



TRANSGENDER WOMEN - OUR RIGHTS, OUR VOICE



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1. Transgender

The word “transgender” – or trans – is an umbrella term for people whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth.¹ Although the word “transgender” and our modern definition of it only came into use in the late 20th century, people who would fit under this definition have existed in every culture throughout recorded history. However, regardless of the long existence of people who identify as transgender, their acceptance into community has faced many limitations and challenges mainly due to conservative cultural, traditional and religious beliefs.

Being transgender does not imply any specific sexual orientation. Therefore, transgender people may identify as straight, gay, lesbian, bisexual, etc.² The gender identity is one’s innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One’s gender identity can be the same or different from their sex assigned at birth.³ A person’s sex and gender identity may not always be in sync. The term transgender woman refers to a person who identifies as female but has the male sex. This stands in contrast to sexual orientation an inherent or immutable enduring emotional, romantic or sexual attraction to other people.⁴ Sexual orientation can be expressed as gay, lesbian, bisexual, heterosexual or other. These two concepts continue to be confused and transgender to be equated with homosexuality, gender identity and sexual orientation.

Transgender women are a vulnerable group and continue to fall victims of persecution, discrimination and gross ill-treatment, often involving extreme forms of violence. They face a series of challenges, since they are seen as the face of homosexuality. Transphobia still remains a great challenge in Uganda and there is need for more sensitization and awareness campaigns about transgender issues.

2. About Transgender Equality Uganda (TEU)

Transgender Equality Uganda (TEU) is a human rights organization started and led by transgender women and transgender sex workers in Uganda. TEU’s overall objective and goal is to advocate for and advance promotion of human rights and general well being of transgender women in Uganda. TEU’s major focus is on the health, legal, gender and social rights of the transgender community in Uganda. TEU provides a free space for the transgender women

¹ <http://www.hrc.org/resources/sexual-orientation-and-gender-identity-terminology-and-definitions>.

² Ibid.

³ Ibid.

⁴ Ibid.

in Uganda to freely express themselves and enjoy inclusiveness with minorities living in a hostile country.

3. Understanding the Challenges of a Transgender Woman

Transgender is a gender identity and differs from sexual orientation. A transgender woman may be lesbian, heterosexual, bisexual or any of the other orientations. Transgender women may express their gender identity through various ways including wearing female clothes and adopting mannerisms and speech usually associated with the female gender, and/or using hormones or surgery to modify their bodies. Due to the costliness of medical procedures desired by some transgender women, as well as the difficult access to these services, many transgender women, especially ones from developing and poor countries like Uganda, cannot obtain or afford medical procedures and hormone therapy. Compared to transgender men, it is also more difficult for transgender women to change the theme of their voice as it requires logopedic training or surgery. Transgender women struggle a lot because of their deep voices as this often stays a distinct difference between their appearance and the way they sound. Transgender women are very vulnerable. This vulnerability derives from their marginalization in society and criminalisation of their appearance, which increases the risk of experiencing violence, abuse and human rights violations.

a. Some of the vulnerabilities that transgender women face

- ❖ Higher chances to live in poverty.
- ❖ Very prone to unemployment and job termination.
- ❖ Likely to face harassment, mistreatment and discrimination at work places.
- ❖ Transgender women are more likely to attempt suicide.
- ❖ Transgender women are more vulnerable to HIV/AIDS and infection from other STIs.
- ❖ Transgender women are more likely to face family neglect and homelessness.
- ❖ Absence of transgender woman tailored health care service programs still ensures that transgender women are still left behind in accessing proper health services.
- ❖ Not passing as a woman as many are missing particular features of a woman and still have features of a man (like the beards, deep voice).
- ❖ Lack of acceptance within the sexual and gender minority groups and women's groups as a whole.
- ❖ Patriarchy – as men perceive that transgender women are demeaning manhood.
- ❖ Lack of continuity of love and care from their families and these result into family neglect.
- ❖ Suspensions and expulsions from school coupled with school

- ❖ homophobic bullying leading to school drop outs.
- ❖ Likelihood of extortion and blackmailing.
- ❖ Prone to mental health problems mainly due to drug abuse and depression.
- ❖ Experience various forms of sexual violence, including corrective rape.
- ❖ Prone to unlawful arrests on charges of impersonation and other vagrancy laws under the penal code.

b. Instances of violence and abuse of rights of transgender women in Uganda

Due to the above named vulnerabilities the transgender women are prone to face violence and abuse of their rights.

- ❖ On 27th January 2014, a transgender woman and also a member of TEU was arrested and detained at old Kampala police station because the police perceived her to be a man; she was detained with male inmates who insulted her verbally while in detention.⁵
- ❖ In October 2015, 5 transgender women and also TEU members were attacked and beaten in one week.⁶
- ❖ In 2014, a transgender woman was detained for 21 days without a court hearing. She was denied bond and only received a court hearing after a production warrant was processed when her lawyers complained to the Uganda Human Rights Commission. She was later charged with carnal knowledge against the order of nature together with a gay man she was arrested with. Upon her return from prison, her neighbours claimed that they could not associate with a person who had been arrested and charged with such an offence and threatened with violence if she did not relocate from their village.⁷
- ❖ On 5th June 2014, in connivance with the chairperson, a landlord evicted a transgender woman from her rented room because of her gender identity. This was after the landlord had made accusations on several occasions that she was gay. She was given a two weeks' notice to leave the rented house.⁸
- ❖ Out of 111 victims of human rights abuses reported to HRAPF, 21 self-identified as transgender people in the year 2014.⁹

⁵ The Consortium on Monitoring Violations Based on Sex Determination, Gender Identity and Sexual Orientation (July 2015) Uganda Report Of Violations Based On Gender Identity and Sexual Orientation. p. 29.

⁶ According to Kuchu Times.

⁷ The Consortium on Monitoring Violations Based on Sex Determination, Gender Identity and Sexual Orientation (July 2015) Uganda Report Of Violations Based On Gender Identity and Sexual Orientation. p. 27.

⁸ Ibid. p. 32.

⁹ Ibid. p. 19.

- ❖ Transgender women were detained in cells of persons of the opposite gender identity which led to abuse of their dignity.¹⁰
- ❖ There was increased mob justice against transgender women by public individuals.¹¹
- ❖ Transphobia propelled by the media caused violation and abuse of the rights of transgender women in Uganda.¹² They are always presented by the media as impersonators, indecent dressers and looked at as destitute in society.

c. Access to health services for transgender women in Uganda

Transgender women are prone to health problems but only few have access to adequate healthcare due to discrimination. Marpi Mulago, a health facility that offers free services to LGBTI persons, stated the following statistics for the period 2013 – 2015:

- ❖ Total number of transgender women accessing health services from this facility is 52. The number would be more than this but many are still disguised under the umbrella of men who have sex with men (MSM) and thus fear to come out and disclose their identity.
- ❖ 6 out of these are on antiretroviral therapy (ART). One who was tested positive is still in denial to accept the fact and start the treatment.
- ❖ 5 transgender women have reported being raped but received post exposure prophylaxis (pep). One of them wanted to commit suicide. Some transgender women who are victims of rape fear to report and stay quiet due to stigma.
- ❖ All these 52 transgender women have received counselling.

4. Human Rights of a Transgender Woman

Just like other people, transgender women are entitled to rights prescribed on both, international and domestic, human rights instruments. The Universal Declaration of Human Rights states “**All** human beings are born free and equal in dignity and rights”. It does not say “some human beings” – everyone, without exception, must enjoy their effective protection and realisation.

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status.¹³ We are all equally entitled to our human rights without discrimination.¹⁴ These rights are all interrelated, interdependent and

¹⁰ Ibid. p. 29.

¹¹ Ibid. p. 34.

¹² Ibid. p. 37.

¹³ <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>.

¹⁴ Ibid.

indivisible.¹⁵ The Constitution of Uganda does not indicate specific laws for the transgender women as an identified group, but transgender women are entitled to the same rights as all other persons in Chapter Four of Uganda's Constitution. Some relevant ones are indicated below:

- ❖ Article 21: Equality and freedom from discrimination.
- ❖ Article 22: Protection of right to life.
- ❖ Article 23: Protection of personal liberty.
- ❖ Article 24: Respect for human dignity and protection from inhuman treatment.
- ❖ Article 25: Protection from slavery, servitude and forced labour.
- ❖ Article 26: Protection from deprivation of property.
- ❖ Article 27: Right to privacy of person, home and other property.
- ❖ Article 28: Right to a fair hearing.
- ❖ Article 29: Protection of freedom of conscience, expression, movement, religion, assembly and association.
- ❖ Article 30: Right to education.
- ❖ Article 31: Rights of the family.
- ❖ Article 32: Affirmative action in favour of marginalised groups.
- ❖ Article 33: Rights of women.
- ❖ Article 34: Rights of children.
- ❖ Article 35: Rights of persons with disabilities.
- ❖ Article 36: Protection of rights of minorities.
- ❖ Article 37: Right to culture and similar rights.
- ❖ Article 38: Civic rights and activities.
- ❖ Article 39: Right to a clean and healthy environment.
- ❖ Article 40: Economic rights.
- ❖ Article 41: Right of access to information.
- ❖ Article 42: Right to just and fair treatment in administrative decisions.

There are, however, some laws that restrict especially transgender people in expressing their gender identity. One of them is Section 14 of the Births and Deaths Registration Act Cap 309, which provides for change of sex for children. It states that only children are able to change the sex which appears on the birth register after undergoing an operation to change their sex. Change of sex is therefore not provided for an adult transgender in this law thus making it difficult for transgender women to change the sex in their legal documents. The other popular law is the Penal Code Act Cap 120 in Sections; 148 on indecent practices, 160 on common nuisances, 167 on being idle and disorderly and 381 on personation, this section states that 'any person, who, with intent to defraud any person, falsely represents himself or herself to be some other person, living or dead, commits a misdemeanor' – transgender women are often arrested under this provision of the law because of their way of expression.

¹⁵ Ibid.

For a detailed list of human rights of transgender women please refer to “*A guide to the normative legal framework on the Human Rights of LGBTI persons in Uganda*” by the Human Rights Awareness and Promotion Forum (October 2015).¹⁶

5. Human Rights Violations that Transgender Women Face in Uganda

Transgender women in Uganda face a lot of human rights violations. These include abuses that range from emotional, physical, psychological and economical. Most of these abuses do infringe on their human fundamental, civic and inherent rights as Ugandans which are protected by the 1995 constitution and various regional and international human rights instruments that Uganda has ratified. These challenges include:

- ❖ Many transgender women have faced persistent media outings, violating Article 27: The Right to Privacy, which results in unlawful evictions by their landlords.
- ❖ There have been rampant attacks on different transgender women in different parts of Uganda. For example in October 2015, 5 transgender women were attacked in one week in Kampala leading to multiple violations of their rights.
- ❖ A couple of transgender women have been dismissed from their work places and others denied jobs because of their gender identity thus violating Employment Act 2006 section 6(1). In the interpretation and application of this Act it shall be the duty of all parties, including the Minister, Labour Officers and the Industrial Court to seek to promote equality of opportunity, with a view to eliminating any discrimination in employment.
- ❖ There are many registered cases of transgender women dropping out of schools due to illegal dismissals by the school authorities and bullying from fellow students thus lack of professionalism. This contravenes Article 30 of the Ugandan constitution 1995 which entitles all Ugandans to quality education.
- ❖ Arbitrary arrests and parading transgender women before the media coupled with forced medical examinations including search of genitalia of some arrested transgender women by police which violates Article 23: Right to Liberty and Article 24: Respect for human dignity and protection from inhuman treatment.
- ❖ Many transgender women do not have access to health services due to discrimination and stigma.

¹⁶ http://www.hrpf.org/sites/default/files/publications/15_10_21_hrpf_compilation_on_lgbti_rights_final_design_.pdf.

6. Strategies on How to Protect Human Rights of Transgender Women in Uganda

There are various measures that the transgender women community, gender and sexual minorities as well as civil society groups can engage in to ensure that the human rights of transgender women are realized and protected, such measures include but are not limited to these indicated below:

- ❖ Public education on issues of Sexual Orientation and Gender Identity (S.O.G.I.) should be done. Transphobia towards transgender women is mainly fuelled by the assumption that transgender women are homosexuals. This comes from the public misinformation of the difference between gender identity and sexual orientation. This education should also be directed to the police, local leaders, health service providers and immigration officers.
- ❖ Conduct community sensitization on who is a transgender woman. Such sensitization should be done in work places, public places like markets to prevent the violation of transgender women's rights in general.
- ❖ Hospitals and health care service providers should be trained on transgender women's rights to ensure that access to health care services for transgender women is done without discrimination or abuse.
- ❖ Engage with Equal Opportunities and the Uganda Human Rights Commissions. These commissions are avenues that the transgender community should take advantage of to ensure their rights to work; housing and equal treatment is not violated.
- ❖ Engage policy makers i.e. Ministry of Internal Affairs on the Registration of Persons Act, as this Act directly affects the transgender and intersex persons on change of names on their legal documents. This law provides for the change of names of a person, but does not provide for change of sex of an adult. This leaves a transgender woman vulnerable to further scrutiny thus violating the Birth and Death Registration Act Cap 309 that governs the recognition of persons in Uganda. This provision affects the enjoyment of rights of LGBTI persons.

7. Key Recommendations

TO GOVERNMENT:

- ❖ Respect the Universal Declaration of Human Rights that “**All** human beings are born free and equal in dignity and rights” and protect transgender people from discrimination.
- ❖ Ask the right questions through trans-inclusive community research projects and national data collection efforts and ensure inclusiveness in national development programming to cater for the needs of vulnerable and marginalised populations.
- ❖ Invest in evidence-based and rights-based programs to achieve health equity for transgender communities.
- ❖ Create transgender friendly identity document policies.
- ❖ Support interpretation of contentious constitutional and legal clauses that put the lives of the transgender person at risk of human rights violations.

TO HUMAN RIGHTS ADVOCATES:

- ❖ Integrate transgender issues into human rights agendas by consistently including transgender community concerns and recognizing gender diversity.
- ❖ Actively partner with transgender communities and prioritise building the capacities of transgender groups in human rights advocacy, awareness and sensitization.

TO TRANS COMMUNITIES:

- ❖ Ground activities promoting transgender human rights in the language of health.
- ❖ Form alliances across cultures, countries, generations, and identities to amplify transgender voices.
- ❖ Tailor programming to meet and address the human rights and legal needs of the transgender people.
- ❖ Design programs that promote advocacy for human rights issues of transgender people.
- ❖ Tailor programming to meet the education and social economic empowerment needs of transgender women.

TO HEALTH PROFESSIONALS:

- ❖ Train providers to care for transgender people and integrate services for transgender people into relevant fields of medicine.
- ❖ Promote transgender cultural competency.
- ❖ Build trans-friendly health systems that rely on informed consent.

- ❖ Use the principles of human rights and harm reduction to address the health needs and experiences of transgender people who access health care services, particularly transition related services, outside of medical settings.

TO DONORS:

- ❖ Support innovative transgender human rights advocacy and defence mechanisms and strategies.
- ❖ Support initiatives aimed at building the capacity of transgender organizations in human rights advocacy.
- ❖ Support innovations in transgender health advocacy and health care services.
- ❖ Support education and economic empowerment programs targeting transgender women.

ANNEX

Where can transgender women access assistance in Uganda?

Facility	Contact / Address	Services Offered
Transgender Equality Uganda (TEU)	Tel.: +256 700 385 818 +256 752 462 818 Email: transeuganda@gmail.com	TEU offers a free space for advocacy and capacity building for transgender women and transgender sex workers on health, gender and human rights. TEU also provides counselling, rehabilitation and shelter for transgender women and transgender sex workers who are victims of human rights violence and discrimination based on gender orientation and sexual minority. TEU also does advocacy and capacity building on health rights and responsibilities for transgender women and makes referrals to health facilities.
Marpi STDI Clinic	National STDI Clinic Ward 12, Old Mulago Hospital P.O. Box 5346, Kampala Tel.: +256 312 266 125/6 Email: marpi.project@yahoo.com Website: www.marpi.org	Marpi offers various services like Routine HCT, Routine STI screening including syphilis, Hepatitis B and urethral discharge, routine psychosocial support through counselling, sexual reproductive health services, prevention strategy through sensitization programs and delivery of condoms. Marpi has also initiated a GBV desk to address cases of GBV against transgender women. It offers drug adherence and positive living programs, linkages and referrals for transgender women to bring services closer to them and proctology services.

Ice Breakers Uganda	<p>P.O. Box. 9891, Kampala</p> <p>Email: info@icebreakersuganda.com</p>	<p>IBU offers referrals, provision of health consumables like lubes and condoms and health sensitization programs.</p>
Kuchu Times	<p>Email: info@kuchutimes.com</p> <p>Website: www.kuchutimes.com</p>	<p>Kuchu Times provides a safe, open space for people to share their stories and provide honest information, to shine a light on what is taking place within LGBTI movement across the continent and to bring forward the debate and discussions using stories, movies and documentaries.</p>
I Freedom Uganda Network	<p>Najjanankumbi Stella Off Kabowa Drive, Kampala</p> <p>Tel.: +256 759 119 487</p> <p>Website: www.ifreedomuganda.net</p>	<p>I Freedom Uganda Network provides computer literacy and digital security trainings to member organizations mainly made up of sex work, LGBTI organizations whose realities are different. It also does digital safety advocacy.</p>
Defenders Protection Initiative	<p>Ggaba Road, Kansanga Plot No. 944 Block 254 P.O Box 35684, Kampala</p> <p>Tel: +256 392 201 102</p> <p>Email: admin@defendersprotection.org</p>	<p>DPI aims at contributing to the promotion and protection of human rights, good governance, rule of law, peace and democracy by strengthening the capacity of human rights defenders (HRDs) to mainstream security, safety and protection management in their work.</p>
Most At Risk Populations Network - MARPs Network	<p>Plot 81 Bukoto Street, Kamwokya P.O Box 3803, Kampala</p> <p>Tel: +256 414 250 033</p> <p>Email: info@marps.net</p>	<p>MARPS offers HIV/AIDS information and advocacy targeting Most at Risk Populations and referrals to AIDS service provider partner organizations like TASO, AIC, Mulago and other health facilities.</p>

Human Rights Awareness and Promotion Forum	<p>Plot 390, Professor Apollo Nsibambi Road, (20 metres off Balintuma Road, Namirembe)</p> <p>Tel.: +256 414 530 683 +256 312 530 683</p> <p>Email: info@hrapf.org</p> <p>Website: www.hrapf.org</p>	<p>HRAPF offers free legal services to sexual minorities and other marginalized groups in society. They also create awareness on the laws affecting the rights of sexual minorities, do research and publications and advocacy on issues of marginalised persons.</p>
Chapter 4 Uganda	<p>Plot 2 Wampewo Avenue, Kampala, Uganda</p> <p>Tel.: +256 790 916 614</p> <p>Website: www.chapterfouruganda.com</p>	<p>Chapter 4 Uganda offers legal services.</p>
Sexual Minorities Uganda – SMUG	<p>P.O. Box 70208, Kampala</p> <p>Tel.: +256 392 174 432</p> <p>Email: mugisha@rfkhumanrights.org</p> <p>Website: www.sexualminoritiesuganda.com</p>	<p>The network comprises 18 LGBTI organizations all working to advocate for rights of LGBTI. Member Organizations offer services on economic empowerment, health, counseling and guidance and other services to the LGBT community.</p>
CHAU	<p>Plot 19 Kawalya Kaggwa Close, Kololo P.O. Box 22205, Kampala</p> <p>Tel.: +256 393 800 644</p> <p>Email: info@chau.co.ug</p> <p>Website: www.chau.co.ug</p>	<p>CHAU's portfolio includes technical capacity building, community systems, SR HR/HIV integration and advocacy.</p>

Definition of Key Terms:

Gender Identity:

One's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.¹⁷

Gender Expression:

External appearance of one's gender identity, usually expressed through behaviour, clothing, haircut or voice, and which may or may not conform to socially defined behaviours and characteristics typically associated with being either masculine or feminine.¹⁸

Gender Transition:

The process by which some people strive to more closely align their internal knowledge of gender with its outward appearance. Some people socially transition, whereby they might begin dressing, using names and pronouns and/or be socially recognized as another gender. Others undergo physical transitions in which they modify their bodies through medical interventions.¹⁹

Homosexuality:

Sexual attraction to people of one's own sex.²⁰

LGBTI:

Lesbians, Gay, Bisexual, Transgender, Intersex.

Sexual Orientation:

An inherent or immutable enduring emotional, romantic or sexual attraction to other people.²¹

Transgender:

An umbrella term for people whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth. Being transgender does not imply any specific sexual orientation. Therefore, transgender people may identify as straight, gay, lesbian, bisexual, etc.²²

¹⁷ <http://www.hrc.org/resources/sexual-orientation-and-gender-identity-terminology-and-definitions>.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ <http://www.oxforddictionaries.com/definition/english/homosexuality>

²¹ <http://www.hrc.org/resources/sexual-orientation-and-gender-identity-terminology-and-definitions>.

²² Ibid.

Transgender Woman/MTF (Male-to-female):

Refers to a person assigned the male gender at birth whose gender identity is female.

Transphobia:

Fear directed towards a person because of their gender identity and expression as transgender.

NOTES



Transgender Equality Uganda (TEU),
Tel.: +256 700 385 818, +256 752 462 818, Email: transequganda@gmail.com