

PROTECTING THE RIGHTS OF SEXUAL MINORITIES

CIVIL SOCIETY COALITION WELCOMES HIGH COURT OF UGANDA'S DECISION, CALLS UPON GOVERNMENT TO DO MORE TO PROTECT THE RIGHTS OF SEXUAL MINORITIES



REFUGEE LAW PROJECT



AWDF



FIDA UGANDA



Centre for Women in Governance (CEWIGO)



Integrity Uganda



Spectrum Uganda



Uganda Feminist Forum

National Guidance & Empowerment Network of People Living with HIV/AIDS (NGEN+)



Uganda Health Press & Science Association



Taking Human Rights To The Grassroots



EAST AND HORN OF AFRICA HUMAN RIGHTS DEFENDERS PROJECT (EHAHP)



DENIVA



National Association of Women's Organisation in Uganda (NAWOU)

The Civil Society Coalition on Human Rights and Constitutional Law in Uganda welcomes the interim High Court order of 1st November 2010 issued against the publishers of the *Rolling Stone*. The order came shortly after the tabloid printed photos and personal information about alleged lesbian, gay, bisexual, transgender and intersexed (LGBTI) people in Uganda. Released on 2nd October 2010, the tabloid's fifth edition carried the headline "100 Pictures of Uganda's Top Homos Leak," with subtitles including the words "Hang Them!" The paper also contained names, pictures and in some cases even addresses and personal details of activists and human rights defenders. It also declared that this was only the first of five in a series of such publications.

Coalition Coordinator Adrian Jjuuko, described the court order as "...a positive step towards protecting all Ugandans from potential gender and sexual based discrimination and violence, abuse which is contrary to the rights guaranteed by the Constitution of the Republic of Uganda and the various regional and international codes and standards to which Uganda is a State Party."

Unfortunately, to date the Ugandan authorities have made no comment about the incident, underscoring the lack of official concern about outrages directed against sexual minorities in the country: "Though we welcome yesterday's ruling, we are extremely disheartened by the deafening silence of our political leaders," said Frank Mugisha from Sexual Minorities Uganda (SMUG). Kasha Jacqueline, Director of Freedom and Roam Uganda (FARUG) observed that "It is outrageous that the Ugandan government has failed to condemn discrimination, threats and violence against lesbians, gays, bisexuals, transgender and intersexed people in the country. We are living in constant fear of violence and attack."

The Civil Society Coalition is pleased to note that the High Court restrained the editors of the newspaper from any further publication of information about any person alleged to be gay, lesbian, bisexual or transgender. The order remains in place until the hearing on the merits, set for 23rd November. Unfortunately, the court proscription was only issued the day after the second in the series was published on 31st October 2010. The latter edition contained a further 17 photos of alleged sexual minorities, with personal details of those identified, including where they lived.

In light of the above developments, the members of the Coalition urgently call on the government to immediately reassure all Ugandans that they intend to all protect people against threats of violence and intimidation, regardless of their real or alleged sexual orientation: "Turning a blind eye when people are targeted because of their real or alleged sexual orientation makes the authorities complicit in the abuse," said Chris Dolan, Director of the Refugee Law Project, a Coalition Member

Human rights organizations have documented instances of discrimination, arbitrary arrest, incommunicado detention, torture, rape and other ill-treatment of sexual minorities in Uganda, as well as against those human rights defenders involved in the struggle to protect them. These human rights violations have been committed in total violation of Uganda's Constitution, Article 21 of which prohibits discrimination on the basis of "sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing."

The Coalition notes that substantive equality is not guaranteed to sexual

minorities in Uganda, neither does the law adequately protect them from discrimination and abuse. Instead, Ugandan laws criminalize homosexuality, and the Anti-Homosexuality Bill currently in Parliament is inherently discriminatory and threatens broader human rights.

In its concluding observations on the case of Uganda, the UN Committee on the Elimination of Discrimination against Women (CEDAW) called on the Ugandan government to "...decriminalize homosexual behaviour and to provide effective protection from violence and discrimination against women based on their sexual orientation and gender identity." Meeting on 22nd October 2010, the Committee urged the Ugandan government to oppose the Anti-Homosexuality Bill and to intensify its efforts to combat discrimination against women on account of their sexual orientation and gender identity.

CEDAW's position was warmly welcomed by FIDA-UGANDA's executive director, Maria Nassali, who pointed out that 'human rights are enjoyed by virtue of being human, so we at FIDA are committed to promoting and protecting the rights of any woman without discrimination on any basis whatsoever'.

Solome Nakaweesi-Kimbugwe, a Feminist Activist and Executive Director of Akina Mama wa Afrika (AMwA), a Coalition Member, puts these steps into context, when she points out that '...the struggles for substantive equality that we as the Coalition in Uganda are pushing for for sexual minorities today are no different from the struggles that were held to end the slave trade, apartheid, racism, sexism, patriarchy and all other forms of normalized discrimination and abuse... any form of oppression is a cycle that we must engage with and break – unless we break the chain we are all potential victims as our rights aren't safe for long'.

As we prepare ourselves for Uganda's Periodic Reporting / Review of the State of Human Rights as bound by the African Charter on Human and People's Rights (ACPHR) taking place in Banjul, The Gambia, this November, the Coalition takes this opportunity to:

- Urge the Government to take urgent steps in order to address the outright expressions of homophobia of which the *Rolling Stone* article is only a small manifestation.
- Call upon the Statutory and Constitutional Bodies; Ministries, Departments and Agencies to ensure the protection and promotion of Human Rights of Sexual Minorities just as they safeguard the rights of all other Ugandans. Key among these are: The Uganda Human Rights Commission; The Equal Opportunities Commission; The Media Council; Ministry of Gender Labour and Social Development; Ministry of Justice; The Uganda Police.
- Call upon the Government of Uganda through the Uganda Police and the Media Council to ensure enforcement of the High Court order and that; *Rolling Stone Publications* adhere to the same.
- Reiterate its call to the Government of Uganda to withdraw the Anti-Homosexuality Bill 2009, which is still pending in Parliament, and to review existing laws that criminalize homosexuality.

For further information, visit the Coalition's website www.ugandans4rights.org, write to info@ugandans4rights.org or call 0782 169505



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