

Policy Telebriefing Series on
FUNDING IN RESTRICTIVE CONTEXTS

LGBTI RIGHTS IN UGANDA: THE PATH FORWARD

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Uganda's anti-homosexuality bill, signed into law in February 2014, carries dangerous consequences for the local LGBTI community, their allies, and LGBTI rights activists. The new law imposes harsh penalties - including life imprisonment - for homosexual acts (including "promotion of homosexuality") and broadly threatens civil liberties, public health efforts, and human rights. What is the path forward for LGBTI activism in Uganda?

This telebriefing explored the nuances of supporting civil society and human rights advocacy inclusive of sexual orientation and gender identity (SOGI) in Uganda and other restrictive environments.

Speakers:

- **Mukami Marete, UHAI - East African Sexual Health and Rights Initiative**
- **Gitta Zomorodi, American Jewish World Service**
- **Addison Smith, Wellspring Advisors (moderator)**

Background Resources:

- [Uganda's Anti-Homosexuality Act](#)
- Uganda Baseline Survey by UHAI - the East African Sexual Health and Rights Initiative (attached to details)
- [The Bill and Broader Civil Society Context in Uganda](#)
- [African Sexuality](#)
- [Refugee/Asylum Situation](#)
- [Civil Society Coalition on Human Rights and Constitutional Law's press statement on the legal challenge before the East African Court of Justice](#)
- [Uganda and Beyond: Defending Global LGBT Rights without Undermining Them](#)

Setting the stage – UGANDA

- With a population of over 37 million, Uganda is comprised of more than 10 different tribes. Uganda's power structure is divided into 5 kingdoms. Each has some degree of, mostly cultural, autonomy. There are 4 political administrative regions made up of 100 districts. The current constitution has been in place since 1995, with a relatively independent judiciary.

- **Museveni, the current President, has been in power since 1986.** His likely re-election in 2016 will mark his 30th year in office;
- **Last 50 years of Ugandan rule in a nutshell** – '66 Obote a decolonizer, but also socialist, a military coup led by Idi Amin deposing him; Amin removed in '79, Obote returns by contested election in 1980; then a civil war ensues, with the National Resistance Army and its Commander Museveni ultimately prevailing in '85.
- **Corruption, Freedom of expression/speech, freedom of assembly/association, freedom of information** are all major issues. It is against this backdrop of a leader once lauded as one of African's new generation of leaders (reducing HIV infection rates, bringing measured stability, etc.) that we have the current developments -- "desperate measures for desperate political times"
- A lot of political turmoil in the last 50 years and not a lot of change in leadership has seen a return of a lot of human rights violations.

There are three bills of concern in Uganda that serve to restrict human rights:

1. **Anti-Homosexuality Act (AHA)** (Dec 2013) -The act provides severe penalties for homosexuality, "promotion of homosexuality," and "aggravated homosexuality."
 - While the bill no longer includes capital punishment, it does include life imprisonment. And the promotion and aiding & abetting clauses have been retained.
 - It provides for extradition of Ugandans in same-sex relations.
 - Penalizes those who support gay rights - extends to companies, organizations and NGOs that know of LGBTI individuals and/or support LGBTI rights.
 - Constitutional ban on same-sex marriages
2. **Public Order Management Bill** – Police approval required if three or more people gather publicly to discuss political issues.
 - Attack on freedom of assembly
3. **Anti-Pornography Act "miniskirt law"** – Bans "indecent" dressing. Illegal to wear clothing that reveals thighs, breasts and buttocks.
 - Attack on women's rights

Current Landscape and Context of LGBTI Discrimination

- Sexual minorities in Uganda and East Africa are constantly in danger of victimization via abuse and violence, forced outings by local media, arbitrary arrest and imprisonment, exclusion from education and employment, public vilification, etc.
- Offenses committed against LGBTI people are often not investigated and the victim deemed responsible.
- Limited access to adequate healthcare
- Facing financial hardships
- The laws only recognize two distinct genders—male and female
- Little social comprehension of the issues faced by the LGBTI community
- Homosexuality as a "Western Import" and "un-African"
- Questions of self-determination and sovereignty
- The various shades and spaces of migration: activists moving to another country to temporarily work versus making the decision to enter the asylum system, etc.

Perspectives from American Jewish World Service (AJWS) - AJWS is a global, grassroots funder prioritizing support for human rights organizations in marginalized communities and have been working in Uganda for 20 years now.

Upon bill approval, AJWS asked the following questions:

- How could we support our partners in the immediate and longer term?
- How to keep people safer now? So that work can move forward.
 - Discussion amongst donors who have been working in Uganda for some time, rapid response funders, and those interested in responding to *this* moment.
- How does this look across Africa where we see copy cats coming up?

Supporting partners now:

- Providing support to nine organizations, with emphasis on those led by LGBTI people
- Funding organizations that provide security training and advice to their partners.
- LGBTI integration with other movements.
 - Example – Mainstream women's organization that has been doing mentorship for young women approached them and wanted to integrate lesbian and trans people in their program.
- How do donors respond?
 - A listserv where people could share requests that they were receiving from organizations and individuals.
 - Overview of what requests were and who is responding amongst the different HR players.
 - Where are there gaps?
 - Is there any duplication happening?
- Legal response
 - Petition challenging the constitutionality of the Anti-Homosexuality Act.

Sustaining funding and support in the long-term:

- Looking across the border at Kenya, where similar legislation was spoken about in Parliament.
- Since many LGBTI Ugandans are fleeing to Kenya, strengthening work in Kenya in the longer term while also looking at the needs of the movement there
 - For example, funding a transition house that is supporting people who are looking for refuge (who might not actually know what their options are). This group helps individuals figure out what is the best option, from looking for employment to moving to a refugee camp.
 - If moving to refugee camp, for example, they will accompany them in that process and communicate with the UN camp so that those refugees have their particular needs acknowledged.

Keeping people safer:

- Even before passage of the bill, they invested a lot into security and protection of grantees.
 - Looking at personal security of leaders – Are their offices safe?
 - There have been office break-ins and other forms of intimidation for all human rights organizations
- Conduct exchanges with other organizations that are practicing security management well.
 - Definite impact in that some partners were able to take steps right away when the bill passed:
 - Close offices

- Phone trees
- Encrypt or destroy sensitive information
- Stronger levels of awareness and management that partners were able to use.
- Arbitrary arrest and community violence from members of the public / neighbors that target leaders in movements and heads of organizations.
- Lessons learned from 2010 when individual activists formed a community security team.
 - Fell apart due to issues of transparency and accountability
 - This time around, there is a real commitment to avoid what happened last time.

Relocation support and psychological support:

- Resources available for LGBTI people recognized as human rights defenders, generally organization leaders
- Since support becomes most difficult at the individual community member level, there is a move towards creating community security response mechanisms
- With the concern that LGBTI people who are not affiliated with an organization are possibly falling through the cracks, there has been discussion about developing one cohesive mechanism that can respond to the LGBTI community.

Limited space for advocacy on a national level, so how can we support advocacy around this issue in a regional space?

- Opportunity for regional conversations in Africa that may perhaps influence on a national level.
 - Must continue to pursue smaller steps and commit to funding in the longer term.
 - The following is a good opportunity for funders in the United States who only fund domestically to participate:
 - Lawsuit brought by SMUG and led by Center for Constitutional Rights has brought a charge against Scott Lively with crimes against humanity.
 - He led persecutions against LGBTI people in Uganda.
 - The Center for Constitutional Rights needs funding for this case for upwards of \$1 million.
- <http://ccrjustice.org/ourcases/current-cases/sexual-minorities-uganda-v.-lively>

Perspectives from UHAI - UHAI – the East African Sexual Health and Rights Initiative (UHAI EASHRI) is an indigenous activist fund that provides flexible and accessible resources, partnerships and capacity support to lesbian, gay, bisexual, transgender, and intersex (LGBTI) and sex worker organizations in the Eastern African countries of Burundi, Rwanda, Tanzania, and Uganda. Over the next three years, they will be expanding their work to Ethiopia, South Sudan, and the Democratic Republic of the Congo.

What has UHAI done?

- **Strategic litigation and legal aid:**
 - Supporting the Civil Society Coalition on Human Rights and Constitutional Law
 - Legal aid essential for access to legal rights for LGBTI people in Uganda, as well as for activists who keep facing arrest.
 - Coalition strategy:
 - To have the Anti-Homosexual Act declared unconstitutional
 - To challenge the Anti-Homosexuality Act before the EACJ and challenge Uganda's appointment of judges

- To mobilize support across east Africa on the challenges against the Act
 - Not only law coalition challenges, but also activists, professors of law, former members of parliament.
- **Advocacy:**
 - Need for continued targeted advocacy for policy makers and other power brokers to stop rising homophobia and push for acceptance.
 - Need to support trans-border advocacy that reaches out to the regional, continental, and international mechanisms.
 - East African Court of Justice (EACJ)
 - African Commission on Human and Peoples' Rights (ACHPR)
 - Human Rights Council (HRC)
 - UN General Assembly (UNGA)
- **Awareness creation:**
 - Important for reducing stigma and discrimination
 - Also for enhancing access by LGBTI people to public services

What's next?

- Keep supporting building movement in Uganda, so that organizations can continue to exist despite negative laws that have already passed.
 - Help secure appropriate and effective technical and capacity support for new organizations.
 - Fiscal sponsorship of organizations unable to obtain formal registration due to restrictive state policies
- Increase sustainable funding for security for people who might be falling through the cracks.
- Fighting for LGBTI wellness, wellbeing, and psychosocial support
- Providing/increasing security and security support for organizations in the movement
- Trans and intersex organizing
- Advocating for the protection of the economic, social, and cultural development of LGBTI people

Complexities of Funding:

- Issues around emergency funding—responsive to events:
 - High incidents of emergency situations. Need to increase funding in this area.
- Increased funding overall, but not necessarily reaching groups that it should have been reaching.
- What does refugee/migration look like? Security funding complexities.
- How critical coordination is at this time, in this space.
 - A lot of new actors that want to help.
 - Coordinate with established orgs for more effective funding.

Q&A

- **How can funders collaborate or coordinate with other movements or funding streams?**
 - Broader implications of bill in Uganda for not only LGBT individuals, but also other individuals as an assault on a marginalized population. For example, in the bill “aggravated homosexuality” mentions persons with disabilities.

- Disability rights/funding – disability rights organization at the African commission level has been a good connection
 - Have the option to find a common cause with those who might not be accepting of the LGBTI community but who realize that the law is not healthy for the future of public health.
- Quite rich exchanges between human rights spaces and alliances
- Need for collaboration to see how the pro-rights movement can push back against the anti-homosexuality bill and contingency
- **Is legal registration of an organization a problem?**
 - No, the question here is more of whether an institution can fund internationally or not. If not, there are entities that can accept funding then grant to organizations deemed to be the equivalent of a non-profit/NGO.
- **What can funders who can only fund domestically do?**
 - Give to Astraea, AJWS, FGHR, and other community funds like them with an established history of funding in East Africa.
 - For increased security, give to Freedom House (Dignity for All Fund), Front Line, Urgent Action Fund
 - For legal aid, give to CCR in the SMUG v. Lively Case
- **What can international funders do?**
 - Give to UHAI
 - Direct coordinated organization support
 - Head and/or support other regional strategic litigation efforts