



MINISTRY OF INTERNAL AFFAIRS
NATIONAL BUREAU FOR NGOs



**STATUS REPORT
ON NGOs SUSPECTED TO BE
INVOLVED IN THE PROMOTION
OF LESBIAN, GAY, BISEXUAL,
TRANSGENDER, INTERSEX AND
QUEER (LGBTIQ) ACTIVITIES IN
THE COUNTRY**

JANUARY, 2023

1.0 INTRODUCTION

The National Bureau for Non-Governmental Organizations, (NGO Bureau) under the Ministry of Internal Affairs is mandated by the Non-Governmental Organizations Act, 2016 to register, regulate, inspect, coordinate and monitor activities of Non-Governmental Organizations (NGOs) in Uganda.

In the period between 2021 to 2022, the NGO Bureau received concerns from various stakeholders alleging that a number of NGOs were involved in promoting Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) activities in the country. As a result, investigations were initiated on the suspected NGOs and action taken against those where investigations had been concluded.

The purpose of this status report is to provide an update on the ongoing investigations by the NGO Bureau on NGOs that are suspected to be involved in the promotion of LGBTIQ. The report highlights the findings, observations, actions taken and recommendations during the investigations.

2.0 CONCERNS RECEIVED BY THE NGO BUREAU IN RELATION TO NGOs PROMOTING LGBTIQ ACTIVITIES

The NGO Bureau has so far received concerns against 26 Organizations suspected to be involved in promoting LGBTIQ activities in the country. Out of which, 4 cases have been investigated and concluded. The remaining 22 cases are still undergoing investigations.

2.1 Cases Investigated and Concluded

i) Sexual Minorities Uganda (SMUG)

The NGO Bureau received concerns from various stakeholders between May and June 2022 regarding the involvement of Sexual Minorities Uganda (SMUG) in promoting LGBTIQ activities in the country. The NGO Bureau initiated investigations into the operations of SMUG by; conducting a search on its register and established that Sexual Minorities Uganda (SMUG) was not a registered NGO; conducting another search at Uganda Registration Services Bureau (URSB) that also revealed that SMUG did not

exist on their register; conducting an on-site monitoring at the indicated physical location of SMUG but failed to locate it; and summoning SMUG on 2nd and 27th June 2022, with a view of ascertaining their legal status and inquiring into the concerns raised. SMUG was represented by; Onyango Owor (Lawyer), Frank Mugisha (Advocate) and Pepe Onziema (Activist).

The NGO Bureau established that;

- (a) SMUG was operating illegally because it was neither incorporated with URSB nor registered with the NGO Bureau contrary to section 31(1) of the NGO Act, 2016. It however emerged that SMUG had made an attempt to reserve its name with URSB in 2012 for incorporation purposes, however, the name was rejected on grounds of being undesirable;
- (b) SMUG was operating in its own capacity and had partnerships with some Government institutions such as Ministry of Health, Uganda Human Rights Commission and Uganda Police;
- (c) The main objective of SMUG was to fight against discrimination of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons in Uganda; and
- (d) There was no reliable record of the actual physical location of SMUG and the representatives of SMUG were reluctant to disclose the same.

Furthermore, the NGO Bureau engaged some of the institutions that had previous engagements with SMUG such as the Uganda Human Rights Commission, Uganda AIDS Commission and the Uganda Police Force (Legal Directorate). The Uganda Human Rights Commission and the Uganda Police Force (Legal Directorate) both acknowledged having had interactions with SMUG although they did not have partnership agreements with them. On **3rd August 2022**, having established that Sexual Minorities Uganda (SMUG) was neither an incorporated legal entity nor in possession of a Certificate of Registration and valid permit to operate issued by the NGO Bureau and all its activities and purported partnerships not only being irregular but illegal, the NGO Bureau halted the operations of SMUG with immediate effect.

On 12th October 2022, the NGO Bureau received court documents showing that SMUG had since proceeded to the East African Court of Justice – First Instance Division at Arusha vide Reference No. 50 of 2022 through their lawyers, Legal Brains Trust (LBT) against the Attorney General to challenge the decision of the NGO Bureau. The case is still ongoing.

ii) The Robust Initiative for Promoting Human Rights

The organization was incorporated with Uganda Registration Services Bureau on 10th August 2017 and applied for registration with the NGO Bureau on 3rd November 2020. The objectives of the organization as stated in their Memorandum and Articles of Association included; conducting human rights awareness and promotion sessions; providing legal aid to indigent and marginalized populations; influencing promotion of equal access to justice, human rights knowledge and health services through advocacy; providing HIV/AIDS and STDs sensitization/education to the public and target key populations (populations deemed at high risk of contracting HIV); and doing all such things as are incidental or conducive to the attainment of the above objects. The NGO Bureau after analyzing the application and the objectives of the organization became suspicious of its intention and motive.

Due to the suspicion created by the stated objectives, investigations were commenced on the organization with a view to gaining an appreciation of its intended objectives. The organization was invited for a meeting with the NGO Bureau and the same was convened on 17th December 2021. The organization was represented by; Ivan Fredrick Kasenko (Board Chair), Leticia Nanyomo (Advocate) and Shibolo Awali (Executive Director).

It was established that;

- (a) The organization was already operating although it had not yet been registered with the NGO Bureau contrary to section 31(1) of the NGO Act 2016;
- (b) The organization had functional structures in place such as the Board and General Assembly with two General Assembly meetings convened in 2018 and in 2019;

- (c) The organization had an active twitter account which they took over from “TRIUMPH Uganda” and renamed it The Robust Initiative for Promoting Human Rights;
- (d) The representatives of the organization admitted that their objectives focused on marginalized groups one of which is the LGBTIQ community that they help to access social services;
- (e) “TRIUMPH” is the abbreviation of “The Robust Initiative for Promotion of Human Rights”; and
- (f) The organization received funding from entities such as; US Embassy; and the U.S. President's Emergency Plan for AIDS Relief (PEPFA) in addition to member contributions.

The NGO Bureau proceeded to reject the registration application of the organization.

iii) Tranz Network Uganda

The organization was incorporated at URSB on 30th March 2016 and applied for registration with the NGO Bureau on 11th October 2021. According to the Memorandum and Articles of Association, the major objectives of the organization include; advocating for human rights, especially the right to information, education, health and full recognition of the marginalized community in Uganda; sensitizing the members and the community at large on prevention of sexually transmitted infections such as HIV/AIDS and other diseases; bringing together every person of good will without any distinction so as to look for solutions to problems faced by the several members among the marginalized communities or victims of all forms of discrimination; exploring opportunities that will be beneficial or improving the quality of their life especially ones that promote social, economic, cultural, gender education and health issues in the community; facilitating and promoting the access of proper medical interventions as well as ensuring laws are passed explicitly to protect the marginalized community from discrimination in health care units; establishing a drop-in center where various forms of assistance and support are provided without any discrimination; integrating colleagues back into society with temporary shelter homes especially those that have been rejected by their families or close ones and also those

that get out of prison; and empowering economically the marginalized people through running a SACCO.

A meeting was convened with representatives of the organization on 17th December 2021 who included; Fariida Ikyimaana (Lawyer) and Apako Williams (Executive Director).

It was established that:

- (a) The organization has been operating since 2016 as a company limited by guarantee;
- (b) The organization operates as a network that brings together several NGOs in the areas of sexual reproductive health, access to justice etc.;
- (c) They support arrested persons and routinely conduct trainings and capacity building with Uganda Police;
- (d) They have 8 donors so far that is; GIZ, American Jewish Service, USAID, Open Society Initiative for East Africa, UHAI, Tides Foundation, Policy and Transnet work, OXFAM, Amplified Change among others;
- (e) The Board members of the organization include; Jay Mulucha, Frida Mutesi, Alexander, Chris Baguma, Nana Millers and Apako Williams as ex-officio;
- (f) The organization has an account with Equity Bank;
- (g) The organization is linked to the Austrian Lesbian Fund which hosts the International Tranz fund that funds Tranz Network Uganda;
- (h) The organization supports intersex persons; and
- (i) The organization had contravened Section 31(1) of the NGO Act, 2016 by operating without a valid permit issued by the NGO Bureau.

The NGO Bureau proceeded to reject the registration application of Tranz Network Uganda.

iv) Ubuntu Law and Justice Centre

Ubuntu Law and Justice Centre was incorporated by URSB on 17th January 2020 with its first members stated as; Fridah Mutesi, Dorothy Bishagenda, Shawn Mugisha and Gloria Mugabekazi.

According to the Memorandum and Articles of Association of the organization, their objectives among others are; advocating for Ubuntu, dignity and justice for women, gender, sexual and other minorities, marginalized and under privileged persons in the face of harsh and discriminatory laws and practices in society; promoting and providing holistic access to justice for women, children, minorities and other marginalized and under privileged persons in conflict with the law; providing quality and timely pro bono legal, paralegal and other pre- and post-trial support to marginalized and under privileged women, children, LGBTIQ and others at risk of social injustices and discrimination in conflict with the law; advocating for change in the laws, policies and practices that socially discriminate women, gender and sexual minorities and other marginalized and under privileged persons through strategic litigation, advocacy and engagement; advocating at the national, regional and international levels for specific protections, promotion and respect of human rights of marginalized and under privileged persons in society; among others. A meeting was held with the organisation on 19th May 2022 represented by; Caroline Muchuma, Frida Mutesi and Wanyange Akram.

The NGO Bureau proceeded to reject the registration application of Ubuntu Law and Justice Center.

2.2 Cases Undergoing Investigations

The NGO Bureau is currently investigating and conducting inquiries into operations of 22 Organizations across the country suspected to be involved in promotion of LGBTIQ Activities.

Organisations under investigation for allegedly Promoting of LGBTIQ activities in the country

No.	Name of Organisation

1.	Freedom and Roam Uganda
2.	Uganda Key Population consortium
3.	Human Rights Awareness and promotion Forum Uganda (HRAPF)
4.	Lady Bird empowerment centre
5.	FEM Alliance Uganda
6.	Rainbow mirrors Uganda
7.	Women with a mission
8.	Initiative for rescue Uganda
9.	Icebreakers Uganda
10.	East African Visual Artists
11.	Justice and Economic Empowerment for Women and Girls' Foundation Uganda Ltd (JEEWAG)
12.	Visual Echoes for Human Rights Advocacy (VEHRA)
13.	Children of the Sun Foundation Uganda
14.	Refugee Support project
15.	Empowered at Dusk Women's Association (EADWA)
16.	Men of the night Uganda
17.	Serving Lives Under Marginalization (SLUM)
18.	Service Workers in Group Foundation Uganda
19.	Let's Walk Uganda
20.	Come Out Post Test Club-Uganda (COPTEC)
21.	Hope Mbale
22.	Universal Coalition of Affirming Africans Uganda

3.0 OBSERVATIONS

- i) The organizations alleged to be involved in promoting LGBTIQ activities in the country coin and disguise their objectives under; the promotion of human rights; advocating for gender diversity; providing legal aid; access to justice to marginalized groups and sexual minorities; and prevention of HIV/AIDS among others in order to hoodwink the NGO Bureau and obtain registration whereas they conduct different activities on the ground.
- ii) Some of the organizations involved in promoting LGBTIQ activities continue to operate as companies limited by guarantee having been barred from registering with the NGO Bureau due to the nature of their activities.
- iii) Much as Section 145 of the penal code criminalizes LGBTIQ activities, the promoters of these organizations hide under Article 21 of the constitution to defend themselves since it provides for the right to equality and freedom from discrimination for all persons without any exceptions created for the enjoyment of this right.
- iv) Despite not being incorporated or registered, some of these organizations have been able to have informal partnerships and engagements conducted jointly with key government institutions and this creates barriers during investigations since the individuals in the organizations are protected by some key leaders in the institutions. Some of the key proponents of LGBTIQ activities are known however they remain untouched and their activities supported by some government institutions. The biggest challenge with this is that it divides the country into three (3) categories; those that have come out to fully fight the promotion of LGBTIQ activities in the country; those that have been compromised to defend and promote LGBTIQ activities in the country; and those that have opted to fold their hands, bury their heads in the sand and watch the promotion of the activities take root in the country.
- v) Due to financial constraints faced by organizations, some of them have been forced into modifying their objectives in such a way as to accommodate

marginalized groups, LGBTIQ, sexual minorities and others in a bid to attract donor funding.

- vi) Some of the organizations investigated and suspected to be involved in this field have shared membership wherein you find some individuals appearing either as directors, members or promoters in more than one organization with similar objectives.
- vii) The organizations applying for registration at the NGO Bureau are already incorporated and in possession of a Memorandum and articles of association which contain objectives that allow organizations to “do all such things incidental or conducive to the attainment of their stated objectives”. Such an objective is broad and leaves room for abuse by organizations involved in promoting LGBTIQ activities. These organizations tend to stretch their activities beyond the specifically stated objectives under the pretext that the said activities are incidental to.
- viii) The organizations suspected to be involved in promotion of LGBTIQ activities are heavily funded and employ sophisticated modes of operation that enable them infiltrate the communities and advance their agenda making it difficult to track them down.

4.0 RECOMMENDATIONS

- i) There’s need for combined effort between the NGO Bureau, Uganda Registration Services Bureau (URSB) and other key stakeholders to enforce section 31(1) of the NGO Act, 2016 that bars any organizations from operating in the country without a valid permit issued by the NGO Bureau.
- ii) There’s need to strengthen the regulatory framework governing NGOs including the Companies Act, 2012 which should be amended to enjoin all companies limited by guarantee to register with the Bureau before

commencing operations and sanctions provided for those that violate the provision.

- iii) URSB should strictly require all organizations to state specific objectives in their constitutions as opposed to broad ones such as promotion of human rights of the marginalized, promote gender diversity and sexual reproductive health of the under privileged, do all such things incidental or conducive to the attainment of their stated objectives among others, so that they can be held accountable for their activities on ground without ambiguities.
- iv) All stakeholders including Government, Ministries, Departments and Agencies (MDAs) should desist from entering into any form of partnerships or engagements with organizations that are not compliant with the laws of Uganda. Stakeholders should always liaise with NGO Bureau before engaging any NGO.
- v) The Government of Uganda should devise a mechanism of supporting NGOs financially especially the indigenous ones to avoid being lured into engaging in promotion of LGBTIQ activities for the purpose of attracting donor funding.
- vi) The individuals already identified and linked to organizations involved in promoting LGBTIQ activities should be profiled and mechanisms put in place to prevent them from forming other organizations for a similar purpose.
- vii) The NGO Bureau should be availed more resources to intensify the monitoring and inspection of NGOs to be able to identify and weed out those that are involved in activities that are prejudicial to the interests of the people of Uganda.
- viii) There's need for Government to revisit the decision to rationalize the NGO Bureau as the decision will not only weaken the mandate of the Bureau but will make it difficult for NGOs to be effectively monitored which may encourage practices such as promotion of LGBTIQ activities to thrive in the communities.

- ix) There's need for Government to either amend the Penal Code Act, CAP 120 to comprehensively criminalize promotion of LGBTIQ activities or the enactment of a new law that expressly addresses and prohibits the promotion of LGBTIQ activities in the country.
- x) The Government should intensify sensitization the general public with particular attention to key targets like schools, universities and the youth generally.

5.0 CONCLUSION

In conclusion, the promotion of LGBTIQ activities in the country and globally are real and on the rise. The fight against its promotion is a collective and shared responsibility by all stakeholders that calls for an unequivocal and unanimous stand against it. This calls for the review of the countries' laws against these vices and rethinking of different strategies to address it. There is also need to empower the NGO Bureau through availing it with adequate resources.