



PRESS STATEMENT

November 18, 2020

Kampala, Uganda

Community mental health advocates join pursuit of justice for COSF 20

The Taala Foundation has filed an application in the High Court Civil Division to join Children of the Sun Foundation (COSF) Uganda and Human Rights Awareness and Promotion Forum (HRAPF) in the court case against Prisons officer Waniala Philemon, the LC III of Kyengera Town Council, and the Attorney General of Uganda. The case relates to violating the - right to freedom from torture, cruel, inhuman and degrading treatment.

On March 29, 2020 Uganda police officers and local authorities in Nsangi- Wakiso district, including the town mayor, arbitrarily arrested 20 young men from a shared shelter run by COSF for allegedly violating presidential directives on COVID-19. The individuals were paraded before local media, their immediate communities, and subsequently beaten to coerce confessions of same sex relations.

These actions contravene the laws of Uganda. They violate the fundamental rights freedom from cruel, inhuman, and degrading treatment, and freedom from torture as enshrined in the supreme law of the land. They also threaten the right to health and life with dignity for the individuals in the case, as well as Uganda's sexual and gender diverse community as a whole.

The government of Uganda has already taken progressive measures to protect the right to health by recognizing some sexual and gender minorities as key populations in the fight against HIV/AIDS, and committing to the global Agenda 2030 to reduce new infections to zero. Our pursuit for protections against retrogressive measures is therefore neither unprecedented nor unreasonable.

This also aligns with the government's commitment under Vision 2040 to ensure that the Human Rights Based Approach is applied in policies, laws, and programs, and that government officials are empowered with stronger capacity to respect and protect human rights. Having documented legal provisions is not enough to realize these fundamental rights, especially the right to health. The political will to create and enforce policies that support the realization of the right to health is a factor in the implementation of the laws of this land.

The Taala Foundation is a community led organization that promotes mental health and the right to health and life with dignity for marginalized communities. In this case before court, we will argue that state sponsored violence adversely impacts the right to health and life with dignity

and demand for protections for key populations that are disproportionately targeted with this violence.

OUR ASK

Given its prior commitments to human rights, and its aspirations towards a healthy population, we call upon the government, through the courts or otherwise, to address the practices and tendencies of police and local authorities to wantonly endanger the rights and health of sexual and gender diverse Ugandans.

Firstly, this will require action against individuals and authorities who have in the past, as in the case of the COSF youths, acted in an injurious manner towards these communities and training for its front-line personnel in non-discrimination with an emphasis on human dignity.

To avoid repetition of these injurious incidents, the government, through the courts or otherwise, will also have to institute protections that, for example, recognise such attacks on sexual and gender diverse Ugandans for the gender-based violence that it is.

The state, through the courts, parliament or law reform commission, must also amend harmful laws which fuel stigma and sanction such injurious actions by police, local authorities and other individuals.

Trans, gay or lesbian Ugandans are equal citizens of Uganda and deserve the same protections guaranteed to all citizens.

References:

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