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**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders.**

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolution 16/4, 15/21, and 16/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning **the alleged disruption of a workshop for lesbian, gay, bisexual, transgender and intersex (LGBTI) human rights defenders by police.**

The East and Horn of Africa Human Rights Defenders Project (EHAHRDP) was established to strengthen the work of human rights defenders in the region by reducing their vulnerability to persecution and by building their capacity to defend human rights.

According to the information received:

On 18 June 2012, EHAHRDP held a workshop in the Esella Country Hotel, Najjera, Kampala, on the monitoring, documentation and reporting of human rights violations. The workshop was attended by approximately 25 people, including members of LGBTI organizations in Uganda, Burundi, Rwanda, Tanzania and Kenya, and it was due to run for three days starting on 18 June.

Reportedly, at approximately 2:00 p.m., approximately 10 people arrived at the Estella Hotel and asked to participate in the workshop. Several of these

individuals reportedly identified themselves as journalists, one of whom allegedly claimed to have received a phone call from the Minister of Ethics and Integrity instructing him that the media should attend the workshop and report on the arrest of several LGBTI activists.

It is reported that the workshop was suspended by EHAHRDP at approximately 2.30 p.m., at which point the organizers and other participants who were staying at the hotel returned to their rooms.

According to reports, at approximately 4:00 p.m., a number of police officers in blue camouflage and green uniforms led by a man in plain clothes arrived at the hotel.

The police allegedly claimed that the workshop was considered suspicious due to the fact that they had not been notified of it and the journalists had not been permitted entry. Sources indicate that the police asked the organizers for an agenda of the workshop and to call all participants, which EHAHRDP members refused to do.

It is reported that the police went from door to door in the hotel looking for participants, and also searched the gardens, and six human rights defenders were allegedly detained in a police bus outside the hotel.

The Regional Officer in charge of the Criminal Investigations Department for Kampala Metropolitan Police reportedly arrived at the hotel approximately one hour later. It is reported that the individuals who had been detained were questioned about the activities of EHAHRDP, before being asked for individual statements. The Regional Officer allegedly told them that there would have been no disruption if they had informed the police of the workshop in advance.

EHAHRDP members were reportedly requested to present their official NGO registration documents to the police the next day, after which the police would decide whether the workshop could continue. It is further reported that EHAHRDP was advised to seek prior approval from the police for such gatherings in the future in order to avoid similar disruptions. The detained individuals were then released. The registration documents were submitted on 19 June; however, EHAHRDP had already decided to definitively cancel the workshop.

Sources indicate that there is no legal provision currently in force which obliges NGOs operating in Uganda to inform the authorities about their meetings.

Sources indicate that this is not the first time that the Minister of Ethics and Integrity has disrupted an LGBTI workshop. It is reported that on 14 February 2012, the Minister arrived at a leadership and advocacy workshop for LGBTI human rights defenders in the Imperial Resort Hotel in Entebbe and declared it illegal and unethical and ordered its immediate closure.

Concern is expressed that the alleged disruption of the workshop may be directly linked to the legitimate human rights activities of the participants, particularly work carried out in the area of LGBTI rights. Should these allegations be verified, grave concern is expressed that they form part of an increasingly hostile and restrictive atmosphere for human rights defenders in Uganda.

While we do not wish to prejudge the accuracy of these allegations, we would like to remind your Excellency's Government that Uganda, as a State party to the International Covenant on Civil and Political Rights (ICCPR), has a duty to guarantee equal protection before the law and to prohibit discrimination on any ground. In *Toonen vs. Australia*, decided in 1994, the Human Rights Committee stated that "the reference to 'sex' in articles 2, paragraph 1, and 26 of the ICCPR is to be taken as including sexual orientation." Since then, in numerous Concluding Observations, the Committee has urged State parties to guarantee equal rights to all individuals, as established in the Covenant, regardless of their sexual orientation. The right to freedom from discrimination on grounds of sex is also recognized in article 2 of the African Charter on Human and Peoples' Rights, which was ratified by Uganda in 1986. The African Commission, in outlining that the aim of the principle in article 2 is to ensure equality of treatment for individuals, listed sexual orientation as one of the grounds of prohibited discrimination (Twenty-First Activity Report of the African Commission on Human and Peoples' Rights, para. 169 (EX.CL/322 (X))).

We would also like to recall resolution 17/19 of the Human Rights Council, where the Council expressed grave concern at acts of violence and discrimination, in all regions of the world, committed against individuals because of their sexual orientation and gender identity.

Moreover, we wish to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights (ICCPR) which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

We would also like to appeal to your Excellency's Government to take all necessary steps to ensure the right of peaceful assembly as recognized in article 21 of the ICCPR, which provides that "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security of public safety, public order (ordre public), the protection of public health or morals of the protection of the rights and freedoms of others."

In this context, we would like to refer to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that "Calls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely... including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law."

In this connection, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

With regard to article 7 of the Declaration on Human Rights Defenders, the Special Rapporteur on the situation of human rights defenders has stated that the right to develop and discuss new human rights ideas is enshrined in the Declaration on Human Rights Defenders as an important provision for the ongoing development of human rights. This includes the right to discuss and advocate for human rights ideas and principles that are not necessarily new but that, in some contexts, may be perceived as new or unpopular because they address issues that might challenge tradition and culture. In this connection, the Special Rapporteur has encouraged States to do the necessary to guarantee the principle of pluralism and recognize the right of defenders to promote and advocate for new human rights ideas or ideas that are perceived as new. She has further encouraged States to take additional measures to ensure the protection of defenders who are at greater risk of facing certain forms of violence and discrimination because they are

perceived as challenging accepted sociocultural norms, traditions, perceptions and stereotypes, including about sexual orientation and gender identity.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 5 point a) which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully; and

- article 12 paragraphs 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the organizers of the workshop?
3. Please provide detailed information concerning the legal grounds for the disruption of the workshop and the detention of several of the participants.
4. Please indicate what measures have been taken to ensure that human rights defenders, including civil society and activists, can operate in an enabling environment and can carry out their legitimate activities without fear of harassment, stigmatization or criminalization of any kind.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the human rights defenders in Uganda are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to  
freedom of opinion and expression

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and  
of association

Margaret Sekaggya  
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