community thus calls upon the government of Uganda to respect its international obligation and treat equally all persons that exist in the country with dignity and without discrimination basing on sexual orientation and honour its UPR commitments to protect LGBTI persons from violence and improve their quality of life as Ugandan citizens