

A REPORT ON A HIGH-LEVEL ADVOCACY MEETING TO REVIEW THE HIV LEGAL ENVIRONMENT AND PUNITIVE LAWS HELD AT SHERATON KAMPALA HOTEL ON JULY 11, 2023.



(A group photo of participants at the High level Advocacy meeting)

Prepared by: UGANET.

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1. Executive Summary

On 11th July 2023, Uganda Network on Law, Ethics and HIV/AIDS (UGANET), in partnership with the Uganda Human Rights Commission (UHRC) and with support from UNFPA and other partners, convened a High-Level Advocacy Meeting to Review the HIV Legal Environment and Punitive Laws at the Sheraton Kampala Hotel. The meeting brought together key stakeholders including representatives from the Uganda Human Rights Commission, the Office of the Director of Public Prosecutions (ODPP), Parliament, Uganda Law Reform Commission, civil society organisations, development partners, and legal experts.

The meeting provided a critical platform to analyse the human rights barriers created by the HIV and AIDS Prevention and Control Act, 2014 (particularly provisions relating to mandatory testing, forced disclosure and criminalisation of HIV transmission), share updates on ongoing constitutional litigation, examine comparative jurisprudence from other jurisdictions, and secure high-level commitments towards law reform. Key presentations were delivered by Counsel Paul Mukiibi of the Law Development Centre, the Chairperson of UHRC, the UGANET Board Chairperson, the UGANET Executive Director, representatives of the ODPP, and the Director of Monitoring and Inspections at UHRC.

Participants reached consensus on the need for continued multi-stakeholder advocacy, community mobilisation, and strategic litigation to ensure that Uganda's legal framework supports rather than undermines the national HIV response and the goal of ending AIDS as a public health threat by 2030.

2. Introduction

Uganda Network on Law, Ethics and HIV/AIDS (UGANET) is a national non-governmental organisation established to bring together organisations and individuals interested in advocating for the development and strengthening of an appropriate policy, legal, human rights and ethical response to Health and HIV/AIDS in Uganda. For over 28 years, UGANET's mandate has centred on the promotion of social justice on the foundation that the law, legal policies and human rights are critical enablers in influencing the success of Health, Gender equality and HIV interventions.

UGANET is implementing the Global Fund RSSH and Human Rights component focused on "Reducing human rights-related barriers to HIV/TB services." In this regard, UGANET partners with

District Human Rights Committees and the Uganda Human Rights Commission to enhance reporting of human rights violations affecting people living with HIV (PLHIV).

Despite progress in Uganda's HIV response, stigma, discrimination and punitive laws—particularly certain provisions of the HIV and AIDS Prevention and Control Act, 2014—continue to impede access to services, voluntary testing, disclosure and treatment adherence. The High-Level Advocacy Meeting was therefore convened to create a platform for stakeholders to analyse these challenges, share best practices, and build consensus on the ideal legal environment required for an effective national HIV response.

3. Name of Activity

High-Level Advocacy Meeting to Review the HIV Legal Environment and Punitive Laws.

4. Activity Goals and Specific Objectives

The purpose of the advocacy meeting was to create a platform for participants to analyse the challenges posed by prevailing human rights barriers to an effective HIV response and attain consensus on the ideal situation that would support an effective response.

Specific objectives:

- To update stakeholders on the state and impact of human rights violations in the context of the national HIV/TB response in Uganda;
- To introduce more Human Rights actors to the concept of HIV & Human Rights and the Law;
- To share with participants best practices in addressing relevant human rights issues to strengthen national HIV/TB responses;
- To create a platform for participants to dialogue and reach consensus on the effect of the prevailing Human Rights environment on the HIV/TB response and make recommendations to national leaders for appropriate action.

5. Time Frame of the Activity

The meeting was a one-day high-level advocacy event held on Tuesday, 11th July 2023, commencing at 8:00 a.m. and concluding at approximately 12:45 p.m., followed by lunch and departure.

6. Venue of the Activity

Sheraton Kampala Hotel, Kampala, Uganda.

7. Targeted Participants

The meeting targeted high-level stakeholders critical to law reform and the HIV response, including:

- Leadership and technical officers of the Uganda Human Rights Commission (UHRC);
- Representatives of the Office of the Director of Public Prosecutions (ODPP);
- Chairperson and members of the Parliamentary Committee on HIV and AIDS;
- Chairperson, Uganda Law Reform Commission;
- Senior legal experts and Counsel (including Counsel Paul Mukiibi and Counsel Jude Byamukama);
- Leadership of UGANET (Board Chairperson and Executive Director) and partner CSOs (ICWEA, HRAPF, TASO, ISER, FIDA Uganda, LAPSNET, etc.);
- Country Representatives and technical staff of UNFPA, UNAIDS, UN Women, UNICEF, UNDP;
- Director General, Uganda AIDS Commission;
- Representatives of the Judiciary, Equal Opportunities Commission, Uganda Law Society and Ministry of Health.

8. Activity Content

The programme featured a series of high-level presentations, discussions and commitments as summarised below.

8.1 Arrival, Registration and Setting the Pace

Participants arrived and registered from 8:00 a.m. Ms. Pauline Nasamba-Mutumba, Senior Human Rights Officer, set the pace by outlining the objectives of the meeting and emphasising the urgency of addressing legal and human rights barriers that continue to undermine Uganda's HIV response.

8.2 Welcome Remarks

Welcome remarks were delivered by representatives of the organising partners, including the Director of Monitoring and Inspections (UHRC), the Executive Director of UGANET, the Chairperson of UGANET, the Country Representative of UNFPA, and the Secretary of UHRC. The

speakers underscored the importance of multi-stakeholder collaboration in creating an enabling legal environment for PLHIV.

8.3 Official Opening Remarks – Chairperson, Uganda Human Rights Commission



(The Chairperson UHRC shares her remarks)

Ms. Mariam Wangadya, Chairperson of the Uganda Human Rights Commission, delivered the official opening remarks. She provided updates on UHRC's constitutional mandate to promote and protect human rights and highlighted how partners can effectively work with the Commission on human rights issues. She warmly welcomed the collaboration between UGANET, UHRC and UNFPA, noting that such partnerships are essential for addressing the complex intersection of HIV, law and human rights. The Chairperson reaffirmed UHRC's commitment to supporting efforts aimed at reviewing and reforming punitive laws that impede the HIV response.

8.4 Presentation: HIV Human Rights and the Legal Implications of the HIV & AIDS Prevention and Control Act 2014 – Counsel Paul Mukiibi

Mr. Paul Mukiibi, Senior Counsel at the Law Development Centre, delivered a comprehensive presentation on the human rights and legal implications of the HIV and AIDS Prevention and Control Act, 2014 in its current state. Key highlights included:

An analysis of the provisions relating to mandatory HIV testing, forced disclosure of HIV status, and criminalisation of HIV transmission and exposure;

Updates on the constitutional challenge to the Act (Constitutional Petition No. 24 of 2016) and the subsequent appeal processes;

Comparative jurisprudence and the stand of other jurisdictions on HIV criminalisation, demonstrating a global shift towards evidence-based, non-punitive approaches;



(Counsel Paul Mukiibi sharing a presentation)

The scientific and public-health case against overly broad criminalisation, including the impact of modern treatment (undetectable = untransmittable) which was not adequately considered in the original legislation.

Drawing on comparative jurisprudence, Counsel Mukiibi highlighted the growing global shift towards evidence-based, non-punitive approaches to HIV, noting that many jurisdictions have moved away from overly broad HIV-specific criminal laws. He further emphasised the scientific and public-health case against criminalisation, particularly the transformative impact of modern treatment—where undetectable equals untransmittable (U=U)—an important scientific advancement that was not adequately considered when the law was originally enacted.

8.5 Discussion of the Paper – Rev. Canon Gideon Byamugisha



(Rev. Canon Gideon Byamugisha in session)

Rev. Canon Prof. Gideon Byamugisha facilitated an interactive discussion of the paper presented by Counsel Mukiibi. Participants engaged on the real-world impact of the law on PLHIV, the chilling effect on testing and disclosure, and the need for law reform that aligns with scientific advances and human rights standards.

8.6 Remarks by UGANET Board Chairperson and Executive Director

The Board Chairperson of UGANET highlighted UGANET's long journey in contesting punitive laws, with particular focus on the sustained advocacy and litigation around the HIV Prevention and Control Act. The Chairperson traced the organisation's efforts from the pre-enactment advocacy phase through the constitutional petition and the ongoing appeal processes.

The Executive Director of UGANET, Ms. Grace Nayiga, underscored the dangers that punitive laws pose to the national HIV response. She emphasised that such laws increase stigma and discrimination, discourage people from knowing their status, undermine treatment adherence, and ultimately work against Uganda's commitments under the 90-90-90 and subsequent global targets. She called for collective action to create a rights-based legal environment.

8.7 Contribution from the Office of the Director of Public Prosecutions (ODPP)

Representatives of the ODPP discussed the Office's efforts in relation to HIV-related laws. They outlined how the ODPP is working to apply the law in a manner that advances justice rather than perpetuating stigma and discrimination. The contribution highlighted the importance of prosecutorial discretion guided by public-health evidence and human rights principles, and signalled openness to continued dialogue on best practices in handling HIV-related cases.

8.8 Role of UHRC – Director of Monitoring and Inspections

Ms. Ruth Ssekindi, Director of Monitoring and Inspections at UHRC, highlighted the Commission's role and its participation in challenging HIV criminalisation. She reiterated UHRC's constitutional mandate and the practical ways in which the Commission can support documentation of human rights violations, engagement with duty-bearers, and advocacy for law and policy reform.

8.9 Commitments from Parliamentary HIV Committee and Uganda Law Reform Commission

The representative of the Parliamentary Committee on HIV and AIDS provided commitments regarding the Committee's readiness to engage on the review of the HIV and AIDS Prevention and Control Act and related legislation.

Similarly, the representative of the Chairperson of the Uganda Law Reform Commission indicated the Commission's willingness to support technical processes aimed at reviewing and reforming provisions that are inconsistent with human rights standards and public-health evidence.

8.10 Way Forward

Ms. Flavia Kyomukama presented the way-forward session, consolidating the discussions and outlining immediate next steps for sustained advocacy and collaboration among UHRC, UGANET, UNFPA and other partners. The conversations in the way forward informed the observations and commitments.



(Ms Flavia Kyomukama leads the session on Way Forward)

9. Key Observations and Commitments

1. There is broad consensus among stakeholders that certain provisions of the HIV and AIDS Prevention and Control Act, 2014 create barriers to an effective HIV response by fuelling stigma, discrimination and fear.
2. Comparative experience from other jurisdictions demonstrates a clear trend towards narrowing or repealing overly broad HIV-specific criminal laws in favour of general criminal law applied with scientific accuracy.
3. The ongoing constitutional litigation and appeal process remains a critical avenue for clarifying the constitutionality of the impugned provisions.
4. UHRC is a key strategic partner whose constitutional mandate and nationwide presence through District Human Rights Committees can significantly amplify documentation and advocacy efforts.
5. The ODPP's willingness to apply the law in a manner that advances justice rather than stigma is an important opportunity for progressive prosecutorial practice.
6. High-level political and institutional commitment from Parliament and the Uganda Law Reform Commission is essential for eventual legislative reform.

10. Way Forward and Recommendations

- Sustain the partnership between UGANET, UHRC and UNFPA, and expand it to include the ODPP, Uganda Law Reform Commission and the Parliamentary Committee on HIV and AIDS.
- Continue strategic litigation and support the appeal processes challenging the constitutionality of punitive provisions of the HIV Act.
- Develop and disseminate simplified materials on the human rights implications of HIV criminalisation for use by judicial officers, prosecutors, parliamentarians and community structures.
- Strengthen community-led monitoring and documentation of HIV-related human rights violations through District Human Rights Committees and PLHIV networks.
- Engage the Uganda Law Reform Commission to initiate a formal review of the HIV and AIDS Prevention and Control Act, 2014 in light of scientific advances and comparative best practice.
- Organise targeted capacity-building sessions for members of the Parliamentary Committee on HIV and AIDS and other duty-bearers on HIV science, human rights and the law.

11. Closing Remarks

In her closing remarks, Ms. Mariam Wangadya, Chairperson of the Uganda Human Rights Commission, thanked all participants for their active engagement and reaffirmed the Commission's commitment to working with UGANET, UNFPA and all partners to promote a legal and policy environment that respects, protects and fulfils the rights of people living with and affected by HIV. She called for sustained collective action to ensure that no one is left behind in Uganda's journey towards ending AIDS.

12. Acknowledgements

UGANET extends its sincere appreciation to the Uganda Human Rights Commission for co-convening the meeting and for the leadership demonstrated by the Chairperson and the Directorate of Monitoring and Inspections. Special thanks go to UNFPA for its partnership and support. We are grateful to Counsel Paul Mukiibi for the illuminating legal presentation, to Rev. Canon Gideon

Byamugisha for facilitating the discussion, and to representatives of the ODPP, Parliament, Uganda Law Reform Commission and all development partners who honoured the invitation.

Appreciation is also extended to the UGANET Board, management and staff for the preparatory work that made the meeting possible, and to all participants whose contributions enriched the dialogue.

13. Conclusion

The High-Level Advocacy Meeting held on 11th July 2023 at the Sheraton Kampala Hotel marked an important milestone in the collective effort to strengthen Uganda's HIV legal and policy environment. Convened by UGANET in partnership with the Uganda Human Rights Commission and with support from UNFPA, the meeting successfully brought together key duty-bearers, legal experts, civil society actors, and development partners around a shared recognition: that punitive provisions within the HIV and AIDS Prevention and Control Act, 2014 continue to undermine public health goals, fuel stigma and discrimination, and impede access to essential HIV services.

Through candid dialogue, evidence-based presentations, and high-level commitments, participants affirmed the urgent need for law reform that is grounded in scientific evidence, constitutional principles, and Uganda's international human rights obligations. The constructive engagement of the Uganda Human Rights Commission, the Office of the Director of Public Prosecutions, the Parliamentary Committee on HIV and AIDS, and the Uganda Law Reform Commission signals growing institutional readiness to address these long-standing legal barriers.

UGANET remains committed to sustaining the momentum generated by this meeting through continued strategic litigation, multi-stakeholder advocacy, community mobilisation, and partnership with government and development partners. The path toward an enabling legal environment for people living with and affected by HIV requires sustained collaboration, political will, and a shared resolve to ensure that no one is left behind in Uganda's response to HIV.

The outcomes of this High-Level Meeting provide a strong foundation for accelerated action. With continued partnership and collective commitment, Uganda can move closer to a legal framework that protects rights, reduces stigma, and supports the national goal of ending AIDS as a public health threat by 2030.

Pictorial Digest

Sheraton Kampala Hotel • Tuesday 11th July 2023



Caption:

Participants engaged during a plenary session. UGANET banner visible.



Caption:

Ms. Flavia Kyomukama addressing the meeting with UHRC and UNFPA banners in the background.



Caption:

Chairperson UHRC delivering remarks at the High-Level Meeting.



Caption:

Group photo with participants