

Human Rights Violations of Sex Workers in Uganda

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Overview

1. This report is submitted jointly by the Women's Organization Network for Human Rights Advocacy (WONETHA), Crested Crane Lighters, and the Walter Leitner International Human Rights Clinic at the Leitner Center for International Law and Justice ("Clinic"). WONETHA is a nongovernmental sex worker-led organization that advocates for the human rights of sex workers and the decriminalization of sex work in Uganda. Through research, capacity-building, outreach, and advocacy, WONETHA challenges violence and discrimination against sex workers and promotes access to healthcare and economic and legal empowerment. Crested Crane Lighters is a Ugandan, sex worker-led nongovernmental organization focused on the promotion of the human rights of female sex workers who identify as bisexual or women who have sex with women. The Clinic at the Leitner Center provides education and practical human rights training to law students while furthering the Center's core objectives of strengthening access to justice and promoting the rights of marginalized populations. The Clinic engages in human rights advocacy projects in conjunction with grassroots organizations around the world.

2. This submission documents human rights abuses commonly faced by sex workers in Uganda, where sex work is criminalized and heavily stigmatized. For purposes of this submission, sex work is defined as "any agreement between two or more persons in which the objective is exclusively limited to the sexual act and ends with that act, and which involves preliminary negotiations for a price."¹ Ugandan sex workers confront many violations of multiple rights protected under international human rights law, including the right to be free from torture and other cruel, inhuman and degrading treatment; the right to security of the person and freedom from arbitrary arrest and detention; the right to equality before the law; the right to the highest attainable standard of health; the right to be free from discrimination; the right to work; the right to freedom of association; and the right to privacy.

3. This submission synthesizes the findings of human rights reports, academic studies, and news reports, which document the pervasive violations of Ugandan sex workers' human rights and demonstrate how these violations are connected to the criminalization of sex work in Uganda. The decriminalization of sex work and related activities in Uganda will help bring an end to human rights abuses against sex workers and allow for safe working conditions, access to health services and justice, and freedom from discrimination and violence.² It is only when sex work in Uganda is decriminalized that sex workers will fully enjoy all human rights guaranteed under the international bill of rights and core human rights instruments.

4. In recent years, influential international health and human rights organizations have called for the decriminalization of sex work.³ In 2015, Amnesty International announced that they have decided to "advocate for the decriminalization of all aspects of consensual adult sex – sex work that does not involve coercion, exploitation or abuse."⁴ The United Nations Programme on HIV/AIDS (UNAIDS) has also pushed for the decriminalization of sex work, stating in a 2014 briefing note that "criminalization of sex workers or their clients negates the right to individual self-determination, autonomy and agency."⁵ In 2013, Human Rights Watch stated, "ending the criminalization of sex work is critical to achieving public health and human rights goals."⁶ In 2012 and 2014, the World Health Organization (WHO) also released guidelines urging countries

to move toward decriminalizing sex work.⁷ Furthermore, United Nations Special Rapporteurs on extreme poverty, the right to health, and the right to be free from torture have all determined that human rights violations against sex workers are a result of criminalization, stigma, and discrimination.⁸

5. During the first Universal Periodic Review of Uganda in October 2011, 182 recommendations were formulated, but not one addressed rights violations against sex workers.⁹ Thus, the report of the UPR Working Group did not mention the rampant human rights abuses against sex workers.¹⁰ Uganda will not be in compliance with its international human rights obligations as long as the widespread state-sanctioned violations of sex workers' rights continue.

Legal Framework

6. Ugandan law criminalizes and stigmatizes sex work, leading to grave human rights violations against sex workers. Sections 138 and 139 of Uganda's Penal Code Act of 1950 criminalize prostitution.¹¹ Under Section 138, a "prostitute" is defined as a person "who in public or elsewhere regularly or habitually holds himself or herself out as available for sexual intercourse or other sexual gratification for monetary or other material gain."¹² Under Section 139, any individual engaged in selling sex can be imprisoned for up to seven years. Third parties, like brothel owners, also face up to seven years imprisonment for "living wholly or in part on the earnings of prostitution."¹³ Prostitution charges are difficult to prove for law enforcement. Thus, the police often use section 168 of the penal code, which creates the offense of rogue and vagabond, to intimidate and exploit sex workers for monetary and sexual bribes.¹⁴ The Ugandan Directorate of Ethics and Integrity has also indicated that it is working to amend Uganda's Penal Code to make the purchasing of sex illegal as well, further criminalizing the sex industry.¹⁵

7. In 2014, Uganda enacted the Anti-Pornography Act (APA), which defines pornography as "any representation through publication, exhibition, cinematography, indecent show, information technology or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual excitement."¹⁶ The Anti-Pornography Act has led to the further criminalization of sex work because police arbitrarily deem sex workers' appearance or attire "sexually exciting."¹⁷

8. Ugandan law also criminalizes homosexuality, subjecting sex workers who are LGBT to double prosecution and stigmatization. While a Ugandan constitutional court declared the Anti-Homosexuality Act of 2014 unconstitutional because it was passed without the requisite quorum, the Ugandan Penal Code of 1950 still criminalizes the LGBT community. Under Section 145, consensual sex between individuals of the same sex is prohibited and punishable by life imprisonment.¹⁸ Section 146 makes any person who attempts to commit the "unnatural offences" enumerated in Section 145 liable for seven years imprisonment under felony charges.¹⁹

9. In 2014, Uganda passed the HIV and AIDS Prevention and Control Act, which requires mandatory HIV testing for those charged with sexual offences.²⁰ The Act also criminalizes the transmission of HIV with up to five years in prison.²¹ This law is both discriminatory and counter-productive, since it further marginalizes and alienates the at-risk groups who already

face stigma and discrimination.²² These types of measures exacerbate the pre-existing stigma and institutional exclusion that prevent sex workers from accessing treatment and health services, thereby augmenting the spread of HIV and Sexually Transmitted Infections (STIs) in Uganda.

Freedom from torture and other cruel, inhuman, and degrading treatment²³ & Right to security of the person and freedom from arbitrary arrest and detention²⁴

10. The criminalization of sex work in Uganda makes sex workers an easy target for police abuse and brutality.²⁵ Police abuse of sex workers includes physical assault; sexual assault, including rape and gang rape; arbitrary arrest and detention; bribery and extortion; and public humiliation. This section illustrates how the criminalization of sex work encourages police corruption and allows law enforcement to perpetrate abuses against sex workers with impunity. Police officers, who are charged with protecting the public, create an atmosphere of impunity for crimes against sex workers when they act as major perpetrators of violent abuse against sex workers.

11. Police authorities routinely perpetrate violence against sex workers that amounts to torture and to cruel, inhuman, and degrading treatment. Because of sex work's criminality, these abuses are viewed as legitimate, and occur with widespread impunity. Police-perpetrated beatings and assaults are common occurrences.²⁶ A 2013 study by University of Witwatersrand researchers in South Africa found that virtually all of the sex workers interviewed, including 25 from Uganda, reported being beaten and assaulted by police at some point in their lives.²⁷ One female sex worker in Uganda described police officers beating her and a group of other sex workers while forcing them to lay on their backs; following the beating, the police officers took their money.²⁸ In a different case, a transgender female sex worker described how police officers beat her, stripped her, and detained her on her way home from work.²⁹ In yet another example of police brutality, police officers beat and kicked a pregnant sex worker, and made her sit in sewage for two hours.³⁰

12. Both male and female sex workers in Uganda report that local and military police routinely orchestrate acts of sexual violence, including rape and gang rape.³¹ In 2011, the African Sex Workers Alliance (ASWA) interviewed dozens of Ugandan sex workers about human rights violations perpetrated by law enforcement.³² The respondents' experiences reflect a common theme of rape, exploitation, and physical and emotional abuse.³³ Similarly, all of the respondents to a 2010 study of 68 sex workers in Kampala said that police beat and raped them if they resisted arrest.³⁴ In one documented case, sex workers reported that military police in Kisenyi had raped various sex workers.³⁵ The sex workers felt that it was futile to report the rapes to police because superior officers were responsible.³⁶ In another case, officers beat a sex worker with a metal baton while she was working as a bartender. Following the beating, they took her into custody, where a police officer poked at her vagina with a baton, hit her head, and threatened to have her do physical labor in a neighboring town if she did not pay them 200,000 Ugandan shillings by the next morning.³⁷ Police officers raped another female sex worker when she went to report abuse by criminals posing as clients.³⁸

13. Police in Uganda use prostitution's illegality as justification to harass, detain, and arbitrarily arrest sex workers.³⁹ The Ugandan Penal Code prohibits living off the earnings of prostitution, but police know that this allegation is difficult to prove in court.⁴⁰ So they subject sex workers to a constant cycle of detention and release without prosecution.⁴¹ A lawyer who represents Ugandan sex workers suggests that this cycle of law enforcement arresting and detaining sex workers without prosecution demonstrates that "the police are using arrest as a way to extort money from the sex workers."⁴²

14. Police officers in Uganda use the threat of arrest of sex workers, whether for prostitution or violation of other laws, as a means for bribery and extortion.⁴³ They force sex workers to bribe them in order to avoid arrest for offenses like rogue and vagabond.⁴⁴ Police officers often force sex workers to pay them as much as the equivalent of \$100 USD, which can amount to over half a month's earnings for a sex worker.⁴⁵ One WONETHA member has paid police bribes as high as 50,000 Ugandan shillings to avoid arrest. One male sex worker reported an experience where he was beaten and went to the police to report the assault. Police officers refused to take his report unless he paid them a bribe. Because he did not have sufficient funds to pay the amount the police were demanding, he was unable to file the report.⁴⁶

15. Police not only engage in extortion of sex workers for money, but also for sex acts. One sex worker described seven separate instances in which police officers blackmailed her into having sex in exchange for not arresting her – an action equivalent to rape.⁴⁷ Police similarly blackmailed another female sex worker into having sex with them five times over the course of three years.⁴⁸ On two occasions, she attempted to confront the officers by demanding that they take her to the police station, hoping that they would be held accountable for their misconduct. Instead, the officers physically restrained and raped her.⁴⁹

16. In addition to perpetrating acts of violence, harassment, and extortion of sex workers in Uganda, police officers commonly degrade sex workers by publicly humiliating them.⁵⁰ In one example, police officers arrested a group of female sex workers and forced them to carry used condoms on their heads. The officers then took the women to the police station and demanded a bribe for their release.⁵¹ Sex workers have also reported cases of police forcing them to march in public with inflated condoms around their necks.⁵² One infamous police officer in Kampala is known for arresting sex workers, stripping them, parading them through town, and threatening to shoot them if they report him.⁵³ This officer made a habit of entering the homes of sex workers, including those who are pregnant or caring for their infants, and dragging them by their hair to the police station.⁵⁴

17. Police officers use other discriminatory policies that are not directly related to prostitution to justify harassing and detaining sex workers.⁵⁵ One of these policies is the 2014 Anti-Pornography Act (APA), formerly called the "Miniskirt Bill,"⁵⁶ which criminalizes anything qualifying as "pornography."⁵⁷ Although the word "miniskirt" is absent from the law, police have the discretion to interpret the Act's vague language and do so in a discriminatory fashion against sex workers.⁵⁸ Under the guise of the APA, police officers have arrested sex workers for appearing "sexually exciting."⁵⁹ Barely two weeks after the passing of the APA, police officers undressed several women in public who were wearing miniskirts.⁶⁰

Right to equality before the law⁶¹

18. Because sex work is criminalized in Uganda, there is little recourse for sex workers who are victims of crimes. Sex workers commonly describe being targets of violence because people know that sex work is criminalized and sex workers will be unable to report acts of violence committed against them to the police out of a deep fear of arrest.⁶² Even the most brutal crimes against sex workers often go unreported and unpunished: one sex worker, whose friend died from injuries inflicted by a criminal posing as a client who had brutally raped her with a stick, wanted to report the man to the police. Other sex workers discouraged her from doing so because they warned her that if she went to the police, nothing would happen to the murderer but she would be “arrested for nothing.”⁶³ Police have told sex workers who do report rapes that they “are selling sex and so are asking for it” or that “a prostitute can’t be raped.”⁶⁴ Not only is the likelihood of receiving aid from the police quite low, but sex workers have a legitimate reason to fear that what the police will do to them may be worse than the crimes they are reporting.

19. There is widespread impunity for those who commit acts of violence, including murder, against sex workers. One sex worker summed up the problem of impunity after she rattled off a list of names of sex workers who she knew had been murdered, saying, “Their murders haven’t been solved and there’s been no police investigation. Nothing at all.”⁶⁵ Many sex workers have resigned themselves to the fact that they do not have avenues for redress when crimes are committed against them. As one sex worker put it, there is “nothing to do about it but to just endure the hardships.”⁶⁶ Sex workers commonly describe the futility of seeking help from the police. One explained, “When a man rapes you, beats you, or uses you, you cannot go and report him because you are a sex worker... I just keep quiet and die with my pain....When you go to report you will be asked, ‘What were you doing?’ and you will be charged for prostitution so the laws do not favor us and we cannot report cases.”⁶⁷

20. Sex workers fall into not just one category but multiple categories of marginalized populations, and accordingly are disproportionately victimized. Transphobia, xenophobia, homophobia, HIV discrimination, and associated discriminatory laws render Ugandan LGBT, migrant, and HIV-positive sex workers particularly vulnerable to multiple, overlapping stigmas and forms of discrimination.⁶⁸

21. Police target LGBT sex workers both because they are sex workers and because homosexuality is illegal and the LGBT community is highly stigmatized in Uganda.⁶⁹ A transgender female sex worker in Uganda, recalled incidents where police officers publicly stripped her, clients refused to pay her, and the public assaulted her because of her status as a transgender sex worker. She cited numerous murders of transgender sex workers in Uganda, none of which have been investigated by law enforcement.⁷⁰ A female migrant sex worker from Kenya described how the Ugandan police committed many abuses against her while she was detained for one month in Kampala: “I was a prostitute in a foreign country so you can imagine the treatment and discrimination” she said.⁷¹

Right to the highest attainable standard of health and freedom from discrimination⁷²

22. As a direct consequence of their criminal status, sex workers in Uganda face denial of treatment, discriminatory treatment, and violations of their right to privacy when attempting to access health services, which often discourages them from seeking treatment altogether.⁷³ This discrimination and stigma negatively impacts their right to health.⁷⁴

23. Sex workers often experience denial of health care and discriminatory treatment from healthcare workers. A sex worker from Kampala recalled: “when I fell sick and went to a health center and they realized that I was a sex worker, they did not treat me like a human being. When the health worker came to attend to me she said that I should go to the other health worker and when I reached the other health worker, I was told that he had no time for me so I left without getting treatment.”⁷⁵ Another sex worker described the futility of trying to access health care: “We are despised in the hospitals. They [health providers] say, ‘We don’t have time for prostitutes’ and they also say that if one prostitute dies then the number reduces.”⁷⁶ Two female sex workers in Kampala reported that health workers ignored them when they visited a hospital for the treatment of STIs.⁷⁷ When one male sex worker sought treatment at a public health clinic, he was made to wait an entire day without treatment and he was not attended to when he returned the next day either.⁷⁸ He eventually had to seek treatment at a private hospital.⁷⁹ One sex worker vowed never to return to a health clinic after being told that the clinic’s resources were limited and providing drugs to a sex worker “who is a vector of HIV and STIs would be like washing a cloth spotless white and spreading on filthy ground to dry.”⁸⁰

24. Healthcare workers also often violate sex workers’ right to privacy by disclosing sex workers’ private health information to other patients, family members, and co-workers.⁸¹ When a female sex worker in Uganda visited a hospital to seek treatment for STIs, a health worker revealed her status as a sex worker to her father and told her to stop visiting the hospital for free treatment because she had enough money from engaging in sex work.⁸² A male sex worker in Kampala recounted that a doctor he visited breached confidentiality by revealing his health and sexual orientation to workers at the clinic.⁸³

25. As a result of healthcare discrimination, sex workers often do not go to healthcare clinics to get tested, which increases their risk of infection with STIs or HIV, and delays their treatment. For example, when one sex worker tried to access STI testing at a government-run health clinic the nurses humiliated her in front of other patients. As a result, she left the clinic without treatment and, traumatized, she has not tried to go back to a clinic.⁸⁴ According to Daisy Nakato, a Uganda sex worker activist and founder of WONETHA, “Stigma has caused the death of WONETHA members too afraid to seek treatment for fear of being attacked or rejected by the very health care workers supposed to assist them.”⁸⁵

26. Uganda passed mandatory HIV testing laws for all people arrested on prostitution charges, which is both discriminatory and counter-productive to HIV reduction.⁸⁶ This practice fosters the stigmatization of sex workers and HIV positive individuals, rather than encouraging testing and the utilization of health services.

27. Sex-worker- and LGBT-friendly clinics face harassment from the government. In April 2014, the police raided a gay- and sex worker-friendly healthcare clinic, the Makerere University Walter Reed Project, on the grounds that it was “recruiting homosexuals.”⁸⁷ Walter Reed provided HIV treatment in a safe space to “most at risk” populations, including LGBT people and sex workers.⁸⁸

28. In addition to healthcare discrimination, sex workers also experience housing and employment discrimination because of their status as sex workers. Landlords often refuse to rent to sex workers or evict them upon discovering they are sex workers.⁸⁹ One male sex worker gave an account of his landlords evicting him because they believed that he would negatively influence their children.⁹⁰ Additionally, it is difficult and sometimes impossible for sex workers to find work in other fields because of employment discrimination they face when potential employers learn of their criminal records for prostitution.⁹¹

Right to work⁹²

29. Criminalization of sex work is a labor issue⁹³ because it prevents sex workers from exercising their right to freely choose their work. The violation of sex workers’ free choice of work makes sex workers vulnerable to other abuses, including unsafe working conditions,⁹⁴ denial of and inadequate remuneration,⁹⁵ exploitation by brothel managers, and even difficulty in securing jobs in other sectors because of their history of sex work.⁹⁶ Because sex work in Uganda is not recognized as legitimate work, sex workers are unable to seek legal redress when their labor rights are violated.

30. As a result of the lack of labor protections for sex workers in Uganda, sex workers also lack control over their labor and are unable to negotiate effectively with clients regarding critical items such as wages and usage of work tools.⁹⁷ In a 2012 survey of Ugandan sex workers, 72% of respondents reported being paid less than what they had negotiated with clients.⁹⁸ Lack of labor protections allows brothel managers to underpay, overwork, and exploit sex workers by creating unsafe and hostile work conditions where employers freely harass sex workers.⁹⁹ For example, many brothels are kept in squalid conditions, with dark corridors, tin roofs and rooms as small as closets.¹⁰⁰ A sex worker in Kampala recounted paying half of her earnings to a brothel manager for every client she brought to the brothel, even if the client refused to pay for her services.¹⁰¹ Similarly, another sex worker stated that landlords often demand money from sex workers on a daily basis and that sex workers are required to make such payments even when they take short vacations away from the brothel.¹⁰²

Right to association and right to privacy¹⁰³

31. The Ugandan government commonly violates sex workers’ right to freedom of association by banning and disrupting sex worker meetings, trainings, and other gatherings. The government has prohibited human rights trainings for sex workers, stopped sex worker conferences from taking place, and denied permits to sex workers’ groups seeking to hold public meetings about legislation that disproportionately affects them.¹⁰⁴ Under section 5 of the Public Order

Management Act, organizers must notify authorities before any public meetings are held. If notification is not made, it is an offense to continue with the meeting. According to Daisy Nakato, this makes organizing difficult: “So with this law in place, you can imagine how many times we have to notify the authorities when going for outreaches to promote condoms, to conduct HIV testing, or to talk about our health.”

32. Sex workers’ right to privacy is violated when the media accompanies the police on raids. Newspapers and tabloids photograph these raids and publish pictures of sex workers without their permission to publicly shame them. By publicly identifying sex workers, the police and media violate sex workers’ right to privacy. After the 2012 raid on a WONETHA center in Gulu, local newspapers published photos of the staff who were accused and arrested.¹⁰⁵ In one instance, the police raided a sex worker’s room, ordered her to take off her clothes, and took pictures of her, which were published three days later in a local tabloid with a caption stating she was having sex in a lodge.¹⁰⁶ Activists have stated that this type of “outing” by the media can lead to further violence against sex workers and deepens the stigma against sex work in Uganda.¹⁰⁷

Recommendations

State-sanctioned violence, extortion, rape, harassment, arbitrary arrest and detention, as well as healthcare, housing, and labor discrimination are severe violations of Ugandan sex workers’ fundamental human rights. Uganda should immediately take steps to eliminate human rights abuses against sex workers, including:

33. Repealing all laws that criminalize and marginalize sex work, including Section 136 of the Ugandan Penal Code, the Anti-Pornography Act of 2014, provisions in the HIV Prevention and Control Act that criminalize transmission and attempted transmission of HIV, as well as laws that prohibit keeping brothels and living with or being in the company of sex workers.

34. Vigorously investigating and eliminating discriminatory police practices and violence against sex workers, including rape, arbitrary arrest and detention, extortion, harassment, and physical and emotional abuse.

35. Instituting formal training for law enforcement and other government officials on the legal and human rights of sex workers, as provided for in Article 10 of the Convention Against Torture.

36. Implementing mechanisms that allow sex workers to find redress for state-sanctioned human rights violations by holding law enforcement and government officials accountable for abuses against sex workers.

37. Eliminating policies that prevent sex workers from accessing health services and ensuring that sex workers are able to receive quality healthcare services without discrimination, stigmatization, or public humiliation. Healthcare workers should be trained to provide the same basic care and treatment standards to sex workers as they provide to other patients.

38. Vigorously investigating and ending all housing, employment, and labor discriminatory practices that sex workers face based on their occupation.
39. Vigorously investigating and ending all targeted violence that LGBT sex workers face, including repealing provisions in the Ugandan Penal Code that criminalize the LGBT community.
40. Vigorously investigating and ending all intersectional violence that particularly vulnerable groups of sex workers, such as migrant sex workers, face.
41. Respecting sex workers' freedom of association and right to privacy by allowing sex workers to assemble free of harassment and prohibiting the non-consensual public identification of sex workers in the media.
42. Engaging sex workers as equals in designing and implementing educational and advocacy programs and clinical services.

¹ UNAIDS (Joint United Nations Programme on HIV/AIDS), *Regional Workshop on Situation Analysis of Sex Work in West and Central Africa*, 13, (2000).

² Chi A. Mgbako, *To Live Freely in This World: Sex Worker Activism in Africa*, 7, (New York University Press, 2016).

³ *Id.* at 8.

⁴ Amnesty International, "Sex Workers' Rights Are Human Rights," (Aug. 14, 2015), available at: <https://www.amnesty.org/en/latest/news/2015/08/sex-workers-rights-are-human-rights/>

⁵ See *supra* note 2, at 8.

⁶ *Id.*

⁷ *Id.* at 7.

⁸ *Id.* at 8.

⁹ *First Universal Periodic Review of Uganda*, (Oct. 2011), available at: <http://www.upr-info.org/database/>

¹⁰ See United Nations, Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Uganda*, A/HRC/19/16, (Dec. 22, 2011), available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/175/48/PDF/G1117548.pdf?OpenElement>.

¹¹ "Arrest of Prostitutes," Directorate for Ethics and Integrity, Office of the President, (Mar. 6, 2015), available at: <http://www.mediacentre.go.ug/press-release/arrest-prostitutes>

¹² *Id.*

¹³ "Defending the Defender – Women Human Rights Defenders in Uganda Face Unlawful Criminalization," AWID, available at: <http://www.awid.org/news-and-analysis/defending-defender-women-human-rights-defenders-uganda-face-unlawful>

¹⁴ Email exchange with Daisy Nakato, March 18, 2016.

¹⁵ Evelyn Lirri, "Uganda wants 'paying for sex' made a crime," *The East African*, Mar. 21, 2015, available at: <http://www.theeastafrican.co.ke/news/Uganda-wants--paying-for-sex--made-a-crime--/2558/2661130/-/779953/-/index.html>

¹⁶ Katherine A. Muldoon, "A systematic review of the clinical and social epidemiological research among sex workers in Uganda", *BMC Public Health*, (2015), at 11.

¹⁷ *Id.*; “Sex Workers Project Uganda,” *HIV Gaps*, available at: <http://www.hivgaps.org/projects/sex-work-projects/sex-work-project-uganda/>

¹⁸ “What next for Uganda’s anti-gay law?” *IRIN News*, (Aug. 14, 2014), available at: <http://www.irinnews.org/report/100490/briefing-what-next-uganda’s-anti-gay-law>

¹⁹ *Id.*

²⁰ The HIV and AIDS Prevention and Control Act, 2014, §12.

²¹ *Id.* at §41.

²² See *supra* note 2, at 66.

²³ Article 7 of The International Covenant on Civil and Political Rights (the “ICCPR”), ratified by Uganda on June 21, 1995 by accession states that, “No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.”; The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by Uganda on November 3, 1986 by accession, provides for similar protections.

²⁴ Article 9 of the ICCPR states that, “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”

²⁵ “Exploiting the Police Uniform”, *The Independent*, (May 17, 2010), <http://www.independent.co.ug/index.php/features/features/42-features/2924-exploiting-the-police-uniform->

²⁶ Amnesty International, “Uganda: ‘I Can’t Afford Justice,’ Violence Against Women in Uganda Continues Unchecked and Unpunished”, (2010), at 31; see also *supra* note 2, at 71; see also Zawadi Nyong’o (Akina Mama wa Afrika), “When I Dare to be Powerful - On the Road to a Sexual Rights Movement in East Africa,” (2010), at 65; see also Avner Mizrahi, “Shame & Notoriety: Stopping Police Rape of Sex Workers in Uganda,” available at: <http://www.genderacrossborders.com/2011/07/13/shame-notoriety-stopping-police-rape-of-sex-workers-in-uganda/>

²⁷ Scorgie, F., Vasey, K., Harper, E. et al., “Human rights abuses and collective resilience among sex workers in four African countries: a qualitative study,” *Global Health*, (2013), 9: 1–13, available at: <http://globalizationandhealth.biomedcentral.com/articles/10.1186/1744-8603-9-33>

²⁸ African Sex Worker Alliance, “‘I expect to be abused and I have fear’: Sex workers’ experiences of human rights violations and barriers to accessing healthcare in four African countries,” (2011), at 34.

²⁹ *Id.*; See *supra* note 27.

³⁰ See *supra* note 13.

³¹ See *supra* note 28, at 32, 33, 47; Ruthann Richter, “Sex Work in Uganda: Risky Business,” (2014), available at: <http://scopeblog.stanford.edu/2014/03/19/sex-work-in-uganda-risky-business/>; see also Avner Mizrahi, “Shame & Notoriety: Stopping Police Rape of Sex Workers in Uganda,” available at: <http://www.genderacrossborders.com/2011/07/13/shame-notoriety-stopping-police-rape-of-sex-workers-in-uganda/>

³² See *supra* note 28, at 35.

³³ *Id.*

³⁴ Schoemaker J, Twikirize J., “A life of fear: sex workers and the threat of HIV in Uganda,” *Int. J. Soc. Welf.* 2012;21:186–93.

³⁵ See *supra* note 28, at 32.

³⁶ *Id.*

³⁷ See *supra* note 13.

³⁸ “‘Decriminalize Our Work’ – Uganda Sex Workers,” *BBC*, available at: <http://www.bbc.co.uk/programmes/p030vbkl>

³⁹ See *supra* note 2, at 50.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

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- ⁴³ Ruthann Richter, “Sex Work in Uganda: Risky Business,” (2014), available at: <http://scopeblog.stanford.edu/2014/03/19/sex-work-in-uganda-risky-business/>
- ⁴⁴ *See supra* note 2, at 50.
- ⁴⁵ *See supra* note 43.
- ⁴⁶ *See supra* note 28, at 34.
- ⁴⁷ *See supra* note 25.
- ⁴⁸ *Id.*
- ⁴⁹ *Id.*
- ⁵⁰ *See supra* note 43.
- ⁵¹ *See supra* note 28, at 46.
- ⁵² Global Network of Sex Work Projects, “Why decriminalize sex work?”, *Open Democracy*, (July 29, 2015), available at: <https://www.opendemocracy.net/beyondslavery/global-network-of-sex-work-projects/why-decriminalise-sex-work>
- ⁵³ *See supra* note 2, at 55.
- ⁵⁴ *Id.*
- ⁵⁵ *Id.*
- ⁵⁶ Anti-Pornography Bill, (2011), available at: <https://jssozi.files.wordpress.com/2013/04/anti-pornography-bill-2011.pdf>
- ⁵⁷ *See supra* note 16, at 11; Katie Nguyen, “‘Bad’ Laws Hurt Sex Workers from Uganda to Nepal, AIDS Meeting Told,” (2014) available at: <http://news.trust.org//item/20140721104450-k5h60/>
- ⁵⁸ Anti-Pornography Act of 2014, available at: <http://www.ulrc.go.ug/ulrcsite/download/file/fid/321>
- ⁵⁹ *See supra* note 17.
- ⁶⁰ *Id.*
- ⁶¹ Art. 16 of the ICCPR (stating that “[e]veryone shall have the right to recognition everywhere as a person before the law); Art. 14 of the ICCPR (stating that “[a]ll persons shall be equal before the courts and tribunals”).
- ⁶² *See supra* note 28, at 48, 49; *See also* Amnesty International, “Uganda: ‘I Can’t Afford Justice,’ Violence Against Women in Uganda Continues Unchecked and Unpunished”, (2010), at 31.
- ⁶³ Amnesty International, “Uganda: ‘I Can’t Afford Justice,’ Violence Against Women in Uganda Continues Unchecked and Unpunished”, (2010), at 31.
- ⁶⁴ *Id.*
- ⁶⁵ *See supra* note 2, at 72.
- ⁶⁶ *See supra* note 27, at 48.
- ⁶⁷ *Id.*; *See supra* note 27 at 6.
- ⁶⁸ *See supra* note 2, at 67.
- ⁶⁹ *Id.*
- ⁷⁰ *See supra* note 2, at 72-73.
- ⁷¹ *See supra* note 28.
- ⁷² Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (the “ICESCR”) provides that “States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including...housing” and Article 12(1) states that “[th]e States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.” Article 2(1) of the ICCPR states that, “[e]ach State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. (Uganda ratified the ICESCR on January 21, 1987.)
- ⁷³ Nora Daly, “Uganda’s Gay Rights and Sex Worker Activists Answer Your Questions About HIV Prevention,” *PBS.Com*, Aug. 29, 2014, available at: <http://www.pbs.org/newshour/updates/ugandas-gay-rights-sex-worker-activists-answer-questions-hiv-prevention/>

⁷⁴ See *supra* note 43.

⁷⁵ See *supra* note 28, at 51.

⁷⁶ Scorgie F., Nakato D., Harper E., Richter M., Maseko S., Nare P., et al. “We are despised in the hospitals’: sex workers’ experiences of accessing health care in four African countries.” *Cult Health Sex*, (2013), 15:450–65.

⁷⁷ *Id.*

⁷⁸ *Id.* at 54.

⁷⁹ *Id.*

⁸⁰ WONETHA, “Hon Nsaba Buturo Again Bans a Sex Workers Workshop on Health Rights and Economic Empowerment,” *NSWP*, Nov. 24, 2010, available at: <http://dev.nswp.org/news-story/hon-nsaba-buturo-again-bans-sex-workers-workshop-health-rights-and-economic-empowerment>

⁸¹ See *supra* note 76.

⁸² See *supra* note 28, at 54.

⁸³ *Id.*

⁸⁴ See *supra* note 2, at 4.

⁸⁵ See *supra* note 73.

⁸⁶ See *supra* note 2, at 66.

⁸⁷ Human Rights Watch, World Report 2015, chapter Uganda, available at: <https://www.hrw.org/world-report/2015/country-chapters/uganda>

⁸⁸ Amnesty International, “Rule by Law: Discriminatory Legislation and Legitimized Abuses in Uganda.”

⁸⁹ See *supra* note 28.

⁹⁰ See *supra* note 73.

⁹¹ Zawadi Nyong’o (Akina Mama wa Afrika), “When I Dare to be Powerful - On the Road to a Sexual Rights Movement in East Africa,” (2010), at 42.

⁹² Arts. 6(1) and 7(1) of the ICESCR (Art. 6(1) stating that “[t]he States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right” and Art. 7(1) stating that “[t]he States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: (a) Remuneration... (ii) A decent living for themselves and their families...(b) Safe and healthy working conditions...”).

⁹³ See *supra* note 2, at 61.

⁹⁴ See *supra* note 91, at 31.

⁹⁵ See *id.* at 38.

⁹⁶ See *id.* at 42.

⁹⁷ See *supra* note 2, at 61.

⁹⁸ Ameer Schwitters, Mahesh Swaminathan, David Serwadda, Michael Muyonga, Ray W. Shiraishi, Irene Benech, Sasha Mital, Rose Bosa, George Lubwama, and Wolfgang Hladik, “Prevalence of Rape and Client-Initiated Gender-Based Violence Among Female Sex Workers: Kampala, Uganda, 2012,” *AIDS Behav.*, (2015), at 5.

⁹⁹ See *supra* note 2, at 61.

¹⁰⁰ See *supra* note 43.

¹⁰¹ See *supra* note 28.

¹⁰² *Id.*

¹⁰³ Art. 22(1) of the ICCPR (stating that “[e]veryone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”); Art. 17 (providing that “1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation. 2. Everyone has the right to the protection of the law against such interference or attacks.”)

¹⁰⁴ See *supra* note 91, at viii; See *supra* note 2, at 119; See *supra* note 28, at 25.

¹⁰⁵ See *supra* note 2, at 179.

¹⁰⁶ *See supra* note 13.

¹⁰⁷ *See supra* note 73.