

Woman wins UK legal fight over unlawful deportation to Uganda

Court of appeal dismisses Home Office's case against lesbian asylum seeker known as PN.

By Diane Taylor

The Guardian (28.09.2020) – <https://bit.ly/3deq8CE> – The Home Office has lost a case in the court of appeal against a 27-year-old lesbian asylum seeker it was found to have unlawfully removed from the UK and was forced to fly back to the UK in the summer of 2019.

The ruling on Monday follows a seven-year battle for the woman in her search for a place of safety.

The Home Office removed the woman, known as PN, from the UK in December 2013 under a system that operated at the time called detained fast track. That system was subsequently found to be unlawful. More than 10,000 cases were decided in the period when this system was operational but PN was the only person the Home Office was ordered to fly back to the UK.

After returning PN to the UK the Home Office went to the court of appeal to argue that her removal to Uganda was not unlawful. Had the Home Office won its case PN would have

potentially been at risk of removal to Uganda for a second time. But Monday's ruling has given her the green light to continue with her asylum appeal.

The court also found, in response to an appeal lodged by PN, that most of the time she spent locked up in Yarl's Wood immigration removal centre in Bedfordshire was unlawful. As a result she will be in line for substantial damages from the Home Office.

PN welcomed the ruling. She said: "I feel so happy for this decision. When you are fighting so long for something it feels like you will never win and that is very frightening. This journey has not been easy and it is amazing to win against the Home Office who have put me through so much torture – I was waiting for this day to come."

Following her enforced return to Uganda PN was forced to live under the radar and conceal her sexuality. She said she was gang-raped in her home country, which led to her becoming pregnant and giving birth to a son who is now 18 months old.

She added: "When I remember what I went through in Yarl's Wood it makes me feel really bad – I don't want to think about it because it makes me so upset. Although I am so happy for this decision it cannot take those memories out of my mind; my mind is already damaged for life."

Karen Doyle of Movement for Justice, which has supported PN throughout her case, said: "This decision is the culmination

of almost seven years of struggle for PN, for our fight to bring her back after her unlawful removal under fast track.

“It is a victory for PN, for the movement, for all those who suffered under fast track and for LGBT asylum seekers who are routinely disbelieved. She has shown incredible courage and will to survive under the most difficult of circumstances, she is an inspiration to so many.”

Sulaiha Ali of Duncan Lewis solicitors, who represented PN, said: “The Detained fast track process saw the detention of thousands of vulnerable asylum seekers who were survivors of rape, torture and other serious harm.

“Despite their vulnerabilities, they were placed in an accelerated system which prevented them from having the necessary time to prepare their complex claims and were often disbelieved by those considering their claims because of this.

“Although the high court has repeatedly confirmed that this process was structurally unfair and unlawful, the secretary of state continues to challenge these findings in individual cases.

“We are pleased that the court of appeal has now rejected these arguments in PN’s case, and hope that the Home Office will now take steps to fairly process her asylum claim in the UK.”

A Home Office spokesperson said: “We are disappointed with the outcome of this case which relates to a removal almost seven years ago. As the Court of Appeal has acknowledged, this removal only happened following a number of legal challenges by the individual, all of which failed at the time. We will consider the judgment carefully, including whether or not to further appeal.”

Uganda charges 20 LGBT+ people with risking spread of coronavirus

By Alice McCool

Thomson Reuters Foundation (31.03.2020) – <https://reut.rs/2wmou0i> – Ugandan police charged 20 LGBT+ people with disobeying rules on social distancing and risking the spread of coronavirus on Tuesday, drawing criticism from campaigners who said they were using the restrictions to target sexual minorities.

Gay sex carries a possible life sentence in Uganda, one of the most difficult countries in Africa to be a sexual minority.

The 14 gay men, two bisexual men and four transgender women were taken into custody on Sunday when police raided a shelter on the outskirts of the capital Kampala.

Police said they were disobeying coronavirus-related restrictions on social distancing by “congesting in a school-like-dormitory setting within a small house” despite a ban on gatherings of more than 10, which has now been reduced to five.

Deputy Police Spokesperson Patrick Onyango denied allegations made by LGBT+ campaigners that they were targeted because of their sexual orientation.

“We still have offences of unnatural sex in our law books,” Onyango told the Thomson Reuters Foundation. “We would charge them with that law, but we are charging them with those counts as you can see.”

Onyango said there were two charges against the group – disobedience of lawful order and committing neglectful acts likely to spread infection of disease. The charges carry a maximum of two and seven years imprisonment respectively.

Although 23 people were arrested initially, three people were released without charges on medical grounds. The group are now on remand and will appear in court on 29 April 2020, he added.

LGBT+ campaigners in Uganda say members of the community risk physical attacks in their daily life and routinely encounter harassment, as well as facing prejudice over work, housing and health care.

“They are always using alternative charges to arrest people for unnatural offences so it (coronavirus) just worked perfectly for them,” said Patricia Kimera, a lawyer with Human Rights Awareness and Promotion Forum, defending the group.

“But definitely the reason they have been arrested is their sexual orientation.”

UGANDA: Brutal killing of gay activist

Amid attacks, officials threaten death penalty for LGBT people.

HRW (15.10.2019) – <https://bit.ly/31ecEz1> – Ugandan authorities should thoroughly investigate the fatal attack on October 4, 2019 on an activist for the rights of lesbian, gay, bisexual, and transgender (LGBT) people, Human Rights Watch said today. The death of the activist, Brian Wasswa, comes as the Ugandan government calls for reintroducing an anti-homosexuality bill that would provide the death penalty for consensual same-sex acts.

Wasswa, 28, was attacked at his home in Jinja, a city in eastern Uganda. Wasswa had worked since 2017 as a paralegal trained by Human Rights Awareness and Promotion Forum (HRAPF),

a legal aid organization that supports vulnerable communities, including LGBT people. Wasswa also worked as a peer educator with The AIDS Support Organization (TASO), a Ugandan nongovernmental organization dedicated to HIV/AIDS prevention, treatment, and care, where he conducted HIV outreach to LGBT people. Justine Balya, a legal officer with HRAPF, said Wasswa was social, well-loved, and committed to counseling young people living with HIV about the importance of adhering to treatment.

Days after Wasswa's murder, Ethics and Integrity Minister Simon Lokodo told reporters that parliament planned to introduce a bill that would criminalize so-called "promotion and recruitment" by gay people, and would include the death penalty for "grave" consensual same-sex acts. The proposed measure echoes Uganda's 2014 Anti-Homosexuality Act, which criminalized the undefined "promotion" of homosexuality and early drafts included the death penalty for "aggravated homosexuality." The Constitutional Court nullified the 2014 law on procedural grounds. Nevertheless, its passage contributed to violence, discrimination, evictions, and arbitrary arrests of LGBT people, as Human Rights Watch and Amnesty International documented.

"In the wake of the horrific murder of Brian Wasswa, the Ugandan government should be making it crystal clear that violence is never acceptable, regardless of one's sexual orientation or gender identity," said Oryem Nyeko, Africa researcher at Human Rights Watch. "Instead, a government minister charged with ethics and integrity is threatening to have gay people killed at the hands of the state."

Uganda has experienced a rise in homophobic rhetoric from the

government at high levels in recent weeks. In addition to Minister Lokodo's threat to revive the anti-homosexuality bill, Security Minister Elly Tumwine claimed in an October 3 television interview that LGBT people were linked to an alleged terrorist group.

Wasswa, who lived alone in a house in a fenced compound containing other houses, was attacked in his home on October 4. Edward Mwebaza, deputy executive director of HRAPF, said that neighborhood children found the door open at around 5 p.m., went into the house, and found Wasswa unconscious, lying in a pool of blood. Neighbors rushed Wasswa to Jinja Hospital, where doctors found that he was still alive but had been struck on the head multiple times by a sharp object. When Wasswa did not respond to treatment, on October 5, his colleagues at HRAPF requested an ambulance to transfer him to Mulago Hospital in Kampala, Uganda's capital city, one hour away. Wasswa died in the ambulance en route to Kampala.

Police from Jinja's Central Police Station have opened investigations. They identified the murder instrument, a short-handled hoe found in Wasswa's home, and interviewed one witness who saw another man in Wasswa's home several hours before Wasswa was found unconscious, HRAPF reported.

Mwebaza told Human Rights Watch that Wasswa was openly gay and gender non-conforming, sometimes describing himself as transgender. HRAPF urged the police to investigate the possibility that the murder may have been a hate crime.

Mwebaza said that three other gay and transgender people had

been killed in Uganda in recent months, amid the climate of increasingly hostile statements by politicians around LGBT rights. On August 1, a group of motorcycle taxi drivers beat a young transgender woman, Fahad Ssemugooma Kawere, to death in Wakiso District, near Kampala, HRAPF and other Ugandan activists reported.

HRAPF itself has also experienced previous violent attacks. In February 2018, two security guards were seriously injured during a violent break-in at the organization's Kampala offices, and in 2016, a HRAPF security guard was beaten to death. No one was brought to justice for either attack. Other organizations working on sensitive issues, such as land rights and the rights of journalists and women, also have experienced break-ins and in some cases attacks on security guards.

"It is incumbent on the Ugandan authorities to deliver justice for the murder of Brian Wasswa," Nyeko said. "Police should conduct thorough investigations, and political leaders should refrain from any rhetoric that might encourage violence against LGBT people."

UGANDA: Kampala's market women unite against harassment

Tired of suffering physical and verbal abuse at one of the Ugandan capital's largest markets, female vendors are holding

perpetrators to account

By Alice McCool

The Guardian (19.08.2019) – <https://bit.ly/2Z1CtGe> – Some men are in the habit of touching women, says Nora Baguma, a vendor at Nakawa market, in Uganda's capital Kampala. "We call them bayaye," she says, sitting at her banana stall.

"We give men punishment for this. I take men to the office if they cause problems. They can suspend that man for a week or a month," Baguma explains. "It makes them stop. They fear us."

Baguma is the women's representative of Nakawa market, one of Kampala's largest, where about 7,000 workers sell their wares.

The work of a local organisation, the Institute for Social Transformation, has increased awareness about sexual harassment among women at Nakawa. A protocol for dealing with cases has now been established; before, women in the market could only hold perpetrators to account informally.

The market is divided into six zones, each with 40 departments. Every department has a women's representative, and they are the first port of call for sexual harassment complaints. Next is the zone leader, and above that the market's disciplinary committee.

As she puts handfuls of mukene (dried silver fish) in bags for customers, market vendor Catherine Nanzige explains how punishments vary depending on the severity of the crime. “You pay a fee of 50 to 100,000 Ugandan shillings (about £10–20) and if you pay that fee and do the same thing again, you are given a month suspension from the market. If you continue, they expel you.”

A Nakawa market committee member, Nanzige has been working there since she was a child, helping at her mother’s stall.

“They see me and they fear me, because they know if I see them touching someone I will say that one is not in order, pay 100,000 shillings,” she says.

Many, though, are still reluctant to speak out – particularly younger women and girls. “Waitresses serving lunch here are young, 12 or 13 years old. When they take food to customers, those men harass them,” says Susan Tafumba, another vendor and secretary of Nakawa’s groundnuts department.

“They can touch the breast, make some gesture, say something, before they will give them the money,” sighs Tafumba. “Young girls here don’t know they can get help, so they end up keeping quiet.”

Worldwide, women working in the informal sector have long fought sexual harassment at work. A recently adopted international treaty influenced by the #MeToo movement is designed to offer such women new protections.

The convention concerning the elimination of violence and harassment in the world of work has been praised for its focus on informal sector workers, who represent 61% of the world's labour force and more than 80% of Uganda's.

"It has redefined the world of work to go beyond the workplace itself, and provides for all kinds of employees," explains Ophelia Kemigisha, a Ugandan human rights lawyer. The convention covers the formal and informal economy as well as public and private spaces, for example protecting the rights of women when commuting to and from work.

But whether the convention will be useful in Uganda depends on the government, argues Kemigisha. Uganda's current sexual harassment legislation "was clearly made with women in the formal sector in mind", she says. Regulations only require employers with more than 25 staff to have a sexual harassment policy, failing to cover women working in markets who also "often don't have an 'employer' per se who would be held accountable", she says.

At workplaces like Nakawa market women have "found spaces outside of the set legal systems to find redress for sexual harassment and abuse", explains Kemigisha. The Ugandan government could do more to support these informal mechanisms, she says, "including providing them with more information on how to handle investigations, and sending labour officers to areas that have been neglected to guide them".

Leah Eryenyu, a researcher at pan-African feminist

organisation Akina Mama Wa Afrika, is optimistic that the convention will lead to improvements, despite Uganda leading a successful motion to remove a recommendation that explicitly listed the protection of vulnerable groups including LGBT people – although LGBT people are implicitly included as they remain protected under international human rights and labour standards.

Eryenyu hopes that the treaty can bring about change in Uganda, where she says the #MeToo movement is still small, even in the formal sector. For the informal sector, “the practice [harassment] has been normalised and accepted as a way of life,” she explains.

Eryenyu’s research on women who work on flower farms has found that sexual exploitation – sex in exchange for temporary work or higher wages – is rife. She says that while there are sexual harassment policies in place and women “can report to gender committees”, implementation by male-dominated leadership structures is often poor.

Eryenyu argues that to protect women working in the informal sector, better recognition of their contribution to the economy is needed.

“The informal sector contributes greatly to our GDP, but when it comes to issues of protection they are suddenly invisible,” she says. “The government should be made to realise this is an important part of the economy that deserves the same amount of respect and protection as anywhere else.”

Nakawa market chairperson Charles Okuni, whose background is

in finance, understands the economic value women bring to the sector: they make up the majority of market vendors. Sitting in his office above the market, he says Nakawa is working to improve the capital of market women through access to bank loans and through the government's Uganda women entrepreneurship programme, which funds small businesses.

Based on his observations at Nakawa, Okuni considers "women's affairs highly because they are more responsible, more willing to do business".

"Men nowadays, they don't want to take their responsibilities," says Baguma.

"They leave each and every thing to the woman, then the woman starts struggling, selling these things, buying food, paying rent, school fees, so their capital is lost," she says.

"I counsel the women who come to me with these complaints. When you give power to that man, at the end of the day that man can kill you."

**UNITED KINGDOM: Mother guilty
of genital mutilation of**

daughter

A woman who mutilated her three-year-old daughter has become the first person in the UK to be found guilty of female genital mutilation (FGM).

BBC (01.02.2019) – <https://bbc.in/2GdZMSK> – The 37-year-old mother from east London wept in the dock as she was convicted after a trial at the Old Bailey.

Spells and curses intended to deter police and social workers from investigating were found at the Ugandan woman's home, the trial heard.

Her 43-year-old partner was acquitted by the jury.

Prosecutors said the mother "coached" her daughter "to lie to the police so she wouldn't get caught".

The defendants, who cannot be identified for legal reasons, denied FGM and an alternative charge of failing to protect a girl from risk of genital mutilation.

Mrs Justice Whipple warned of a "lengthy" jail term as she remanded the woman into custody to be sentenced on 8 March.

FGM – intentionally altering or injuring the female external

genitalia for non-medical reasons – carries a sentence of up to 14 years in jail.

During the trial, the woman claimed her daughter, then aged three, “fell on metal and it’s ripped her private parts” after she had climbed to get a biscuit in August 2017.

Medics alerted police to the girl’s injuries after they treated her at Whipps Cross Hospital, in Leytonstone.

She “lost a significant amount of blood as a result of the injuries they had delivered and inflicted on her”, jurors were told.

‘Sickening offence’

While the parents were on bail, police searched the mother’s home and said they found evidence of “witchcraft”.

Prosecutor Caroline Carberry QC said two cow tongues were “bound in wire with nails and a small blunt knife” embedded in them.

Forty limes and other fruit were found with pieces of paper with names written on them stuffed inside, including those of police officers and a social worker involved in the investigation.

“These people were to ‘shut up’ and ‘freeze their mouths’,” Ms Carberry said.

“There was a jar with a picture of a social worker in pepper found hidden behind the toilet in the bathroom,” she added.

It is only the fourth FGM prosecution brought to court in the UK. The previous cases led to acquittals.

FGM campaigner Aneeta Prem, from Freedom Charity, said convictions were hard to secure because cuttings were “hidden in secrecy”.

“People are scared to come forward, professionals are scared to come forward to report this,” she told the BBC.

“The fact that we have a conviction today is a really historic moment.”

Home Secretary Sajid Javid said FGM was a “medieval practice”.

“We will not tolerate FGM and not rest until perpetrators of this horrific crime are brought to justice,” he added.

Lynette Woodrow, from the Crown Prosecution Service (CPS), said the “sickening” offence had been committed against a victim with “no power to resist or fight back”.

“We can only imagine how much pain this vulnerable young girl suffered and how terrified she was,” she said.

“Her mother then coached her to lie to the police so she wouldn’t get caught, but this ultimately failed.”

Ms Woodrow said FGM victims were often affected physically and emotionally for “their entire life”.

The mother was born in Uganda but has lived in the UK for a number of years. FGM is banned in both countries, the CPS said.

Mayor of London Sadiq Khan said the conviction sent “a clear message to those who practise this barbaric act”.

“Every woman and girl should be safe and feel safe wherever they are in London, and we will continue our fight to end FGM with every power we have,” he added.

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