



Home Office

# **Country Policy and Information Note**

## **Uganda: Sexual orientation and gender identity**

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# Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country information

The COI within this note has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office's research guidelines, Country of Origin Information report methodology](#), dated July 2012.

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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# Policy guidance

Updated: 4 January 2017

## 1. Introduction

### 1.1 Basis of claim

- 1.1.1 Fear of persecution or serious harm by the state and/or non-state actors because of the person's actual or perceived sexual orientation and/or gender identity.

### 1.2 Points to note

- 1.2.1 This note provides policy guidance on the situation generally of gay men, lesbians, bisexuals and transgender. They are referred hereafter collectively as 'LGBT persons', though the experiences of each group may differ.
- 1.2.2 Decision makers should also refer to the [Asylum Instructions: Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum](#).

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## 2. Consideration of issues

### 2.1 Credibility

- 2.1.1 For information on assessing credibility, see sections 4 and 5 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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### 2.2 Particular Social Group

- 2.2.1 Lesbian, Gay, Bisexual and Transgender persons form a particular social group (PSG) in Uganda within the meaning of the Refugee Convention because they share a common characteristic that cannot be changed and have a distinct identity which is perceived as being different by the surrounding society.
- 2.2.2 Although LGBT persons form a PSG, this is not sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution on account of their membership of such a group.
- 2.2.3 For further guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.3 Assessing risk

- 2.3.1 Decision makers must establish whether or not the person, if returned to their country of origin, will live freely and openly as a LGBT person. This involves a wide spectrum of conduct which goes beyond merely attracting partners and maintaining relationships with them. If it is found that the person will conceal aspects of their sexual orientation/identity if returned, decision makers must consider why the person will do so. If this will simply be in response to social pressures or for cultural or religious reasons of their own choosing and not because of a fear of persecution, then they may not have a well-founded fear of persecution. Decision makers should also consider if there are individual or country specific factors that could put the person at risk even if they choose to live discreetly because of social or religious pressures.
- 2.3.2 But if the reason why the person will resort to concealment is that they genuinely fear that otherwise they will be persecuted, it will be necessary to consider whether that fear is well founded.
- 2.3.3 For further guidance, see the [Asylum Instructions: Sexual identity issues in the asylum claim](#).
- a. Demography
- 2.3.4 There is no accurate data on the number of LGBT persons in Uganda. However, studies undertaken on the size of the LGBT population in other countries, albeit where LGBT persons' rights are protected, range from 1% to 10%. This includes persons who self-identify as LGBT as well as persons who may have engaged in same-sex behaviour (or have a trans gender identity) but do not necessarily self-identify as LGBT (see [Demography](#)).
- 2.3.5 Uganda's population is estimated to be just over 38 million. If it is assumed that 1% of population is LGBT - which is the estimate used to calculate the LGBT population in South Africa by a recent public health study - the LGBT population would be around 380,000 people (see [Demography](#)).
- 2.3.6 The size of the Ugandan population who self-identify as LGBT, or who participate in same-sex relations but do not consider themselves LGBT, is unknown. However, based on international comparisons there may be tens or even hundreds of thousands of LGBT people in Uganda.
- b. State treatment
- 2.3.7 Same-sex sexual acts are illegal under the Penal Code and punishable with up to life imprisonment. There are no laws that specifically legislate on gender identity. In practice, LGBT persons are rarely arrested and successfully prosecuted under the Penal Code (see [Legal rights](#) and [Violations by state actors](#)).
- 2.3.8 Other laws, while not overtly anti-LGBT, are sometimes used to arrest and harass LGBT persons or restrict the activities of LGBT advocacy and support groups (see [Legal rights](#) and [Civil society](#)).
- 2.3.9 Some parliamentarians and members of the government have publicly denounced sexual minorities. During 2015/16, MPs attempted to introduce legislation that would further criminalise LGBT sexual behaviour and

promotion of their rights. However, none of these bills have become law. After the annulment of the Anti-Homosexuality Act in August 2014, President Museveni stated that Uganda did not need to legislate further on sexual orientation and gender identity (see [State attitude and treatment](#) and [Anti-LGBT bills in 2015 / 2016](#)).

- 2.3.10 The Inspector General of the Ugandan police force has reportedly instructed police officers not to target people on grounds of their sexual orientation or gender identity. However some LGBT persons are arbitrarily arrested by individual or groups of police officers and detained without due process – usually for short periods, then released without charge. The police sometimes arrest LGBT persons to elicit bribes or out of ignorance of the law (see [State attitudes and treatment](#)).
- 2.3.11 Some LGBT persons have been ill-treated during arrest and / or in detention, including being beaten, raped, subjected to forced anal examinations, and have been threatened with being ‘outed’ by the police, i.e. having their sexual orientation or gender identity made public knowledge or made known to fellow detainees leading to violence (see [State attitudes and treatment](#)).
- 2.3.12 Human rights violations against LGBT persons generally, but including acts by the police and other state agencies, appear to have peaked during the passage of the Anti-Homosexuality Bill into law (the Bill was introduced in October 2009 and became law in February 2014), particularly before and after its enactment and subsequent annulment in August 2014 (see Treatment of LGBT persons – [Overview](#)).
- 2.3.13 LGBT persons have been forcibly evicted from their homes and banished from villages by local authorities. Additionally, they are often denied access to public health facilities or faced discrimination from medical professionals when accessing health care and HIV services and pressured out of education. There are also reports of cases of ‘conversion therapy’ and compulsory HIV tests with results released publicly without consent (see [Violations by state actors](#)).
- 2.3.14 While LGBT persons may face ill-treatment and discrimination from the state and its agencies, they are not generally targeted and subjected to ill-treatment that amounts to persecution or serious harm.

#### c. Societal treatment

- 2.3.15 Uganda is generally a conservative country where sex and sexuality are not openly discussed. Homophobic views are widespread, with one survey reporting that 96% of the population disapprove of homosexuality, although conversely a more recent survey found that a significant proportion of the population is tolerant of sexual minorities. Elements of the media and religious groups have sometimes inflamed anti-LGBT sentiment – particularly when LGBT rights are prominent in public discourse, such as during the passage of the Anti-Homosexuality Bill – and publicly ‘outed’ LGBT persons. Such rhetoric may in turn have stoked anti-LGBT discrimination and violence (see [Societal attitudes and treatment](#)).
- 2.3.16 LGBT persons experience societal harassment, intimidation, blackmail, verbal insults and physical threats, poor employment prospects, loss of



accommodation and jobs, leading to homelessness or having to live in slum areas. Some LGBT persons may be rejected by their families and ejected from their family homes, and forced to leave their places of education. Some have also been experienced physical and sexual attacks and violence including 'corrective rape' and mob violence although documented incidents of mob violence are rare (see [Societal attitudes and treatment](#)).

2.3.17 Over 20 civil society groups, primarily in Kampala, reportedly operate providing various forms of assistance and support to LGBT persons. The state has, on occasions, interfered in the activities of these groups, including arresting their members or preventing activities, such as the Pride marches, from taking place. Civil society organisations and their members have also been subject to harassment and threats by societal actors ([Civil society](#)).

2.3.18 In the country guidance case of [JM \(homosexuality risk\) Uganda CG \[2008\] UKAIT 00065 \(11 June 2008\)](#), heard 30 November 2007, the Asylum and Immigration Tribunal found that in general the evidence did not establish that there was 'persecution of homosexuality' (paragraph 171).

2.3.19 However, since JM the situation for LGBT persons has changed. The passage of the Anti-Homosexuality Act (AHA) into law increased, often negative, public discourse about LGBT rights and led to an upturn of incidents of violence and discrimination against LGBT persons. While the AHA is no longer law, same-sex sexual acts remain unlawful and anti-LGBT rhetoric and discrimination persist.

2.3.20 A person who is open about their sexual orientation and/or gender identity may face harassment and discrimination from the state and is likely to experience societal discrimination, including harassment and violence. The accumulation of such treatment by state and non-state actors is likely to be sufficiently serious by its nature and repetition to amount to persecution or serious harm. Each case, however, will need to be considered on its individual facts.

2.3.21 For further guidance on considering risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.4 Protection

2.4.1 The Police do not usually investigate cases of violence against the LGBT community, instead arresting or detaining the victims. However, a number of civil society sources acknowledge increasing co-operation between the police leadership and LGBT community. Civil society has also documented a few incidents where the police have assisted LGBT persons, for example protecting individuals from mob violence (though sometimes by arresting and taking them into protective custody) (see [Support from state actors](#)).

2.4.1 Where the person's fear is of persecution/serious harm at the hands of the state, they will not be able to avail themselves of the protection of the authorities.

2.4.2 Where the person's fear is of persecution and/or serious harm from non-state actors, the state is, generally, unwilling to provide effective protection.



- 2.4.3 For further guidance on considering protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.5 Internal relocation

- 2.4.4 Where person's fear is of persecution/serious harm at the hands of the state, they will not be able to relocate to escape that risk.
- 2.4.5 Where the person's fear is from a non-state actor, given the widespread societal hostility and discrimination against LGBT persons and the reluctance of the state to intervene they will not, in general, be able to relocate to escape the risk.
- 2.4.6 Internal relocation is not viable if it depends on the person concealing their sexual orientation and / or gender identity in the proposed new location for fear of persecution.
- 2.4.7 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.5 Certification

- 2.5.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.5.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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## 3. Policy summary

- 3.1.1 LGBT persons who are open about their sexual identity and / or gender identity are likely to face harassment, discrimination and mistreatment from state and non state actors which amounts to persecution or serious harm. Each case, however, will need to be considered on its specific facts.
- 3.1.2 LGBT persons who live discreetly for fear of persecution cannot be said to have a real choice and they are likely to have a well-founded fear of persecution. However, LGBT persons who choose to conceal their sexuality or gender identity because of social or family pressures or for cultural or religious reasons of their own choosing may not have a well-founded fear of persecution.
- 3.1.3 Effective protection is not available and internal relocation is unlikely to be viable.
- 3.1.4 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

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# Country information

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## 4. Demography

### 4.1 LGBT community in Uganda

- 4.1.1 There are no census data on the size of the LGBT population in Uganda.
- 4.1.2 A western diplomatic source estimated in June 2013 that there were between 30-50 NGOs working on behalf of the LGBT persons in Uganda.<sup>1</sup> A coalition of Ugandan NGOs observed in a submission made in March 2011 that 'Ugandan Gay, Lesbian, Bisexual, Transgender and Intersexual associations / organizations comprise of over 500 gay, lesbian, bisexual and trans persons.'<sup>2</sup>
- 4.1.3 The total population for Uganda was estimated in July 2016 to be over 38 million.<sup>3</sup>

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### 4.2 International comparisons

- 4.2.1 A number of countries have attempted to estimate the size of their LGBT population, however there challenges in doing so including:
- differences in the definitions of who is included in the LGBT population
  - differences in survey methods and a lack of consistent questions asked in a particular survey over time.<sup>4</sup>
- 4.2.2 Dr Gary Gates of the Williams Institute, University of California, observed that in some surveys:
- '... sexual orientation, lesbian, gay, and bisexual individuals may be identified strictly based on their self-identity or it may be possible to consider same-sex sexual behavior or sexual attraction... Identity, behavior, attraction, and relationships all capture related dimensions of sexual orientation but none of these measures completely addresses the concept.'

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<sup>1</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p72, January 2014 <http://www.nyidanmark.dk/NR/rdonlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsinUgandaFinal.pdf>. Date accessed: 18 November 2016

<sup>2</sup> Joint submission by the Civil Society Coalition on Human Rights and Constitutional Law on LGBTI issues for a United Nations Human Rights Council Universal Periodic Review on Uganda, 11 March 2011 <http://lib.ohchr.org/HRBodies/UPR/Documents/session12/UG/JS1-JointSubmission1-eng.pdf>, date accessed 2 December 2013

<sup>3</sup> Central Intelligence Agency, World Factbook, Uganda, updated 15 November 2016, <https://www.cia.gov/library/publications/the-world-factbook/geos/ug.html>. Date accessed: 12 December 2016

<sup>4</sup> Gary J. Gates of the Williams Institute, University of California, How many people are lesbian, gay, bisexual, and transgender?, p2, April 2011, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-How-Many-People-LGBT-Apr-2011.pdf>. Date accessed: 12 December 2016

'Defining the transgender population can also be challenging. Definitions of who may be considered part of the transgender community include aspects of both gender identities and varying forms of gender expression or nonconformity. Similar to sexual orientation, one way to measure the transgender community is to simply consider self-identity. Measures of identity could include consideration of terms like transgender, queer, or gender queer. The latter two identities are used by some to capture aspects of both sexual orientation and gender identity.'<sup>5</sup>

4.2.3 By way of comparison to Uganda, there are estimates for the size of the LGBT population in the UK, US and Australia. Unlike Uganda all 3 countries have protected LGBT persons in law and their societies generally accept and tolerate non-conforming sexual orientation and gender identity. The estimates for these countries vary:

- US: around 3.5% of the population self-identify as LGB, and 0.3% as T<sup>6 7</sup>
- UK: around 1.6% self-identify as LGB, and 0.3% as 'other' in 2014<sup>8 9</sup>
- Australia: persons of a 'diverse sexual orientation, sex or gender identity may account for up to 11%'<sup>10</sup>

4.2.4 There are few data on the size of the LGBT population in countries similar to Uganda where LGBT rights are not protected and there is a general societal hostility. However, a study of men who have sex with men (MSM) in South Africa, where LGBT rights are protected but such persons nevertheless face societal discrimination, observed that there are no accurate data available on the size MSM population. However, the report also noted that in other contexts 'up to 1% of the adult population could be considered as engaging in same sex practices' and for the purposes of the study used this percentage to estimate the size of the LGBT population.<sup>11</sup>

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<sup>5</sup> Gary J. Gates of the Williams Institute, University of California, How many people are lesbian, gay, bisexual, and transgender?, p2, April 2011, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-How-Many-People-LGBT-Apr-2011.pdf>. Date accessed: 12 December 2016

<sup>6</sup> Gary J. Gates of the Williams Institute, University of California, How many people are lesbian, gay, bisexual, and transgender?, p2, April 2011, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-How-Many-People-LGBT-Apr-2011.pdf>. Date accessed: 12 December 2016

<sup>7</sup> Gary J. Gates of the Williams Institute, University of California, How many people are lesbian, gay, bisexual, and transgender?, p1, April 2011, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-How-Many-People-LGBT-Apr-2011.pdf>. Date accessed: 12 December 2016

<sup>8</sup> Office for National Statistics, Sexual Identity by Gender by Country, Data tables, 1 October 2015, <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/referencetable03sexualidentitybygenderbycountry>. Date accessed: 16 December 2016

<sup>9</sup> Office for National Statistics, Statistical Bulletin: Integrated Household Survey (Experimental statistics): January to December 2014, 1 October 2015, <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/bulletins/integratedhouseholdsurvey/2015-10-01#methodology>. Date accessed: 21 December 2016

<sup>10</sup> Australian Human Rights Commission, Face the facts: Lesbian, Gay, Bisexual, Trans and Intersex People, undated, <https://www.humanrights.gov.au/face-facts-lesbian-gay-bisexual-trans-and-intersex-people>. Date accessed: 12 December 2016

<sup>11</sup> MSM in South Africa: Data Triangulation Project and Final Report, p3, June 2016, [https://www.researchgate.net/publication/279845286\\_MSM\\_in\\_South\\_Africa\\_Data\\_Triangulation\\_Project\\_and\\_Final\\_Report](https://www.researchgate.net/publication/279845286_MSM_in_South_Africa_Data_Triangulation_Project_and_Final_Report). Date accessed: 12 December 2016

## 5. Legal rights

### 5.1 Overview

- 5.1.1 The [Danish Immigration Service's report of a fact finding mission to Uganda](#) in section 1.1 sets out the law affecting LGBT persons as of June 2013, while section II of [Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016](#), released in September 2016 by the Human Rights Awareness and Promotion Forum provides a useful, detailed discussion of LGBT persons' legal rights, including high profile litigation in the Ugandan courts during 2015.

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### 5.2 Constitution

- 5.2.1 The Constitution prohibits discrimination on a number of grounds, including sex and HIV/communicable disease status. However it does not address sexual orientation or gender identity other than to state that 'Marriage between persons of the same sex is prohibited.'<sup>12 13</sup>
- 5.2.2 See full text of the [Constitution](#).

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### 5.3 Penal Code

- 5.3.1 Same-sex consensual sex is illegal under sections 145 and 146 of the Penal Code, which, amongst other things criminalises 'carnal knowledge of any person against the order of nature' and is punishable with up to life imprisonment.<sup>14</sup> The Penal Code does not specifically refer to women but the Sexual Offences Bill (2015) expands criminalisation of same-sex consensual sex to include women,<sup>15</sup> which had its first reading in April 2016, although as of December 2016 there was no information to indicate that this Bill had been enacted.<sup>16</sup> The International Lesbian and Gay Association annual survey of laws on sexual orientation and gender identity stated that same-sex relations between women are illegal.<sup>17</sup>

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<sup>12</sup> Government of Uganda, Constitution of Uganda, 2005, Article 31 (2a) (via the World Intellectual Property Organisation), [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=170004](http://www.wipo.int/wipolex/en/text.jsp?file_id=170004). Date accessed: 6 October 2016

<sup>13</sup> US State Department (USSD), Country Report on Human Rights Practices 2015, Uganda, section 6, April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252741>. Date accessed: 5 October 2016

<sup>14</sup> Govt of Uganda (via World Intellectual Property Organisation (WIPO)), Penal Code Act 1950, chapter 120, [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=170005](http://www.wipo.int/wipolex/en/text.jsp?file_id=170005). Date accessed: 5 October 2016

<sup>15</sup> Consortium on Monitoring Violations Based on Sex Determination, Gender Identity and Sexual Orientation; Uganda Report of Violations Based on Gender Identity and Sexual Orientation, p19, July 2015, <http://hrapf.org/research-papers/>. Date accessed: 21 October 2016

<sup>16</sup> Based on search of internet undertaken on 20 December 2016. See also Uganda Parliament Watch, The Sexual Offences Bill 2016, <http://parliamentwatch.ug/bills/the-sexual-offences-bill-2016/#.WGOJF1OLSM8>. Date accessed: 28 December 2016

<sup>17</sup> International Lesbian and Gay Association (ILGA), State-Sponsored Homophobia, A World Survey

5.3.2 There is no mention of gender identity in the Penal Code.<sup>18</sup>

5.3.3 A report by a consortium of Ugandan NGOs that: ‘... the Sexual Offences Bill was introduced towards the end of 2015 and seeks to be the codified penal law on sexual offences in Uganda. The Bill retains the Penal Code sections that criminalise same sex sexual conduct and as a matter of fact, expands the criminalisation to also include women, who are currently excluded under the Penal Code Act.’<sup>19</sup>

5.3.4 In addition to articles 145 and 146 of the Penal Code, there are other provisions that may, according to the consortium of NGOs, be used against LGBT persons including the offences of:

- Indecent practices (article 148)
- Common nuisance (article 160)
- Being idle and disorderly (article 167)
- Being rogue and vagabond (article 168)
- Personation – any person who falsely represents themselves (article 381)<sup>20</sup>

5.3.5 See the full text of the [Penal Code](#).

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## 5.4 Anti-Homosexuality Act

5.4.1 The Anti-Homosexuality Bill was introduced in October 2009<sup>21</sup> but it was not until 20 December 2013 that the Uganda Parliament ‘adopted the Anti-Homosexuality Act [AHA], which sought to punish same-sex sexual relations with imprisonment for life, and prohibited same-sex marriage and homosexual propaganda.’<sup>22</sup> The AHA was signed into law by President

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of Sexual Orientation Laws: Criminalisation, Protection and Recognition, p89, updated to June 2016, [http://ilga.org/downloads/02\\_ILGA\\_State\\_Sponsored\\_Homophobia\\_2016\\_ENG\\_WEB\\_150516.pdf](http://ilga.org/downloads/02_ILGA_State_Sponsored_Homophobia_2016_ENG_WEB_150516.pdf).

Date accessed: 5 October 2016

<sup>18</sup> Government of Uganda (via World Intellectual Property Organisation (WIPO)), Penal Code Act 1950, chapter 120, [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=170005](http://www.wipo.int/wipolex/en/text.jsp?file_id=170005). Date accessed: 5 October 2016

<sup>19</sup> Consortium on Monitoring Violations Based on Sex Determination (CMVBSD), Gender Identity and Sexual Orientation; Uganda Report of Violations Based on Gender Identity and Sexual Orientation, p18, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 7 December 2016

<sup>20</sup> Consortium on Monitoring Violations Based on Sex Determination, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, p22, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 21 October 2016

<sup>21</sup> HRC, Global Spotlight, LGBT Uganda Today: Continuing Danger Despite Nullification of Anti-Homosexuality Act, p1, September 2015 [http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Global\\_Spotlight\\_Uganda\\_designed\\_version\\_September\\_25\\_2015.pdf](http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Global_Spotlight_Uganda_designed_version_September_25_2015.pdf). Date accessed: 6 October 2016

<sup>22</sup> ILGA, State-Sponsored Homophobia, A World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition, p89, updated to June 2016, [http://ilga.org/downloads/02\\_ILGA\\_State\\_Sponsored\\_Homophobia\\_2016\\_ENG\\_WEB\\_150516.pdf](http://ilga.org/downloads/02_ILGA_State_Sponsored_Homophobia_2016_ENG_WEB_150516.pdf). Date accessed: 5 October 2016

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Museveni in February 2014<sup>23</sup> which extended existing legislation by providing 'additional sentences of up to life in prison for consensual adult same-sex relationships, for "promoting" homosexuality and for "aiding and abetting" homosexual acts.'<sup>24</sup>

- 5.4.2 Following its enactment, the AHA's lawfulness was challenged by a 'diverse coalition of individuals and nongovernmental organizations (NGOs)... for violating the human rights of LGBT people.'<sup>25</sup> On 18 August 2014 the AHA was annulled by the Constitutional Court on a technicality, ruling that parliament lacked the required quorum when the AHA was approved.<sup>26 27</sup>

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## 5.5 Anti-LGBT bills in 2015 / 2016

- 5.5.1 Following the annulment of the AHA, The Prohibition of Promotion of Unnatural Sexual Practices Bill was circulated by members of the ruling party in October 2014 (but there is no indication that it has been put before parliament).<sup>28 29</sup> The Bill was reportedly a 'streamlined' version of the AHA<sup>30</sup> and Section 13 criminalized any person who "promotes homosexuality which could 'have been interpreted to include NGOs that advocate for gay rights.'<sup>31</sup> President Museveni, however, has stated, repeatedly, 'that the country did not need new anti-LGBTI legislation because homosexuality was already illegal under the penal code.'<sup>32</sup>

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<sup>23</sup> HRC, Global Spotlight, LGBT Uganda Today: Continuing Danger Despite Nullification of Anti-Homosexuality Act, p1, September 2015 [http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Global\\_Spotlight\\_Uganda\\_designed\\_version\\_September\\_25\\_2015.pdf](http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Global_Spotlight_Uganda_designed_version_September_25_2015.pdf). Date accessed: 6 October 2016

<sup>24</sup> HRC, Global Spotlight, LGBT Uganda Today: Continuing Danger Despite Nullification of Anti-Homosexuality Act, p1, September 2015 [http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Global\\_Spotlight\\_Uganda\\_designed\\_version\\_September\\_25\\_2015.pdf](http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Global_Spotlight_Uganda_designed_version_September_25_2015.pdf). Date accessed: 6 October 2016

<sup>25</sup> HRC, Global Spotlight, LGBT Uganda Today: Continuing Danger Despite Nullification of Anti-Homosexuality Act, p1, September 2015 [http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Global\\_Spotlight\\_Uganda\\_designed\\_version\\_September\\_25\\_2015.pdf](http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Global_Spotlight_Uganda_designed_version_September_25_2015.pdf). Date accessed: 6 October 2016

<sup>26</sup> HRC, Global Spotlight, LGBT Uganda Today: Continuing Danger Despite Nullification of Anti-Homosexuality Act, p2, September 2015 [http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Global\\_Spotlight\\_Uganda\\_designed\\_version\\_September\\_25\\_2015.pdf](http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Global_Spotlight_Uganda_designed_version_September_25_2015.pdf). Date accessed: 6 October 2016

<sup>27</sup> ILGA, State-Sponsored Homophobia, A World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition, p89, updated to June 2016, [http://ilga.org/downloads/02\\_ILGA\\_State\\_Sponsored\\_Homophobia\\_2016\\_ENG\\_WEB\\_150516.pdf](http://ilga.org/downloads/02_ILGA_State_Sponsored_Homophobia_2016_ENG_WEB_150516.pdf). Date accessed: 5 October 2016

<sup>28</sup> International Center for Not-Profit-Law, Civic Freedom Monitor: Uganda, updated 22 July 2016 <http://www.icnl.org/research/monitor/uganda.html>. Date accessed: 6 October 2016

<sup>29</sup> Human Dignity Trust, Criminalisation of Homosexuality, p9, updated 25 October 2015, [http://www.humandignitytrust.org/uploaded/Map/Country\\_Reports/Uganda.pdf](http://www.humandignitytrust.org/uploaded/Map/Country_Reports/Uganda.pdf). Date accessed: 4 January 2017

<sup>30</sup> BBC News, Uganda planning new anti-gay law despite opposition, 10 November 2014, <http://www.bbc.co.uk/news/world-africa-29994678>. Date accessed: 6 October 2016

<sup>31</sup> International Center for Not-Profit-Law, Civic Freedom Monitor: Uganda, updated 22 July 2016 <http://www.icnl.org/research/monitor/uganda.html>. Date accessed: 6 October 2016

<sup>32</sup> USSD, Country Report on Human Rights Practices 2015, Uganda, section 6, April 2016,

- 5.5.2 In September 2015, Human Rights Campaign, citing Prof. Joe Oloka-Onyango, an academic at Makerere University School of Law, observed that: 'Drafts of new bills to replace the defunct AHA have been leaked but none have been tabled in Parliament. President Museveni asked members of his party not to re-enact the Act saying it was not a priority. While populist parliamentarians from the ruling party may seek to re-introduce the law, this is unlikely to succeed without the blessing of the president'.<sup>33</sup>
- 5.5.3 No information was found to indicate that it, or other proposed bills, have entered into law.<sup>34</sup>

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## 5.6 Other laws affecting LGBT persons

- 5.6.1 A report by a consortium of Ugandan NGOs that provide support to LGBT observed that: 'In addition to the Penal Code Act, there are also other laws that have provisions that affect LGBTI persons. However, these laws do not have as much impact on the lived realities of LGBTI persons like the Penal Code section 145. Most of these are rarely implemented as most emphasis is placed on the criminalisation.'<sup>35</sup>

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## 5.7 Non Government Organisations Act

- 5.7.1 On 30 January 2016 President Museveni assented to the Non-Governmental Organisations Act (NGO Act) which replaced 'the Non-Governmental Organisations (Registration) Act, Cap 113, which was last amended in 2006.'<sup>36</sup> A response compiled for the Library of Congress' Global Legal Monitor from a range of sources noted the NGO Act:

'[E]stablishes [an] NGO regulatory body, the National Bureau for Non-Governmental Organisations... Among other tasks, the functions of the Bureau include establishing and maintaining a register of NGOs and issuing and renewing NGO permits... The Bureau has the power to "blacklist" (a term not defined by the Act), suspend, or revoke the permits of an NGO... Although the Bureau is required to "give an organization the opportunity to be heard" before it takes any such action, the Act does not define what that actually entails... However, decisions of the Bureau may be appealed to a body known as the Adjudication Committee and then to the High Court...

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<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#section6>. Date accessed: 5 October 2016

<sup>33</sup> HRC, Global Spotlight, LGBT Uganda Today: Continuing Danger Despite Nullification of Anti-Homosexuality Act, p2, September 2015 [http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Global\\_Spotlight\\_Uganda\\_designed\\_version\\_September\\_25\\_2015.pdf](http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Global_Spotlight_Uganda_designed_version_September_25_2015.pdf). Date accessed: 6 October 2016

<sup>34</sup> No source – internet search undertaken on 20 December 2016

<sup>35</sup> Consortium on Monitoring Violations Based on Sex Determination, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, p22, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 21 October 2016

<sup>36</sup> The Observer (Kampala) (via AllAfrica.com), Uganda: Museveni's Assent to NGO Act Will Cost us All, 26 February 2016, <http://allafrica.com/stories/201602260831.html>. Date accessed: 6 October 2016



‘Under the new NGOs Act, any act deemed prejudicial to Uganda’s security, interest, or the dignity of its people is an offense, which, upon conviction, is punishable by a fine and/or a maximum of three years in prison... [However] Neither the new Act nor the previous one defines what would constitute this type of act.’<sup>37</sup>

5.7.2 Adrian Jjuuko, executive director of Human Rights Awareness and Promotion Forum, a Ugandan NGO advocating for human rights, opined in February 2016 that the NGO Act’s section 44 which imposes special obligations on NGOs bars organisations from doing anything that would be prejudicial to the ‘security of Uganda’ and the ‘interests of Uganda and the dignity of Ugandans’ are potentially ‘... a way of reintroducing the Anti-Homosexuality Act. This part of the NGO Act achieves the same aim as the promotion of homosexuality provisions. The provision assumes that the interests of Ugandans are homogeneous.’<sup>38</sup>

5.7.3 For information on activities of LGBT NGOs, see [Civil society](#).

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## 6. Treatment of LGBT persons - overview

6.1.1 Section 5 of the Finnish Immigration Service’s report, [Status of LGBT people in Cameroon, Gambia, Ghana and Uganda](#), 3 December 2015, provides a comprehensive compilation of generally reliable sources on the legal rights and state / non-state treatment of LGBT persons in Uganda as of October 2015.

6.1.2 The US State Department observed in its report for 2015 that ‘LGBTI persons faced discrimination, legal restrictions, and societal harassment and violence, intimidation, and threats.’<sup>39</sup> While Human Rights Campaign, a US NGO that advocates for the rights of LGBT persons, provided a similar general assessment in September 2015:

‘Openly LGBT Ugandans confront stigma, discrimination, legal restrictions, harassment, intimidation, violence and death threats. They are often denied access to healthcare and HIV services. Prominent political leaders and influential Christian and Muslim religious leaders publicly denounce LGBT people. LGBT people also encounter restrictions on their freedom of speech, movement and actions. Ugandan families have been known to discriminate against and disown LGBT family members whose sexual orientation or gender identities (SOGI) are exposed. A Pew Research Center survey in

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<sup>37</sup> Library of Congress, Global Legal Monitor, Uganda: Non-Governmental Organizations Bill Becomes Law, 17 March 2016, <http://www.loc.gov/law/foreign-news/article/uganda-non-governmental-organizations-bill-becomes-law/>. Date accessed: 6 October 2016

<sup>38</sup> The Observer (Kampala) (via AllAfrica.com), Uganda: Museveni's Assent to NGO Act Will Cost us All, 26 February 2016, <http://allafrica.com/stories/201602260831.html>. Date accessed: 6 October 2016

<sup>39</sup> US State Department (USSD), Country Report on Human Rights Practices 2015, Uganda, section 6, April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#section6>. Date accessed: 5 October 2016

June 2013 reported that 96 percent of Ugandans disapprove of homosexuality.<sup>40</sup>

6.1.3 A report by a consortium of Ugandan NGOs which documented human rights violations against LGBT persons in 2014 observed, in general, that: '[Following the introduction of] ... the Anti-Homosexuality Bill in October 2009, acts of human rights violations increased against the LGBT community. There was a marked increase in the number of violations of LGBT persons during the period when the [Anti Homosexuality] Act was in force and when it was nullified.'<sup>41</sup>

6.1.4 The Human Rights Campaign observed in September 2015 with regards to legal persecution that, 'The repression of LGBT Ugandans has steadily intensified since the Anti-Homosexuality Act (AHA) bill was introduced in Parliament in October 2009. It peaked in February 2014 when President Yoweri Museveni signed the AHA into law, defying heavy international pressure not to do so.'<sup>42</sup>

6.1.5 In its report on human rights abuses of LGBT persons between May 2014 and December 2015, Sexual Minorities Uganda working in partnership 4 other NGOs<sup>43</sup>, documented 264 cases of violations against LGBT persons. These cases were identified from interviews with 115 persons who self-identified as gay, bisexual, lesbian, trans or 'kuchu' (a Ugandan term for all sexual and gender minorities)<sup>44</sup>, the large majority of whom (82%), were gay men.<sup>45</sup> Of these violations:

'... 48 involved acts of violence, including 35 cases involving physical threats or violent attacks, and 13 instances of torture by the state. The largest proportion of documented cases involved intimidation, with 84 cases, while 73 involved loss of property (including loss of employment, physical property, and eviction), and 59 involved social exclusion (including discrimination

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<sup>40</sup> Human Rights Campaign (HRC), Global Spotlight, LGBT Uganda Today: Continuing Danger Despite Nullification of Anti-Homosexuality Act, p1, September 2015 [http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Global\\_Spotlight\\_Uganda\\_designed\\_version\\_September\\_25\\_2015.pdf](http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Global_Spotlight_Uganda_designed_version_September_25_2015.pdf). Date accessed: 6 October 2016

<sup>41</sup> Consortium on Monitoring Violations Based on Sex Determination (CMVBSD), Gender Identity and Sexual Orientation; Uganda Report of Violations Based on Gender Identity and Sexual Orientation, p15, July 2015, <http://hrapf.org/research-papers/>. Date accessed: 21 October 2016

<sup>42</sup> HRC, Global Spotlight, LGBT Uganda Today: Continuing Danger Despite Nullification of Anti-Homosexuality Act, p4, September 2015 [http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Global\\_Spotlight\\_Uganda\\_designed\\_version\\_September\\_25\\_2015.pdf](http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Global_Spotlight_Uganda_designed_version_September_25_2015.pdf). Date accessed: 6 October 2016

<sup>43</sup> Sexual Minorities Uganda (SMUG), And That's How I survived Being Killed, p12, April 2016, [https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived\\_Report\\_Final.pdf](https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived_Report_Final.pdf). Date accessed: 28 November 2016

<sup>44</sup> SMUG, And That's How I survived Being Killed, p12, April 2016, [https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived\\_Report\\_Final.pdf](https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived_Report_Final.pdf). Date accessed: 28 November 2016

<sup>45</sup> SMUG, And That's How I survived Being Killed, p13, April 2016, [https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived\\_Report\\_Final.pdf](https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived_Report_Final.pdf). Date accessed: 28 November 2016

when accessing healthcare, community discrimination, and family banishment).<sup>46</sup>

6.1.6 The same source noted that

‘There were 162 cases of persecutions against Ugandan LGBTI persons reported in a Sexual Minorities Uganda (SMUG) report in May, 2014 [covering the period December 2013 to May 2014]. Compared to 19 cases of human rights abuses reported in 2012, and 8 cases in 2013, it is clear that the 162 reported cases that occurred within just four months, from December - May 2014, represented an increase of homophobia caused by the passing of the Anti-Homosexuality Act. This included cases of violent attacks, arbitrary arrests, blackmail, and evictions, with over 30% of the reported cases involving an element of violence, 41% involving an element of intimidation, 50% involving loss of property or income, and 25% involving asylum, family rejection, or suicide.’<sup>47</sup>

6.1.7 The SMUG report provided a breakdown of the cases and testimonies referred to in its report:

‘From interviews with 115 self-identifying sexual and gender minorities, 264 cases of human rights abuses from May 2014 - December 2015, were documented.

| Human Rights Abuse                   | Total     | %           |
|--------------------------------------|-----------|-------------|
| <b>Violence</b>                      | <b>71</b> | <b>(27)</b> |
| Arrest                               | 23        | (9)         |
| Physical Threat                      | 16        | (6)         |
| Violent Attack (mob justice, etc.)   | 19        | (7)         |
| Torture                              | 13        | (5)         |
|                                      |           |             |
| <b>Intimidation</b>                  | <b>61</b> | <b>(23)</b> |
| Blackmail                            | 9         | (3)         |
| Non-Physical Threat / Verbal Threats | 26        | (10)        |
| Press Intrusion / Press “Outing”     | 11        | (4)         |
| State Prosecution                    | 11        | (4)         |
| House Intrusion                      | 4         | (2)         |
|                                      |           |             |
| <b>Loss of Property</b>              | <b>73</b> | <b>(28)</b> |
| Loss of Physical Property            | 15        | (6)         |
| Loss of Income or Employment         | 24        | (9)         |

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<sup>46</sup> SMUG, And That’s How I survived Being Killed, p5, April 2016, [https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived\\_Report\\_Final.pdf](https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived_Report_Final.pdf). Date accessed: 28 November 2016

<sup>47</sup> SMUG, And That’s How I survived Being Killed, p7, April 2016, [https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived\\_Report\\_Final.pdf](https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived_Report_Final.pdf). Date accessed: 28 November 2016

|  |           |             |
|--|-----------|-------------|
| Eviction or Removal From Home                | 34        | (13)        |
|  |           |             |
| <b>Community Discrimination / Harassment</b> | <b>27</b> | <b>(10)</b> |
| Family Banishment or Discrimination          | 25        | (9)         |
| Deportation                                  | 2         | (1)         |
| Discrimination when Accessing Healthcare     | 5         | (2)         |

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#### 6.1.8 The SMUG report also observed that

‘Physical and sexual violence by state actors, community members, neighbors, and acquaintances is a part of the lived reality for LGBT persons in Uganda. Cases of assault occur most frequently for sexual and gender minorities whose identities are outwardly “visible.” This visibility is highest for those who do not conform to the strict social and gender “norms” of Uganda in their outward appearance. Likewise, assault is almost always rooted in “gender policing” [...] by fellow citizens — in which some feel the need to violently impose or enforce gender norms based on an individual’s perceived sex. In many cases the perpetrators feel they have the “moral authority” to assault sexual or gender minorities and are not retributed by the police.’<sup>49</sup>

6.1.9 A similar report by a consortium of Ugandan NGOs which collected data on violations against LGBT persons in 2015, stated that it had received information about 276 cases of abuses committed against LGBT persons by state and non-state actors. Of these, the consortium was only able to verify 91 cases totalling 171 violations based on its strict evidential ‘parameters’. Violations ranged from loss of employment and forced eviction, to mob violence and arrest and ill-treatment. Of the 171 violations identified from the 91 verified cases, state actors directly perpetrated 78 (45.6%) while non-state actors perpetrated 93 of them (54.4%).<sup>50</sup>

6.1.10 The consortium qualified its findings for 2015 by observing that there was a high number of cases in Kampala which may reflect the concentration of LGBT-focused NGOs in the city rather than because there are more violations than other areas. It also noted that ‘...there is still a prominent lack of capacity to properly document cases among organisations working with LGBTI persons, as well as the need to more effectively document cases from upcountry [i.e. rural areas]. This report therefore does not purport to

<sup>48</sup> SMUG, And That’s How I survived Being Killed, p49, April 2016, [https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived\\_Report\\_Final.pdf](https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived_Report_Final.pdf). Date accessed: 28 November 2016

<sup>49</sup> SMUG, And That’s How I survived Being Killed, p31, April 2016, [https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived\\_Report\\_Final.pdf](https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived_Report_Final.pdf). Date accessed: 28 November 2016

<sup>50</sup> Consortium on Monitoring Violations Based on Sex Determination, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, ps 13 and 14 and 25, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 21 October 2016

give a complete picture of violations but rather focuses on what the verified violations show.’<sup>51</sup>

#### 6.1.11 The Ugandan NGOs Consortium report concluded:

‘Although the Anti-Homosexuality Act was annulled leaving homosexuality uncriminalised in Uganda, the continued existence of sections 145 and 146 of the Penal Code Act largely undermine the impact of the annulment. Albeit criminalizing only same sex sexual acts, the sections continue to be interpreted out of context and coupled with homophobia and societal prejudices, continue to be used as a basis for the violation of rights of LGBTI rights. The violations in 2015 also show an alarming increase in violations perpetrated nonstate [sic] actors thus emphasising the need for the responsible state agencies to fulfill their obligation to protect third parties from violating rights of others, in addition to their obligation to respect these rights. The increased use of alternative laws to narrow space for LGBTI person also raises concern as it seems opportunistic. All the above notwithstanding, 2015 was a year of renewed and strengthened partnerships between stakeholders in the LGBTI community and government institutions. This is commendable and should be harnessed as one of the best opportunities to improve the observance of rights of LGBTI persons in Uganda.’<sup>52</sup>

#### 6.1.12 Human Rights Watch in its submission to the UN Human Rights Council of October 2016 during Universal Periodic Review of Uganda observed that immediately following the enactment of the Anti-Homosexuality Act in 2014, there were: ‘... a spike in violations against LGBTI people, including arbitrary arrests, police abuse and extortion, forced anal examinations, violence, denial of health care, loss of employment, evictions, and homelessness. After the Supreme Court annulled the Act on procedural grounds in August 2014, violations appeared to reduce...’<sup>53</sup>

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## 7. State attitudes and treatment

### 7.1 The State in general

#### 7.1.1 Sections 5.3 (Treatment by state actors) and 5.5 (Access to health care services) of the Finnish Immigration Service’s report, [Status of LGBT people in Cameroon, Gambia, Ghana and Uganda](#), 3 December 2015, provide a comprehensive compilation of generally reliable sources on state treatment of LGBT persons in Uganda as of October 2015.

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<sup>51</sup> Consortium on Monitoring Violations Based on Sex Determination, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, p15, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 21 October 2016

<sup>52</sup> Consortium on Monitoring Violations Based on Sex Determination, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, p53, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 16 November 2016

<sup>53</sup> Human Rights Watch, UPR Submission, Uganda, Addendum to UPR Submission, October 2016, <https://www.hrw.org/news/2016/11/01/uganda-upr-submission>. Date accessed: 14 November 2016



7.1.2 The USSD observed in 2015 that ‘Some religious and political leaders delivered church sermons and wrote articles to lobby the public against LGBTI persons.’<sup>54</sup>

7.1.3 The UN Office for the High Commissioner of Human Rights in Uganda informed a Danish Immigration Service / Danish Refugee Council fact finding delegation (DIS/DRC FFM report) in June 2013 that it ‘... identified certain practices or trends of human rights violations against LGBT people in Uganda, with responsibility from [perpetrated by] state agents, institutions and authorities.’ These included:

- ‘...eviction letters from local authorities, i.e. Local Councils (LC) at village and parish levels, in both rural and urban areas. These evictions reflect the border line between social discrimination at the community level and the human rights violations perpetrated by state agents.
- ‘... arbitrary arrests and detentions by the police constitute further human rights violations. LGBT persons are arrested because some police officers incorrectly believe that the [Anti Homosexuality Bill] AHB is actually enacted. Other LGBT persons are arrested by the police with the intention to extort money from them. In such cases, the person would be released unconditionally once the bribe has been paid. It was added that, according to lesbian, gay, bisexual, transgender and intersex (LGBTI) organizations, there had been an increased trend of arrests during March, April and May 2013.
- ‘...Cases of LGBT persons being denied access to medical attention in public health facilities.
- ‘... several LGBT-organizations have reported break-ins into their respective offices.
- ‘... authorities have interrupted and closed meetings by LGBT activists in both February and May 2012.
- ‘... LGBT civil society organizations cannot be registered as such, but instead have to resort to register themselves as private organizations, as for example trade companies. According to OHCHR in Uganda, this constitutes an infringement of the right to association.’<sup>55</sup>

7.1.4 The reports of the consortium of Ugandan NGOs covering 2015 and by NGO Sexual Minorities Uganda (SMUG) covering the period May 2014 to December 2015 similarly documented incidents perpetrated by the police and local government officials of:

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<sup>54</sup> USSD, Country Report on Human Rights Practices 2015, Uganda, section 6, April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#section6>. Date accessed: 5 October 2016

<sup>55</sup> Danish Immigration Service and Danish Refugee Council (DIS / DRC), Fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p6, January 2014 <http://www.nyidanmark.dk/NR/rdonlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsUgandaFinal.pdf>. Date accessed: 18 November 2016

- Arbitrary arrest and detention and denial of due process
- Excessive use of force in undertaking arrests
- Forced anal exams
- Public 'outing' of LGBT persons
- Forced eviction
- Difficulties for LGBT NGOs being allowed to register with the state<sup>56 57</sup>

7.1.5 The consortium of Ugandan NGOS also documented some cases where police and local authorities had assisted LGBT persons.<sup>58</sup> Further detail from these reports is in the relevant subsections below.

7.1.6 The consortium of Ugandan NGOs reported that state actors were responsible for 45.6% (78 out of 171) violations it documented in 2015, including by elements of the police and local council members.<sup>59</sup>

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## 7.2 Police

7.2.1 Section 1.2 of the [DIS/DRC FFM report on LGBT persons of January 2014](#) (based on interviews undertaken in June 2013) details arrests of LGBT persons by the police. Sources observed that the police did not appear to proactively seek out and arrested LGBT persons, with some sources stating the Inspector General of the Police had instructed police not to arrest LGBT persons for same-sex relations if they are consenting adults. However arrests continue undertaken by individual or small groups of police on their own initiative, sometimes in order to elicit bribes or out of ignorance of the law (down to lack of training / education).<sup>60</sup>

7.2.2 In the same FFM report, the NGOs CSCHRCL and HRAFP referenced a report which had reviewed articles published by 4 Ugandan daily newspapers between 2007 and 2011, and found that there were 16 arrests of persons for same-sex sex, none of which took place in 2011. The NGO Sexual Minorities Uganda (SMUG) observed that it had documented 23

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<sup>56</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 14 November 2016

<sup>57</sup> Sexual Minorities Uganda, And That's How I survived Being Killed, April 2016, [https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived\\_Report\\_Final.pdf](https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived_Report_Final.pdf). Date accessed: 30 November 2016

<sup>58</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 14 November 2016

<sup>59</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, ps 25, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 14 November 2016

<sup>60</sup> Danish Immigration Service and Danish Refugee Council (DIS / DRC), Fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, section 1.2, January 2014 <http://www.nyidanmark.dk/NR/rdonlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsInUgandaFinal.pdf>. Date accessed: 18 November 2016



cases of arrests for same-sex sex since 2007 (until 2013). SMUG, however, considered that 'many cases go undocumented'.<sup>61</sup>

7.2.3 The NGOs CSCHRCL and HRAPF also reviewed police arrest statistics for the period 2009 to 2011, found that there were less than 100 arrests recorded each year for unnatural offences (which includes same-sex sex). However the NGOs estimated that there was a high likelihood that most of these arrests were for bestiality not same-sex sexual activity. The sources do not indicate how many of the arrests referred to by sources then led to prosecution and conviction.<sup>62</sup>

7.2.4 The report, citing various sources, also cited SMUG representatives as stating that

'... usually other inmates would be responsible for violence against LGBT persons in police detention. However, the police could inform other detainees about a person's sexual orientation and in that way expose the person to violence from other detainees. In some few cases it has been reported that individual police officers have raped suspected LGBT persons and it happens that police officers beat detainees with batons. [...]

Representatives of Icebreakers stated that suspected LGBT persons risk being beaten while they are kept at the police station. [...] a[n] African women's rights organization based in Uganda stated that it had heard about some cases of LGBT people being humiliated by police officers by forcing them to conduct sexual activities with for example police officers or fellow detainees. [...] According to FARUG, transgender persons were at an increased risk of being intimidated by police after being arrested. The police would undress any person before being put into jail in order to determine whether a person should be placed in the female or male section of the police detention facility. However, the police would target transgender persons and men who dressed as women and especially transgender sex workers who are considered easy to extort money from. In these cases it is common that the police would undress them and allow for pictures to be broadcasted on television. Beyonce Karungi, Executive Director of Transgender Equality Uganda (TEU), stated that the police would show pictures in the media of transgender persons, who have been arrested.'<sup>63</sup>

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<sup>61</sup> DIS / DRC, Fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, pp14-15, January 2014

<http://www.nyidanmark.dk/NR/ronlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsUgandaFinal.pdf>. Date accessed: 18 November 2016

<sup>62</sup> Danish Immigration Service and Danish Refugee Council (DIS / DRC), Fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p16, January 2014 <http://www.nyidanmark.dk/NR/ronlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsUgandaFinal.pdf>. Date accessed: 18 November 2016

<sup>63</sup> Danish Immigration Service and Danish Refugee Council (DIS / DRC), Fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p23-24, 30 January 2014 <http://www.nyidanmark.dk/NR/ronlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsUgandaFinal.pdf>. Date accessed: 18 November 2016

- 7.2.5 For full detail of the observations made by sources interviewed by the DRC/DIS delegation including on numbers and reasons for arrests of LGBT persons, see section of 1.2 of the [FFM report](#).
- 7.2.6 The Ugandan NGO consortium report covering 2015 noted that: ‘The Uganda Police Force has the primary mandate to enforce laws in Uganda, and keep law and order. In 2015, the Uganda Police in some respects fulfilled this mandate and in others, it stood out as the leading violator of the rights of LGBTI persons.’<sup>64</sup> The same report stated that:
- ‘In previous reports, the Police have been cited as the top most perpetrators of violations of rights of LGBTI persons. This trend has not changed even for this year as violations documented in this report also show that the Police remain the biggest perpetrators of violations of rights of LGBTI persons. Despite the fact that the non-state perpetrated violations are more than those perpetrated by the state, the Police are still responsible for single-handedly perpetrating most of the violations. Out of the 78 violations perpetrated by state actors, police are responsible for 64 of these, which translate into 82% of the state perpetrated violations.’<sup>65</sup>
- 7.2.7 The USSD report for 2015 noted:
- ‘On January 15 [2015], police arrested nine men who helped organize an HIV/AIDS testing clinic in the western Ntungamo District for “carnal knowledge against the order of nature.” Police claimed four of those arrested were engaged in sexual activity at the time of arrest, a charge disputed by those arrested. The men were subjected to forced anal exams; their court cases continued at year’s end.’<sup>66</sup>
- 7.2.8 The Finnish Immigration Service’s report covering LGBT persons in Uganda, based on a collation of original or primary sources up to October 2015, stated:
- ‘According to Ugandan law, arrests can only take place if people are caught in the act of having same-sex sexual intercourse or if there is strong inference that they are doing so. However, all arrests of LGBTI persons in 2014 occurred without any reasonable suspicion and can thus be classified as arbitrary arrests. Arrests were typically based on people “looking like homosexuals” or two men sleeping in the same house and thus assumed to be homosexual.
- ‘In January 2015, nine gay men were attacked by a mob after visiting an STI screening at a visiting clinic in a rural area in western Uganda that had been

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<sup>64</sup> Consortium on Monitoring Violations Based on Sex Determination, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, p25, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 21 October 2016

<sup>65</sup> Consortium on Monitoring Violations Based on Sex Determination (CMVBSD), Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, p27, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 14 November 2016

<sup>66</sup> USSD, Country report on human rights practices 2015, Uganda, section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252741>. Date accessed: 8 December 2016

arranged by the Rainbow Health Foundation, an organisation that serves men who have sex with men (MSM). Police detained the men to protect them from the mob, which threatened to beat or kill them. Once the men were in custody, the police considered filing sodomy charges against them. The Local Council Chairmen stated that he wished that “at least two of them had been killed, so the others would learn a lesson”. The men were subjected to forced medical examinations, including anal examinations. They were released after having been detained for five days. Due to having been exposed as homosexual, they could not safely return to their homes and thus became homeless<sup>67</sup>

#### 7.2.9 The consortium of Uganda NGOs report noted violations by the police in 2015, which included:

- 6 cases of arrest without justification, though only 1 resulted in conviction following a guilty plea [while the report does not explicitly specify, it appears to be for vagrancy] <sup>68</sup>
- 4 cases of arresting persons for cross-dressing, resulting in individuals being charged with vagrancy offences although the suspects were not informed of the reasons for arrest <sup>69</sup>
- 5 cases of LGBT persons being arrested and held for more than the constitutionally-required 48 hours, before being released or produced before a court [it is not clear from the report, but these appear to be 5 out of the 6 cases arrested without ‘justification’ above] <sup>70</sup>
- 4 cases of individuals being denied access to legal counsel or next of kin, 2 of which were also denied access to medical treatment <sup>71</sup>
- 7 instances were verified where police did not afford the suspects a fair trial.<sup>72</sup>
- 9 incidents in which police violated the right to presumption of innocence.<sup>73</sup>
- ‘Police have also exhibited a worrying trend of failing to investigate violations against LGBTI persons. In most cases, instead of assisting

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<sup>67</sup> Finnish Immigration Service, Status of LGBT people in Cameroon, Gambia, Ghana and Uganda, section 5.2 p.75 and 5.4 p.85 December 2015, [http://www.migri.fi/download/64429\\_Status\\_of\\_LGBTI\\_people\\_in\\_Cameroon\\_Gambia\\_Ghana\\_and\\_Uganda\\_3.12.2015.pdf?2b684fcb1606d388](http://www.migri.fi/download/64429_Status_of_LGBTI_people_in_Cameroon_Gambia_Ghana_and_Uganda_3.12.2015.pdf?2b684fcb1606d388). Date accessed: 8 December 2016

<sup>68</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, ps 28-29, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 14 November 2016

<sup>69</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, ps 29-30, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 14 November 2016

<sup>70</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, p31, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 14 November 2016

<sup>71</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, p33, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 14 November 2016

<sup>72</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, p34, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 14 November 2016

<sup>73</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, p35, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 14 November 2016

and investigating such cases, they instead arrest the LGBTI persons and prefer charges on them based on their sexual orientation and gender identity.’<sup>74</sup>

- ‘7 cases were verified where suspected LGBTI persons were arrested, detained and charged with offences that are not prescribed under the law. Such offences included homosexuality, sodomy, and attempted sodomy... none of these cases ever went beyond the police stations for prosecution.’<sup>75</sup>
- 5 cases were verified that included forced anal exams, as well 2 incidences of suspects penises being checked<sup>76</sup>
- 8 cases ‘in which police outed suspected LGBTI persons through media and through walking them through public places like markets and towns.’<sup>77</sup>
- excessive use of force, including 3 cases of LGBT persons being beaten by the police even when not resisting arrest<sup>78</sup>

#### 7.2.10 The Ugandan Consortium of NGOs report for 2015 noted that

‘Private individuals continue to violate rights of LGBTI persons with impunity as in most cases these actions are implicitly condoned by law enforcement authorities, as the Police usually does very little to investigate the cases, and in some cases even condones them. The state therefore remains liable under international human rights laws for failure to protect the rights of LGBTI persons from violations by third parties.

‘Police have also exhibited a worrying trend of failing to investigate violations against LGBTI persons. In most cases, instead of assisting and investigating such cases, they instead arrest the LGBTI persons and prefer charges on them based on their sexual orientation and gender identity. In one case, a suspected gay man fought with his partner and was badly injured. He went to police to report a case of assault and after making his statement, he and his partner were instead arrested on charges of sodomy.

‘In all these [30 violations perpetrated by the community] and more cases, the perpetrators were never brought to book. In some cases [...] the case to police for fear of issues of their sexual orientation coming up and causing their arrest. For others [...] there were efforts to report the cases to police but the cases were never taken on. In that case for example, the attackers of the suspect were at the police station issuing threats to him and police never

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<sup>74</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, p35, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 14 November 2016

<sup>75</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, ps 36-37, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 14 November 2016

<sup>76</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, ps37-38, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 14 November 2016

<sup>77</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, p38, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 14 November 2016

<sup>78</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, ps 38-39, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 14 November 2016



arrested them or registered the suspect's assault complaint. For other cases [...] police registered the complaint but no investigations were made and therefore the perpetrators were never brought to book. Almost all these attacks also included theft and robbery. Such violations go unpunished and are encouraged since police appear to condone them. [...] For most of these cases of threatening violence, the victims fear reporting the t[h]reats to police for fear of riling up the community and risking arrest. They are therefore in most cases forced to look for safer places to stay, which more often than not, leaves them homeless.<sup>79</sup>

7.2.11 Human Rights Watch reported that it '... is also concerned by the Uganda Police's use of forced anal examinations of men accused of homosexual sex. We have documented at least six cases between 2013 and 2015. These exams have no medical or scientific value, constitute assault and may constitute torture.'<sup>80</sup>

7.2.12 The same source in its report, 'Dignity Debased...', based on research undertaken in November 2013, and between May and June 2016: '... in the last three years, police in Kampala have frequently subjected men and transgender women accused of consensual homosexual conduct to anal exams. All of those cases have been dismissed before reaching trial. Occasional cases have been reported outside Kampala, which have also been dismissed before trial.'<sup>81</sup> However HRW do not state how many Ugandans were interviewed in Uganda or the number of incidents of documented, and it is not clear what is the evidential basis of their statement that anal exams are 'frequently undertaken'.

7.2.13 There were reports of a police raid of a night club on 4 August 2016 on the third night of gay pride week in Kampala, the previous days of the event having passed without incident.<sup>82</sup> <sup>83</sup> The event was a pageant in Kampala's Club Venom to crown Mr/Ms/Mx Uganda Pride.<sup>84</sup> Police allegedly 'claimed that they had been told a "gay wedding" was taking place and that the celebration was "unlawful" because police had not been informed of the

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<sup>79</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, ps 9, 25-26, 35 and 48-49, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 14 November 2016

<sup>80</sup> Human Rights Watch, UPR Submission, Uganda, Addendum to UPR Submission, October 2016 <https://www.hrw.org/news/2016/11/01/uganda-upr-submission>. Date accessed: 14 November 2016

<sup>81</sup> Human Rights Watch (HRW), Dignity Debased: Forced Anal Examinations in Homosexuality Prosecutions, 12 July 2016, <https://www.hrw.org/report/2016/07/12/dignity-debased/forced-anal-examinations-homosexuality-prosecutions>, p3s and 7. Date accessed: 15 November 2016

<sup>82</sup> Worldwide Movement for Human Rights (FIDH), Police raids Uganda Pride event, arrests several human rights defenders and assaults participants, 9 August 2016 <https://www.fidh.org/en/issues/human-rights-defenders/uganda-police-raids-uganda-pride-event-arrests-several-human-rights>, 13 December 2016

<sup>83</sup> HRW, Uganda: Police Attack LGBTI Pride Event, 5 August 2016, <https://www.hrw.org/news/2016/08/05/uganda-police-attack-lgbti-pride-event>, 13 December 2016

<sup>84</sup> Worldwide Movement for Human Rights (FIDH), Police raids Uganda Pride event, arrests several human rights defenders and assaults participants, 9 August 2016 <https://www.fidh.org/en/issues/human-rights-defenders/uganda-police-raids-uganda-pride-event-arrests-several-human-rights>, 13 December 2016

event.’<sup>85</sup> Sources reported that 16 ‘human rights defenders’ were arrested, including ‘Ms. Clare Byarugaba, Equality & Non-Discrimination Coordinator at Chapter Four Uganda, and two leaders of the Sexual Minorities Uganda (SMUG), Messrs. Pepe Julian Onziema and Franck Mugisha’.<sup>86</sup> However, those arrested were released shortly afterwards without charge from the Kabalagala Police Station.<sup>87</sup>

7.2.14 A further 200 or so other persons were locked in the building for 2 hours.<sup>88</sup> The police reportedly ‘humiliated’ these people, taking photographs and threatening to publish these. ‘Witnesses reported that the police assaulted many participants, in particular transgender women and men, in some cases groping and fondling them. One person jumped from a sixth-floor window to avoid police abuse and is in a hospital in critical condition.’<sup>89</sup> In a statement made on 8 August, Amnesty condemned Uganda’s Minister of Ethics and Integrity, Simon Lokodo, for publicly backing the police’s raid of the event. Mr Lokodo also ‘told journalists that his office was [...] developing a programme to “rehabilitate” LGBTI people “with the ultimate aim of giving them a chance to live normal lives again”.’<sup>90</sup>

7.2.15 A BBC article of September 2016 reported on the police blocking an attempt by LGBT activists at holding a gay pride event in Entebbe:

‘Ugandan police have blocked gay pride celebrations from happening in two resorts outside the capital, Kampala... Gay rights activist Frank Mugisha said more than 100 LGBTI people tried to participate in the celebrations in Entebbe near Lake Victoria.

‘But many were escorted by police back to Kampala in minibuses.

‘The minister for ethics and integrity had threatened to mobilise mobs to attack participants... After being blocked from entering the Entebbe resort, several dozen participants moved on to another resort but were kicked out by officers.... it is unclear why this event was targeted, as over the past four years celebrations have been held without much notice from the police.’<sup>91</sup>

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<sup>85</sup> HRW, Uganda: Police Attack LGBTI Pride Event, 5 August 2016,

<https://www.hrw.org/news/2016/08/05/uganda-police-attack-lgbti-pride-event>, 13 December 2016

<sup>86</sup> Worldwide Movement for Human Rights (FIDH), Police raids Uganda Pride event, arrests several human rights defenders and assaults participants, 9 August 2016

<https://www.fidh.org/en/issues/human-rights-defenders/uganda-police-raids-uganda-pride-event-arrests-several-human-rights>, 13 December 2016

<sup>87</sup> HRW, Uganda: Police Attack LGBTI Pride Event, 5 August 2016,

<https://www.hrw.org/news/2016/08/05/uganda-police-attack-lgbti-pride-event>, 13 December 2016

<sup>88</sup> Worldwide Movement for Human Rights (FIDH), Police raids Uganda Pride event, arrests several human rights defenders and assaults participants, 9 August 2016

<https://www.fidh.org/en/issues/human-rights-defenders/uganda-police-raids-uganda-pride-event-arrests-several-human-rights>, 13 December 2016

<sup>89</sup> HRW, Uganda: Police Attack LGBTI Pride Event, 5 August 2016,

<https://www.hrw.org/news/2016/08/05/uganda-police-attack-lgbti-pride-event>, 13 December 2016

<sup>90</sup> Amnesty International, Uganda: Minister’s remarks against LGBTI people amount to advocacy of hatred, 9 August 2016, <https://www.amnesty.org/en/latest/news/2016/08/uganda-minister-remarks-against-lgbti-people-amount-to-advocacy-of-hatred/>. Date accessed: 28 November 2016

<sup>91</sup> BBC, Ugandan police block gay pride parade, 24 September 2016,

<http://www.bbc.co.uk/news/world-africa-37462627>. Date accessed: 28 November 2016

7.2.16 Human Rights Watch in its submission to the UN Human Rights Council of October 2016 during Universal Periodic Review of Uganda observed that ‘In August 2015, LGBTI people reported several violent attacks in which police failed to respond appropriately, in one case arresting the victim, a transgender person, rather than the alleged attackers.’<sup>92</sup>

7.2.17 Pink News reported that in November 2016 ‘An 8-year-old girl has been arrested in Uganda on the suspicion that she is gay. [...] Ugandan media reported that child protection police said the girl was arrested after a neighbour reported her for having “romantic relationship” with other girls of her age. The girl has reportedly admitted to the offence of “engaging in inappropriate behaviour” according to Catherine Wobuyaga, the chief investigating officer for the case. Victor Odero, a campaigner for Amnesty International in East Africa said: “The girl should be immediately and unconditionally released if she is still in detention.”’<sup>93</sup>

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### 7.3 Local government authorities

7.3.1 The Uganda NGO Consortium report for 2015 also documented violations committed by local authorities. It noted that: ‘... in six verified cases, the authorities violated rights. The actions engaged in by most of these authorities were evictions and banishments from villages on the basis of sexual orientation...’ However, other violations also took place, including one official who reportedly, along with police, who beat up a gay man.<sup>94</sup>

7.3.2 The SMUG report covering events between May 2014 and December 2015 noted that: ‘Sometimes, local councils (LCs) formally require tenants to leave after being reported by landlords. These formal requests are often made on false premises for sexual and gender minorities, such as not paying rent on time.’<sup>95</sup>

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### 7.4 Access to public services

7.4.1 The DIS / DRC FFM of June 2013 noted the observations of the UN OHCHR, which considered that ‘there were cases of LGBT persons being denied access to medical attention in public health facilities.’<sup>96</sup> Most sources

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<sup>92</sup> Human Rights Watch, UPR Submission, Uganda, Addendum to UPR Submission, October 2016, <https://www.hrw.org/news/2016/11/01/uganda-upr-submission>. Date accessed: 14 November 2016

<sup>93</sup> Pink News, 8 year old girl arrested in Uganda over suspicion that she is gay, 20 November 2016 <http://www.pinknews.co.uk/2016/11/20/8-year-old-girl-arrested-in-uganda-over-suspicion-that-she-is-gay/> date accessed 30 December 2016

<sup>94</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, p40, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 14 November 2016

<sup>95</sup> Sexual Minorities Uganda (SMUG), And That’s How I survived Being Killed, p16, April 2016, [https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived\\_Report\\_Final.pdf](https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived_Report_Final.pdf). Date accessed: 7 December 2016

<sup>96</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service’s and the Danish Refugee Council’s fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p6, January 2014 <http://www.nyidanmark.dk/NR/rdonlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsInUgandaFinal.pdf>. Date accessed: 18



interviewed by the delegation considered that LGBT persons would face discrimination in accessing healthcare and from medical practitioners, although a number considered that treatment could be obtained from a LGBT-friendly doctor for those who 'know their way around'.<sup>97</sup> SMUG also observed that LGBT persons did not seek medical attention for fear of being 'outed'. Beyonce Karungi, Executive Director of TEU, explained that 'most transgender women are forced to engage in sex-work, as they cannot get an ordinary job. It is very difficult to receive health care, since transgender persons are often refused treatment by doctors and medical staff in ordinary clinics.'<sup>98</sup> The DIS / DRC FFM of June 2013 also noted LGBT persons being pressured out of education and jobs because of sexual orientation.<sup>99</sup>

7.4.2 See section 1.3 of [DIS / DRC FFM report](#) for all comments made by sources.

7.4.3 The SMUG report covering the period May 2014 to December 2015 noted that:

'Perhaps one of the most frequent human rights abuses against LGBTI persons relates to accessing non-discriminatory healthcare. Although informal discussion among members of the LGBT community about discrimination at health clinics occurs quite frequently, reported cases are rare. The normalization of this discrimination is extremely problematic. Although, there were only 5 documented cases relating to access to health care, we expect to see this number rise to its more accurate figure with continued documentation.

'Access to Healthcare for LGBTI Ugandans is often characterized by extreme stigma... Healthcare providers often fail to take detailed medical histories of LGBTI persons, missing out on important health information. LGBTI persons are almost always unable to access services as couples, making accessing sexual and reproductive services difficult.

'Because of the social and political climate in Uganda there is often disruption of access to health services, including harassment by police at health facilities. Perhaps the most notable case of this occurred when the Uganda police raided the Walter Reed Project [in 2014], a project funded by

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November 2016

<sup>97</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p37, January 2014 <http://www.nyidanmark.dk/NR/rdonlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsUgandaFinal.pdf>. Date accessed: 18 November 2016

<sup>98</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p35-36 and 38, January 2014 <http://www.nyidanmark.dk/NR/rdonlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsUgandaFinal.pdf>. Date accessed: 18 November 2016

<sup>99</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p35, January 2014 <http://www.nyidanmark.dk/NR/rdonlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsUgandaFinal.pdf>. Date accessed: 18 November 2016

the USAID, which offered services to all Ugandans with a specific focus on LGBTI individuals.<sup>100</sup>

7.4.4 The UN Committee on Economic, Social and Cultural Rights has expressed its concern that:

‘... lesbian, gay, bisexual, transgender and intersex persons [were] being denied access to health care and, in particular, same-sex partners facing serious difficulties in accessing HIV/AIDS-related prevention and treatment[...] The Committee urged Uganda to investigate and deter acts of discrimination against lesbian, gay, bisexual, transgender and intersex people, bring perpetrators to justice and provide compensation to victims.’<sup>101</sup>

7.4.5 The Human Rights Campaign reported in September 2015 that ‘In July 2014, Uganda criminalized transmission of HIV, placing vulnerable populations such as gay men, transgender women and MSM at further risk. These populations already find it difficult to access healthcare services due to a double stigma towards both homosexuality and HIV. The new law allows medical providers to disclose patients’ HIV status to others, and criminalizes transmission and attempted transmission. [...] LGBT Ugandans have also been subjected to fraudulent and deadly practices disguised as medical interventions. Several forced cases of so-called “conversion therapy,” a practice which the U.N. has deemed sometimes being tantamount to torture, have been reported. [...] Other violations have included compulsory HIV tests with results released publicly without consent.’<sup>102</sup>

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## 8. Support from state actors

### 8.1 Police

8.1.1 The Ugandan Consortium of NGOs report for 2015 noted that

‘As the trend has been before, the authors of this report acknowledge the increased cooperation between the Police leadership and the LGBTI community. The Police’s leadership and especially the Directorate of Human Rights and Legal Services continued to be actively engaged in the protection of LGBTI rights. The Director himself, Assistant Inspector General of Police Erasmus Twaruhukwa and his staff were always available throughout the year, and could be contacted at any time in case the Police were violating

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<sup>100</sup> SMUG, And That’s How I survived Being Killed, p40-41, April 2016, [https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived\\_Report\\_Final.pdf](https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived_Report_Final.pdf). Date accessed: 7 December 2016

<sup>101</sup> UN Human Rights Council, Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21: Uganda, para 24, 29 August 2016, <http://www.refworld.org/docid/57f4fb834.html>. Date accessed: 14 November 2016

<sup>102</sup> HRC, Global Spotlight, LGBT Uganda Today: Continuing Danger Despite Nullification of Anti-Homosexuality Act, p1, September 2015 [http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Global\\_Spotlight\\_Uganda\\_designed\\_version\\_September\\_25\\_2015.pdf](http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Global_Spotlight_Uganda_designed_version_September_25_2015.pdf). Date accessed: 6 October 2016

the rights of LGBTI persons. Activists and lawyers used this channel on many occasions and in all those cases there was a positive outcome.

‘In a number of instances, the Police came out to protect the rights of LGBTI persons. Like in 2014, five separate incidents were verified in 2015 where police protected LGBTI persons. What should be of note is that in all but one of these cases of protection, there were violations being committed by the Police and this one instance simply stood out.’<sup>103</sup>

8.1.2 The report gave specific examples of police assistance, including:

- 2 cases where the police protected LGBT persons from mob violence (though this included the arrest of 9 men on charges of sodomy, but whom the police then wished to release but would only do so once the NGO HRAFP had found somewhere safe for the men to go)
- Assistance in accessing property following a person’s eviction because of their sexual orientation
- Release of a trans person who was arrested for ‘dressing like a woman’, after the police concluded that ‘they did not really see a problem with cross dressing’.<sup>104</sup>

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## 8.2 Local authorities

8.2.1 The Ugandan NGO Consortium also identified 2 incidents in 2015 where local council officials assisted LGBT persons.<sup>105</sup>

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# 9. Societal attitudes and treatment

## 9.1 Overview

9.1.1 Section 5.4 (Treatment by non-state actors) of the Finnish Immigration Service’s report, [Status of LGBT people in Cameroon, Gambia, Ghana and Uganda](#), 3 December 2015, provides a comprehensive compilation of generally reliable sources on the societal treatment of LGBT persons in Uganda as of October 2015.

9.1.2 The Pew Research Center commissioned a global survey of societal attitudes towards LGBT persons which included Uganda in March 2013. The sample in Uganda was based on interviews with 800 adults. The survey found that only 4% of Ugandans thought that ‘homosexuality’ should be accepted by society while 96% considered that it should be rejected. The acceptance rate was a 1 point (from 3% to 4%) increase from a previous survey conducted in

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<sup>103</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, ps 9, 25-26, 35 and 48-49, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 14 November 2016

<sup>104</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, ps 26-27, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 14 November 2016

<sup>105</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, ps 40, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 14 November 2016

2007. Unlike most other countries survey, acceptance of 'homosexuality' was greater amongst persons aged over 50 (7%) than those between 18 and 29 (3%), and those aged 30 to 49 (2%).<sup>106</sup>

- 9.1.3 The International Lesbian and Gay Association commissioned a global attitudes survey towards LGBT persons in 65 countries, including Uganda. The survey size in each country was between 700 and 3,200 people.<sup>107</sup> The survey results for Uganda released in 2016 are in the table below:

|   | Strongly agree | Somewhat agree | Neither                | Somewhat disagree | Strongly disagree  |
|---|----------------|----------------|------------------------|-------------------|--------------------|
| Being gay, lesbian, bisexual, trans, or intersex should be a crime? | 47%            | 10%            | 15%                    | 5%                | 26%                |
| Same-sex desire is a Western phenomenon                             | 42%            | 12%            | 19%                    | 5%                | 23%                |
|   | No concerns    |                | Somewhat uncomfortable |                   | Very uncomfortable |
| How would you feel if your neighbour is gay or lesbian?             | 40%            |                | 15%                    |                   | 45%                |

<sup>108</sup>

- 9.1.4 The Danish Immigration Service / Danish Refugee Council FFM report of a visit to Uganda that took place in June 2013, citing various sources, observed

<sup>106</sup> Pew Research Center, The Global Divide on Homosexuality, 4 June 2013, <http://www.pewglobal.org/2013/06/04/the-global-divide-on-homosexuality/>. Date accessed: 14 November 2016

<sup>107</sup> ILGA-RIWI 2016 Global Attitudes Survey on LGBTI People in partnership with Logo (Uganda data taken from State-Sponsored Homophobia, A World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition, p10, updated to June 2016), [http://ilga.org/downloads/02\\_ILGA\\_State\\_Sponsored\\_Homophobia\\_2016\\_ENG\\_WEB\\_150516.pdf](http://ilga.org/downloads/02_ILGA_State_Sponsored_Homophobia_2016_ENG_WEB_150516.pdf). Date accessed: 15 November 2016

<sup>108</sup> ILGA-RIWI 2016 Global Attitudes Survey on LGBTI People in partnership with Logo (Uganda data taken from State-Sponsored Homophobia, A World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition, p91, updated to June 2016), [http://ilga.org/downloads/02\\_ILGA\\_State\\_Sponsored\\_Homophobia\\_2016\\_ENG\\_WEB\\_150516.pdf](http://ilga.org/downloads/02_ILGA_State_Sponsored_Homophobia_2016_ENG_WEB_150516.pdf). Date accessed: 15 November 2016

- Ugandans do not generally discuss sexual behaviour generally (Ugandan Human Rights Commission) and in general favour conservative moral values. Uganda used to be 'a rather tolerant society and to some extent it still is' (Western Embassy A)
- Homosexuality is not openly discussed and is considered taboo (OHCHR; SMUG)
- LGBT persons face discrimination and hostility from their families and society generally, and are shunned by society (Anonymous human rights organisation)
- Cultural norms and religious beliefs are the root cause of homophobia
- 'A Western embassy (B) stated that the general perception of LGBT persons is very much influenced by the anti-gay groups based in the USA who are 'born again' Christians. At the same time pro-gay activism from Western countries has upset many people in Uganda, as the "westernized" form of homosexuality is strongly opposed by the public. Both the anti-gay as well as pro-gay activists are sponsored by Western donors.'
- Increased public debate on LGBT persons may have led to polarised and extremist views<sup>109</sup>

9.1.5 The DIS / DRC FFM report, citing various sources, noted that: LGBT persons who are not living openly face 'the risk of being disowned by the family, expelled from the village or local society denied access to formal education, being evicted from their housing by their landlords and being fired' (EHAHRDP). As a consequence and to be able to continue to hide their sexual orientation, many ordinary members of the LGBT community move from place to place. Landlords could evict them, if they are suspected of being homosexuals and they would have to move elsewhere. This nomadic lifestyle would also reflect negatively on a person's attachment to the labor market.<sup>110</sup>

9.1.6 The Ugandan Consortium of NGOs in its report for 2015 observed that: 'Homophobia is still very prevalent in Uganda and therefore there is a prevalent lack of acceptance of LGBTI persons, even by their families. Family members have therefore been documented to perpetrate violations against their actual or perceived LGBTI relatives.'<sup>111</sup>

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<sup>109</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p53-546, January 2014

<http://www.nyidanmark.dk/NR/rdonlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsUgandaFinal.pdf>. Date accessed: 18 November 2016

<sup>110</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p53-54, January 2014 <http://www.nyidanmark.dk/NR/rdonlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsUgandaFinal.pdf>. Date accessed: 18 November 2016

<sup>111</sup> Consortium on Monitoring Violations Based on Sex Determination, Uganda Report of



9.1.7 The Uganda NGO consortium noted that the majority of violations against LGBT persons it documented in 2015 were committed by non-state actors (contrasting with 2013 and 2014, where the majority were committed by the state):

‘Of the 171 violations, [non-state actors]... were responsible for 93 of these. Most of the perpetrated violations by non-state actors were evictions of suspected LGBTI persons from their homes. Some of these were outright evictions while others were a result of insecurities arising from threats and attacks. This left many LGBTI persons homeless and without means of sustenance. The perpetrators responsible were property owners, families, community members and in a few instances, places of work.’<sup>112</sup>

9.1.8 The same went on to opine in its conclusion:

‘For the first time [compared to reports for 2013 and 2014], a report on violations showed that non-state actors perpetrated more violations than state actors. Of the 171 violations documented in this report, state actors perpetrated 93 of these which translate into 54.4% of the violations. This is a unique development, and it is hard to attribute it to anything in particular. It could be that there is more documentation of these violations or that the non-state actors have become more emboldened to carry out these violations. It should be noted that among the non-state actors, property owners ranked as the top most violators. It would not be so farfetched to presume that the property owners are increasingly violating rights of LGBTI persons because their actions feel justified and in most cases, they are condoned by duty bearers like the Police. Most of the violations perpetrated by property owners are forceful evictions. These are rarely punished or addressed as in most cases, the property owners feel justified to evict actual or perceived LGBTI persons as most of these evictions are pursuant to complaints from the general community. The treating of LGBTI persons as outcasts is the accepted norm and this could be emboldening property owners and other non-state actors to violate rights of LGBTI persons.’<sup>113</sup>

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## 9.2 Media articles / broadcasts

9.2.1 NGOs interviewed by the DRC / DIS delegation reported anti-LGBT campaigns, death threats and outings sometimes took place via online social media, including Facebook, Twitter and blogs, as well as in some, usually tabloid newspapers.<sup>114</sup>

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Violations Based on Sexual Orientation and Gender Identity 2016, p45, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 16 November 2016

<sup>112</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, p43, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 16 November 2016

<sup>113</sup> Consortium on Monitoring Violations Based on Sex Determination, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, p50-51, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 16 November 2016

<sup>114</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p34 and 82, January 2014

- 9.2.2 The same report, citing OHCHR, noted that: ‘... since the introduction of the AHB in 2009, the public debate on homosexuality has increased and caused in some occasions public expressions of homophobia at different levels in society.’ Similarly representatives of SMUG observed that arrests appeared to rise when LGBTs were in the ‘frontline in the media’.<sup>115</sup>
- 9.2.3 The DIS / DRC report also stated
- ‘... some articles of some media [have been]... a cause for harassment against LGBT persons, with homophobic articles and publications in the media inciting the public opinion to act against LGBT persons. There have also been positive effects of the media articles, as in Daily Monitor this year [2013] where the objective was to share objective information about homosexuality normally not known by the public...[OHCHR]
- ‘In general, since homosexuality is a taboo matter, lots of myths and not confirmed rumors are circulating.[OHCHR]’.<sup>116</sup>
- 9.2.4 A number of sources in the DIS / DRC report identified, in 2013, the tabloid newspapers of Rolling Stone [a university newspaper, now shut down], Red Pepper and Bukede, as publishing homophobic articles. However other non-tabloid papers including The Monitor, Daily Vision, The Independent and The Observer had reportedly published more neutral, and sometimes ‘nuanced’ and ‘broadminded’ articles.<sup>117</sup>
- 9.2.5 The representatives of SMUG told the DIS / DRC delegation that the police sometimes arrested LGBT persons and used the threat of ‘outing’ them to elicit bribes. Adding, that once a person had been ‘outed’ by the media they risk discrimination and harassment, even violence (but were not aware of ‘severe’ or ‘mob’ violence), by the general public.<sup>118</sup>

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<http://www.nyidanmark.dk/NR/ronlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsInUgandaFinal.pdf>. Date accessed: 18 November 2016

<sup>115</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p81, January 2014 <http://www.nyidanmark.dk/NR/ronlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsInUgandaFinal.pdf>. Date accessed: 18 November 2016

<sup>116</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p81, January 2014 <http://www.nyidanmark.dk/NR/ronlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsInUgandaFinal.pdf>. Date accessed: 18 November 2016

<sup>117</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p83, January 2014 <http://www.nyidanmark.dk/NR/ronlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsInUgandaFinal.pdf>. Date accessed: 18 November 2016

<sup>118</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p81-82, January 2014 <http://www.nyidanmark.dk/NR/ronlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsInUgandaFinal.pdf>. Date accessed: 18 November 2016



9.2.6 The SMUG report covering events between May 2014 and December 2015 observed that:

‘Publication of anti-LGBT articles in the local and national media, often with articles “exposing homosexuals,” has continued to catalyze human rights abuses against LGBT persons in Uganda. Front pages of prominent newspapers such as the Red Pepper and the government owned Bukedde have carried stories that are riddled with homophobia — including pictures of nude individuals, young girls kissing, and false allegations that cabinet ministers seek the services of gay sex workers, among others. Perhaps the most infamous coverage, was from the now defunct Rolling Stone newspaper, which ran a front page headline stating, “100 Pictures of Uganda’s Top Homos Leak,” alongside a yellow banner reading “hang them.” The front page included headshots of prominent LGBT activists, Bishop Christopher Senyonjo and the late David Kato, along with their addresses.’<sup>119</sup>

9.2.7 The same source stated that:

‘Although, the Uganda High Court created precedent that “outing” sexual and gender minorities in the media is an invasion of privacy and a violation of their constitutional rights — such human rights abuses ensue. Sexual Minorities Uganda has documented 11 cases of press intrusion for this report, which outed sexual and gender minorities. This has continued to cause LGBT persons to face many different human rights abuses and forms of social exclusion, including banishment by their families and eviction.’<sup>120</sup>

9.2.8 The Ugandan Consortium of NGOs also reported that the media published and broadcast:

‘... biased and damaging stories about actual or perceived LGBTI persons which consequentially violates rights to privacy, fair trial (presumption of innocence) and the freedom from cruel, inhuman and degrading treatment. In 2015, six media houses were documented as having perpetrated eight violations against LGBTI persons. These included two TV stations,<sup>131</sup> two radio stations<sup>132</sup> and two newspapers.’<sup>121</sup>

9.2.9 The report also provided examples of media reporting:

‘The Red Pepper published two stories about a suspected lesbian on 11 May 2015 under the headline ‘NSSF boss forces 20 juniors into homo sex’ and on 25 May 2015 under the headline ‘NSSF homo boss fired’. These stories

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<sup>119</sup> SMUG, And That’s How I survived Being Killed, p23-24, April 2016, [https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived\\_Report\\_Final.pdf](https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived_Report_Final.pdf). Date accessed: 7 December 2016

<sup>120</sup> SMUG, And That’s How I survived Being Killed, p24, April 2016, [https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived\\_Report\\_Final.pdf](https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived_Report_Final.pdf). Date accessed: 7 December 2016

<sup>121</sup> Consortium on Monitoring Violations Based on Sex Determination (CMVBSD), Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, p45, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 16 November 2016

were regarding a case of sexual allegations, which case was being heard in court...

'The Kampala Sun on 23 October 2015 published a story about a bar brawl that had taken place at a bar in Kampala involving two transgender men. The article claimed that one of the transgender men was promoting unbecoming behavior at the bar because of his dress code. These were allegations made in the middle of an investigation into the bar fight.

'The television stations continuously run stories of especially transgender persons calling them impostors and frauds which violates the presumption of innocence and creates skewed opinions of transgender persons as criminals. As opinion leaders and shapers of discourse, the media need to be held accountable for the violations they perpetrate.'<sup>122</sup>

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### 9.3 Family members

9.3.1 The DIS / DRC FFM report citing various sources which were consistent in observing that if a person was outed or their sexuality or gender identity become known:

- 'Representatives of EHAHRDP stated that LGBT persons who have been outed would most likely be disowned by their family and forced to leave the area. Families would do so because they are either homophobic themselves or because of societal pressure and fear of loss of status, being isolated as well as feeling ashamed etc.'
- Some LGBT persons have been subject to 'torture' or corrective rape by family members. Others have been told to get married or be disowned by the family, and being denied payment for education (CSCHRCL)
- Many LGBT persons have been evicted from their family homes and could no longer continue their education
- A family may not kill a family member but can distance themselves from the LGBT person – killing would be extreme, if it occurred it would be very rare. Most common reaction is that the family refuse to pay school fees and threaten to do other things (SMUG)
- '... urban areas are relatively safe, except for slum areas. It was emphasized that LGBT persons in general do not fear the Ugandan authorities. In general, LGBT persons fear the reactions by their family members if they are outed. In turn, the family's concern would be the reactions from the local community, their church and the social status of the family if it becomes known that someone in the family is LGBT. In that situation the family would feel obliged to protect their name in the eyes of society and the family would deny the LGBT family member help if the

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<sup>122</sup> Consortium on Monitoring Violations Based on Sex Determination (CMVBSD), Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, p45, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 16 November 2016

person is sick, maybe stop paying school fees and in general distance themselves from that person [SMUG]<sup>123</sup>

9.3.2 The Human Rights Campaign reported in September 2015 that 'Following the introduction of the AHA, many families disowned LGBT members and reportedly even forced their relatives to turn themselves in to the police.'<sup>124</sup>

9.3.3 The Ugandan Consortium of NGOs reported that in 2015 it documented:

'... seven violations [...] perpetrated by family members. In two cases, family members reported their suspected gay relatives to the Police and cases of homosexuality were opened up against them, in three cases, the family members banished and/or evicted their suspected LGBTI relatives [...] in one case, the family members outed the suspected gay man to the police using a text message [...] and in another, the family disowned and rejected three suspected gay men after they had been arrested on allegations of homosexuality [...] These actions not only violate the rights to privacy, equality and non-discrimination and freedom from cruel and inhuman treatment, they also increase the vulnerability of LGBTI persons hence entrenching their marginalization.'<sup>125</sup>

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#### 9.4 Employers and property owners

9.4.1 The DIS / DRC FFM report, citing various sources, noted that:

- LGBT persons have few employment options, apart from very few self-employment options aside from and commercial sex work (FARUG)
- LGBT persons face harassment in the workplace. Job and housing loss is common if someone is 'outed' (CSCHRCL)<sup>126</sup>

9.4.2 A report by Sexual Minorities Uganda which documented violations against LGBT persons between May 2014 and December 2015 noted:

'Ugandan sexual and gender minorities are often forced to leave their homes, either by formal eviction from landlords or informal forced removal by neighbors and community members... Of the 34 cases of eviction

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<sup>123</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p55-57, January 2014 <http://www.nyidanmark.dk/NR/ronlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsUgandaFinal.pdf>. Date accessed: 18 November 2016

<sup>124</sup> HRC, Global Spotlight, LGBT Uganda Today: Continuing Danger Despite Nullification of Anti-Homosexuality Act, p1, September 2015 [http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Global\\_Spotlight\\_Uganda\\_designed\\_version\\_September\\_25\\_2015.pdf](http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Global_Spotlight_Uganda_designed_version_September_25_2015.pdf). Date accessed: 6 October 2016

<sup>125</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, p46, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 16 November 2016

<sup>126</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p55-56, January 2014 <http://www.nyidanmark.dk/NR/ronlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsUgandaFinal.pdf>. Date accessed: 18 November 2016

documented in this report almost all detailed the landlord or community members concern for having a “gay person” in the area.

‘...Often when evictions happen, LGBT persons are forced to leave within hours and are left without their assets and belongings or a place to go. In addition, many are already living on their own after being banished by their families. Evictions make it very unsafe for LGBT persons, leaving them prone to violent attacks, because accusations of being “gay” from landlords often quickly spread by word of mouth and can spark “mob justice” in the surrounding community.’<sup>127</sup>

9.4.3 The same report stated that: ‘In many cases of eviction, immediate family members have forced LGBT persons out of the home. .... For LGBTI youth this type of eviction is all too common, leaving many without the necessary resources to access basic necessities and medical treatment.’<sup>128</sup>

9.4.4 On the subject of employment, the SMUG report stated that:

‘For many LGBT Ugandans who are fired from work on grounds of their sexual orientation or gender identity... they do not want to pursue suing their former employers...

‘Finding work for LGBT Ugandans is extremely difficult. When LGBT identifying persons do find jobs, it almost always requires them to stay in the closet and hide their status as a sexual or gender minority — living in constant fear that they may one day be outed by coworkers, family, or community members... Researchers documented 24 cases of sexual and gender minorities being terminated based on their sexual orientation or gender identity. When this happens, they face social exclusion from the community and difficulties in providing support for themselves and their families.’<sup>129</sup>

9.4.5 The Ugandan Consortium of NGOs reported that in 2015: ‘There were four cases verified for this report in which suspected gay men lost their jobs because of their perceived sexual orientation.’<sup>130</sup> The same source also documented 40 cases of property owners evicting LGBT persons because of their suspected sexual orientation / gender identity.<sup>131</sup>

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<sup>127</sup> Sexual Minorities Uganda (SMUG), And That’s How I survived Being Killed, p15, April 2016, [https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived\\_Report\\_Final.pdf](https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived_Report_Final.pdf). Date accessed: 7 December 2016

<sup>128</sup> SMUG, And That’s How I survived Being Killed, p18-19, April 2016, [https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived\\_Report\\_Final.pdf](https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived_Report_Final.pdf). Date accessed: 7 December 2016

<sup>129</sup> SMUG, And That’s How I survived Being Killed, p26-27, April 2016, [https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived\\_Report\\_Final.pdf](https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived_Report_Final.pdf). Date accessed: 7 December 2016

<sup>130</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, p46, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 16 November 2016

<sup>131</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, p43, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 16 November 2016

## 9.5 Society in general

9.5.1 The DIS / DRC FFM report, citing various sources, noted that:

- LGBT persons move from conservative rural areas to Kampala to keep their sexuality secret. Once in Kampala they may move from place to place, becoming 'in-closet nomads' (FARUG)
- Representatives of EHAHRDP stated that ordinary members of the LGBT community, who have been outed, in many cases live on the margins of society and a feeling of hopelessness is profound. They have in many cases been completely disowned by their families and they often do not have the skills to cater for themselves.'
- 'According to Executive Director of Spectrum Uganda, Samuel Ganafa K. discrimination against LGBT persons is widespread especially in the private sector. Discrimination can also be found in the public sector, but it is not as frequent as in the private sector. Samuel Ganafa K. referred to a man he knows, who was a baker. When the community realised that he was gay, they would no longer buy his cakes.'
- A Western embassy (B) stated that a LGBT person, who has been outed or who is suspected of being homosexual or transgender would most likely lose his or her job. Furthermore, as soon as it is established that a person is homosexual or transgender, he or she is likely to be evicted by his or her landlord or disowned by the family.
- Representatives of Icebreakers explained that LGBT persons are very vulnerable. [...] They are often kicked out of school or they lose their job as a consequence of their sexual orientation being known in the local community. All in all, most LGBT persons find it hard to get by. It was emphasized that social exclusion forces LGBT persons to move to and live in unsafe areas, in the slum, which makes them even more exposed to abuse.'<sup>132</sup>

9.5.2 The same also noted, citing various sources that

- If a person was outed in the print media they would risk harassment and discrimination by the general public (SMUG)
- Persons who are known to be LGBT are rejected by their family and church, 'kicked out' of school or lose their job (Icebreakers)
- OHCHR in Uganda explained that historically, LGBT persons in Uganda have suffered a certain level of social marginalization, isolation and discrimination, but there are no cases of extreme violence against LGBT persons in Uganda.

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<sup>132</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p55, January 2014 <http://www.nyidanmark.dk/NR/rdonlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsUgandaFinal.pdf>. Date accessed: 18 November 2016



- OHCHR observed that it was not possible to determine the magnitude of discrimination faced by LGBT persons since many incidents may be unreported or occur in rural areas where incidents are not documented (OHCHR)
- ‘... the peaks in the discrimination, harassment, arrests and violence against LGBT persons can be linked to specific periods of time when LGBT issues have been raised by national public media [OHCHR]’ Similarly FARUG noted that ‘... most cases of harassment of LGBT persons occur in periods of incitement, for example a period of heightened media coverage and attention to the LGBT issue...
- ‘According to representatives of EHAHRDP, it is mostly LGBT activists who are openly gay or transgender. The great majority of the LGBT community keeps a low profile and avoids being outed.
- ‘According to an anonymous human rights organization in Uganda, what determines the level of persecution, is how openly gay someone is. As long as people are discreet about their sexual orientation, they would most likely not have to fear being persecuted, whereas the risk of being persecuted was heightened for openly LGBT persons.
- ‘According to a Western embassy (A), a certain level of societal acceptance of individual LGBT persons exists, if these are discreet about their sexuality and do not “push it on others”, as well as when they are known to be helpful individuals within their communities.
- An anonymous human rights organization in Uganda, explained that the risk of harassment and violent reprisals by the local society facing LGBT persons depend on how overtly they are in relation to their sexuality. Landlords could based on mere suspicion evict a LGBT person from his or her rented housing and the risk of being disowned by the family is real. However, many families have a brother, a sister, a nephew or cousin who is homosexual and that does not necessarily present a problem if that person is discreet about his or her sexual orientation. It was added that many especially young people - two men or two women - share a flat if they for instance study in Kampala. It is thus possible for same sex couples to live together in privacy.
- Representatives of EHAHRDP explained that in most cases LGBT persons who are openly gay would also function as LGBT rights activists. The vast majority of LGBT persons are not living openly as LGBT because of the level of discrimination in the general public.
- ‘According to the African women’s rights organization based in Uganda, societal discrimination of LGBT persons is evident in all aspects of everyday life, as for example being denied service at stores etc. It was further added that one would also be discriminated against, if you associated with LGBT persons.’<sup>133</sup>

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<sup>133</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish

9.5.3 On trans persons, the DIS / DRC FFM report noted

'Beyonce Karungi, Executive Director of TEU, further explained that even though [when] pictures [of arrested transgender persons] are shown in the media [by the police], the arrested transgender person does risk further persecution, because private individuals may recognize them and may evict them from housing or abuse them on the streets. Mob justice is also a problem when a transgender person has been named in the media.'<sup>134</sup>

9.5.4 The Finnish Immigration Service's report covering LGBT persons in Uganda, based on a collation of original or primary sources up to October 2015, stated:

'Transgender Ugandans and others who defy gender norms are subjected to the same discrimination as gay men and lesbian women, regardless of their actual sexual orientation. Violating gender norms can create a presumption of homosexuality and lead to harassment and arrest. [...] Similar to lesbians, transgender individuals have become victims of "corrective rape", while others have been subjected to forced medical treatment and non-consensual therapy for the purpose of "fixing" their gender identity.

'According to SIPD Uganda, an organisation that specialises on issues of intersex individuals, "[m]any people with intersex conditions experience significant stigma and discrimination in Uganda such as humiliation, ostracism, exploratory rape, evictions from accommodation facilities due to superstitions, ritualistic murder of intersex infants, lack of access to healthcare, employment, and education to exclusion from community and family life as well as domestic violence for mothers of such children". Intersex persons face unique circumstances and concerns, but these are often confused with issues concerning gender identity and sexual orientation.'<sup>135</sup>

9.5.5 On the subject of violence in general and mob violence in particular, the DIS / DRC FFM report, citing various sources, noted that incidents of mob violence or justice were considered to be rare. Some sources were not aware of recent documented incidents but SMUG estimated that there would be at least 1 beating a month of a LGBT person which might rise to 3 a month when there was a focus on LGBT issues. Sources also noted that the

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Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p56-60, January 2014 <http://www.nyidanmark.dk/NR/rdonlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsUgandaFinal.pdf>. Date accessed: 18 November 2016

<sup>134</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p60, January 2014 <http://www.nyidanmark.dk/NR/rdonlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsUgandaFinal.pdf>. Date accessed: 18 November 2016

<sup>135</sup> Finnish Immigration Service, Status of LGBT people in Cameroon, Gambia, Ghana and Uganda, section 5.6, p.91-92 December 2015, [http://www.migri.fi/download/64429\\_Status\\_of\\_LGBTI\\_people\\_in\\_Cameroon\\_Gambia\\_Ghana\\_and\\_Uganda\\_3.12.2015.pdf?2b684fcb1606d388](http://www.migri.fi/download/64429_Status_of_LGBTI_people_in_Cameroon_Gambia_Ghana_and_Uganda_3.12.2015.pdf?2b684fcb1606d388). Date accessed: 8 December 2016

police would sometimes intervene and stop situations of violence. (Icebreakers, SMUG and FARUG)<sup>136</sup>

9.5.6 The Human Rights Campaign reported in September 2015 that 'The introduction of the Anti-Homosexuality Act fueled widespread violations and abuses of the human rights of LGBT Ugandans. [...] Attacks included cases of mob and vigilante justice. Jjuuko noted that anti-LGBT mob violence was rare in the past but became commonplace after the AHA came into force. For instance, in January 2015, nine men who visited a health center to get screened for sexually transmitted infections were pursued by a mob.'<sup>137</sup>

9.5.7 The DIS / DRC FFM report, citing various sources, stated:

'[The]... Executive Director of TEU, stated that transgender people have been killed in hate crimes. The transgender women are more exposed to hate crimes, discrimination, police violence etc. than other LGBT groups, because transgender women are more visible... private individuals also resort to violence against transgender persons. The violence is mostly unprovoked.

'According to an anonymous human rights organization in Uganda, rape of LGBT commercial sex workers is very common. It was estimated that rapes of LGBT sex workers take place on a weekly basis.'<sup>138</sup>

9.5.8 The DIS / DRC FFM reported on the difference in treatment of LGBT persons in urban and rural areas. Sources varied, but a number of sources suggested that LGBT would not be treated as outcasts, but would be tolerated if they acted discreetly. However, several sources considered that LGBT persons in rural areas were vulnerable to being rejected or attacked by their family, and banished from their communities. Some sources in the same report were aware of 'gay' bars in Kampala, while SMUG observed that there were a number of 'pink' areas in the city where homophobia was less pronounced.<sup>139</sup>

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<sup>136</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p60-64, January 2014 <http://www.nyidanmark.dk/NR/ronlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsUgandaFinal.pdf>. Date accessed: 18 November 2016

<sup>137</sup> HRC, Global Spotlight, LGBT Uganda Today: Continuing Danger Despite Nullification of Anti-Homosexuality Act, p1, September 2015 [http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Global\\_Spotlight\\_Uganda\\_designed\\_version\\_September\\_25\\_2015.pdf](http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Global_Spotlight_Uganda_designed_version_September_25_2015.pdf). Date accessed: 6 October 2016

<sup>138</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p66, January 2014 <http://www.nyidanmark.dk/NR/ronlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsUgandaFinal.pdf>. Date accessed: 18 November 2016

<sup>139</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p66-68, January 2014 <http://www.nyidanmark.dk/NR/ronlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsUgandaFinal.pdf>. Date accessed: 18 November 2016

9.5.9 The SMUG report for events between May 2014 and December 2015 noted that

‘Violence towards LGBT persons also occurs frequently from fellow members of the LGBT community who know that they are sexual and gender minorities. Perhaps most frequently, assault and physical violence that does occur between members of the LGBT community happens when they are romantically or sexually involved with one another. Researchers found 8 cases of violence toward sexual and gender minorities by peer LGBT members.’<sup>140</sup>

9.5.10 The same report documenting harassment stated:

‘Sexual and gender minorities are often met with harassment from community members, friends, family, and state actors. Harassment most frequently takes the form of nonphysical homophobic or transphobic threats, with 26 cases reported involving verbal harassment. However, LGBTI persons also face harassment in the form of intimidation with 9 cases involving blackmail, 4 involving house intrusion, and 15 involving loss of physical property.’<sup>141</sup>

9.5.11 The SMUG report also opined that ‘Often harassment towards sexual and gender minorities leads to physical violence’ and gave the examples of a male sex worker and gay man who reportedly lost his job because of his sexuality.<sup>142</sup>

9.5.12 The Ugandan Consortium of NGOs reported that in 2015:

‘The general community was responsible for 30 violations documented and verified in 2015. Of these cases, 19 were physical attacks, eight were cases of threatening violence, three were cases of blackmail, two were cases of banishment from villages, one was a case of gang [‘corrective’] rape and one was a case of eviction.

‘The cases of physical attacks were perpetrated sometimes by unknown mobs and sometimes by known persons. They were always targeted and intended to injure and intimidate suspected LGBTI persons.’<sup>143</sup>

9.5.13 The same source observed ‘The LGBTI community faces a challenge of blackmail. This is mostly done by friends of LGBTI persons and fellow members of the LGBTI community.’<sup>144</sup>

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<sup>140</sup> SMUG, And That’s How I survived Being Killed, p35, April 2016, [https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived\\_Report\\_Final.pdf](https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived_Report_Final.pdf). Date accessed: 7 December 2016

<sup>141</sup> SMUG, And That’s How I survived Being Killed, p37, April 2016, [https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived\\_Report\\_Final.pdf](https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived_Report_Final.pdf). Date accessed: 7 December 2016

<sup>142</sup> SMUG, And That’s How I survived Being Killed, p37-38, April 2016, [https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived\\_Report\\_Final.pdf](https://sexualminoritiesuganda.com/wp-content/uploads/2016/04/And-Thats-How-I-Survived_Report_Final.pdf). Date accessed: 7 December 2016

<sup>143</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, p47, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 16 November 2016

<sup>144</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016,

9.5.14 In November 2015 Pink News reported that ‘There has been an alarming spate of attacks on trans people in Uganda, activists have warned. LGBT rights group Sexual Minorities Uganda issued a stark warning [...] after eight reported transphobic attacks in less than a week. [...] According to the group, the spate of attacks have included mob beatings, home invasions and death threats – and that in at least one instance, the victim ended up in the back of a police van while the attackers were allowed to go free.’<sup>145</sup>

9.5.15 Freedom House reported in its 2016 Freedom on the Net report that ‘Hacking attacks against gay individuals for the purposes of blackmail were also reported. In one recent incident, the Facebook account of a closeted gay celebrity was hacked with screenshots taken of private messages pointing to his sexual orientation that were used to blackmail him.’<sup>146</sup>

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## 10. Civil society

### 10.1 Overview of civil society organisations

10.1.1 The Civil Society Coalition on Human Rights and Constitutional Law, in a submission on LGBTI issues for a UN’s Human Rights Council (UNHRC) Universal Periodic Review (UPR) on Uganda, dated 11 March 2011, stated:

‘... Ugandan Gay, Lesbian, Bisexual, Transgender and Intersexual associations/ organizations comprise of over 500 gay, lesbian, bisexual and trans persons. A further 20 civil society collaborating organizations are involved in defending human rights relating to sexual orientation and gender identity through the Civil Society Coalition on Human Rights & Constitutional Law. The organizations aim at promoting and defending the rights of gay men, lesbian women, bisexuals and Trans and intersex persons, contributing towards the building of a society in Uganda free from all forms of discrimination, including those based on sexual orientation and gender identity, and therefore upholding freedom to diversity of sexual orientation and gender identity with no closed definition...’<sup>147</sup>

10.1.2 The DIS / DRC FFM report, citing a diplomatic source, stated that:

‘... it is possible to categorize Ugandan LGBT activists into the following three groups:

‘1. The urban elite; activists who are highly profiled in the public, well connected to international actors and travelling to raise awareness for their cause not only on the national level, but also abroad.

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p49, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 16 November 2016

<sup>145</sup> Pink News, Activists warn about ‘alarming’ spate of trans bashings in Uganda, 3 November 2016 <http://www.pinknews.co.uk/2015/11/03/activists-warn-about-alarming-spate-of-trans-bashings-in-uganda/> accessed on 30 December 2016

<sup>146</sup> Freedom House, Freedom on the Net 2016 - Uganda, November 2016 [http://www.ecoi.net/local\\_link/332093/460038\\_en.html](http://www.ecoi.net/local_link/332093/460038_en.html) accessed on 30 December 2016

<sup>147</sup> Joint submission by the Civil Society Coalition on Human Rights and Constitutional Law on LGBTI issues for a United Nations Human Rights Council Universal Periodic Review on Uganda, 11 March 2011 <http://lib.ohchr.org/HRBodies/UPR/Documents/session12/UG/JS1-JointSubmission1-eng.pdf>, date accessed 2 December 2013



'2. Activists who have a more local focus, are not so well-travelled and mostly based in Kampala. An example would be members of the CSCHRCL of which approximately 50% are LGBT NGOs.

'3. Grassroots-level activists and NGOs, often non-Kampala based, not travelling.

'According to a Western embassy (A), tensions exist between the group of urban elite activists and the groups of local and/or grassroots activists and NGOs. The latter have expressed their disagreement with the urban elite's work abroad, as it is found that the elite's lobbying and efforts to for instance secure financial funding is painting an exaggerated bleak picture of the situation in Uganda. One example raising these concerns could be some LGBT bloggers e.g. 'sebaspace'.[...] The grassroots activists have also expressed concern about the elite's focus on the Bahati Bill, and they fear that this would have a negative effect on the credibility of the LGBT community in the long run.'<sup>148</sup>

#### 10.1.3 Two diplomatic sources in the same report noted:

'... there are approximately 30-50 LGBT NGOs in Uganda, many of which are very weak. The umbrella LGBT organization SMUG is one of the stronger organizations, but even that organization has capacity issues. One of the problems the organizations are facing is that they cannot register as NGOs. CSCHRCL has a broader and stronger basis for its activities. Other LGBT organizations such as FARUG have accountability issues to deal with.

'A Western embassy (A) stated that some of the smaller civil society groups assisting the LGBT community for example are "KLUG", a small local organization that provides support at the Universities in Kampala, "Icebreakers", the Interfaith Rainbow Coalition, as well as specific transgender organizations. The embassy regularly receives emails from smaller organizations seeking funding in order to support and assist LGBT persons.'<sup>149</sup>

#### 10.1.4 The same report listed the principal NGOs, some of which were interviewed by the DIS / DRC delegation:

- Sexual Minorities Uganda (SMUG)
- Civil Society Coalition on Human Rights and Constitutional Law (CSCHRCL)
- Icebreakers

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<sup>148</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p71, January 2014 <http://www.nyidanmark.dk/NR/ronlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsUgandaFinal.pdf>. Date accessed: 18 November 2016

<sup>149</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p72, January 2014 <http://www.nyidanmark.dk/NR/ronlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsUgandaFinal.pdf>. Date accessed: 18 November 2016

- Spectrum Uganda
- East and Horn of Africa Human Rights Defenders Project (EHAHRDP)
- Transgender Equality Uganda (TEU)<sup>150</sup>

10.1.5 The same report stated, citing the OHCHR, that there was not a 'strong' presence of LGBT groups in rural areas, which made it harder to document violations against LGBT persons.<sup>151</sup>

10.1.6 The groups have undertaken a range of activities:

- Advocacy
- Research
- Capacity building
- Emergency response (including providing temporary accommodation)
- Counseling
- Education, including on health issues.<sup>152</sup>

10.1.7 The Finnish Immigration Service's report covering LGBT persons in Uganda, based on a collation of original or primary sources up to October 2015, stated:

'Before the Anti-Homosexuality Bill of 2009, the LGBTI movement in Uganda had been rather disorganised. The bill led to a reorganisation of the movement, which now focused on the struggle to prevent further criminalisation in the short-run in addition to the ultimate goal of decriminalising homosexuality [...]. The work of LGBTI activists in Uganda has become extremely visible, with three activists (Julius Kagwa, Jacqueline Kasha Nabagesera and Frank Mugisha) having won prestigious international human rights awards [...]. There are several organisations in Uganda founded and run by LGBTI people that work on different aspects such as HIV/AIDS, policy advocacy, healthy living and creating safe spaces for LGBTI persons [...].

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<sup>150</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, ps72-80, January 2014

<http://www.nyidanmark.dk/NR/rdonlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsInUgandaFinal.pdf>. Date accessed: 18 November 2016

<sup>151</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p83, January 2014 <http://www.nyidanmark.dk/NR/rdonlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsInUgandaFinal.pdf>. Date accessed: 18 November 2016

<sup>152</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p73-80, January 2014 <http://www.nyidanmark.dk/NR/rdonlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsInUgandaFinal.pdf>. Date accessed: 18 November 2016

'These groups have achieved small but significant gains by using the relative autonomy of the Ugandan judiciary to set legal precedents that protect the rights of LGBTI people, such as Kasha Jacqueline, David Kato and Onziema Patience v Rollingstone Publications Limited and Giles Muhame[...]. There are, however, difficulties involved in getting legal recognition for LGBTI organisations in Uganda[...]. Nonetheless, more organisations are being formed and activism is becoming more specialised, with specific groups starting to address their own specific issues [...].'<sup>153</sup>

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## 10.2 Regulation and treatment of LGBT NGOs

10.2.1 See also [Legal rights](#), [Other laws affecting LGBT persons](#).

10.2.2 Sources reported to the DIS / DRC FFM delegation in June 2013 that LGBT NGOs had workshops shutdown by the authorities (Western Embassy A), had meetings disrupted by the police and those involved arrested (Western Embassy B; EHAHRDP). However, the Western Embassy A also noted that workshops had taken place without state interference.<sup>154</sup>

10.2.3 The DIS / DRC FFM following an interview with the UN OHCHR in Uganda in June 2013 noted that:

'... several LGBT-organizations have reported break-ins into their respective offices... authorities have interrupted and closed meetings by LGBT activists in both February and May 2012... [and] LGBT civil society organizations cannot be registered as such, but instead have to resort to register themselves as private organizations, as for example trade companies. According to OHCHR in Uganda, this constitutes an infringement of the right to association.'<sup>155</sup>

10.2.4 The US State Department observed that in 2015 'aspects of the law prevented LGBTI organizations from registering as NGOs.'<sup>156</sup> The Ugandan NGO Consortium report for 2015 explained in greater detail that:

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<sup>153</sup> Finnish Immigration Service, Status of LGBT people in Cameroon, Gambia, Ghana and Uganda, section 5.8, December 2015, [http://www.migri.fi/download/64429\\_Status\\_of\\_LGBTI\\_people\\_in\\_Cameroon\\_Gambia\\_Ghana\\_and\\_Uganda\\_3.12.2015.pdf?2b684fcb1606d388](http://www.migri.fi/download/64429_Status_of_LGBTI_people_in_Cameroon_Gambia_Ghana_and_Uganda_3.12.2015.pdf?2b684fcb1606d388). Date accessed: 8 December 2016

<sup>154</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p33, January 2014 <http://www.nyidanmark.dk/NR/rdonlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsUgandaFinal.pdf>. Date accessed: 18 November 2016

<sup>155</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda, Joint report from the Danish Immigration Service's and the Danish Refugee Council's fact finding mission to Kampala, Uganda from 16 to 25 June 2013, p6, January 2014 <http://www.nyidanmark.dk/NR/rdonlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsUgandaFinal.pdf>. Date accessed: 18 November 2016

<sup>156</sup> US State Department, Country Report on Human Rights Practices for 2015, Uganda, section 2b, April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>. Date accessed: 14 November 2016

'The Uganda Registration Services Bureau is established by the Uganda Registration Services Bureau Act to, among other things, carry out all registrations required under the law. Among these registrations is the registration/incorporation of companies... during 2015, the Bureau refused the incorporation of three LGBTI organisations on the grounds that homosexuality is criminalised in Uganda under section 145 of the Penal Code Act, thereby violating their right to freedom of association. This started with the incorporation of Sexual Minorities Uganda, an umbrella organisation bringing together 18 LGBTI organisations in Uganda. The Registrar General refused to reserve the name Sexual Minorities Uganda saying that it was undesirable.'<sup>157</sup>

10.2.5 In June 2016 Pink News reported that 'Rights Awareness and Promotion Forum Uganda (HRAPF) was broken into on 22 May and a security guard was killed as its offices were ransacked. The statement from HRAPF suggests that the four people who broke into the organisation made an attempt for "information rather than property". But the police investigation into the break-in has been criticised by human rights groups who say it was inadequate. Ugandan police spokesman Fred Enanga said following the attack that it could have been "masterminded" by employees and managers at HRAPF. The basis of his claim was that managers had initially appeared hesitant to share CCTV images with authorities.'<sup>158</sup>

10.2.6 Human Rights Watch noted in its November 2016 submission to the Universal Periodic Review that 'The government has increasingly sought to curtail the work of NGOs working on topics considered sensitive by the government, such as governance, human rights, land, oil, and the rights of lesbian, gay, bisexual and transgender (LGBT) people. Tactics include closure of meetings, threats, and heavy-handed bureaucratic interference.'<sup>159</sup>

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<sup>157</sup> CMVBSD, Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016, p42, September 2016, <http://hrapf.org/research-papers/>. Date accessed: 16 November 2016

<sup>158</sup> Pink News, Ugandan police say LGBT organisation 'masterminded' break-in and murder at its own HQ, 17 June 2016 <http://www.pinknews.co.uk/2016/06/17/ugandan-police-say-lgbt-organisation-masterminded-break-in-and-murder-at-its-own-hq/> date accessed 30 December 2016

<sup>159</sup> Human Rights Watch, Uganda: UPR Submission, 1 November 2016 <https://www.hrw.org/news/2016/11/01/uganda-upr-submission> accessed 30 December 2016

# Version control and contacts

## Contacts

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## Clearance

Below is information on when this note was cleared:

- version **3.0**
- valid from **9 January 2017**

## Changes from last version of this note

Country information updated to include material covering 2015 and 2016.

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