

Cases from Uganda

The quest for equal rights and freedoms for many minority groups around the world has been ongoing for eons with members of these groups even losing their lives in the process. The LGBTQQ (Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning) community is a minority group around the world and Uganda is not an exception, however unlike other minority groups, they (LGBT) tend to be treated unfairly most of the time with hatred and lack of respect. In Uganda, they consist of people from all walks of life (age, religion, sex, education, professions, society status, etc) and up until recently, because of the legal framework in Uganda which is not favorable for the LGBT community and the unfriendly attitude towards LGBT by most people (more than 95%), they have mainly lived in hiding meeting only in hangouts in the guise of darkness. However very recently, their (LGBT) attitudes are gradually changing and we are now seeing more and more of them coming out of the dark and presenting their arguments for equal rights, the need to be understood and loved by the people they live with instead of being alienated. This can be attributed to the advent of a number of organizations that have come up to champion the cause of the LGBT community even with overwhelming resistance from the state and the communities around us. The determination of these groups has seen the authorities put under enormous pressure to recognize the rights of the LGBT community.

An umbrella organization called sexual minorities Uganda (SMUG) was started up to champion the rights of the LGBT community in Uganda. Under this organization, other subsidiary organizations were formed which include Icebreakers Uganda, Freedom and Roam Uganda (FARUG), Integrity Uganda, Spectrum Initiatives Uganda, these organizations have mainly tried to bring the LGBT community to the fore so that everyone knows that such people are living with them and that they are perfectly normal. However this has also meant that a calculated war against the LGBT community has been intensified with ignorance, hatred, and bias being encouraged towards the LGBT at a very young age. And the LGBT's have to deal with increased stigma, discrimination, and even violence against them because of their way of life.

1. Cases of gay Ugandans being put under arrest, evicted from their homes, abused, isolated, beaten, listed in the media as society's black sheep, denied employment or sacked because of their sexual orientation are very common in Uganda today.

For example police arrested three LGBT activists Usaam "Auf" Mukwaya, Onziema Patience, and Valentine Kalende on June 4 while they were carrying out

*a peaceful protest at the 2008 "HIV/AIDS Implementers Meeting" in Kampala against the government's lack of response to HIV/AIDS among the country's lesbian, gay, bisexual, and transgender (LGBT) communities. The three human rights defenders were charged with criminal trespass and freed on bail after spending a night in jail. This subsequent court battle was long and painful with very embarrassing accusations from the police. This protest was in line with the Yogyakarta principles and their arrest was in contravention of principle 17 of the Yogyakarta principles which state that **"Everyone has the right to the highest attainable standard of physical and mental health, without discrimination on the basis of sexual orientation or gender identity. Sexual and reproductive health is a fundamental aspect of this right."***

These three activists now live in hiding as they are easily identified and abused in public. Just imagine a life where you must hide until hopefully everyone forgets you then you can live your life again. However close relatives and friends will never forget let alone accept you.

2. On July 25, a few hours after a hearing in the above case, Kampala plain clothed security operatives abducted Auf, on his way to Speke Hotel (an LGBTI friendly hotel because the owner is part of the community). A patrol car stopped the motor taxi he was riding and four men identifying themselves as police officers took him to an undisclosed location. He was held for more than 24 hours and tortured to the extent that he could not even remember what questions they asked him or what answers he gave them, from his testimony, he seemed to have been drugged by these people so he could answer questions while not in his right mind. All this happened without access to a lawyer or any reason provided for his arrest. During that time he was seriously ill-treated.

3 Another gay man was arrested near his home and charged with being a public nuisance. All this because they say he is a man yet he behaves like a woman (transgender). This is common in Uganda as people suspected of being gay are arrested, detained without trial and their captors always want to know who heads the LGBTI organizations, who funds them, etc. All this information is meant to be used for intimidation purposes in order to clamp down of the LGBTI community in Uganda. We even have situations where Ugandans have run into exile because of the hate they face back home for example most members of the board of SMUG had to run to the nearby Nairobi-Kenya for safety after it emerged that the two transgender men who were arrested had been tortured into submission and they had released a lot of information which the police was using to track and arrest more suspected LGBTI, top on the list were the SMUG officials, these people run

away and forcefully live their lives on foreign land. The same man and a friend of his were arrested and detained for 7 days without trial, adequate food necessities like water. Considering Yogyakarta principles 8 and 9 which state that “Everyone is entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law, in the determination of their rights and obligations in a suit at law and of any criminal charge against them, without prejudice or discrimination on the basis of sexual orientation or gender identity.” and “Everyone deprived of liberty shall be treated with humanity and with respect for the inherent dignity of the human person. Sexual orientation and gender identity are integral to each person’s dignity” respectively, Ugandan authorities simply do not seem to understand these principles.

__However many Ugandans have lost their jobs on suspicion that they are gay. This list is endless with prominent journalist, TV and radio presenters being dismissed publicly with a reason that they are sympathetic to the causes of the LGBTI community. This would be something different if it was by private individuals but when a whole government body (the media council) comes out to suspend a radio presenter because he said some kind words about the LGBTI community is a very worrying situation.

As pertains the LGBTI organizations, they have to carry out their duties in secret otherwise they become targets of the community and security operatives who look at gay people as outcasts. Freedom and roam Uganda (FARUG) for example were evicted from their offices and all their rent refunded when their then landlord discovered that they were an LGBTI organization. Sexual Minorities Uganda has also had its fair share of discomfort as spies are always seen around their offices trying to see who moves in and out. These offices have become so uncomfortable that organizations have to keep on shifting their offices from one place to another and doing their work in internet cafes and hot spots so they can not be noticed. These are very expensive ventures and are against the Yogyakarta principle 15 which states that **“Everyone has the right to adequate housing, including protection from eviction, without discrimination on the basis of sexual orientation or gender identity.”**

Cases of transgender men being referred to as auntie and girls being referred to as uncle are very common in Uganda for example during a pre-recorded television debate on sexual minorities, the host kept on referring to the transgender panelist as he-she with a sarcastic voice and after the debate, the LGBTI representatives could

not ride in the same van with the other people as they were so harsh and some even wanted to turn violent and the LGBTIs present.

There is no doubt that the LGBT responses to discrimination and stigma entail beneficial outcomes for all. These responses have been recognized as a possible answer to some of the operational and coordination problems confronting community cohesion.

On the positive side, these responses are geared at solving conflicts in a non-violent way both at local and international level; better integration of these responses into the health system; and more resources being available for guidance in respect to responses to discrimination and stigma

Weighed against these positives, are some constraints responding to discrimination and stigma present at the all levels. For example, it is generally held that LGBTQQ organizations do not organize well with key structures at the local level. In addition, it is not very clear how these organizations' responses undertaken within the formal structures articulate with the responses of non-governmental entities [e.g., Community-Based Organizations (CBOs), Non-governmental Organization (NGOs), Faith-based Organizations (FBOs) etc] that play a crucial role and are sometimes the only actors to offer an opportunity or provide stiff resistance at the local level. .

. Section 140 of the constitution of the republic of Uganda *criminalizes "carnal knowledge against the order of nature" with maximum penalty of life imprisonment. Also, Section 141 prohibits "attempts at Carnal knowledge" with maximum penalty of 7 years' imprisonment. Section 143, punishes acts of procurement of or attempts to procure acts of gross indecency" between men in public or private with up to 5 years imprisonment*

Uganda's LGBT responses to discrimination and stigma revolve around the existing LGBT organizations as means to easily and quickly organize and respond in case of emergencies like jailed members because of their sexual orientation, hostile attacks in the press against the LGBT community by renowned society members, etc. Thus, within the umbrella organization called sexual minorities Uganda (SMUG) consists of various sister organizations which include Icebreakers Uganda, Freedom and Roam Uganda (FARUG), Integrity Uganda, spectrum initiatives. These act as functional subdivisions or service zones for the LGBT community to bring essential care closer to them, allow for identification of local

priorities, involve the LGBT community in the planning and management of their own affairs and increase their responsiveness.

The leadership of these organizations constantly provides continuous basic counseling, advocacy, and lobbying and support supervision of the community's activities. For example, even though Uganda is renowned for being the first country in sub-Saharan Africa to register a drastic drop in national HIV prevalence, sexual minorities (men who have sex with men (MSM) women who have sex with women (WSW) and LGBT communities who engage in one or other sexual behavior, and whose HIV and health risk needs have not been exhaustively surveyed or addressed are still a hindrance to the fight against HIV^[1]. Within these organizations, there are provisions for counseling services for those who need it; they represent the first level of interface between the LGBT's and the communities.

What can be done to support LGBT organizations to develop and implement responses to discrimination and stigma is greatly determined by our understanding of what our members face and what they think should be done to improve their situations within and without the country. Frequently the problems besetting LGBT's stigma and discrimination responses are the problems inherent in legislation which lays the foundations for rights. In many instances the constitutional and legislative foundations of freedoms and rights especially as they relate to the sexual minorities are still very negative since this is seen as taboo and illegal. This is especially true for the case of Uganda.

As pertains to the discrimination and stigma responses of LGBT organizations, these are seen to be undertaken within the framework presented by SMUG with its subsidiary organizations as entry points and with partnership arrangements between NGOs/CSOs.

It should be noted that the low depth of CSO/Private Sector system partnerships in this struggle more than anything, reflect the absence of institutional arrangements that link government and non-governmental structures to people who need help in these areas yet the absence of comprehensive statistical data and information about among others, the number of LGBT people around us and the nature of their interventions to stigma does not make the work of the responsible organizations any easier. Given this lack of information, it is not surprising that very few LGBT stigma and discrimination response partnerships are seen to exist between the governmental and non-governmental entities.

^[1] SMUG MSM-LGBTI HIV/AIDS REPORT 2008