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UGANDA

Enhancing Protection Mechanisms for Key Population Human Rights Defenders in Uganda

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About the NCHRDU

The National Coalition of Human Rights Defenders Uganda (NCHRDU) is an umbrella organisation of human rights organisations working to promote the protection of human rights defenders in Uganda.

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National Coalition of Human Rights Defenders Uganda (NCHRDU)
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Table of Contents

Introduction

1.1 Background

The 1995 Constitution of the Republic of Uganda provides that all persons are equal before and under the law in all spheres of political, economic, social, and cultural life and in every other respect and shall enjoy equal protection of the law. Despite these emphatic guarantees, which are further entailed in international and regional human rights instruments that place obligations on Uganda, Key Population individuals and the broader community continue to be discriminated against on the ground of their gender identity and sexual orientation.

Whereas Uganda's Constitution does not expressly include sexual orientation as one of the communities protected from discrimination, the U.N. Human Rights Committee has clarified that the term 'sex' in article 2(1) of the International Covenant on Civil and Political Rights (ICCPR) encompasses sexual orientation.

Key Population individuals in Uganda are often targeted in attacks and violence that are founded on hatred and homophobia. In a recent (June 2020) research by Sexual Minorities Uganda (SMUG), 54.55 percent of the respondents reported that they have faced violence from their family members. 50 percent said they had experienced violence from local security forces and police. 63.6 percent reported that their biggest concern was the threat of violence against Key Population people.[1]

The threats and attacks have further exposed members of the Key Population community to a vulnerable social and economic life. Many are unemployed because of discrimination and persecution at the workplace. Some have been hounded out of their jobs simply because of their gender identity or sexual orientation. This has exposed them to ridicule in their families and communities.

The Covid-19 pandemic has exacerbated this situation, and possibly triggered new challenges. Over the past two years, Uganda has witnessed several attacks, raids, arrests, and detention of Key Population persons[2] on accounts disguisedly related to the enforcement of health guidelines to control spread of the pandemic.

In response to the numerous challenges faced by the Key Population community, a number of Key Population Human Rights Defenders (HRDs) – otherwise also known as Sexual Orientation, Gender Identity, and Gender Expression (SOGIE) rights defenders – have established several initiatives to provide protection support services to members of the community who are at risk or in need of support. Currently, there are more than 100 civil society organisations. These organisations provide a range of protection and support services that range from shelters, resettlement / relocation, medical and psychosocial support, among others.

The above support to a community at risk often exposes the Key Population defenders to reprisal attacks. This has attracted a number of protection support initiatives aimed at providing protection support to Key Population defenders at risk.

Enhancing Protection Mechanisms for Key
Population Human Rights Defenders in Uganda

NATIONAL
COALITION OF
HUMAN
RIGHTS
DEFENDERS
UGANDA

5

1.2 Purpose of the Study

The overall purpose of this study is to publish a report that will be a basis for the improvement of the protection services offered to Key Population HRDs in Uganda by providing a basis for a robust, structured, coordinated and inclusive emergency support framework. It is hoped that the enhanced protection support for Key Population HRDs most-at-risk will enable them to continue with their invaluable service. To achieve this, the study assesses the nature of needs of the Key Population persons and the community and analyses whether the existing response mechanisms and protection services are meeting the needs of the Key Population HRDs. Where gaps or areas of improvement are identified, the report outlines the areas of concern and offers proposals on how they can be addressed.

1.3 Summary of Findings

Defending Key Population rights in Uganda is very risky

During the study, over 96 percent of the respondents noted that it is not safe to defend Key Population rights in Uganda. Part of the threats stem from the fact that the law criminalising 'sex against the order of nature' has been misunderstood to mean that gender identity and sexual orientation can be criminalised. As a result, many Key Population individuals have been targeted in incidents of arbitrary arrests, prosecutions, and other forms of violence. The false political perspective that Key Population defenders and their funding partners oppose the government is yet another basis for the risks. This has exposed Key Population defenders to negative political narratives from government officials who consider them as adversaries. Further to this, Key Population defenders also operate in an environment of discrimination and stigma which exposes them to prejudices and homophobic violence in the communities where they stay, from local authorities, moralists and even family members who consider their gender identity, sexual orientation – or their 'support' for homosexuality – as an abomination and a betrayal of 'African values'.

Physical assault, legal persecution and discrimination and exclusion among top risks

The top five risks faced by Key Population rights defenders are physical assault, legal persecution, discrimination and exclusion, blackmail, and online harassment. The legal persecution is often based on the weaponised offence of unnatural offences and other criminal offences. Key Population individuals who are arrested are further often subjected to the intrusive and illegal forced anal examinations, verbal abuse, and denial of basic rights. Some of them are subjected to blackmail and extortion to regain their freedom. Online, Key Population defenders reported facing bullying, intimidation and hate speech that is expressed on the public online spaces and private direct messages. A significant number of the respondents further reported that Key Population defenders face mental stress and burnout from the discrimination and emotional abuse and harassment; self-censorship to ensure self-preservation; homelessness as a result of homophobic attacks in the community and families; and economic disenfranchisement which has cut shot personal and career development of many Key Population defenders.

Covid-19 pandemic exacerbated stigma and homophobic attacks

Before the onset of the novel corona virus, members of the Key Population community were already grappling with issues of stigma and homophobic attacks from both State and non-State actors. The Covid-19 pandemic exacerbated the situation. Because of the nature of lifestyle of Key Population persons and usual ways of subsistence, the lockdown restrictions exposed them to further challenges. For example, in the wake of the pandemic, several Key Population shelters were raided by police officers leading to arbitrary arrests of Key Population persons on accusations of doing acts that are likely

to spread the virus. During the arrests, over 70 Key Population persons were paraded before the media by subjecting them to forced photograph and video recordings which were later released for the media and posted on social media platforms. These acts outed many of them and exposed them to further violence. The arrests further exposed the physical locations of the shelters for Key Population persons. Instead of shelters serving as places of refuge for homeless Key Population persons, they have now turned into security traps for mass arrests and violence.

Existing protection mechanisms do not address the root causes of challenges faced by Key Population rights defenders

Whereas the majority of the respondents (93.5 percent) acknowledged awareness of the organisations that provide protection support, many of them raised concerns with the effectiveness of the protection mechanisms. The service-based protection mechanisms such as legal and psychosocial support have been generally effective and helpful. However, many respondents raised concerns with support services related to shelters and welfare support. While the protection service providers note that they are doing everything they can do to offer the support sought, the Key Population beneficiaries reported not being satisfied with the help they receive. The study indicates that this could be as a result of little involvement of the intended beneficiaries in the initial planning and concept development stages of the projects. This would be contributing to failure to respond to the specific protection needs and manage expectations. There are also concerns that the existing protection mechanism focuses on the symptoms and does little to address the root causes of the risks such as homophobia, judicial harassment and discriminatory laws and practices.

Dwindling funding base for protection mechanisms, bureaucracies and ethical concerns

Protection service providers reported challenges of limited resources for protection interventions vis-à-vis the number of HRDs seeking support and the number and nature of risks being reported. As a result, many protection service providers have tightened the bureaucracy in attempt to serve only those most-at risk which locks out many beneficiaries who would otherwise benefit from the support, if resources allowed a higher number of beneficiaries. Besides the challenges caused by limited funding, several respondents expressed concern that some of the case managers who are working at the organisations that offer protection services are afraid to work with Key Population persons, and some are even corrupt which affects processing of protection and support requests from Key Population rights defenders.

1.4 Areas of possible further investigations

This study revealed three areas of possible further investigation. The first is the need to conduct an in-depth study into the unique context and challenges of each of the Key Population categories in as far as their lived experiences and perceptions about the existing protection mechanisms are concerned. It was observed that, for example, that lesbians face unique challenges as compared to gays or bisexuals in protection support needs.

Secondly, there is a need to conduct a further study on the understanding of mental health support for Key Population persons. What does it mean to the community and how can it be made more effective?
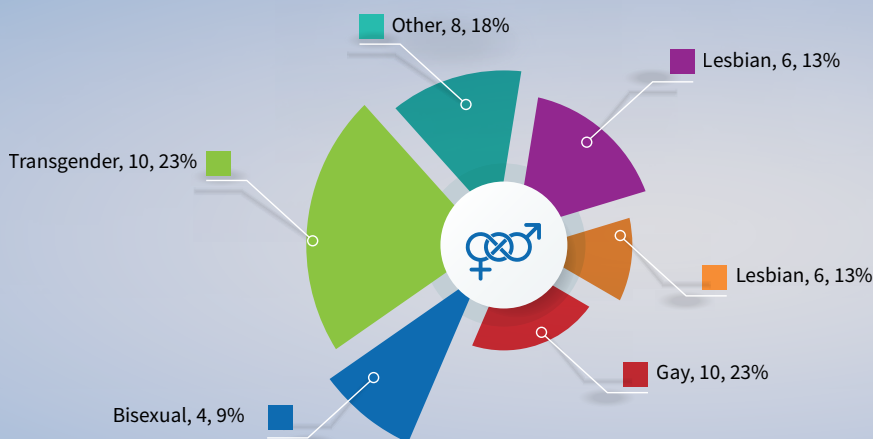
Thirdly, there is a need to conduct an in-depth survey on how people who defend Key Population rights in Uganda prefer to be called or described. Between Key Population rights defenders and SOGIE rights defenders, what is more appropriate? Is there a preferred title or description? During this study, that question was asked, and the responses were varied. These questions are important to ensure that the community and the HRDs are consulted, and that Uganda's unique context is considered.

Enhancing Protection Mechanisms for Key
Population Human Rights Defenders in Uganda

NATIONAL
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HUMAN
RIGHTS
DEFENDERS
UGANDA

7

Methodology and methods

2.1 Design (approach, sources, respondents, tools)

The assessment took a mixed research methods approach employing mainly qualitative and to a minimal extent quantitative tool as well. Why a more qualitative approach is because when dealing with HRD protection and quality of service, not everything can be quantified. Albert Einstein is quoted to have once remarked that not everything that can be counted counts, and not everything that counts can be counted (Okoli & Schabram, 2010). A desktop review of existing literature from 2015 to date, particularly on the legal structure and existing protection mechanisms for Key Population persons, was conducted to furnish the process with an analysis of background information and risk assessment regarding the situation of Key Population HRDs in Uganda. To this extent, three online reports and several websites were reviewed, analyzed and assessed. Primary data was collected through in-person interviews and online (Google forms) using the same questionnaires – one designed for Key Population HRDs and another for protection service providers (Annexes I & II).

Participants were randomly selected from among Key Population HRDs and protection service providers who have been actively engaged in activism in the last 5 years. A total of 44 respondents participated in the assessment study. The majority of the respondents identified as gay and transgender at 23 percent each while 13 percent identified as lesbians. 9 percent identified as bisexual and the category of others representing 18% included among them heterosexual persons and those who did not disclose their gender identity.

Other, 8, 18%
Lesbian, 6, 13%
Transgender, 10, 23%
Lesbian, 6, 13%
Bisexual, 4, 9%
Gay, 10, 23%

In terms of age demographics, more than half (51.6 percent) were between 26 – 35 years of age, 22.6 percent were in the category of 18 – 25 years, 12.9 percent were between 36 – 45 years, and the other 12.9 percent noted that they were over 45 years of age. In terms of geographical representation, 63 percent of the respondents were from Central region, 16 percent from the East, 11 from the West and 10 percent from the North.

2.2 Ethical Considerations

Considering the sensitivity of the thematic area of study, strict ethical considerations were undertaken in accordance with international standards that guide social and psychological research, including seeking informed consent, confidentiality, no harm, and integrity. The online respondents were not required to disclose their identity as a way of anonymity and furthermore, only reports and content that is open for public use was considered for the desktop review.

2.3 Analysis and Reporting

Using the Grounded Theory approach, the data was identified, categorized, and coded into emerging themes. Both inductive and deductive methods were employed at different stages of the assessment. Inductive analysis methods were first employed to draw out themes from the reviewed literature and the key informant interviews (KIIs) through an open coding process in which summaries of themes and short phrases were written on the margins about what was being said in the different texts. Based on the emerging themes, a tool was developed for the Focus Group Discussions (FGDs) which were conducted over Zoom. The information obtained from the FGDs was further reviewed in comparison with the findings of the initial analysis, and in the next stage, all these summaries and short phrases were collected together in a clean set of pages and further re-coded while purposefully noting repetitions and taking count of the mentions. A deductive process was in turn used to categorize the coded data according to the overarching themes, which was then typed into the computer, and synthesized. It is this synthesis that contributed to the development of the final statements and specific recommendations that are discussed within this report. The choice of this method of data analysis is based on the fact that the Grounded Theory approach supports the generation of hypotheses that could further be tested in future research to create new learning.

Key findings

3.1 Safety and Security

"I cannot live openly as a human rights defender working on the Key Population community because of the rampant homophobia and societal attitudes".[3]
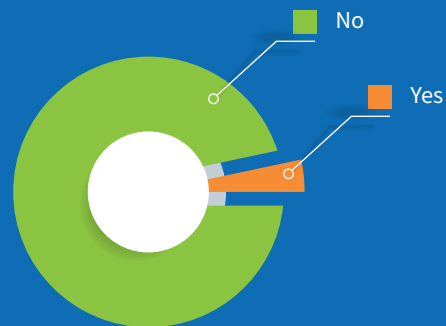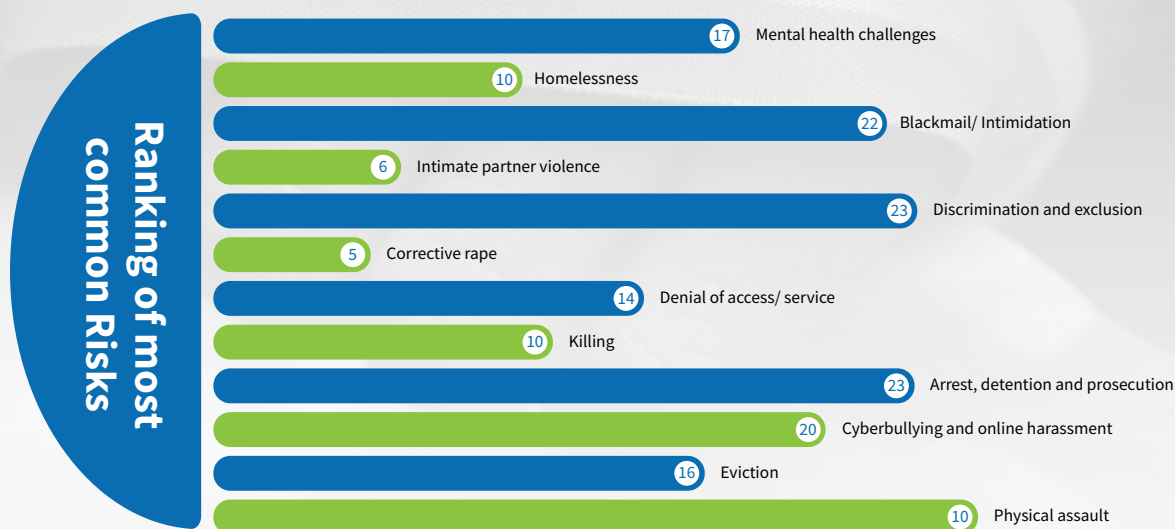
No

Yes

Figure 1: Do you feel safe and secure as Key Population rights defender in Uganda?

Over 96 percent of the respondents felt that it is not safe to defend Key Population rights in Uganda. Homosexual acts are a crime in Uganda and one can be arrested for promoting an act which is against the law. The laws have been largely misunderstood and from time-to-time misguided people have attacked Key Population individuals citing the law. Some people tend to perceive Key Population defenders as opposing government and so with the current shrinking space for HRD engagement, the Key Population community is particularly at risk. It is not possible to defend Key Population rights in open spaces like radios, televisions, social media because of the laws that restrict sexual minorities from expressing themselves and living freely.

Apart from the legal regime, which is not favourable, Key Population defenders work under tension from the community, local authorities, moralists and even family members who consider homosexuality as an abomination that must have no room for discussion. Homophobia does not only affect Key Population persons, but also extends to those who defend the rights of Key Population persons. They are seen to be part of them. The largely conservative social construct has caused many to be disowned by their family and friends. The discrimination, stigma (including self-stigma), and the inhumane treatment all make it unsafe to defend rights of this category of people.

On the other hand, the there was an opinion that available protection service providers (PSPs) give off the attitude of doing a favor or charity rather than offering protection service to Key Population HRDs. This attitude has created barriers that have restrained Key Population defenders, especially those in the grassroots, from seeking support even when they are in dire need of it. Especially psycho-social support.

3.2 Threats Analysis and Risk Assessments

Ranking of most common Risks

17	Mental health challenges
10	Homelessness
22	Blackmail/ Intimidation
6	Intimate partner violence
23	Discrimination and exclusion
5	Corrective rape
14	Denial of access/ service
10	Killing
23	Arrest, detention and prosecution
20	Cyberbullying and online harassment
16	Eviction
10	Physical assault

Physical assault, legal persecution, discrimination, blackmail, and online harassment are the most common risks that Key Population rights defenders experience. They are often affected by bad laws meant for the government to assert its influence on people they disagree with. This often leads to detention once they find out you are working outside their legal framework, physical and verbal abuse by the general public, as well as denial of basic rights and services afforded to every Ugandan citizen like the right to a fair hearing. Despite being able to create a relatively safe space online, social media is inundated with bad actors (both within the community and outside) always looking to bully and intimidate, sometimes to extort money or blackmail you simply because they are taking advantage of the homophobia that is enshrined in the community structures. This impacts on the rights defenders in various ways as explained below.

Mental stress and burnout

"When greatly stigmatized and discriminated every single day of your life you tend to have stress, anxiety, depression and your self-worth is greatly reduced"

Society generally disapproves of the "behavior" of Key Population people and believes it is abnormal, or even demonic. This translates to discrimination, physical and emotional abuse, harassment, blackmail, and exclusion. Many Key Population activist have been killed; others have been terribly assaulted causing so much trauma. Such experiences have brought about heightened stress and mental health challenges such as suicide. As a defender one is always walking a very tight line, watching every move including what they say or do for fear of what could happen to them. Some of them have experienced burnout and lost interest in defending the rights of the community, and others are drowning under alcohol and drugs.

Self-censorship

The risks associated with it deter the HRDs from openly coming out to defend the rights of Key Population persons and or they end up doing the work under disguise. Most mainstream HRDs choose to play safe and so few come out to defend the rights of Key Population community. Freedom of speech is forcefully taken away through cyberbullying and online harassment, yet social media is a major platform where people can be sensitized about the Key Population rights and why they should be respected. Key Population persons have been victimized on issues of politics and they have been used as a scapegoat in political battles between and among political parties. This has forced several defenders to limit their social and political interactions.

Homelessness

Homophobia remains the largest challenge experienced in the Ugandan context, as humans generally tend to fear what they don't understand. Most of the Key Population persons admitted in the Key Population shelter spaces are admitted on grounds of homophobia displayed by family, society, schools, religious groups, law enforcement, to mention but a few. Key Population rights defenders are equally prone to homophobic attacks like eviction which have left many homeless and others even dead. Individuals have been disowned by their families and relatives who accuse them of being a curse.

Economic disenfranchisement

"You can lose your source of livelihood; you can also be isolated and discriminated against for defending them. The community can arise against you and can even kill you."[4]

The same homophobia has curtailed personal and career development among Key Population rights defenders and persons in general as they often end up discontinuing or failing to have access to education, employment, and business opportunities. Society chooses to reject Key Population defenders simply because of the kind of work that they do. Some HRDs have lost funding from faith-based donors.

3.3 The Effect of Covid-19 Pandemic

In January 2020, the World Health Organization (WHO) declared the outbreak of a new coronavirus disease, Covid-19, to be a Public Health Emergency of International Concern. The WHO stated that there is a high risk of COVID-19, which started in Wuhan, China in late 2019, spreading to other countries around the world. Indeed, as predicted, the virus has spread to other parts of the world, hitting the African continent in early 2020, with most African countries including Uganda confirming their first cases in March 2020. In response, the government of Uganda has put in place strict measures to curb the exponential spread of the infections, virus by, among other things, declaring curfews, lockdowns, limiting crowds, and personal hygiene practices such as washing hands and wearing masks.

It is widely known that even before the onset of the novel corona virus, sexual minority groups in Uganda were already grappling with issues of stigma and homophobic attacks from both state and non-state actors. With the arrival of the virus, the situation has only become worse for Key Population persons because of the nature of their lifestyle and usual ways of subsistence. Presidential directives on Covid-19 are being used to target Key Population persons and HRDs working with them. Uganda has already witnessed several attacks, raids, arrests, and detention of Key Population persons (13 on 6th March and 23 on 29th March 2020) on accounts disguisedly related to the pandemic.

Related to the arrests, it has always been hard to access those who are detained during lockdown periods on account of restricted visits to the prisons and detention centres. This has delayed justice to the suspects. This, coupled with the endemic demand for bribes at police stations, have made it extremely challenging to intervene on cases of arrest and detention.

It is also true that most members of the sexual minority's community are homeless having been banished by their families and evicted by landlords, thus living in community established shelters. While these shelters are supposed to be a place of refuge, they have turned out to be a security trap, especially during these challenging times when crowding is not allowed. It should be noted that most of these shelters also double as office premises for the organizations that run them. The pandemic has not simply affected Key Population rights defenders but rather exacerbated the already existing inequalities that existed before the pandemic for Key Population human rights defenders.

There is a growing challenge of limited funding which continues to affect service delivery to the Key Population community in the context of the pandemic. Several donor agencies are reportedly pulling out or cutting on donations to organizations that have been taking care of community members' needs which is greatly affecting the employment and health services among the community. Limited funding directly hinders day to day operational costs like shelter rent which, if not covered, renders the safe havens, where some of the homeless Key Population persons reside, ineffective, and prone to police arrests and raids thus compounding the issue of homelessness.

Furthermore, because these populations are normally endangered, most of their movements and operations are usually understandable during

the night hours, and this means that with curfews and restrictions on movement, their livelihood is greatly affected. Curfews and stopping public transport have significantly affected implementation of programs and also led to arrest of some activists for moving past curfew hours. Most Key Population persons relocated back to their homes because of financial challenges and lack of funding to support projects like shelters in the cities, and now they are facing domestic violence.

In certain situations, one would need permission from the authorities to be able to gather or even move freely. This presents an undue burden on Key Population rights defenders as they either have to lie about their gatherings and events or risk them being raided.

In terms of which category within the spectrum had been most affected by the pandemic, the KII responses seemed to cut across in a similar manner as indicated by the rather even distribution of the identity groups across the various responses. It is in the FGDs that the notion seemed to arise that the Transgender are usually the most at risk because of their self-expression that makes them more visible, more like the "face of the sexual minorities community." Additionally, they experience more adverse economic effects of the pandemic because most of them survive mainly on sex work.

3.4 Existing Protection Mechanisms

There is a general awareness among Key Population HRDs about the existing protection mechanism, and also a willingness to seek protection support. 93.5 percent of the respondents acknowledged awareness of the organizations that provide protection support, while 6.5 percent either were not aware or outrightly said that there was none. The assessment shows that most HRDs (over 80 percent) are happy to find emergency protection support and to relocate when they are under threat and at risk. A significant number (64.5 percent) will lay low or even withdraw from engagements while 45.2 percent would consider seeking asylum in another country. There is also a willingness (32.3 percent) to report cases to the police and to go public about threats and security incidents. The main challenge that came through from the FGDs in relation to utilization and access to the emergency protection support is the misconceptions that are around the definition of who an HRD is. The other challenge was the general vulnerability of Key Population persons that makes them so desperate to the extent of not accepting the set criteria and systems within the organizations that provide protection support.
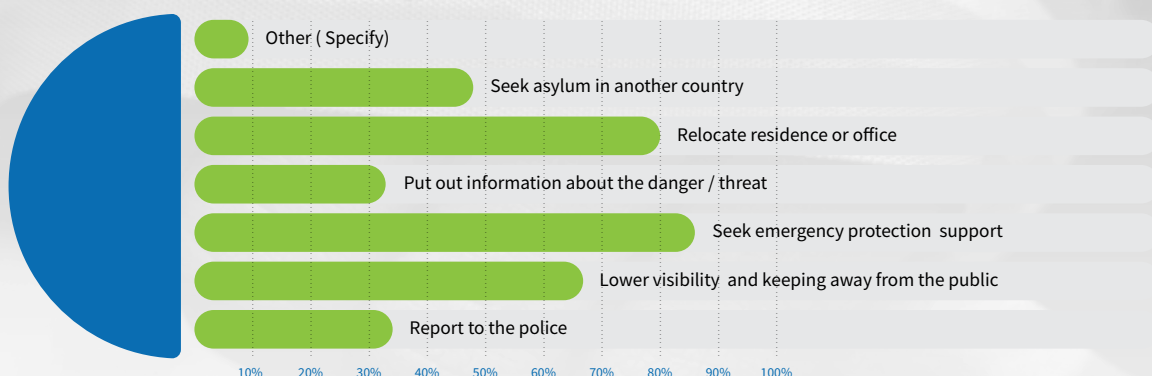
Figure 2: What do you do (can one do) when (they) feel that they are in danger for defending Key Population rights? (Please check all that apply to you)

Organizations

When it comes to protection of Key Population rights defenders, DefendDefenders (the East and Horn of Africa Human Rights Defenders Project), Human Rights Awareness and Promotion Forum (HRAPF), Sexual Minorities Uganda (SMUG), National Coalition of Human Rights Defenders Uganda (NCHRDU), Defenders Protection Initiative (DPI), and Chapter Four Uganda are the most popular organizations according to the number of mentions in that order. The other organizations that were mentioned include UN Human Rights, Busoga-NET, Security Working Group, and Human Rights Focus. Respondents also mentioned Key Population led organizations such as TRIUMPH Uganda, Let's Walk Uganda, Icebreakers Uganda, Foster Foundation Uganda, Freedom and roam, Rella Foundation, Health and Rights Initiative - Lira, Royal Rays Initiative Uganda, Hope Mbale, Eastern Region Women Empowerment Organization, and Key Population Consortium. The existing gap that was identified through the FGDs was that the services that each of these organizations offers was not clear enough to the Key Population HRDs.

Support offered

The core set of the organizations mentioned above have set up a forum known as the Security Working Group (SWG) to periodically meet and discuss how to harness safety and security for Key Population defenders. This forum is a referral and linkage network of organisations providing emergency services and legal support to HRDs and has made it easier for Key Population rights defenders to easily access services and cut through the bureaucratic red tape. HRDS have been supported with safety and security equipment like cameras and alarm systems for their residences; and in several instances relocated to a safer place. There's quite a number of organizations which provide psychological counselling opportunities and have embarked on mental health and wellbeing programs for HRDs notably DefendDefenders that has established a mental health hub. Additionally, there have been efforts to ensure legal representation and advocacy to enlighten stakeholders about Key Population defenders, human rights, and civil liberties. Several campaigns have

been undertaken at national level to ensure protection of rights defenders and also partnering with ministries like ministry of health, ministry of gender, and Uganda Human Rights Commission to ensure safety of Key Population rights defenders.

Training and workshops have also been conducted by organisations like the NCHRDU, DefendDefenders, and DPI to build the capacity of HRDs in security management to ensure that they have the basic logic to undertake their own protection. Capacity Building has been the major intervention made for Key Population rights defenders with a fair number receiving training and support to develop security plans. Some individuals and organizations have received support to implement their security plans and some others have received organizational support such as computer equipment, digital security tools, rent, to mention but a few. These are good steps in the right direction and need to be done continuously.

Often, Key Population defenders at risk are asked to keep a low profile and further observe security profiles such as returning home early and avoiding spots that will expose them to harm, cautioning on what to publish and not to, among others. Some organizations have provided literature with specific guidelines and protocols for Key Population defenders which have been very useful. The practice of inviting HRDs individually or in groups for conversations around security, mental health, and to sort out grievances is also very plausible, in addition to providing safe spaces and temporary shelters. Members within the community have learned to mobilize, strengthen their capacities, build networks, and collaborate with the help of these partner organizations, which is key in their own protection.

There are fairly robust support networks across the country that have been established mainly for the extension of legal support to HRDs in the grassroots by organizations like HRAPF. In most of the regions across the country, there are focal points and contact persons or paralegals who will respond in emergency situations to ensure that the victim is protected and that the case is documented and reported for more action whenever necessary.

Effectiveness

To a reasonable extent some organizations have played a big role in protecting HRDs and in advocating for protection of Key Population person's rights at all levels through sensitization and dialogues with stakeholders including health officials and security forces in all regions of the country, and through publications. However, there remains a lot of work to be done to reduce the widespread homophobia within the Ugandan population where HRDs work.

The existing protection interventions are limited considering that the actual root cause of the risks out there is not being directly addressed. Most of the risks are from community members, family, colleagues, and some state agencies - societal homophobia that rejects Key Population rights defenders simply for the work they do. These solutions are not conclusive, because they do not address homophobia in the community where Key Population persons and defenders live and work. There is no permanent mechanism to offer protection from such community attacks. Mental health challenges are faced by Key Population HRD's due to the anxiety around work, environment/ community, families, and professional colleagues. These have an impact on wellness. Humanity ought to be at the centre of any intervention. Providing temporary relocation, asylum, mental health support and all could be helpful, but it is not going to curb the insecurity and fear that Key Population defenders are experiencing. For instance, while it is understandable that lawyers are put in place to help the people who have been detained, the laws that criminalize and dehumanize sexual minorities are still in force and before long the same people will be

arrested and detained again. "*Such incidents keep on repeating themselves simply because it's against the law to be gay in Uganda, so the risk is always at 100 percent that the events of being arrested will occur again and again*", lamented one respondent. Summarily speaking, the protection interventions are not sufficient because they don't outcompete the outstanding challenges faced by the Key Population defenders like the harsh laws and the homophobia they face in the society.

Furthermore, there is the challenge of limited resources for protection interventions vis-à-vis the number of HRDs and the number of risks they face. In the end most individuals are not reached especially those in the rural setting. This situation compels protection service providers to exercise strict selection criteria for cases in which to intervene. In certain cases, there are no particular protection packages for the needs reported by Key Population HRDs most of which will often need long term support such as mental breakdown. In such cases there will be relapses and one-off support may not suffice. The bureaucracies involved in processing such protection support beats the urgency that is usually associated with the risks that Key Population defenders face. Because of such delays the situation usually tends to deteriorate further compounding the matter and increasing the danger to the person in need of protection. This coupled with the fact that some of the case managers themselves are afraid to work with Key Population persons, and some are even corrupt themselves – the "technical know who factor".

Besides still, thanks to the government's overreach and surveillance, HRDs and organisations working to defend them can never be 100 percent guaranteed that the measures they put in place to protect HRDs are not infiltrated by government and other bad actors.

Discussion

4.1 Discussion (comparisons and possible contrasts)

Generally, there were no particular trends observed in terms of demographics within the spectrum (Key Population). KII responses seemed to cut across in a similar manner as indicated by the rather even distribution of the identity groups across the various responses. However, it is important to note that those who identified as gay men and transgender were the majority each standing at 23 percent, and a very small number (9 percent) identified as bisexual. No respondent fell in the category of intersex and therefore the findings of this assessment may not be inferred upon intersex persons.

Over 96 percent of the respondents felt that it is not safe to defend Key Population rights in Uganda especially if one is Key Population themselves considering that the portion (less than 4 percent) who indicated otherwise were all in the category of 'others. This is largely attributed to the prevalent homophobia within society and the unfavourable legal frameworks. The two factors feed into each other in an egg-hen kind of interaction, and it can be said that the laws inspire homophobia just as much as homophobia is the spirit behind the formulation of the restrictive laws.

To this extent, the findings of this assessment study are in tandem with SMUG's situational analysis of 2020 that observes that even though the Anti-Homosexuality Act, 2013 was repealed it had created a mass of people that is homophobic and hostile to Key Population persons as well as propagated myths about who they are and what they do.[5]

It is also remarkable that the biggest threat for Key Population HRDs is from the communities where they live and work because society generally disapproves of the "behavior" of Key Population people and believes it is abnormal or even demonic. This is what translates to the 5 most common risks identified in the assessment study - physical assault, legal persecution, discrimination and exclusion, blackmail, and online harassment. Yet again, this correlates with SMUG's situational analysis of 2020 that found that the social setting (family, friends, acquaintances, neighbors, and colleagues) was the biggest source of insecurity with 57% of the respondents in that study pointing it out. Furthermore, it should be noted that it is usually the general public (neighbors, employers, landlords, hotel workers) who inform police about the presence of Key Population persons and prompt them to act.

The findings of the assessment study also indicate that Covid 19 has not necessarily introduced new risks but has rather aggravated previously existing risks creating a huge impact on mental health, self-expression, homelessness, and economic livelihood. As reported in another recent study, the COVID 19 situation exacerbated the financial woes of the Key Population persons who were unable to go out to work thanks to the presidential guidelines that imposed curfews, limited movements, and isolation. Being locked down also meant more violence from family members and intimate partner violence. The biggest consequence of all this has been mental health challenges[6]. Nonetheless, it is important to note that general elections in Uganda were conducted during the pandemic and could have contributed to some of the challenges that Key Population HRDs experienced. Elections in Uganda have always impacted on Key Population HRDs with a lot of political rhetoric around the subject. Chances are that this too, and not just the pandemic, could have made the recent situation worse for Key Population HRDs in Uganda.

Talking about access to protection support, there is almost 84% willingness to seek emergency protection support among Key Population HRDs,

which indicates that there is significant trust in the existing emergency protection support services. However, there are factors that curtail access to the support, such as the bureaucracy, inadequacy of funds, and preferential treatment. This is quite similar to the findings of the mapping exercise (yet to be published) on protection of HRDs and social justice leaders in Uganda 2021 instituted by Ford Foundation Office in East Africa. The 80.6% preference for relocation to another place could be corroborated by the fact that the biggest threat is from within the communities where Key Population HRDs live and work from hence the need to move to another location.

4.2 Limitations

This assessment did not benefit from physical interactions with respondents, especially those out of Kampala. This could have had an impact on the response rates and the freedom to share feedback in secure in-person interactions. However, efforts were made to encourage all respondents to freely share their feedback in other available alternative modes of communication. The study is further limited to local protection mechanisms and protection organizations that are based in Uganda much as it is known that there are existing regional and international mechanisms and support organizations that offer protection support services for Key Population HRDs at risk.

4.3 Conclusion

Key Population HRDs operate in a complex legal and socio-economic environment. The Covid-19 pandemic has exacerbated the challenges faced by the HRDs. The key concerns brought about by the Covid-19 pandemic are the mental health challenges, self-censorship, homelessness, and economic difficulties. Presidential guidelines on managing the pandemic have been used to justify homophobic attacks and to persecute Key Population persons through arrests and detention. The economic hardships have also made Key Population persons and defenders a target for blackmail. The woes of the Key Population HRDs are largely instigated by the people among whom they live and work, and so these challenges are compounded by the fact that movement is restricted during the lockdown period hence the individuals are unable to flee to safety. It is hoped that the proposed recommendations will provide a good basis to improve the protection mechanisms for Key Population HRDs.

Recommendations

a) *Combating Homophobia in society*

In most cases the response to the threat is not the answer because it does not tackle the causes of the threat. A key recommendation would be to focus on creating a safe environment for HRDs, first and foremost, by combating homophobia. There is a wrong perception and rhetoric that goes around about defending rights of Key Population persons that calls for continued efforts to cause a paradigm shift in the general society as a way of achieving real and sustainable change. This has been and can still be done through awareness campaigns around cultural diversity, and community engagement and sensitization. It should be accompanied with strategic litigation; more engagements with government stakeholders and institutions, especially parliamentarians and policy influencers, geared towards amendment of laws which disfavor the Key Population community. There should be laws in the country's legal framework that protect HRDs including those who defend Key Population persons. Logically, it is a more long-term strategy to solving the major challenge of homophobia however, acknowledging the fair amount of progress made thus far gives hope for a more liberal and less conservative Uganda. The aim should be to ensure that stakeholders including legislators, law enforcers, medical practitioners, educators, and other leaders are enlightened about the rights and work of Key Population rights defenders**.**

b) *Integration and mainstreaming of SOGIE concerns*

More efforts should be made to strengthen linkages between Key Population HRDs and other mainstream HRDs. The bigger jeopardy is exclusion from within the HRD community. Individual perceptions and beliefs that shape the rhetoric is what causes discrimination against Key Population activists by other HRDs. The choice of language used is usually derogatory, demeaning, and unacceptable, and it is always hinged around socio-cultural beliefs. NCHRDU should support regular forums for interaction among mainstream human rights organizations with Key Population HRDs as a way of demystifying the issue and to update each other as a way of building solidarity. Equally, Key Population HRDs ought to be educated about how they should behave in open and shared spaces in order not to further entrench the wrong perceptions and prejudices. Interactions between older and younger HRDs should also be encouraged. This kind of solidarity breeds collective security and enhances protection.

c) *Capacity Building for Key Population HRDs*

NCHRDU and other protection organizations should continue building the capacity of HRDs considering that there is still a huge knowledge and skills gaps in fundamental areas such as human rights principles, advocacy skills, organization leadership and management, fundraising and resource mobilization, management systems, MDR, safety and security management. There is also lack of cohesion and effective networking with some regions within Uganda not having a focal point individual or organization for SOGIE concerns. Furthermore, the lack or limited funding cripples the work of Key Population HRDs because nothing can be done without funding which is the means to achieving most of the objectives. Therefore, protection interventions should include organizational support with consideration for core-funding as a way of ensuring sustainability. There should be support for implementation of safety and security plans as well.

d) ***Prioritization of the Key Population thematic HRDs***

The protection needs of this constituency should be prioritized as a high-risk category in Uganda that requires special attention. There should be deliberate effort to reduce bureaucracy to ensure quick access to protection interventions when needed. An idea would be initiating region-based "rescue hubs'' and community-led interventions that are practical for the particular Key Population defenders in that community as a way of making protection service delivery and interventions faster and more flexible. Another idea could be to set up a dedicated Key Population rights defenders' protection programme within the existing structures to ensure effective and immediate response to emergency issues that may happen to this category of HRDs.

e) ***Holistic Approach to protection of HRDs***

Response to protection needs of Key Population rights defenders ought to be holistic to include physical, digital, and psychological needs of the person. There is a need to place the individual at the center of the protection intervention and thus involve them at every process of designing and implementing the intervention. This will ensure that the protection support provided is met for the actual needs of the recipient rather than what the provider decides, and without assuming that what a few community leaders in the city decide is what works for all regions in the country.

f) ***Strengthening referral Systems***

Improve and expand on the referral and linkage system for legal aid providers and emergency assistance providers right from the grassroots level where Key Population HRDs are even at greater risk up till the international level protection mechanisms. By fostering the development of a network of allies and other like-minded actors, response to violations and emergency situations will be made easier and more effective. It will also eradicate the problem of double funding and ensure a wider reach to the most at-risk HRDs in need of protection support, as well as increased awareness of existing protection mechanisms for HRDs. It is important to clarify what support is available in each organization and their mandate.

Endnotes

1. SMUG (2020). Safety and Security of the Key Population Community in Uganda: A Pre-Covid 19 To Post-Covid 19 Situational Analysis.
2. 13 people were targeted in March in Masaka; 23 were attacked on March 29, 2020 in Nsangi; 44 individuals were targeted on May 31, 2021 in Nansana
3. A quote from a respondent during the assessment, Kampala, September 22, 2021.
4. A quote from a respondent during the assessment, Kampala, September 21, 2021.
5. SMUG (2020). Safety And Security of the Key Population Community in Uganda: A Pre-Covid 19 To Post-Covid 19 Situational Analysis
6. Nyoni,Z.(2021). COVID-19 Emergency Powers as a Weapon for Targeting Key Population People in Uganda?

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