



AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Uganda: Enable Sexual Minorities Uganda to operate and protect LGBTI rights

In a statement issued on 5 August, the National Bureau of Non-Governmental Organizations (NGO Bureau) in Uganda announced that it had halted the operation of Sexual Minorities Uganda (SMUG) on 3 August¹. SMUG is an umbrella organization committed to ensuring the human rights protection of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons in Uganda. The NGO Bureau accused SMUG of operating without registering with the NGO Bureau under the NGO Act 2016.

Amnesty International condemns the closure of operations of SMUG by the NGO Bureau and believes that this move by Ugandan authorities violates the country's constitution and commitments under regional and international human rights obligations to uphold the right to freedom of association. Uganda's 2016 NGO Act imposes burdensome requirements for application for NGO permits and lacks clarity over which organizations fall under this regulatory regime.

SMUG attempted to register the organization under Section 18 of the Companies Act of 2012. Four years later, the Uganda Registration Services Bureau responded by rejecting SMUG's application, citing an "undesirable and unregistrable" name. This decision was challenged in court, and on 27 June 2018, it was upheld by the High Court of Uganda.

The shutting down of SMUG's operations comes in a context of continued shrinking of civic space and increased attacks against civil society in Uganda. In August 2021, the NGO Bureau ordered the closure, without warning, of 54 organizations², claiming that they failed to comply with NGO regulations. In December 2020, authorities arrested Nicholas Opiyo, Executive Director of Chapter Four Uganda on trumped-up charges of money laundering. The case against him was dropped in September 2021.

In recent years, SMUG and other LGBTI organizations have documented and denounced targeted attacks against LGBTI people, including arbitrary arrests and murders. In 2021, Ugandan authorities arrested dozens of LGBTI individuals and subjected some to forced HIV testing and anal examinations³. In July 2022, Noah Matthew Kinono, a non-binary person, was stabbed to death by unknown individuals⁴. SMUG has alleged that at least three LGBTI people were killed under suspicious circumstances over the past four years, and the police are yet to investigate these attacks.

¹ <https://ngobureau.go.ug/en/news-and-notice/statement-on-halting-the-operations-of-sexual-minorities-uganda>

² Uganda: End repression of civil society: Joint statement on Uganda's NGO Bureau suspension of 54 NGOs in the country (Index: AFR 59/4652/2021).

³ <https://smuginternational.org/smug-intl-blog/f/arrest-detention-and-release-of-39-lgbtqi-persons-in-uganda-on>

⁴ <https://www.opendemocracy.net/en/5050/matthew-kinono-murder-anti-gay-uganda-police/>

In the lead-up to the shutting down of its operations, two SMUG staff who went to report a security incident at Ntinda police station on 19 May were arrested and accused among other things of “promoting homosexuality”⁵. They were released after four days in detention. In June, the NGO Bureau met with SMUG officials twice to “understand the legal status of the entity after a number of concerns were raised regarding the operations of SMUG,” according to its statement.

The right to freedom of expression and association are guaranteed under Articles 9 and 10 of the African Charter on Human and Peoples’ Rights to which Uganda is a state party. The African Commission on Human and Peoples’ Rights issued guidelines on freedom of association and assembly as provided in the African Charter, that among other things prohibits states from compelling associations to register to be allowed to exist and to operate freely. It advised that informal organizations should not be punished or criminalized in law or practice based on their lack of formal status.

Amnesty International condemns the use of laws and government bodies to stifle freedoms of expression and assembly. SMUG’s operations are crucial in shielding other LGBTI organizations from violence and harassment from state and non-state actors. SMUG also plays a pivotal role in advancing equality and non-discrimination including the protection of the rights of LGBTI individuals in Uganda.

We further call on Ugandan authorities to take effective measures to implement the resolution 275 of the African Commission on Humans and Peoples’ Rights⁶. This urges state parties to the African Charter, of which Uganda is one, to end “acts violence and abuse, whether committed by State or non-state actors, including by enacting and effectively applying appropriate laws prohibiting and punishing all forms of violence including those targeting persons on the basis of their imputed or real sexual orientation or gender identities, ensuring proper investigation and diligent prosecution of perpetrators, and establishing judicial procedures responsive to the needs of victims. Amnesty International stands in solidarity with SMUG and call on Ugandan authorities to enable SMUG to operate, urgently cease actions targeted against LGBTI individuals and create a conducive environment for the work of LGBTI groups.

⁵ <https://crd.org/2022/06/10/uganda-lgbti-rights-defenders-arrested-after-turning-to-the-police-for-help/>

⁶ <https://www.achpr.org/sessions/resolutions?id=322>