



Home Office

# **Country Policy and Information Note**

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

**Version 5.0**

**February 2022**

# Preface

## Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into 2 parts: (1) an assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

## Assessment

This section analyses the evidence relevant to this note - that is information in the COI section; refugee/human rights laws and policies; and applicable caselaw - by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- a person is reasonably likely to face a real risk of persecution or serious harm
- that the general humanitarian situation is so severe that there are substantial grounds for believing that there is a real risk of serious harm because conditions amount to inhuman or degrading treatment as within [paragraphs 339C and 339CA\(iii\) of the Immigration Rules](#) / Article 3 of the [European Convention on Human Rights \(ECHR\)](#)
- that the security situation is such that there are substantial grounds for believing there is a real risk of serious harm because there exists a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict as within [paragraphs 339C and 339CA\(iv\) of the Immigration Rules](#)
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- if a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

## Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate and balanced, which is compared and contrasted where appropriate so that a comprehensive and up-to-date picture is provided of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote. Full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

### **Feedback**

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. 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 support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

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. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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# Assessment

Updated: 4 January 2022

## 1. Introduction

### 1.1 Basis of claim

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

### 1.2 Points to note

1.2.1 This note provides an assessment of the general situation for gay men, lesbians, bisexuals, trans and intersex (LGBTI) persons, as well as those perceived as such. They are referred to collectively as 'LGBTI persons', although the experiences of each group may differ.

1.2.2 For general guidance on considering claims made by LGBTI persons, decision makers should refer to the Asylum Instructions, [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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## 2. Consideration of issues

### 2.1 Credibility

2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#) and the [Asylum Instruction on Sexual identity issues in the asylum claim](#) and [Gender issues in the asylum claim](#).

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](#)).

2.1.4 For guidance on interviewing see the Asylum Instruction, [Conducting asylum interviews](#) and [Sexual identity issues in the asylum claim](#) and [Gender issues in the asylum claim](#).

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### 2.2 Exclusion

2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).

2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee](#)

[Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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The information in this section has been removed as it is restricted for internal Home Office use only.

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**Official – sensitive: End of section**

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### 2.3 [Convention reason\(s\)](#)

- 2.3.1 Actual or imputed membership of a particular social group.
- 2.3.2 LGBTI persons form a particular social group (PSG) in Uganda within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, and have a distinct identity in Uganda because the group is perceived as being different by the surrounding society.
- 2.3.3 Although LGBTI persons form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question to be addressed is whether a person has a well-founded fear of persecution on account of their membership of such a group.
- 2.3.4 For further guidance on the 5 Refugee Convention grounds see the Asylum Instruction, [Assessing Credibility and Refugee Status](#).

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### 2.4 [Risk](#)

#### a. [State treatment](#)

- 2.4.1 Same-sex sexual acts and same-sex marriages are illegal for both men and women. Same-sex sexual acts are covered in the Penal Code Act under ‘unnatural offences’ and ‘indecent practices’ and are punishable with up to life imprisonment (see [Existing legislation](#)).
- 2.4.2 There are no laws that specifically criminalise on the basis of gender identity and/or expression. However, transgender and gender diverse people have been indirectly criminalised under the offences of ‘personation’ (false representation), public indecency and the criminalisation of consensual same-sex sexual acts (see [Existing legislation](#)).
- 2.4.3 Since 2014, there has been a repeated pattern of attempts by parliamentarians to tighten the laws affecting LGBTI people, including calls to introduce the death penalty for same-sex sexual acts. These proposed changes to the law have been opposed by both LGBTI stakeholders and the international community and have not come into effect (see [Attempts to introduce new legislation](#)).

- 2.4.4 State officials, including President Museveni, have publicly denounced sexual minorities and have made statements linking the LGBTI community to incidents of political unrest and with attempts to undermine the government. Homophobic rhetoric has also been employed during election periods, most recently in January 2021, to exploit homophobic sentiment within the electorate. Pride events have been prevented from taking place since 2016 (see [Government officials](#) and [Pride events](#)).
- 2.4.5 Government-mandated broadcasting standards prevent the promotion of LGBTI issues and lifestyles and warn against the glamorisation or justification of homosexuality, lesbianism, bisexuality, transsexualism and transvestism (see [Broadcasting](#)).
- 2.4.6 While legislation exists which criminalises same-sex sexual acts, and arrests have been made under this law, the number of people charged with ‘unnatural offences’ is small and the number of convictions smaller still. In 2020, 45 people were charged with ‘unnatural offences’ and 5 were convicted. For the 4-year period 2017 to 2020, 194 people were charged and 25 convicted. The Ugandan Police’s data category ‘unnatural offences’ includes sodomy, lesbianism and bestiality (and doesn’t distinguish between these acts). Similarly, the legal definition of ‘unnatural offences’ includes some sexual acts between men and women. As a result, not all recorded charges and convictions for ‘unnatural offences’ may relate to LGBTI persons (see [Existing legislation](#) and [Arrest and prosecution](#)).
- 2.4.7 The vast majority of people charged with ‘unnatural offences’ are men, constituting 97% of those charged over the period 2017 to 2020, compared to 3% female. Over the same period, all convictions for ‘unnatural offences’ were reported as male. Imprisonment was the most common punishment – accounting for 21 out of 27 sentences imposed (78%) – although the length of the sentences handed down is unknown (see [Arrest and prosecution](#)).
- 2.4.8 Arrests of LGBTI persons are also carried out under other laws, which are not specifically linked to ‘unnatural offences’. Examples include arrests carried out under other provisions of the Penal Code such as ‘common nuisance’ or arrests made under COVID-19 regulations. Data on the levels of legal assistance provided to LGBTI persons shows that the number of ‘carnal knowledge’ cases assisted in the 4-year period 2017 to 2020, is in the range of 9 and 22 (figures from 2019 and 2018, respectively). The same dataset indicates a range of between 59 and 192 general criminal cases involving legally-assisted LGBTI arrests, with a spike in cases occurring during 2020, due to the policing of COVID-19 regulations, which has disproportionately affected sexual and gender minorities (see [Arrest and prosecution](#)).
- 2.4.9 Data from legal assistance cases also indicates that in 2020, 83% of arrests of LGBTI persons (for any crime) did not proceed to charges and/or prosecution. The equivalent figure from 2019 is 59%, signifying a large increase (see [Arrest and prosecution](#)).
- 2.4.10 Police crime statistics from 2020 indicate differential outcomes for people charged with ‘unnatural offences’ when compared against people charged with other criminal offences. The conviction rate for ‘unnatural offences’ is

lower than the conviction rate for general criminal cases (11% as compared with 29%). Also, a higher proportion of persons charged with ‘unnatural offences’ are awaiting trial than those charged with other criminal offences (82% as compared with 64%). As a consequence, people charged with ‘unnatural offences’ are more likely to experience a period of uncertainty before the outcome of their charge is known (see [Arrest and prosecution](#)).

- 2.4.11 Many of the documented incidents of arrests of LGBTI persons relate to police raids on large gatherings, such as known gay bars or LGBTI shelters. Raids were often conducted reportedly on the grounds of enforcing COVID-19 restrictions. The enforcement of COVID-19 regulations has disproportionately affected sex workers, including LGBTI sex workers, as the closure of bars and restrictions on movement has resulted in some sex workers breaking the rules in order to maintain a living (see [Arrest and prosecution](#)).
- 2.4.12 LGBTI persons have reported being humiliated, harassed, sexually assaulted, threatened with rape and subjected to forced anal examination and inappropriate body searches during incidents of arrest and detention (see [Arrest and prosecution](#)).
- 2.4.13 Ugandan law only recognises citizens as either male or female, and intersex adults are unable to change their birth sex in the birth register. However, in October 2021, the first national identification card was issued to a trans woman, containing the correct categorisation of sex (see [Documentation](#)).
- 2.4.14 The Ministry of Health has taken positive steps to ensure that those most at need of sexual and reproductive health services (for example, men who have sex with men) can access the services required. Intersex persons face barriers to accessing treatment due to the cost of surgery and the limited expertise among health professionals. The negative attitudes of healthcare staff and other patients towards LGBTI persons causes some sexual and gender minorities to avoid using health services (see [Healthcare](#)).
- 2.4.15 Regulations on the registration of Non-governmental organisations (NGOs) have been tightened, in a move widely seen as an attempt to curtail the work of groups involved in issues which are sensitive to the government. The new rules have affected thousands of NGOs including, but not exclusively, LGBTI groups. LGBTI groups which have lost their NGO status have continued to operate as different organisation types (see [Registration of support organisations](#)).

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#### b. Societal treatment

- 2.4.16 Uganda is a predominantly Christian country where same-sex relationships are considered to be against the teachings of the church and homophobic views are widespread. Surveys on public attitudes to LGBTI persons provide variable results. Respondents to surveys in 2016 and 2019 were both asked questions regarding how they felt about having an LGBTI neighbour. While the results can’t be directly compared – because the surveys were carried out by different organisations and the question and available choices of response varied – the results ranged from between 7.6% and 40% of respondents who provided a positive or neutral answer. In the 2016 survey,

53% of respondents agreed that being LGBTI should be a crime (see [Societal attitudes](#) and [Religious groups](#)).

- 2.4.17 Repeated attempts to tighten the existing legislation which criminalises same-sex relationships has drawn attention to the LGBTI community. Negative political rhetoric, particularly during election periods, has fuelled homophobic sentiment (see [Societal attitudes](#), [Government officials](#) and [Violations](#)).
- 2.4.18 Over the 4-year period 2017 to 2020, there has been a rise in legal assistance provided to sexual and gender minorities who have reported crimes to the police. A local NGO provided legal services to 30 such cases in 2017 and 159 cases in 2020. It is not possible to establish the extent to which this rise is due to an increase in the number of crimes committed against LGBTI persons, an increase in the reporting of crimes by LGBTI persons, or an increase in the level of legal assistance provided by NGOs (see [Violations](#)).
- 2.4.19 Some LGBTI persons experience ill-treatment, often by family members, neighbours or local community members. Sexual and gender minorities experience exclusion, discrimination, verbal and online harassment, physical and sexual violence and blackmail. They may also face eviction or job loss (see [Stigma and discrimination](#), [Violations](#) and [Societal attitudes](#)).
- 2.4.20 'Conversion Therapy' is available in Uganda, through prayer and counselling, although it is unclear whether counselling services are government-financed or provided by private practitioners (see [Conversion therapy](#)).
- 2.4.21 While the evidence specifically on the experiences of lesbian and bisexual women is limited, it indicates an unwillingness to 'come out' due to stigma and fear of financial insecurity. Experiences of lesbian and bisexual women vary, with masculine-presenting women more likely to report harassment or discrimination (see [Societal attitudes](#) and [Violations](#)).
- 2.4.22 While societal acceptance of LGBTI persons is low, there is some evidence that attitudes are softening. Two public-attitude surveys, which are directly comparable over the years 2016/17 and 2019, recorded a small increase in acceptance of LGBTI persons from 3% to 7.6%. In the January 2021 election, voters rejected 2 prominent politicians with anti-LGBTI views and elected a candidate who had previously opposed the tightening of LGBTI legislation, although the extent to which voters took candidates LGBTI views into account is unknown. An LGBTI community-led church was established in 2020 and in October 2021, a group of 35 religious leaders committed to promoting more inclusivity towards the LGBTI community (see [Government officials](#), [Religious groups](#) and [Societal attitudes](#)).
- 2.4.23 There is differing evidence on rural-urban variations in attitudes, with a large survey in 2019 indicating a higher 'tolerance' of LGBTI persons in rural areas (9.2%) than in urban areas (2.9%). By contrast, 2 smaller studies in 2019 and 2020, suggested that rural areas tend to be less accepting than urban ones due to more conservative attitudes. There are several factors which may have contributed to the variations in evidence, including different sample sizes and sample types, different data collection methods and

different research questions. One of the smaller studies, for example, focused specifically on the experiences of transgender persons (see [Societal attitudes](#)).

- 2.4.24 LGBTI people and the groups representing and supporting them are increasingly visible, with a number of urban-based LGBTI persons and LGBTI activists having ‘come out’. Despite unfavourable operating conditions and government restrictions on NGO registration, there are a large and active number of organisations who advocate on behalf of, and provide support to, sexual and gender minorities. These organisations have engaged with and provided training to government officials, members of the police and judiciary and healthcare workers with some success. They also strive to change public perceptions (see [Security services](#), [Training police and judicial officers](#), [Societal attitudes](#), [Healthcare](#) and [LGBTI activism, support groups and networking](#)).

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### c. Conclusion

- 2.4.25 In the country guidance case of [JM \(homosexuality: risk\) Uganda CG \[2008\] UKIAT 00065](#), heard on 30 November 2007 and promulgated on 11 June 2008, the Asylum and Immigration Tribunal (AIT) held that:

‘(1) Although there is legislation in Uganda which criminalises homosexual behaviour there is little, if any, objective evidence that such is in fact enforced.

‘(2) Although the President and government officials have made verbal attacks upon the lifestyle of homosexuals and have expressed disapproval of homosexuality in the strongest terms, the evidence falls well short of establishing that such statements have been acted upon or would be provoked or should provoke in themselves any physical hostility towards homosexuals in Uganda.

‘(3) Although a number of articles have been published, in particular the Red Pepper article identifying areas where the gay and lesbian community meet and indeed identifying a number by name, the evidence falls very short of establishing that such articles have led to adverse actions from either the authorities or non-state actors and others in the form, for example, of raids or persons arrested or intimidation.

‘(4) Although it is right to note a prevailing traditional and cultural disapproval of homosexuality, there is nothing to indicate that such has manifested itself in any overt or persecutory action. Indeed there was evidence placed before us that a substantial number of people favour a more liberal approach to homosexuality.

‘(5) A number of support organisations exist for the gay and lesbian community and their views have been publicly announced in recent months. There is no indication of any repressive action being taken against such groups or against the individuals who made the more public pronouncements.

‘In general, therefore, the evidence does not establish that there is persecution of homosexuality in Uganda.’ (paragraphs 170 and 171)

2.4.26 Since the promulgation of [JM](#) in 2008, there has been a significant and durable change in the country situation which provides very strong grounds supported by cogent evidence to depart from the existing caselaw. Specifically:

- Since 2014, there has been a repeated pattern of attempts to tighten the existing laws which criminalise the LGBTI community. While convictions for ‘unnatural offences’ are low, evidence shows that people have been arrested and imprisoned for this offence (although the exact numbers of LGBTI persons convicted is unknown). LGBTI persons are also arrested and detained under other laws, although often no charges are laid.
- Homophobic rhetoric from the President and government officials during election periods and during the attempted implementation of harsher laws has fuelled anti-gay sentiment and violence.
- The majority of the evidence documenting specific arrests of LGBTI persons is related to police raids on locations where LGBTI persons gather.
- While there is some evidence of a softening of societal attitudes on LGBTI issues, the majority of Ugandans disapprove of LGBTI people and discrimination, harassment and ostracism are widespread.
- Despite experiencing obstacles in their attempts to advocate on behalf of LGBTI people, there is a large, active community of LGBTI organisations which continue to provide support and assistance.

2.4.27 A person who is open about their sexual orientation and/or gender identity and expression may face arrest, harassment and discrimination from the state and is likely to experience societal ill-treatment which may include discrimination, 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.

2.4.28 However, each case must be considered on its facts with the onus on the person to demonstrate why, given their particular circumstances, they would be at real risk of persecution or serious harm on the basis of their sexual orientation or gender identity or expression.

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## 2.5 Protection

2.5.1 Where the person has a well-founded fear of persecution from the state they will not, in general, be able to obtain protection from the authorities.

2.5.2 As same-sex sexual acts are criminalised in Uganda, it would be unreasonable to expect a person identifying as LGBTI, who fears persecution or serious harm by non-state actors, to seek protection from the authorities.

2.5.3 For further guidance on assessing state protection see the Asylum Instruction [Assessing Credibility and Refugee Status](#).

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## 2.6 Internal relocation

- 2.6.1 Where the person has a well-founded fear of persecution or serious harm from the state, they are unlikely to be able to relocate to escape that risk.
- 2.6.2 Where the person has a well-founded fear of persecution from a non-state actor, decision makers should consider each case on its individual circumstances to ascertain if the threat is local and could be removed by internal relocation.
- 2.6.3 While the onus is on the person to establish a well-founded fear of persecution or real risk of serious harm, decision makers must demonstrate that internal relocation is reasonable (or not unduly harsh) having regard to the individual circumstances of the person.
- 2.6.4 Internal relocation will not be an option if it depends on the person concealing their sexual orientation and/or gender identity in the proposed new location for fear of persecution.
- 2.6.5 For further guidance on considering internal relocation and factors to be taken into account see the Asylum Instructions, [Assessing Credibility and Refugee Status](#), [Sexual orientation in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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## 2.7 Certification

- 2.7.1 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.
- 2.7.2 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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# Country information

Section 3 updated: 4 January 2022

## 3. Demography

- 3.1.1 The World Bank estimated the population of Uganda at 45 million (figures for 2020)<sup>1</sup>. There is no information in the sources consulted on the size of the LGBTI population (see [Bibliography](#)).

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Section 4 updated: 4 January 2022

## 4. Law

### 4.1 Existing legislation

- 4.1.1 A December 2020 submission by the Ugandan government to the UN Committee on the Elimination of Discrimination against Women (CEDAW) stated: ‘...same-sex relations and marriages in Uganda remain illegal under Article 31 (2) of the 1995 Constitution and other laws such as the Penal Code Act.’<sup>2</sup>
- 4.1.2 A 2005 amendment to the Ugandan Constitution inserted the clause: ‘Marriage between persons of the same sex is prohibited.’<sup>3</sup>
- 4.1.3 Paragraph 145 of the Penal Code Act of 1950 covers ‘unnatural offences’: ‘Any person who (a) has carnal knowledge of any person against the order of nature; (b) has carnal knowledge of an animal; or (c) permits a male person to have carnal knowledge of him or her against the order of nature, commits an offence and is liable to imprisonment for life.’<sup>4</sup>
- 4.1.4 Paragraph 148 of the Penal Code Act of 1950 covers ‘indecent practices’: ‘Any person who, whether in public or in private, commits any act of gross indecency with another person or procures another person to commit any act of gross indecency with him or her or attempts to procure the commission of any such act by any person with himself or herself or with another person, whether in public or in private, commits an offence and is liable to imprisonment for seven years.’<sup>5</sup>
- 4.1.5 A May 2021 article in the Harvard Human Rights Journal, citing an original article by Human Rights Watch, stated: ‘While “carnal knowledge” [paragraph 145 of the Penal Code] is understood to entail penetration, the “gross indecency” provision [paragraph 148] is not defined, which results in broad interpretation and enables authorities to infer gross indecency from any activity deemed to be suspicious.’<sup>6</sup>
- 4.1.6 Kuchu Times, an online news site focused on LGBTI issues in Africa, noted: ‘Before the Penal Code Amendment (Gender References) Act 2000 was

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<sup>1</sup> World Bank, ‘[Population total – Uganda](#)’, no date

<sup>2</sup> CEDAW, ‘[Combined eighth & ninth periodic reports...CEDAW/C/UGA/8-9](#)’ (para 162), 11 Dec 2020

<sup>3</sup> Government of Uganda, ‘[Constitution \(Amendment\) Act 2005](#)’ (Article 31), 26 September 2005

<sup>4</sup> Government of Uganda, ‘[The Penal Code Act](#)’ (paragraph 145), 1950

<sup>5</sup> Government of Uganda, ‘[The Penal Code Act](#)’ (paragraph 148), 1950

<sup>6</sup> Nyoni, J, Harvard Human Rights Journal, ‘[COVID-19 emergency powers...](#)’, 3 May 2021

enacted, only same-sex acts between men were criminalized. That Act changed references to “any male” to “any person” so that grossly indecent acts between women were criminalized as well.’<sup>7</sup>

- 4.1.7 In September 2020, the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) reported:

‘There are no laws in Uganda that de jure criminalise trans and gender diverse people. However, in practice transgender and gender diverse people have been indirectly criminalised (de facto criminalisation). The criminalisation of consensual same-sex sex and conduct, sex-work, impersonation, public indecency, and public order provisions have been used to subject transgender and gender diverse people to police harassment, arrest, and detention. Transgender and gender diverse people have also reported being arrested without reason.’<sup>8</sup>

- 4.1.8 In December 2019, Human Rights Awareness and Promotion Forum (HRAPF), a Ugandan NGO which promotes the rights of marginalised persons, including sexual and gender minorities, reported in relation to transgender persons: ‘Section 381 of the Penal Code Act creates the offence of personation which means that a person falsely represents himself or herself with the intent of defrauding another.’<sup>9</sup>

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## 4.2 Attempts to introduce new legislation

- 4.2.1 In August 2014, the BBC reported:

‘Uganda’s Constitutional Court has annulled tough anti-gay legislation [the Anti-Homosexuality Act] signed into law in February.

‘It ruled that the bill was passed by MPs in December without the requisite quorum and was therefore illegal.

‘Homosexual acts were already illegal, but the new law allowed for life imprisonment for "aggravated homosexuality" and banned the "promotion of homosexuality".

‘Several donors have cut aid to Uganda since the law was adopted.’<sup>10</sup>

- 4.2.2 In October 2019, online news site DW reported:

‘A bill that would mean harsh penalties for gay sex in Uganda was introduced to the national assembly on Friday, five years after a similar bill failed to garner enough support to become law.

‘The proposal has been called the "Kill the Gays" bill - as it would introduce the death penalty for gay sex acts.

‘The state minister for ethics and integrity, Simon Lodoko, said it is not good enough that the current penal code "only criminalizes the act," adding that it

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<sup>7</sup> Kuchu Times, ‘[Uganda](#)’, no date

<sup>8</sup> ILGA, ‘[Trans legal mapping report 2019: Recognition before the law](#)’ (page 62), Sept 2020

<sup>9</sup> HRAPF, ‘[The impact of the legal and policy framework on access...](#)’ (page 17), December 2019

<sup>10</sup> BBC, ‘[Uganda court annuls anti-homosexuality law](#)’, 1 August 2014

needs to punish anyone "even involved in the promotion and recruitment" of homosexuality.

"Homosexuality is not natural to Ugandans," he said in a statement. "But there has been a massive recruitment by gay people in schools, and especially among the youth, where they are promoting the falsehood that people are born like that."

"Those that do grave acts will be given the death penalty," he said.<sup>11</sup>

#### 4.2.3 Later in October 2019, Reuters reported on the failure of the bid to re-introduce the Bill:

'Uganda will not impose the death penalty for gay sex, a presidential spokesman said on Monday, after major aid donors said they were monitoring a plan by the African nation to reintroduce a bill colloquially known as "Kill the Gays".

'Uganda's Ethics and Integrity Minister Simon Lokodo last Thursday said the government planned to re-introduce an anti-homosexuality bill in parliament within weeks to curb the spread of homosexuality in the east African nation.

'Lokodo's statement was widely reported across the world and international donors such as the European Union, World Bank, the United States and the Global Fund said they were monitoring the situation closely and stood by the rights of LGBT+ people...

"There are no plans by the government to introduce a law like that," Don Wanyama, President Museveni's senior press secretary told the Thomson Reuters Foundation.

"We have the penal code that already handles issues of unnatural sexual behavior so there is no law coming up."<sup>12</sup>

#### 4.2.4 In May 2021, OutRight, a US-based global LGBTI rights NGO, reported:

'On Monday, May 3, 2021, the Parliament of Uganda passed the Sexual Offences Bill 2019. Purportedly the Bill aims to prevent sexual violence, enhance punishment against sexual offenders and provide additional protection for victims. However, it also reinforces and reiterates a ban on same-sex relations codified in the country's Penal Code.

'Same-sex relations have been criminalized in Uganda since British colonial times in sections 145 on "unnatural offenses" and 148 on "indecent practices" of the Penal Code, with a maximum sentence of life in prison foreseen. Clause 11 of the Sexual Offences Bill further confirms this existing criminalization.

'Executive Director of OutRight Action International, Jessica Stern, comments:

"Same-sex relations are already criminalized in Uganda's Penal Code. The inclusion of same-sex relations in this Bill paints LGBTQ people as sexual offenders, and can only serve one purpose - to fuel already rampant

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<sup>11</sup> DW, '[Uganda introduces "Kill the Gays" bill](#)', 11 October 2019

<sup>12</sup> Reuters, '[Uganda denies plans to impose death penalty for gay sex...](#)', 14 Oct 2019

LGBTQ-phobia, discrimination, and violence. It is deplorable. The colonial legacy of criminalizing same-sex relations must end.”...

‘The Sexual Offences Bill is not the first effort to enhance the criminalization of same-sex relations in Uganda. The so-called “Anti-Homosexuality Act,” which foresaw imposition of the death penalty for same-sex relations, was passed by the parliament in 2013 and signed into law by President Museveni in early 2014. It was invalidated by the Constitutional Court of Uganda on procedural grounds the same year.’<sup>13</sup>

#### 4.2.5 According to a May 2021 article by Human Rights Watch (HRW):

‘The [sexual offences] bill includes some positive provisions toward addressing sexual violence, including protecting sexual assault survivors’ rights during criminal proceedings and criminalizing sexual harassment by people in positions of authority, Human Rights Watch said.

‘But it also punishes any “sexual act between persons of the same gender,” as well as anal sex between people of any gender, with up to 10 years in prison, in flagrant violation of the rights to privacy and nondiscrimination [sic]. It even provides that if Ugandans perform these sexual acts outside Uganda, they can be prosecuted in Uganda...

‘The bill also provides that anyone who commits these offenses would be entered on a sex offenders register, in effect opening up the possibility of having a “register” of LGBT people or sex workers in Uganda that would not only be discriminatory but ripe for serious abuse.

‘The bill punishes family members who fail to report any offenses under the bill with up to three years in prison, effectively requiring Ugandans to turn in their LGBT relatives.’<sup>14</sup>

#### 4.2.6 In an update from August 2021, PinkNews, a UK-based online news site with a focus on LGBTQ issues, reported:

‘On Tuesday (17 August), Museveni refused to give his assent to the Sexual Offences Bill which was passed by parliament earlier this year...

‘Among the bill’s proposals, condemning same-sex couples who perform acts against the “order of nature” or anal sex between people of any gender with 10 years in jail. Much of the bill is already in law...

‘For this reason, Museveni ordered in a letter to speaker Jacob Oulanyah that the bill be returned back to the Legal and Parliamentary Affairs Committee for review to address such redundancies...

‘In doing this, Museveni has thrown the future of the bill into uncertainty. He called on the committee to “review all the criminal laws and propose comprehensive amendment of relevant laws” rather than simply tacking on “piecemeal amendments”...

‘Many LGBT+ rights groups quickly felt a sense of déjà-vu – the bill’s veracity against LGBT+ people drew comparisons to the “Kill The Gays” bill which

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<sup>13</sup> OutRight, ‘[Parliament of Uganda passes “Sexual Offences Bill”...](#)’, 5 May 2021

<sup>14</sup> HRW, ‘[Uganda: reject Sexual Offences Bill](#)’, 6 May 2021

sought to introduce the death penalty for queer sex. It was thwarted in 2014 on a technicality before rumours of its revival were squelched in 2019.<sup>15</sup>

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Section 5 updated: 4 January 2022

## 5. State attitudes

### 5.1 Government officials

5.1.1 In November 2020, Ugandan online news site NilePost reported:

‘President Museveni has lambasted foreign groups and homosexuals claiming they are funding select opposition groups to cause instability in Uganda through sporadic riots...

‘The President was addressing matters regarding the riots in Kampala that were sparked off by the arrest of National Unity Platform (NUP) Presidential flagbearer Robert Kyagulanyi Ssentamu alias Bobi Wine.

‘The riots took place in Kampala and surrounding areas leading to the death of at least 37 people and leaving over 60 injured.

“Some of these groups are being used by outsiders, homosexuals, and others who don’t like the stability and independence of Uganda, but they will discover what they are looking for,” Museveni said.<sup>16</sup>

5.1.2 In the run-up to elections in January 2021, Reuters reported:

‘Homophobic comments by Uganda’s president and other politicians are making some LGBT+ Ugandans too scared to vote in elections scheduled for Jan. 14, gay rights campaigners said on Tuesday.

‘LGBT+ people face widespread persecution in the east African nation, where gay sex is punishable by life imprisonment, and gay activists fear politicians exploiting homophobic sentiment to win votes could stoke fresh attacks on the community...

“The politicians are using the LGBT community as a scapegoat to gain support and win votes and it is fuelling homophobia,” he [Frank Mugisha, head of Sexual Minorities Uganda (SMUG), a NGO which supports the LGBTI community in Uganda] told the Thomson Reuters Foundation.<sup>17</sup>

5.1.3 A week later, Reuters reported:

‘In an interview with Britain’s Channel 4 News on Friday, Museveni repeated remarks made in a November rally that the opposition was receiving support from foreign LGBT+ groups.

“In Europe, you promote them. You promote homosexuality. You think homosexuality is an alternative way of life,” Museveni told Channel 4 News.

“While for us here, we think it is a deviation.”

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<sup>15</sup> PinkNews, [‘Ugandan president Yoweri Museveni rejects horrifying bill...’](#), 18 August 2021

<sup>16</sup> NilePost, [‘Museveni attacks homosexuals, foreign groups...’](#), 20 November 2020

<sup>17</sup> Reuters, [‘Anti-gay rhetoric ramps up fear among LGBT+ Ugandans ahead of polls’](#), 6 January 2021

'LGBT+ Ugandans say local politicians have also been using anti-gay remarks to stir up hatred and win votes by making pledges to eradicate homosexuality in Uganda...

'It is not unusual for harassment of LGBT+ Ugandans to spike following homophobic remarks by politicians.

'Attacks on LGBT+ people rose in 2019 after a minister proposed bringing back the death penalty for gay sex. The government later denied the plan.'<sup>18</sup>

5.1.4 In an opinion piece on Aljazeera in June 2021, Fox Odoi-Oywelowo, a Ugandan MP from the ruling National Resistance Movement (NRM) party, commented:

'...In 2014 [the year Uganda passed the "Kill the gays" Bill], only 17 percent of the Ugandan population had internet access. Today, nearly every adult in the country has the ability to go online. As a result, the minds of our people are rapidly opening to new ways of thinking and seeing the world.

'This newfound access to knowledge, information and differing points of view is having a vast, transformational effect on the electorate. With our youthful population, so many young, knowledgeable Ugandans, who do not carry strong anti-gay sentiments, and even support LGBTQI rights, are joining the electoral roll in every election cycle.

'We are already seeing the consequences of this gradual change. Two years after our legal victory against the "Kill the gays bill", the Ugandan electorate had rewarded me for my efforts by turfing me out of parliament at the 2016 general election. This year, they turfed me back in by a landslide. Among those rejected at the polls this year was the MP whose anti-gay private members bill brought this issue back to parliament. Another was our country's opposition leader, Bob Wine, who began his political career in 2014 singing pop songs about burning homosexuals. He was defeated this January by a margin of nearly 2.5 million votes.

'Will Uganda pass another law criminalising homosexuality in the future? If it does, we will contest it again, fight it again, and overturn it again.

'But I doubt another such bill will come to pass. The times are changing. The electorate is changing and, consequently, legislators are changing.

'The parliament that voted for last month's anti-gay bill is now replaced. The legislator that proposed the bill is no longer in parliament. And the current government clearly has no intention to die on the hill of criminalising homosexuality.

'No, Uganda is not making it illegal to be gay (again). But being gay is still not socially acceptable in the country – nor, in reality, is it anywhere in Africa. And the LGBTQI fight for rights will not be truly over until it is.'<sup>19</sup>

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<sup>18</sup> Reuters, '[UN urges respect for LGBT+ Ugandans ahead of polls](#)', 13 January 2021

<sup>19</sup> Aljazeera, '[No, Uganda is not making it illegal to be gay \(again\)](#)', 6 June 2021

## 5.2 Broadcasting

5.2.1 The Uganda Communications Commission (UCC) is the government-mandated media regulatory body. The UCC's 2019 publication 'outlines the general standards to be observed for broadcasting in the Republic of Uganda'<sup>20</sup> and stated:

- 'Information, themes or subplots on lifestyles such as homosexuality, lesbianism, bisexuality, transsexualism, transvestism, pedophilia and incest should be treated with utmost caution. Their treatment should not in any way promote, justify or glamorize such lifestyles. Explicit dialogue or information concerning the above topics should not be broadcast.'<sup>21</sup>
- 'Programmes on sex education should be mindful of the target audience. They should not be presented in a sensational or exploitative manner, nor should they encourage or promote sexual permissiveness, promiscuity or unnatural sex acts.'<sup>22</sup>
- 'Music associated with drugs, alternative lifestyles (e.g. homosexuality) or the worship of the occult or the devil should not be broadcast.'<sup>23</sup>

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Section 6 updated: 4 January 2022

## 6. State treatment

### 6.1 Security services

6.1.1 In a January 2020 online article for openDemocracy, Patricia Kimera, a Director at HRAPF, wrote:

'In response to our advocacy and outreach to government ministries, police and policymakers, some have become more inclusive. The health ministry's programmes in particular have been responsive to including LGBTI people, which wasn't the case before.

'When a police officer calls us to say, "we have your people here, come and give them legal representation", we see that they are at least trying to understand that this community requires support.

'This is not a justification for daily violence against LGBTI people at the hands of the police. Though police officers are in tricky positions. They often say that they only uphold the law as it is written, and that it is up to us to go to court and fight the law if we disagree with it.'<sup>24</sup>

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### 6.2 Arrest and prosecution

#### a) Trends

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<sup>20</sup> UCC '[Standards for general broadcast programming in Uganda](#)' (paragraph 1), 2019

<sup>21</sup> UCC '[Standards for general broadcast programming in Uganda](#)' (paragraph 6.5), 2019

<sup>22</sup> UCC '[Standards for general broadcast programming in Uganda](#)' (paragraph 8.6), 2019

<sup>23</sup> UCC '[Standards for general broadcast programming in Uganda](#)' (paragraph 13.2), 2019

<sup>24</sup> openDemocracy, '[I've defended hundreds of LGBTI people...](#)', 23 January 2020

- 6.2.1 The Ugandan Police’s annual Crime Reports contain a category ‘Sex related crimes’, which: ‘...includes crimes such as rape, defilement, indecent assault and unnatural offences like sodomy, lesbianism and bestiality.’<sup>25</sup>
- 6.2.2 Data from the reports over the 5-year period 2016 to 2020 has been extracted and compiled by CPIT to produce the table below. The table shows the number of reported cases in the sub-category ‘unnatural offences’, together with details of case outcomes, including prosecutions and convictions by sex, plus information on any sentences imposed.
- 6.2.3 The breakdown of ‘unnatural offences’ isn’t provided in the report and, as a result, the exact number of cases which relate to same-sex acts is unknown. In addition to the ‘crimes’ of ‘sodomy’ and ‘lesbianism’ the figures in the table will also include any reported cases of bestiality. The legal definition of ‘unnatural offences’ (see paragraph 4.1.3) also includes a person who ‘permits a male person to have carnal knowledge of him or her against the order of nature’. It is not known whether the totals in the table also include cases of sexual acts between men and women.

<b>Category of ‘unnatural offences’ cases</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Reported cases	121	120	100	103	79
Persons charged					
➤ Male	n/a	49	46	49	44
➤ Female	n/a	3	1	1	1
Persons convicted					
➤ Male	n/a	5	5	10	5
➤ Female	n/a	0	0	0	0
Sentences imposed by court					
➤ Imprisonment	n/a	5	4	8	4
➤ Community service	n/a	0	0	0	1
➤ Caution	n/a	1	1	3	0
Persons awaiting trial	n/a	41	32	33	37

26 27 28 29 30

6.2.4 A CPIT review of the table indicates that:

- While the number of reported cases has fallen over the period between 2016 and 2020 from 121 to 79, the number of persons charged with ‘unnatural offences’ has remained fairly constant (between 45 and 52).

<sup>25</sup> Uganda Police Force, ‘[Annual crime report 2020](#)’ (page 15), 19 April 2021

<sup>26</sup> Uganda Police Force, ‘[Annual crime report 2020](#)’ (page 198 to 199), 19 April 2021

<sup>27</sup> Uganda Police Force, ‘[Annual crime report 2019](#)’ (page 131 to 132), 28 April 2020

<sup>28</sup> Uganda Police Force, ‘[Annual crime report 2018](#)’ (page 142 to 143), 27 May 2019

<sup>29</sup> Uganda Police Force, ‘[Annual crime report 2017](#)’ (page 61 to 62), 13 July 2018

<sup>30</sup> Uganda Police Force, ‘[Annual crime report 2017](#)’ (page 13), 13 July 2018

- The overall number of charges and convictions is small. Over the 4-year period 2017 to 2020, 194 people were charged and 25 convicted.
- The vast majority of persons charged with ‘unnatural offences’ are male. Over the period 2017 to 2020, for which the data breakdown by sex is available, a total of 188 men (97%) and 6 women (3%) were charged.
- Over the same 4-year period, 25 men and zero women were convicted of ‘unnatural offences’. Imprisonment was the most common punishment – accounting for 21 out of 27 sentences imposed (78%) – although the length of the sentences is unknown.
- The number of convictions in any given year is small, with the majority of persons classified as ‘awaiting trial’.

6.2.5 Data from the Ugandan Police’s 2020 Crime Report has been extracted and analysed by CPIT in the table below, in order to compare the outcomes of ‘unnatural offences’ cases against the outcomes for criminal cases as a whole.

<b>Year: 2020</b>	<b>‘Unnatural offences’ cases*</b>	<b>All criminal cases</b>
Persons charged	45	74,773
Persons convicted	5	21,788
Persons awaiting trial	37	47,538
Persons convicted as % of persons charged	11%	29%
Persons awaiting trial as % of persons charged	82%	64%

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6.2.6 While the sample size for ‘unnatural offences’ cases is small, a CPIT review of the table indicates that:

- The conviction rate for ‘unnatural offences’ is lower than the conviction rate for criminal cases in general (11% as compared with 29%).
- A higher proportion of persons charged with ‘unnatural offences’ are awaiting trial than those charged with criminal offences in general (82% as compared with 64%).

6.2.7 HRAPF data on legal aid provided by the organisation to LGBTI persons has been compiled and analysed by CPIT in the table below. The numbers relate to all criminal cases and the specific cases involving ‘carnal knowledge against the order of nature’.

<b>Type of case</b>	<b>Number of cases for which HRAPF provided legal aid to an arrested LGBTI person</b>				
	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>

<sup>31</sup> Uganda Police Force, ‘[Annual crime report 2020](#)’ (page 198), 19 April 2021

Having carnal knowledge against the order of nature*:	n/a	18	22	9	13
• Criminal arrest without prosecution/charges	n/a	14	11	7	n/a
• Criminal arrest with prosecution/charges	n/a	4	11	2	n/a
All criminal cases:	42	68	134	59	192
• Criminal arrest without prosecution/charges	6	58	75	35	160
• Criminal arrest with prosecution/charges	36	10	59	24	32
Arrest without prosecution as a proportion of all criminal cases	14%	85%	56%	59%	83%

32 33 34 35 36

\*HRAPF categories vary between years. The figures provided are the sum of offences recorded under the categories of: carnal knowledge, sodomy, homosexuality and unnatural offences.

#### 6.2.8 A CPIT review of the table indicates that:

- During the 3-year period for which the breakdown of data is available (2017 to 2019), HRAPF provided legal assistance on 49 cases of 'Having carnal knowledge against the order of nature'. Of these cases, 32 (65%) involved an arrest without prosecution and 17 (35%) involved an arrest with prosecution. Looking at all criminal cases over the same period, HRAPF provided assistance on 261 cases of which 168 (64%) involved an arrest without prosecution and 93 (36%) involved an arrest with prosecution.
- In 2020, there was a large spike in the number of criminal cases for which HRAPF provided legal assistance. The figure of 192 represents a 225% increase on the number of cases in 2019 and is 43% higher than 2018. Of the 192 criminal cases in 2020, 83% of arrests did not proceed to charges and/or prosecution.

#### 6.2.9 In its 2020 annual report, HRAPF provided the following explanation for the large increase in legal-assistance cases during 2020. The figures provided by HRAPF relate to both civil and criminal cases (including cases where HRAPF's client is the defendant or the victim):

'The highest number of cases registered [in 2020] were from the sex workers community at 553, followed closely by sexual and gender minorities at 513. Compared to 2019, the number of cases involving sex workers more than

<sup>32</sup> HRAPF, '[2020 annual report](#)' (page 11), May 2021

<sup>33</sup> HRAPF, '[2019 annual report](#)' (page 25), February 2020

<sup>34</sup> HRAPF, '[2018 annual report](#)' (page 11 to 12), no date

<sup>35</sup> HRAPF, '[2016 annual report](#)' (page 10), June 2017

<sup>36</sup> HRAPF, '[2017 annual report](#)' (page 21), no date

doubled from 226 to 553 cases (144%) and cases involving sexual and gender minorities increased from 204 to 513 (151%). The huge increase in both the number of cases from the two target groups is largely attributed to the numerous raids and swoops in which several sex workers and sexual and gender minorities were arrested at various times throughout the year for allegedly violating COVID-19 regulations like gathering in large crowds, especially at shelters or lodges where they were residing.<sup>37</sup>

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## b) Incidents

6.2.10 In June 2019, Freedom and Roam Uganda (FARUG), a Kampala-based organisation which supports Lesbian, Bisexual and Queer (LBQ) women, published the results of research based on interviews and focus groups with 220 LBQ women. The research found:

‘More than half of the respondents reported to having been arrested in their lifetime, with a third of the respondents attributing their SOGIE as the sole cause of the arrest. In other instances, participants were arrested on grounds not related to their SOGIE including smoking illegal narcotics, being rouge and vagabond, drunk driving, among others...

‘Among LBQ women who have ever been arrested, either for general reasons or as a result of their SOGIE, masculine presenting women noted more cases of harassment while in detention centres including inappropriate body searches, the use of misgendered pronouns by police officers, verbal abuse and threats of rape. Where the arrested respondents were charged, the typical charge reported in the group discussions was an impersonation.’<sup>38</sup>

6.2.11 HRAPF reported in December 2019: ‘Even though transgender persons who express their gender identity are not trying to represent themselves as another person, they are nevertheless arrested and prosecuted under this provision [the offence of ‘Personation’] in some cases.’<sup>39</sup>

6.2.12 In November 2020, the American Bar Association (ABA) reported:

‘In the late hours of November 10, 2019, the police conducted a mass raid of Ram Bar, a known gathering spot for Kampala’s LGBTQ community, ultimately arresting 125 individuals. A spokesperson for the Ugandan police told the media that the purpose of the raid was to enforce the Tobacco Control Act, which prohibits the use of shisha. Witnesses, however, reported that police indiscriminately arrested people found inside the bar and made homophobic remarks during the raid and at the police station.

‘On November 12, 67 of the arrested individuals were charged with a different offense: common nuisance under Article 160(1) of the Ugandan Penal Code, which carries a punishment of up to one-year imprisonment. The court subsequently remanded the entire group to prison to await bail hearings. Review of bail applications started in mid-November and lasted until mid-December, meaning that defendants remained in jail for days to

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<sup>37</sup> HRAPF, [‘2020 annual report’](#) (page 10), May 2021

<sup>38</sup> FARUG, [‘The lived realities of LBQ women in Uganda’](#) (page 38), June 2019

<sup>39</sup> HRAPF, [‘The impact of the legal and policy framework on access...’](#) (page 17), December 2019

over a month (for those unable to produce the requisite sureties at their bail hearings)...

'As of the writing of this report in November 2020, two of the five cases, covering 24 defendants, have been dismissed by the court for want of prosecution...

'Meanwhile, defense counsel asserted that defendants were targeted by officials and other inmates - with impunity - because of their perceived sexual orientation and gender identity. Several defendants were reportedly subjected to prolonged body searches by the authorities as well as bullying by other inmates based on guards spreading the word that the new arrivals were LGBTQ individuals. At least one of the accused was reportedly raped in detention. No investigations into the alleged incidents have been launched to date...

'Notably, although cases against two of the five groups have been dismissed and the remaining cases may yield the same outcome, for some accused the proceedings have already resulted in forcible outings and the loss of jobs, family, and friends. Meanwhile, for those whose cases have yet to be dismissed nearly one year after the raid, the ongoing hearings have created a state of uncertainty. The harm caused to date suggests that convictions may not have been the goal. Instead, the proceedings send a clear message to the LGBTQ community: evidence or not, conviction or not, the state can reach you.'<sup>40</sup>

#### 6.2.13 Reuters reported in May 2020:

'A Ugandan court on Monday ordered the release of 19 LGBT+ people jailed for almost 50 days for risking spreading the new coronavirus after public prosecutors withdrew the charges.

'The 13 gay men, two bisexual men and four transgender women were arrested on March 29 [2020] when police raided an LGBT+ shelter on the outskirts of Kampala. Police said they were violating social distancing rules banning gatherings of more than 10 people.

'Human rights groups said authorities were using the restrictions to target sexual minorities.'<sup>41</sup>

#### 6.2.14 In an update from July 2020, HRW reported:

'The High Court of Uganda awarded damages of UGX 5,000,000 (about US\$1,340) [£1,060<sup>42</sup>] to 20 homeless gay, bisexual, and transgender people who had been arbitrarily detained and held without access to their lawyers.

'Their arrests had occurred in response to complaints about their sexual identities.

'On June 15 [2020], the court ruled that the prison system's refusal to allow the 20 people access to counsel violated their rights to a fair hearing and to liberty. The 20 people, who were residents of the Children of the Sun

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<sup>40</sup> ABA, '[Uganda v. the 67](#)' (page 2 to 5), November 2020

<sup>41</sup> Reuters, '[Court orders release of jailed LGBT+ Ugandans...](#)', 18 May 2020

<sup>42</sup> Xe, '[Xe currency converter](#)', 13 December 2021

Foundation (COSF) shelter, had been detained for over 6 weeks without access to lawyers.<sup>43</sup>

6.2.15 An analysis of the case, published by the Harvard Human Rights Journal in May 2021, which cites SMUG and HRAPF, stated:

‘The Public Health (Control of COVID-19) Rules 2020 came into force on March 24, 2020 and prohibit activities, events, meetings, and public gatherings of more than ten people. However, the rules do not set limits on the number of people allowed to congregate in a private home or other accommodation. Of those detained, thirteen were shelter residents and the remaining six, although not residents, were in compliance with the law and maintained social distancing. The COVID-19 Rules do not prohibit dormitory-like facilities, and it is therefore unclear how the nineteen individuals committed an “unlawful” or “negligent” act.

‘While the initial police statement claimed that the arrests were in response to violations of the COVID-19 restrictions, reports later revealed that the authorities initially charged the accused with engaging in “carnal knowledge” in violation of the Penal Code. The police responded to community reports of homosexuals living together, but they did not witness anyone engaging in sexual relations at the time of the raid or find evidence to support the offence, suggesting that the charge was changed to take advantage of the government restrictions.’<sup>44</sup>

6.2.16 In June 2021 HRAPF published the results of research carried out over the period between March and June 2020, during which time Uganda was in COVID-19 lockdown. The research subjects included LGBT persons and consisted of 10 interviews and 3 focus groups ‘1 with gay and bisexual men, 1 with Lesbian, Bisexual and Queer (LBQ) women and 1 with transgender persons.’ HRAPF also interviewed stakeholders.<sup>45</sup>

6.2.17 HRAPF commented:

‘The enforcement of COVID-19 preventive measures caused unprecedented levels of hardships to people all over the country, more so in areas in and around Uganda’s principal urban centres of Kampala and Wakiso. Because of their pre-existing status of marginalisation, discrimination and criminalisation, Key Populations [KPs], specifically LGBT persons and sex workers, suffered some of the harshest brunt of enforcement of the COVID-19 regulations. A number of the measures put in place such as the curfew, the ban on transportation and movement, and partial shutdown of courts of law directly impeded means of accessing justice for all Ugandan residents, particularly KPs.’<sup>46</sup>

6.2.18 And:

‘Unfortunately, during the COVID-19 period, both arbitrary arrests and excessive use of force were experienced by LGBT persons and sex workers...

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<sup>43</sup> HRW, ‘[Court awards damages to 20 LGBT youth in Uganda](#)’, 10 July 2020

<sup>44</sup> Nyoni, J, Harvard Human Rights Journal, ‘[COVID-19 emergency powers...](#)’, 3 May 2021

<sup>45</sup> HRAPF, ‘[The Impact of COVID-19 related restrictions on access...](#)’ (pages 1 to 2), June 2021

<sup>46</sup> HRAPF, ‘[The Impact of COVID-19 related restrictions on access...](#)’ (page 22), June 2021

'Closure of bars, lodges and all other entertainment places paralysed sex workers' livelihoods because their places of work, as well as the places where their clients generally find them, were closed. Since there were almost no alternatives left for LGBT persons and sex workers, many of whom rely on daily income, to access the necessities of life, many resorted to beating the curfew, staying at shelters or lodges and sometimes moving on boda bodas despite the restrictions, all of which increased their vulnerability to arrests.'<sup>47</sup>

6.2.19 Washington Blade, a US-based online news site with a focus on LGBTQ stories, reported in June 2021:

'Police in Uganda on Monday arrested 44 people at an LGBTQ shelter outside the country's capital of Kampala.

'Frank Mugisha, executive director of Sexual Minorities Uganda, a Ugandan LGBTQ advocacy group, told the Washington Blade in an email the arrests took place in Nansana, a municipality in the Wakiso District.

'Mugisha in another tweet said prosecutors have charged 42 of the 44 people who were arrested with "negligent act likely to spread infection of disease [COVID-19]." Mugisha added authorities subjected them to so-called anal tests to determine whether they are gay.'<sup>48</sup>

6.2.20 In an update a few days later, Rights Africa quoted a statement from HRAPF:

'I am happy to report that all the 42 persons on the Happy Family file have now been granted bail. Of these: 3 were released yesterday on bail, 7 have been released today on bail, and 32 remain in prison – to be released on bail on Monday 7th June 2021...

'Luckily the Magistrate is one of the over 300 magistrates that HRAPF trained on LGBT rights at the end of last year – and so we reminded him to look beyond the charge sheet and see the real reason for the arrest of the 44. We backed this up by the fact that anal examinations were done upon 17 of them. He was generally positive and despite some of the people having only one surety he granted bail to all despite the credentials of the sureties...

'Finally the diplomats- [thank you to] US, EU, Sweden, Denmark and others for coming to court early and staying there and never flinching even when the court delayed to start or was adjourned for an hour. Your presence was even noted by the Magistrate and surely helped with the quicker hearing of the case.'<sup>49</sup>

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## 6.3 Training police and judicial officers

6.3.1 HRAPF's 2020 annual report, published in May 2021, provided details of training workshops for police and judicial officers: 'In 2020, HRAPF trained police officers on the marginalisation of sexual minorities as well as their

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<sup>47</sup> HRAPF, '[The Impact of COVID-19 related restrictions on access...](#)' (page 23), June 2021

<sup>48</sup> Washington Blade, '[Uganda police arrest 44 people at LGBTQ shelter](#)', 2 June 2021

<sup>49</sup> Rights Africa, '[Uganda court OKs bail for 42 arrestees](#)', 5 June 2021

lived realities, and what the police as key law enforcers can do to promote the human rights of marginalised persons.<sup>50</sup>

### 6.3.2 And:

'HRAPF held dialogues with magistrates on the legal and human rights framework governing sexual and gender minorities in Uganda and the realities of violence that occasion their lives. The dialogues enriched the magistrates with information on sexual and gender minorities' issues which has caused a shift in perspectives towards tolerance other than homophobic bias among the judicial officers.

'A total of 13 Magistrates trainings were conducted between August and November 2020, reaching out to 318 Magistrates.'<sup>51</sup>

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Section 7 updated: 4 January 2022

## 7. Societal attitudes

### 7.1 General

- 7.1.1 Afrobarometer is a non-partisan, pan-African research network, which conducts public attitude surveys. Between December 2016 and January 2017, Afrobarometer conducted face-to-face interviews with a nationally representative sample of Ugandans and published the findings in a May 2020 report. The exact number of Ugandans interviewed is unknown but 45,823 interviews were completed across 34 countries. Respondents were asked: 'Please tell me whether you would like having people from this group [homosexuals] as neighbours, dislike it, or not care'. The report calculated a 'tolerance level' by adding up the percentage who said: 'would strongly like', 'would somewhat like', or 'would not care'. The tolerance level for Ugandans was 3%. Across the 34 African countries surveyed, the average response to this question was 20%<sup>52</sup>.
- 7.1.2 In a more recent Afrobarometer survey, involving interviews with a nationally representative, random sample of 1,200 adult Ugandans during September and October 2019, respondents were asked the same question. In this instance, the proportion who replied: 'would strongly like', 'would somewhat like', or 'would not care' had increased to 7.6%<sup>53</sup>.
- 7.1.3 By contrast, a 2016 global attitudes survey by the International Lesbian and Gay Association (ILGA) surveyed a minimum of 700 Ugandans using a randomly targeted online opt-in questionnaire. When asked the question, 'How would you feel if your neighbour were gay or lesbian?', 40% of respondents reported 'No Concerns', 45% said 'Very uncomfortable' and 15% said 'Somewhat uncomfortable'. In the same survey, a total of 53% of Ugandan respondents either strongly agreed or somewhat agreed with the

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<sup>50</sup> HRAPF, '[2020 annual report](#)' (page 31), May 2021

<sup>51</sup> HRAPF, '[2020 annual report](#)' (page 33), May 2021

<sup>52</sup> Afrobarometer, '["All in this together": Africans tolerant on ethnic...](#)' (page 12), 19 May 2020

<sup>53</sup> Afrobarometer, '[Summary of results: Afrobarometer round 8, survey...](#)' (page 86), 28 Oct 2021

statement, 'Being LGBTI should be a crime', 31% somewhat disagreed or strongly disagreed and 16% said neither<sup>54</sup>.

- 7.1.4 The evidence on variations in rural-urban attitudes to LGBTI persons is mixed. The 2019 Afrobarometer survey above, found a higher 'tolerance' of LGBTI in rural areas (9.2%) than in urban areas (2.9%)<sup>55</sup>. Two smaller studies also considered rural-urban variations in attitudes. A December 2019 study by HRAPF, which looked at access to justice for the transgender community and involved 76 participants, including transgender persons and stakeholders, found:

'Study participants believed that the experiences of transgender persons at community level varies across geographical locations (urban – rural); and specifically that there seems to be more tolerance and liberal thinking in urban settings, compared to rural areas where people are still strongly tied to certain cultural norms and beliefs...

'In urban areas, there is much work by [civil society organisations] CSOs including human rights and [Sexual and Reproductive Health and Rights] SRHR organisations working on LGBTI issues and this has created substantial enlightenment about transgender issues. This kind of enlightenment is still missing in rural areas.'<sup>56</sup>

- 7.1.5 The second study, published by SMUG In December 2020, looked at the security situation of LGBTI persons. The findings of the study are based upon 14 survey respondents and one focus group of 28 participants, made up of LGBTI individuals and activists:

'Although the study found a concentration of safety and security incidents in the central region that is made up of Kampala, Wakiso and Mukono areas/districts, there were incidents that surfaced in other parts of the country as well. The concentration that emerged from incidents in the central region could be attributed to the fact that these are more concentrated urban and peri-urban settings with a more liberal and cosmopolitan setting for LGBTIQ+ persons due to the fact that many seem to have publicly come out. This is opposed to more rural-based towns and villages where people do not tend to openly express their sexuality or gender identity because of the more conservative cultural settings they find themselves in.'<sup>57</sup>

- 7.1.6 FARUG's June 2019 report on the lived experiences of LBQ women found:

'A significant number of LBQ women are in heterosexual relationships. However, the majority of them wish they were not...

'...respondents provided messages recognising a heterosexual relationship as a helpful cover to preserve invisibility for LBQ women in Uganda. LBQ women from rural areas presented more cases of being in heterosexual relationships or marriages than their counterparts in urban areas.'<sup>58</sup>

- 7.1.7 And:

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<sup>54</sup> ILGA, '[The ILGA-RIWI 2016 global attitudes survey on LGBTI...](#)' (pages 5 and 10), May 2016

<sup>55</sup> Afrobarometer, '[Summary of results: Afrobarometer round 8, survey...](#)' (page 86), 28 Oct 2021

<sup>56</sup> HRAPF, '[The impact of the legal and policy framework on access...](#)' (page 30 and 31), Dec 2019

<sup>57</sup> SMUG, '[Safety and security of the LGBTIQ+ community in Uganda...](#)' (page 9), December 2020

<sup>58</sup> FARUG, '[The lived realities of LBQ women in Uganda](#)' (page 8), June 2019

[The] Majority of the respondents were not out to their family, friends and colleagues citing various reasons including the fear of isolation due to the stigma against LBQ persons in Uganda. Additionally, the financial dependence on family members provides a challenge to LBQ persons' coming out to their relatives due to fear of being financially cut off. Respondents further argued that remaining in the closet mitigates stigma from family and the general community.<sup>59</sup>

7.1.8 And: 'Respondents highlighted various challenges experienced in the aftermath of being outed or coming out. The majority were banished from family homes, some were disowned by their families, others lost employment or had to endure constant condemnation from family members, while others narrated that their families assured them of how "being gay was a phase".<sup>60</sup>

7.1.9 In December 2020, SMUG commented on how attempts to introduce anti-LGBTI legislation had impacted on societal attitudes:

'Although the Anti-Homosexuality Act [AHA] was later repealed... it succeeded in creating a further mass of people who are homophobic or violently hostile towards LGBTIQ+ persons. The AHA contributed to negative attention towards the LGBTIQ+ community as well as the extension of myths about who they are and what they do. Myths and misnomers such as LGBTIQ+ people recruit children into homosexuality, they are recruited by the west, and that being gay is unnatural were perpetuated during this period of agitating for the AHA to be passed into law.'<sup>61</sup>

7.1.10 In February 2021, 76 Crimes reported:

'In the Jan. 14 election, Ugandan voters rejected two politicians who are notorious for homophobic attacks against the LGBT community.

'The two defeated politicians are Haji Abdul Kiyimba, the former Mayor of Nsangi Town Council in Wakiso District in central Uganda, and the Rev. Simon Lokodo, the Minister of Ethics and Integrity.

'Kiyimba is facing charges of torture and degrading treatment of young men arrested last year during a raid that he spearheaded last March against a homeless shelter...

'Lokodo, a member of parliament since 2006, has actively campaigned against homosexuals for years...

"Their losses may not have been directly related to their positions and actions against the LGBT community, but I am glad that voters have rejected two leaders who have openly used and abused their positions in government to violate the rights of LGBT persons in Uganda," said Vincent, a film maker based in Kampala.<sup>62</sup>

7.1.11 In April 2021, the BBC reported:

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<sup>59</sup> FARUG, '[The lived realities of LBQ women in Uganda](#)' (page 10), June 2019

<sup>60</sup> FARUG, '[The lived realities of LBQ women in Uganda](#)' (page 12), June 2019

<sup>61</sup> SMUG, '[Safety and security of the LGBTIQ+ community in Uganda...](#)' (page 8), December 2020

<sup>62</sup> 76 Crimes, '[Uganda: electoral defeat for 2 notoriously anti-gay officials](#)', 1 February 2021

'With friends and neighbours talking about the family, Rita [who has a gay son] locked herself in the house to escape the gossip and public shame, while her son's father blamed her, saying she had failed as a mother...

'Rita found herself totally alone at a time when she needed advice and support. A huge turning-point for her came when her son heard about the new support group, and encouraged her to attend.

'The group is called PFLAG Uganda, which stands for Parents and Families of Lesbians and Gays. Its aim is to create a safe space where parents can come together with others who are in the same situation, to ask the questions and have the conversations that they would never normally dare to.

'The group's founder is Clare Byarugaba, an openly lesbian LGBTI activist who was inspired by her own family's experience.

'Clare was outed by local tabloids before she had spoken to her family about her sexuality. She had no warning, and no way to prepare her parents for learning the truth and dealing with the shame that came with the revelations...

'The aim [of PFLAG] is to provide a safe space where parents can speak to a clinical psychologist and progressive religious leaders, as well as their fellow parents.

'Meetings are conducted in the Luganda language and, as well as peer support, the group provides access to accurate information about homosexuality and practical advice on how to cope in a homophobic environment...

'For some members [of PFLAG], like Rita, understanding their own children has also made parents think differently about the rest of Uganda's LGBTI community.

'Having originally thought that homosexuality was an abomination, now Rita feels protective towards all of Uganda's LGBTI individuals.'<sup>63</sup>

#### 7.1.12 HRAPF's research into the impact of the COVID-19 lockdown on LGBTI Ugandans, published in June 2021, found:

'Many LGBT respondents, reported being excluded by their local leaders from being the beneficiaries of government relief services like food and masks, as they were being accused of being deviants...

'Cases of evictions from rented premises, expulsion from homes and redundancy at the workplace became commonplace during the pandemic. As soon as COVID-19 set in, some LGBT people were terminated from their workplaces under the COVID-19 pretext, including those whose sexuality had been an issue at the work place before COVID-19.'<sup>64</sup>

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<sup>63</sup> BBC, '[The Ugandan mum who was once ashamed of her gay son](#)', 20 April 2021

<sup>64</sup> HRAPF, '[The Impact of COVID-19 related restrictions on access...](#)' (pages 27 and 28), June 2021

## 7.2 Religious groups

7.2.1 The CIA World Factbook reported that 84.4% of Ugandans are Christian and 13.7% are Muslim (2014 estimate)<sup>65</sup>.

7.2.2 In June 2019, FARUG stated: 'Religion has been used to inform the enactment of the existing legislation and is often aided by rhetoric on so-called traditional and cultural values that should be observed and protected. The issue of homosexuality is the only standpoint that unites all religious sects hence making the advocacy for LGBTI persons quite challenging.'<sup>66</sup>

7.2.3 In a February 2021 interview with Ssenfuka Joanita Warry (Executive Director of FARUG) by the Heinrich Boll Stiftung advocacy foundation, Warry commented:

'There is also a lot of misconception in Uganda and East Africa around homosexuality. There is this notion that homosexuality is un-African, yet it is actually very African. What has been imported is homophobia. When Christian missionaries came in, they found people loving each other and created a law that forbids love between people of the same sex. That makes homophobia un-African, but homosexuality is African.

'There is also misconception about homosexuality and religion. People, including the president of Uganda, demean me in the name of Christianity. As if I don't believe in God myself. I'm a staunch Catholic, a Catholic and a lesbian... They make laws that compare us to animals and accuse us of being paedophiles and all that. It is painful.'<sup>67</sup>

7.2.4 The Kuchu Times, reported in April 2021:

'Adonai International Ministries Uganda (AIM) is an LGBTI community led church in Uganda under Wave of Legacy Alliance Initiative UG (WaLAI).

'The Executive Director of WaLAI Pr. Kaggwa Ramathan Mutyaba discovered a gap in the LGBTI community where many had given up on God and no longer go to their places of worship due to the stigma, discrimination and criticism hurled unto them.

'Pr. Ram came up with a program of spiritual awakening and activism where he started AIM in 2020 during the COVID-19 lockdown.

'This ministry was founded to provide a safe space for the LGBTI persons to worship their God freely.'<sup>68</sup>

7.2.5 In June 2021, OutRight reported: 'Ugandan society is socially conservative, and anti-LGBTIQ sentiment is further fueled [sic] by some Christian churches, which take a hard anti-LGBTIQ line.'<sup>69</sup>

7.2.6 In October 2021, Rights Africa, part of the African Human Rights Media Network, reported:

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<sup>65</sup> CIA, '[World Factbook: Uganda](#)', last updated 22 November 2021

<sup>66</sup> FARUG, '[The lived realities of LBQ women in Uganda](#)' (page 2), June 2019

<sup>67</sup> Heinrich Boll Stiftung, '[Queer women in Uganda: "Don't rush into coming out"](#)', 5 February 2021

<sup>68</sup> Kuchu Times, '[All are equal before God: an online campaign...](#)', 9 April 2021

<sup>69</sup> OutRight '[Pride around the world](#)' (page 24), 30 June 2021

‘More than 35 religious leaders in Uganda have vowed to preach, practice, and promote inclusivity in their places of worship, saying that exclusion has done harm to minority populations like the LGBT community.

‘The leaders made the pledge during a religious inclusivity workshop organized last month by the East Africa Visual Artists (EAVA) in Kampala under the theme “I Am Free In Faith, Say No To Religious-Based Homophobia.”

‘The workshop is part of a series of activities being conducted by EAVA with support from Arcus LGBTI+ to combat religious-based homophobia in Uganda.’<sup>70</sup>

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Section 8 updated: 4 January 2022

## 8. Societal treatment

### 8.1 Stigma and discrimination

- 8.1.1 The table below has been compiled by CPIT using data adapted from a September 2019 report produced by the National Forum of People Living with HIV/AIDS Networks in Uganda (NAFOPHANU). Survey participants were asked whether they had experienced stigma or discrimination for reasons other than their HIV status. While the total number of survey participants was 1,398, the sub-categories of transgender persons, men who have sex with men (MSM), lesbians and gay men were much smaller, exact sample sizes are set out in the table.

Experience	Respondents who replied Yes			
	Trans-gender	MSM	Homo-sexual	Lesbian
Ever felt excluded from family activities*	29%	21%	22%	33%
Ever felt that family members have made discriminatory remarks about or gossiped about you*	43%	30%	39%	45%
Someone ever verbally harassed you because you are transgender/homosexual/lesbian/MSM	41%	24%	28%	39%
Has someone ever blackmailed you because you are transgender/homosexual/lesbian/MSM	33%	27%	17%	30%
Someone ever physically harassed or hurt you because you are transgender/homosexual/lesbian/MSM	29%	21%	11%	27%
<b>Number of respondents</b>	49	33	18	33

<sup>70</sup> Rights Africa, [‘Religious leaders in Uganda commit to LGBTQ inclusivity’](#), 16 October 2021

\*These figures do not reflect the fact that not all survey participants had told their family about their sexual orientation or gender identity

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## 8.2 Human rights violations

### a) Reported crimes committed against LGBTI persons

- 8.2.1 HRAPF data on legal aid provided by the organisation to sexual and gender minorities in Uganda has been compiled by CPIT in the table below. The data relates to crimes committed against LGBTI persons which were reported to the police, for which HRAPF provided legal assistance. The data does not include criminal matters reported to the police where HRAPF did not provide legal services.

	2016	2017	2018	2019	2020
Number of criminal cases reported to the police by LGBTI persons, for which HRAPF provided legal aid	n/a	30	32	50	159

72 73 74 75

### b) Types of violations

- 8.2.2 In June 2019, in a report on the lived experiences of LBQ women, FARUG stated: 'Respondents also shared experiences of sexual harassment inflicted by family members with the majority identifying extended relatives as the main perpetrators. In group discussions, masculine-presenting women raised the majority experiences of sexual harassment including threats of corrective rape, and in some cases actual rape. Other respondents who are out to their families highlighted fewer similar cases.'<sup>76</sup>

- 8.2.3 Reuters reported in October 2019:

'Uganda has seen a rise in attacks on LGBT+ people since a minister proposed bringing back the death penalty for gay sex, campaigners said on Tuesday, warning anti-gay rhetoric was fuelling homophobia...

'Late on Monday, 16 LGBT+ activists were taken into police custody after a mob shouting homophobic slogans surrounded their office and residence on the outskirts of Uganda's capital Kampala...

'On Sunday, a gay Rwandan refugee was beaten outside his office in Kampala, while on Oct. 13, two transgender women were beaten when they were leaving a nightclub, campaigners said, sharing pictures of the victims' bloodied faces on social media...

<sup>71</sup> NAFOPHANU, '[The people living with HIV stigma index](#)' (Tables 27, 28, 29, 30), September 2019

<sup>72</sup> HRAPF, '[2019 annual report](#)' (page 24), February 2020

<sup>73</sup> HRAPF, '[2020 annual report](#)' (page 11), May 2021

<sup>74</sup> HRAPF, '[2018 annual report](#)' (page 13), no date

<sup>75</sup> HRAPF, '[2017 annual report](#)' (page 21), no date

<sup>76</sup> FARUG, '[The lived realities of LBQ women in Uganda](#)' (page 9), June 2019

'Human rights groups have said three gay men and a transgender woman were killed in homophobic attacks in Uganda this year, the latest on Oct. 4, when a gay man was bludgeoned to death.'<sup>77</sup>

8.2.4 Also in October 2019, Human Rights Watch (HRW) reported on the deaths of an LGBT activist, Brian Wasswa, and other incidents of violence against people and organisations linked to the LGBT community:

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

'Mwebaza said that three other gay and transgender people had been killed in Uganda in recent months, amid the climate of increasingly hostile statements by politicians around LGBT rights. On August 1 [2019], a group of motorcycle taxi drivers beat a young transgender woman, Fahad Ssemugooma Kawere, to death in Wakiso District, near Kampala.'<sup>78</sup>

8.2.5 In December 2019, HRAPF reported: 'Transmen are also a target for "corrective" rape. Men want to prove to transmen that they are "wrong" about their own gender identity and that they are women not men, so they rape them. A HRAPF staff member who was interviewed also reported that she was aware of a transman who was subjected to a forced marriage by her family, as a means of correcting her "transgressions".'<sup>79</sup>

8.2.6 And:

'Transgender persons suffer violations of their rights as well as discrimination at the family, community and institutional levels. At the family level, they are usually excluded, discriminated and thrown out of home, which leads them to leave education and to lack family support. At the community level, they are usually evicted from rented premises, face violence and sometimes murder, as well threats of rape... Their visibility as being different exacerbates this problem as does ignorance. Many people regard them as gay and therefore add homophobia to transphobia. They are often accused of recruiting and spoiling children, being outcasts and devil worshippers. They are subjected to abuse and harassment and sometimes mob justice.'<sup>80</sup>

8.2.7 ReportOUT, a UK-based charity which researches LGBTI issues, conducted a survey between June and August 2020, involving 76 LGBTI respondents which found:

- In the past 12 months 22% of respondents reported being threatened or attacked due to their identity
- A neighbour or local community member was the perpetrator in 42% of cases and a family or household member in 26% of cases

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<sup>77</sup> Reuters, '[Attacks on LGBT+ Ugandans seen rising after minister proposes...](#)', 22 October 2019

<sup>78</sup> HRW, '[Uganda: brutal killing of gay activist](#)', 15 October 2019

<sup>79</sup> HRAPF, '[The impact of the legal and policy framework on access to justice...](#)' (page 32), Dec 2019

<sup>80</sup> HRAPF, '[The impact of the legal and policy framework on access...](#)' (page 59), Dec 2019

- 75% of respondents stated that Uganda is 'very unsafe' for LGBTIQ+ people<sup>81</sup>

#### 8.2.8 UNAIDS reported in March 2021:

'As a transgender woman living in Uganda, Ms Black is no stranger to the homophobia and transphobia that the lesbian, gay, bisexual and transgender (LGBT) community receives in the east African country.

"There is a lot of cyberbullying," Ms Black says; for example, people often attack her for posting pictures of her in dresses and makeup.

'Trolling is one motivation for Ms Black's social media activism. She runs Trans Positives Uganda, a community organization that cares for transgender women sex workers and refugees who are living with HIV.

'The online abuse mirrors the violence most transgender women experience in Uganda at the hands of their partners and even health-care providers. The marginalization has created a myriad of issues for transgender people in the country...

'It is not only sexual violence that Ms Black relates, but also intimate partner violence.

"Our boyfriends really violate us," Ms Black says.

'She adds that transgender sex workers also meet the same fate at the hands of clients. However, while she believes that violence against transgender women needs to be addressed, the criminalization of LGBT people and sex work in Uganda stops survivors from speaking out.

"Sex work is illegal and our kind of sex is very, very illegal. You might end up getting arrested," she says.<sup>82</sup>

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### 8.3 Conversion therapy

8.3.1 In June 2019, in a report on the lived experiences of LBQ women, FARUG stated: 'Key messages centred around family attitudes upon discovery or suspicion of the respondents' sexual orientation. Participants listed several cases where their families attempted to "convert" them into heterosexual-identifying individuals including "family prayer sessions", suggestions to seek the "help" of a psychologist to facilitate the healing process, among others.'<sup>83</sup>

8.3.2 In June 2021, online news site openDemocracy reported on the availability of 'conversion therapies' in Uganda:

'Anal sex is illegal in Uganda, and homosexuality is heavily stigmatised. It is unclear how common "conversion therapy" is, but openDemocracy teamed up with local researchers to document the experiences of 20 LGBT Ugandan survivors of such "treatments"...

'In Kampala, openDemocracy undercover reporters visited three hospitals in the aid-funded UCMB network, looking for "treatment" for same-sex

<sup>81</sup> ReportOUT, '[Out in Uganda: the lived experiences of SOGIESC Ugandans](#)' (section 10), 2020

<sup>82</sup> UNAIDS, '[Fighting transphobia and violence one social media post at a time](#)', 30 March 2021

<sup>83</sup> FARUG, '[The lived realities of LBQ women in Uganda](#)' (page 8), June 2019

attraction, and were referred to providers of such therapy either within the health facilities or externally.

‘At Kisubi Hospital’s “youth-friendly” clinic, a counsellor offered a session for 50,000 Ugandan shillings ([US]\$14) [£10<sup>84</sup>], saying a “17 [year-old] is still a small child we can modify”.

‘At Lubaga Hospital, Matthias Ssetuba introduced himself as the facility’s “mental health focal person”. He claimed that homosexuality is caused by factors ranging from peer pressure to the internet, and also said that it can be “changed”.

“It is a mental health issue,” he added, “because once you start having sex with the same sex, much as those whites are saying ‘it’s normal’, in our society it’s abnormal. And anything to do with abnormality has something to do with mental health.”<sup>85</sup>

- 8.3.3 No other information on conversion therapy in Uganda could be found in the sources consulted (see [Bibliography](#)).

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Section 9 updated: 4 January 2022

## 9. Access to services

### 9.1 Documentation

- 9.1.1 A 2020 report by HRAPF on the legal framework for intersex persons stated:

‘Uganda has adopted the Registration of Persons Act, 2015 which allows both children and adults to change their names. The Act also allows the parents of “hermaphrodites” to apply to have the details of an intersex child changed in the birth register if the child had undergone surgery to change their sex, and their parents or guardians have made an application as required. Unfortunately the law uses pejorative language and also links the availability of changing one’s particulars in the birth register to undergoing surgical procedures during childhood and a similar procedure is not available for adults who wish to change their details in the birth register.’<sup>86</sup>

- 9.1.2 The Continent, a weekly newspaper produced by the South African newspaper the Mail & Guardian, reported in October 2021:

‘Cleopatra Kambugu is the first Ugandan whose transition has been recognised by the state.

‘When Cleopatra Kambugu received the notification that her new ID card was ready, she wasn’t sure exactly what it would say. Then she went to collect it, and there it was: the letter “F”.

“It’s a huge milestone,” she told The Continent, speaking from Kampala. “It’s not my win, it’s the community’s win”...

‘Although she is celebrating now, she says there are more battles to be fought. “When you present yourself as a trans person in the public, you get

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<sup>84</sup> Xe, ‘[Xe currency converter](#)’, 13 December 2021

<sup>85</sup> openDemocracy, ‘[Anti-gay ‘therapy’ offered at Uganda health centres...](#)’, 30 June 2021

<sup>86</sup> HRAPF, ‘[The impact of the legal and policy framework on the human rights...](#)’ (page 3), 2020

policed – are you women enough? It helps that I do pass, and I’ve had surgery. What if you don’t pass?” And, she argues, there are still only two gender categories in Uganda – male and female – which excludes the intersex and non-binary community.’<sup>87</sup>

9.1.3 In an October 2021 follow-up to The Continent article above, Rights Africa (part of the African Human Rights Media Network) commented:

‘Officially, Kambugu is Uganda’s first transgender citizen, a great milestone for the LGBT community and human rights activists in Uganda...

‘The corrected document will make it easier for Kambugu to access government and business services that often require national identification papers. It is hoped that this precedent will make it easier for other trans and gender non-conforming Ugandans to get corrected documents and access vital services.

‘The win gives a modicum of protection to transgender and gender non-conforming Ugandans. Currently, the Ugandan law that creates the National Identification and Registration Authority (NIRA), the Registration of Persons Act 2015 only recognizes Ugandans as either male or female.

‘Anyone who was gender-non-conforming could be fined or jailed for allegedly giving a civil servant “false information.” This has pushed many transgender women and gender-non-conforming persons beneath state protection. During the COVID-19 lockdown in 2021, transgender persons had difficulty accessing state support and food due to lack of national identification cards.

‘The fear of getting national identification cards among transgender and gender non-conforming Ugandans has fuelled violence by some state security agencies, including sexual abuse, molestation, and ridicule in lawful custody. Transwomen and transmen still share prison cells with male inmates.

‘The NIRA law also gives state agencies vague and broad powers to discriminate against transpersons and gender non-conforming Ugandans.

‘Without a valid national identification card, it is difficult or impossible to access jobs, housing, education and banking.’<sup>88</sup>

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## 9.2 Healthcare

### a) Government funding and policies

9.2.1 In a 2019 report on access to health services for MSM, HRAPF commented:

‘Uganda has a number of policies and guidelines regarding the provision of sexual and reproductive health services to the population... some of the policies and guidelines have specific mention of MSM as KPs [key populations] that need specific [sexual reproductive health and rights] SRHR/HIV and AIDS services as a priority population category. The policies adopt the principle of equity in service delivery, which is the view that

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<sup>87</sup> The Continent, ‘[Meet the first transgender citizen of the republic](#)’ (Issue 62, page 9), 2 Oct 2021

<sup>88</sup> Rights Africa, ‘[Uganda issues corrected national ID document for trans woman](#)’, 18 October 2021

services should be provided to all on the basis of fairness, without discrimination...

'Despite the criminal laws [criminalizing same-sex sexual acts], the Ministry of Health has taken positive steps beyond laws and policies to ensure that MSM access health services. One of these steps is the Most at Risk Populations Initiative (MARPI) which provides specialised services for MSM and other Most at Risk Populations at major government health centres. This is a very progressive step that clearly shows the Ministry going beyond the laws and prejudices that exists to actual protection. Of course challenges remain and have been documented with many other government health facilities, but at least this is a step in the right direction.'<sup>89</sup>

9.2.2 In December 2020, a HRAPF study of the sexual reproductive health and rights (SRHR) of Uganda's LGBT community concluded:

'Overall, although the health sector has key policies that provide for SRHR, many do not not [sic] expressly include LGBT groups... The health sector is generally [sic] underfunded, and actual delivery of SRHR services is also not regarded as a big priority. However even then, LGBT SRHR needs are much less prioritised with limited funding being specifically allocated to these. Most of the funding that would go to LGBT SRHR needs is largely donor funding and this indicates limited government willingness to fund this critical area.'<sup>90</sup>

9.2.3 In 2020, HRAPF reported: 'Currently, there is no policy on treatment of intersex patients. An expert team of paediatricians, surgeons and members of civil society has been commissioned by the Ministry of Health's Technical Working Group on Mental and Child Health to develop a policy guideline on treating intersex patients.'<sup>91</sup>

9.2.4 And: 'The state does not provide for specialised treatment for intersex conditions. The hospitals capable of providing treatment to intersex children lack sufficient funding. There is a lack of expertise and understanding of intersex conditions among general medical practitioners, especially in rural areas.'<sup>92</sup>

9.2.5 And: 'While there are hospitals within Uganda and its neighbouring countries that can perform both medically necessary and cosmetic surgeries on intersex persons, many intersex persons nevertheless face a financial barrier which prevents them from accessing the surgeries they require.'<sup>93</sup>

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## b) Accessibility

9.2.6 The table below has been compiled by CPIT using data adapted from a September 2019 report produced by NAFOPHANU. Survey participants, including transgender persons, lesbians, gay men and MSM were asked whether they had experienced stigma or discrimination when accessing health services, for reasons other than their HIV status:

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<sup>89</sup> HRAPF, '[A simplified booklet on the right to health for MSM in Uganda](#)' (page 18 and 19), Dec 2019

<sup>90</sup> HRAPF, '[Trends analysis of programming and budget allocation...](#)' (page 23), Dec 2020

<sup>91</sup> HRAPF, '[The impact of the legal and policy framework on the human rights...](#)' (page 3), 2020

<sup>92</sup> HRAPF, '[The impact of the legal and policy framework on the human rights...](#)' (page 4), 2020

<sup>93</sup> HRAPF, '[The impact of the legal and policy framework on the human rights...](#)' (page 7), 2020

Experience	Respondents who replied Yes			
	Trans-gender	MSM	Homo-sexual	Lesbian
Ever felt afraid to seek health services because you worried someone may learn you are transgender/ homosexual/ lesbian/ MSM	8%	18%	22%	18%
Ever avoided seeking health services because you worried someone may learn you are transgender/ homosexual/ lesbian/ MSM	16%	15%	17%	21%
<b>Number of respondents</b>	49	33	18	33

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9.2.8 FARUG's June 2019 report on the lived experiences of LBQ women found:

'The majority of the participants reported being able to access general health services through various health units in their respective communities. In some cases, the majority of these LBQ women also seek for appropriate referrals from FARUG, while the rest of the participants admitted to being supported by family members as and when they need medical attention.

'Other respondents reported a preference for private health centres which they claimed could be accessed without challenges since most of them care about making money and rarely bother with SOGIE, unlike government-aided health centres.'<sup>95</sup>

9.2.9 And: '[R]espondents who expose their sexual orientation/identity to health workers noted more negative experiences such as overt homophobic responses, assumption of heterosexuality especially during HIV testing and the general lack of specific knowledge on LBQ women health issues. On the other hand, participants who choose not to disclose their orientation or identity to health workers do not register as many challenges than their counterparts.'<sup>96</sup>

9.2.10 According to ReportOUT's 2020 survey, involving 76 LGBTI respondents:

- 53% of respondents refused to use hospitals or medical care because of their identity.
- 51% had experienced discrimination from healthcare staff<sup>97</sup>.

9.2.11 HRAPF's 2020 annual report, published in May 2021, provided details of training workshops for health workers: '...training workshops were conducted on marginalisation and access to health services for sexual minorities during the year 2020, reaching out to 247 health workers. The training workshops

<sup>94</sup> NAFOPHANU, '[The people living with HIV stigma index](#)' (Tables 27, 28, 29, 30), September 2019

<sup>95</sup> FARUG, '[The lived realities of LBQ women in Uganda](#)' (page 29), June 2019

<sup>96</sup> FARUG, '[The lived realities of LBQ women in Uganda](#)' (page 29), June 2019

<sup>97</sup> ReportOUT, '[Out in Uganda: the lived experiences of SOGIESC Ugandans](#)' (section 11), 2020

were intended to increase the health workers' understanding of the health issues affecting sexual minorities and to create an environment where sexual minorities can access health care services without being stigmatised.<sup>98</sup>

9.2.12 In January 2021, HRAPF published the findings of a study based upon research which took place between November and December 2020. The research investigated the sexual and reproductive health (SRH) services available to LGBTI persons and involved focus groups and interviews with LGBTI persons, service providers and stakeholders. HRAPF concluded:

'This assessment found evidence of serious attempts to reach the LGBT population with key SRH services that meet their needs. There are attempts to ensure universal access to HIV testing services, STI screening and treatment as well as deliberate efforts to ensure that most health facilities have people trained in issues around LGBT. Some health facilities have focal persons known to the LGBT community who make access to services easier. There has also been a deliberate effort to have drop in centres where LGBT persons can access the services of their choice. At policy level, the National HIV/AIDS Strategic Plan for 2020/21-2024/2025 acknowledges and places a significant amount of emphasis on ensuring that key populations, where some of the categories of LGBT persons fall, have access to the required services including PEP and PrEP and lubricants. Therefore, it is plausible to argue that there are efforts to ensure that the LGBT persons have access to the much needed SRH services.

'Despite such attempts, discussions with the LGBT persons revealed mixed concerns about availability of services, and the quality of such services. For services such as SRH commodities including condoms, discussions indicate that they are readily available and can be accessed. However, for some unique services such as hormonal and affirmative surgeries for transgender persons, they are hardly available and therefore accessible. Of particular concern was also the attitudes of health workers who are expected to serve the LGBT persons. While there are attempts to train the health workers, it appears that negative attitudes towards LGBT persons is hindering access to services. Where services are provided in facilities that serve the general community, the LGBT persons also experienced stigma and discrimination from the fellow service users.'<sup>99</sup>

9.2.13 UNAIDS reported in March 2021:

'The stigma and discrimination often follows transgender people to consulting rooms at health facilities, where, while seeking treatment, they can be degraded and shamed.

"You tell a doctor, "I have anal gonorrhoea" and they will all be shocked. They'll call everyone, all the doctors, to see because they don't believe in anal sex. They'll say it's against their religion," says Ms Black.<sup>100</sup>

9.2.14 In August 2021, Rights Africa, an online LGBTI advocacy network, reported:

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<sup>98</sup> HRAPF, '[2020 annual report](#)' (page 33), May 2021

<sup>99</sup> HRAPF, '[Sexual and reproductive health \(SRH\) needs for LGBTI...](#)' (page 24), January 2021

<sup>100</sup> UNAIDS, '[Fighting transphobia and violence one social media post at a time](#)', 30 March 2021

‘The Ugandan government has set an ambitious target of reducing new HIV infections by 70 percent by 2025, and engagement with key populations (KP) at risk — including men who have sex with men, transgender people, sex workers, injection drug users, and prisoners — is an important component of its National HIV and AIDS Strategic Plan 2020/21–2024/25...

‘Byamukama [from the government agency, Uganda AIDS Commission] however expressed concern over the laws that criminalize most of the KPs, saying they contradict government efforts to reduce the spread of HIV...

‘Aware of the government’s commitment to KPs, the office of the Directorate of Public Prosecutions has reportedly adopted a certain level of compassion in implementing laws that criminalize KPs. However, reports of physical and verbal attacks against gay men and transgender persons by both state and non state actors keep emerging.’<sup>101</sup>

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### 9.3 Other services

#### 9.3.1 FARUG’s June 2019 report on the lived experiences of LBQ women also found:

‘Respondents were asked [during interviews and focus groups] about their employment status, and more than half of all the respondents agreed to have a job or a primary source of income. Some participants claimed to be out to their employers, while others agreed to suspicion of their SOGIE by employers. Respondents reported cases of verbal and physical discrimination, hiding gender identity or sexual orientation at work, and hiding personal life. Trans identifying or masculine-presenting women provided more experiences of such discrimination

‘Amongst all respondents who are openly out, with or without formal academic qualifications, there was a common concern relating to stigma and bias from prospective employers who reject their applications based on their sexual orientation. A few participants narrated experiences where they lost their jobs when their employers discovered their sexual orientation...

‘However, not all respondents experienced harassment and discrimination in their workplaces as a result of revealing their SOGIE. LBQ women of a higher socio-economic class reported more bargaining power at their workplaces which helps them influence the kind of treatment they receive.’<sup>102</sup>

#### 9.3.2 And:

‘Masculine-presenting LBQ women shared more negative experiences and challenges about housing access and the maintenance of tenancy agreements...

‘On the other hand, femme [defined as ‘traditionally feminine’] LBQ respondents did not raise any concerns or experiences relating to housing discrimination. However, group discussants highlighted the fear always associated with having their partners visit their areas of residence. The majority do not feel safe while being intimate with their partners due to the

<sup>101</sup> Rights Africa, ‘[Amid continued criminalisation, Uganda endorses LGBT access...](#)’, 11 August 2021

<sup>102</sup> FARUG, ‘[The lived realities of LBQ women in Uganda](#)’ (page 25), June 2019

fear of neighbours breaking into the premises upon suspicion of homosexual activity.<sup>103</sup>

- 9.3.3 ReportOUT's 2020 survey, involving 76 LGBTI respondents, also found:
- 49% of respondents said that support services are insufficient and - where support is available - it is provided only by LGBTIQ+ organisations
  - 72% of respondents said that they seek support from LGBTIQ+ organisations, 38% received support from friends and 1% reported finding support within their community, from neighbours or from government departments<sup>104</sup>
- 9.3.4 A 2020 study by HRAPF, based upon interviews with intersex adults, the parents of intersex children and key stakeholders reported: 'Exclusion from education is a major issue among intersex persons in Uganda. Almost every intersex person interviewed shared that they experienced discrimination or bullying at school due to the fact that they are intersex. Many decided to leave school to escape the ridicule.'<sup>105</sup>
- 9.3.5 And: 'Intersex persons reported difficulties in finding and maintaining employment due to the stigma created around them by society.'<sup>106</sup>

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Section 10 updated: 4 January 2022

## 10. LGBTI activism, support groups and networking

### 10.1 Background

#### 10.1.1 In December 2020, SMUG commented:

'...the [LGBTI] community became political and socially cohesive, and started informally organising around LGBTIQ+ rights in the late 1990s. This led up to the establishment of some of the first LGBTIQ+ organisations such as Freedom and Roam Uganda (FARUG) and Sexual Minorities Uganda (SMUG) in the early 2000s to advocate for the human rights of LGBTIQ+ persons.

'These organisations became more aware of these security threats and incidents against the LGBTIQ+ community because the victims could now find individuals and institutions to reach out to for support. Since then, there has been more and more visibility of LGBTIQ+ organisations and activists because of their advocacy, and with that, a proportionately bigger safety concern for the LGBTIQ+ community in the country. This is partly due to the confidence it has generated in many LGBTIQ+ individuals who have then either come out to their families and friends, or now live more active LGBTIQ+ lives. The downturn however is that it has made them more susceptible to be exposed to dangers or discriminatory acts within the immediate homophobic society.'<sup>107</sup>

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<sup>103</sup> FARUG, '[The lived realities of LBQ women in Uganda](#)' (page 27), June 2019

<sup>104</sup> ReportOUT, '[Out in Uganda: the lived experiences of SOGIESC Ugandans](#)' (section 12), 2020

<sup>105</sup> HRAPF, '[The impact of the legal and policy framework on the human rights...](#)' (page 4), 2020

<sup>106</sup> HRAPF, '[The impact of the legal and policy framework on the human rights...](#)' (page 5), 2020

<sup>107</sup> SMUG, '[Safety and security of the LGBTIQ+ community in Uganda...](#)' (page 7 to 8), Dec 2020

### 10.1.2 And:

‘Over the years, LGBTIQ+- led organisations have worked tirelessly to improve the safety and security situation for LGBTIQ+ community members, their organisations, and their activists... Nonetheless, the security situation of the community is one that still needs to be improved further because it usually oscillates between bad and improved. Till [sic] today, LGBTIQ+ Ugandans and residents still wake up to risks, threats and incidents such as police harassment, arbitrary arrest, and abuse by the police and other state security agents.’<sup>108</sup>

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## 10.2 Registration of support organisations

10.2.1 ReportOUT stated in 2020: ‘As a reaction to [the annulment of the Anti-Homosexuality Act], in May 2015 Parliament proposed a so-called NGO Bill which would allow government to ban NGOs for any reason, including if it was in the public interest to do so. Many organisations are not able to register if their title includes LGBTQ/SOGIESC references and the Bill included the proviso that organisations could be banned from operating if not registered.’<sup>109</sup>

10.2.2 In November 2019, the Guardian reported:

‘More than 12,000 charities have been told they can no longer operate in Uganda as critics raised fears that government regulatory measures effectively amounted to a purge...

‘It is understood that most of the organisations told to stop operating are local groups, rather than large international NGOs...

‘Dr Frank Mugisha, director of Sexual Minorities Uganda, said his organisation is challenging a decision to deny the NGO’s registration...

‘Mugisha said other organisations that campaign for LGBT rights have also been left off the register.

‘Such groups can operate as associations, which do not need government registration, but this would constrain their activities and ability to mobilise funds.

‘Dr Livingstone Sewanyana, the executive director of Foundation for Human Rights Initiative, which did make it on to the register, said the validation exercise was being conducted within the law, which allows for NGOs to be routinely monitored. However, he felt an immoderate amount of information was required.

“They want to know your source of funding, your board, and your staff. I would say the information they need is excessive. If [the information] were put to good use I would have no problem, but it could easily be abused,” he said.’<sup>110</sup>

10.2.3 Reuters reported in August 2021:

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<sup>108</sup> SMUG, ‘[Safety and security of the LGBTIQ+ community in Uganda...](#)’ (page 6), Dec 2020

<sup>109</sup> ReportOUT, ‘[Out in Uganda: the lived experiences of SOGIESC Ugandans](#)’ (section 5), 2020

<sup>110</sup> Guardian, ‘[Uganda bans thousands of charities in “chilling” crackdown](#)’, 21 November 2019

'Uganda said on Friday it had suspended the operations of 54 non-governmental organisations, a move that one of the groups described as "political persecution".

'The suspensions were ordered for a range of reasons, including non-compliance with regulations which require NGOs and other groups not to be involved in politics...

'The NGOs affected include charities whose work defending the rights of political activists and people affected by a crude oil production project in western Uganda has irritated some government officials.

'President Yoweri Museveni's government has for several years been increasing pressure on NGOs, accusing some of them of backing the opposition.'<sup>111</sup>

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### 10.3 Pride events

#### 10.3.1 In June 2021, OutRight reported:

'Despite a highly restrictive environment of state repression, activists have managed to hold several Pride events in Uganda. The first Pride event was first held in 2012 and continued annually until 2016...

'...In 2016 the Pride event was shut down by police before it could begin... Uganda's minister for ethics and integrity, Simon Lokodo, had earlier warned that Pride participants would be arrested and prosecuted. While participants were ordered to disperse, no formal arrests were made that day.

'In 2019, organizers tried to revive the event but were threatened with arrest and violence. Thereafter, Pride organizers felt it would not be safe to hold Pride events in the foreseeable future. As Kasha Jacqueline Nabagesera, founder of Pride Uganda and Executive Director of the Kuchu Times Media Group, puts it: "Homosexuality is illegal, so everything we do, whether socially or politically, is deemed illegal."<sup>112</sup>

#### 10.3.2 In a June 2021 interview with the BBC, Michael Kajubi [a gay Ugandan, now living in Canada], stated:

'My first Pride festival was in 2015. I was still a little scared, but I felt so good. I had a sense of belonging, like "yes these are my people". I was so happy. It was a great feeling to be part of my community, to raise the flag without fear of judgement or discrimination from the feeling around me.

'But that was the end - there was never any other Pride in Uganda.'<sup>113</sup>

#### 10.3.3 In a July 2021 article featuring African LGBTI activists, Vogue magazine quoted Dr Frank Mugisha (Executive Director of SMUG): "Being an activist in Uganda definitely comes with challenges: harassment, verbal attacks, and the fear of what may happen to me if I get arrested again - I was arrested in 2016 when we tried to put on a Pride event."<sup>114</sup>

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<sup>111</sup> Reuters, '[Uganda suspends work of 54 NGOs, increasing pressure on charities](#)', 20 August 2021

<sup>112</sup> OutRight '[Pride around the world](#)' (page 23), 30 June 2021

<sup>113</sup> BBC, '[Pride month: Five stories from around the world](#)', 27 June 2021

<sup>114</sup> Vogue, '[Meet 7 Activists Fighting to Improve LGBTQ+ Rights Across Africa](#)', 27 July 2021

## 10.4 Networking

### 10.4.1 FARUG's June 2019 report on the lived experiences of LBQ women also found:

'Conversations [in interviews and focus groups] revolved around whether LBQ women are actively involved in any community activities and ascertaining whether such activities are valuable to the respondents. Generally, respondents confirmed that they are involved in activities organised by LBQ women organisations and were able to identify activities such as workshop gatherings, the celebration of LBQ related days and safe space social gatherings. Participants highlighted the importance of such gatherings and identified benefits accruing from such spaces including connections with other LBQ women, facilitative access to health services through referral services, and opportunities to participate in domestic, regional and international workshops.'<sup>115</sup>

### 10.4.2 In his June 2021 interview with the BBC, Michael Kajubi also commented:

'The LGBT community in Uganda connects mostly through social media and also dating apps. Ideally, whoever is on those dating sites is one of us or part of the community - unfortunately sometimes people who are there aren't, so you have to be very, very careful.

'When you meet someone, they tell you who else is organising a house party and then you go and you meet many other people. That's how we meet others like us.'<sup>116</sup>

### 10.4.3 In the same July 2021 Vogue magazine article mentioned above, Dr Frank Mugisha also commented: "The social scene in Uganda is gone because of police raids. There are no gay-friendly bars, but we do have safe spaces. The queer community is striving, the visibility has increased, many people are more accepting than before. There is a positive shift."<sup>117</sup>

## 10.5 List of NGOs and CSOs providing support to the LGBTI community

### 10.5.1 The descriptions below provide an indication of the range of organisations and services available to the Ugandan LGBTI community but is not a complete list of all support groups.

### 10.5.2 Akina Mama Wa Afrika (AMWA) is a Kampala-based women's organisation which works to: '[Ensure] that women and girls in all their diversities, sexual orientations and gender identities have full autonomy over their lives, bodies and sexuality.'<sup>118</sup>

### 10.5.3 Ark Wellness Hub Uganda provides health services to LGBT Ugandans, including HIV care and mental health care<sup>119</sup>.

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<sup>115</sup> FARUG, '[The lived realities of LBQ women in Uganda](#)' (page 20), June 2019

<sup>116</sup> BBC, '[Pride month: Five stories from around the world](#)', 27 June 2021

<sup>117</sup> Vogue, '[Meet 7 Activists Fighting to Improve LGBTQ+ Rights Across Africa](#)', 27 July 2021

<sup>118</sup> AMWA, '[Homepage](#)', no date

<sup>119</sup> Ark Wellness Hub, '[Health Programs we run](#)', no date

- 10.5.4 Blessed Rwenzori Uganda (BRU) promotes human rights for sexual minorities in rural areas of Western Uganda based in the Rwenzori region (Kasese District). BRU provides a legal aid service, human rights advocacy and programmes in safety and security and economic empowerment<sup>120</sup>.
- 10.5.5 Children of the Sun Foundation Uganda (COSF) operates in Kampala and Wakiso District and was: ‘...created to support and enable LGBT community members in creating programs and influence policies in the area of gender sexuality, health and education.’<sup>121</sup>
- 10.5.6 East African Sexual Health and Rights Initiative (UHAI-EASHRI) supports sex workers and sexual and gender minorities by funding activism in 7 East African countries, including Uganda<sup>122</sup>.
- 10.5.7 Fem Alliance Uganda (FEMA) supports the LBTQ community through advocacy, mentoring and outreach programmes<sup>123</sup>.
- 10.5.8 Freedom and Roam Uganda (FARUG) is a Kampala-based organisation which supports Lesbian, Bisexual and Queer (LBQ) women. Services include advocacy, skills training and a health care drop-in centre<sup>124</sup>.
- 10.5.9 GALA Initiative is a Kampala-based organisation which supports the LGBT population through provision of legal aid, health care, income-generation training and business microloans<sup>125</sup>.
- 10.5.10 Health and Rights Initiative (HRI) operates in Northern Uganda in:
- Lango sub-region: Lira, Dokolo, Apac, Kole, Oyam, Alebtong, Otuke, Amolatar and Kwanja
  - Acholi sub-region: Gulu, Pader, Kitgum, Nwoya, Amuru, Omoro and Lamwo
  - West Nile: Nebbi, Pakwach, Paidha, Zombo, Arua, Koboko, Adjumani and Yumbe<sup>126</sup>.
- 10.5.11 HOPE Mbale offers services to the LGBTQ community and sex workers in the Eastern Ugandan districts of Mbale, Manafwa, Sironko, Bulambuli, Tororo, Busia and Serere<sup>127</sup>.
- 10.5.12 Human Rights and Economic Empowerment Development (HUREED) provides advocacy and support for equitable access to health, justice and social inclusion for LGBTI persons<sup>128</sup>.
- 10.5.13 Human Rights Awareness and Promotion Forum (HRAPF) operates a legal aid clinic in Kampala plus 4 regional legal aid centres:

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<sup>120</sup> HRAPF, ‘[The Uganda report of human rights violations...](#)’ (page 5), March 2020

<sup>121</sup> UKPC, ‘[COSF](#)’, no date

<sup>122</sup> Global Philanthropy Project, ‘[UHAI EASHRI](#)’, no date

<sup>123</sup> FEMA, ‘[Organization strategies and interventions](#)’, no date

<sup>124</sup> FARUG, ‘[Home page](#)’, no date

<sup>125</sup> GALA Initiative Uganda, ‘[Program areas](#)’, no date

<sup>126</sup> HRAPF, ‘[The Uganda report of human rights violations...](#)’ (page 6), March 2020

<sup>127</sup> HRAPF, ‘[The Uganda report of human rights violations...](#)’ (page 6), March 2020

<sup>128</sup> HRAPF, ‘[The Uganda report of human rights violations...](#)’ (page 6), March 2020

- Northern regional legal aid centre (Lira) hosted by Health and Rights Initiative
- Central regional legal aid centre (Lugazi) hosted by HUREED Initiative
- Western regional legal aid centre (Mbarara) hosted by Mbarara Rise Foundation
- Eastern regional legal aid centre (Mbale) hosted by HOPE Mbale<sup>129</sup>

10.5.14 Ice Breakers Uganda supports the LGBT community, raises awareness about LGBT-rights, advocates for a change in attitude towards LGBT persons and provides health services<sup>130 131</sup>.

10.5.15 Kampus Liberty Uganda is a Kampala-based organisation which provides legal aid, health care and advocacy in addition to activities to promote financial independence for LGBT persons<sup>132</sup>.

10.5.16 Kuchu Shiners Uganda is a Kampala-based organisation which supports transgender female sex workers<sup>133</sup>.

10.5.17 Let's Walk Uganda supports MSM: '...by providing entrepreneurial skills, advocacy, health care services, capacity development and safe spaces to enable them live dignified lives without stigma and discrimination.'<sup>134</sup>

10.5.18 MAHIPSO supports rural transgender women and sex workers and other sexual minorities in the Greater Masaka Region (districts of Masaka, Kyotera, Lyantonde, Rakai, Bukomansimbi, Kalungu, Ssembabule, Kalangala, and Lwengo). Support includes economic programmes, legal aid services and sexual and mental health programmes<sup>135</sup>.

10.5.19 The National LGBTI Security Committee is made up of human rights defenders and activists who monitor and document cases of violations based on sexual orientation and gender identity<sup>136</sup>.

10.5.20 Out and Proud Uganda supports LGBTQ+ people in Wakiso District through: '...fighting stigma, discrimination, violence, human and health violations against LGBTQ+ people.'<sup>137</sup>

10.5.21 Queer Youth Uganda provides advocacy services, accommodation and employment skills to LGBTI+ youths<sup>138</sup>.

10.5.22 Rainbow Mirrors Uganda (RMU): '...supports and enables young transgender people to create programs and influence policies in the areas of gender, sexuality, health, education, the arts & governance.'<sup>139</sup>

<sup>129</sup> HRAPF, '[2020 annual report](#)' (page 7), May 2021

<sup>130</sup> HRAPF, '[The Uganda report of human rights violations...](#)' (page 6), March 2020

<sup>131</sup> 76 Crimes, '[Uganda: Icebreakers' new academy boosts LGBTQ health](#)', 2 October 2019

<sup>132</sup> Kampus Liberty Uganda, '[Home page](#)', no date

<sup>133</sup> Kuchu Times, '[Kuchu Shiners Uganda marks 5 years of service](#)', 23 March 2021

<sup>134</sup> Let's Walk Uganda, '[Home page](#)', no date

<sup>135</sup> MAHIPSO, '[Home page](#)', no date

<sup>136</sup> HRAPF, '[The Uganda report of human rights violations...](#)' (page 7), March 2020

<sup>137</sup> ReportOUT, '[Out in Uganda: the lived experiences of SOGIESC Ugandans](#)', 2020

<sup>138</sup> Queer Youth Uganda, '[Homepage](#)', no date

<sup>139</sup> UKPC, '[Rainbow Mirrors](#)', no date

- 10.5.23 Resilience Uganda is a Gulu-based organisation that provides sexual and mental health services and support to LBQ women and female sex workers<sup>140</sup>.
- 10.5.24 Sexual Minorities Uganda (SMUG) is a Kampala-based umbrella organisation which coordinates 18 LGBTIQ+ groups in Uganda. SMUG also oversees 5 shelters for homeless LGBTQ persons which provide accommodation, food, health care services and assistance with achieving economic self-sufficiency<sup>141 142</sup>.
- 10.5.25 Transgender Equality Uganda is a Kampala-based organisation with a mission to: ‘...promote human rights, economic empowerment and equal access to health services for trans-women and transgender sex workers.’<sup>143</sup>
- 10.5.26 Trans Positives Uganda is: ‘...a community organization that cares for transgender women sex workers and refugees who are living with HIV.’<sup>144</sup>
- 10.5.27 Twilight Support Initiative (TSI) supports rural LGBT and other marginalised people in the Rwenzori region of western Uganda. Support services promote health and self-reliance<sup>145</sup>.
- 10.5.28 Wave of Legacy Alliance Initiative is a Kampala-based organisation which supports LGBTQ+ persons to access health services, legal services and safe shelter<sup>146</sup>.

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<sup>140</sup> HRAPF, “[Advocacy guide on access to sexual and reproductive health...](#)” (page 11), May 2021

<sup>141</sup> SMUG, ‘[Home](#)’, no date

<sup>142</sup> 76 Crimes, ‘[Five homeless shelters welcome LGBTQ Ugandans](#)’, 23 October 2020

<sup>143</sup> Transgender Equality Uganda, ‘[Home page](#)’, no date

<sup>144</sup> UNAIDS, ‘[Fighting transphobia and violence one social media post at a time](#)’, 30 March 2021

<sup>145</sup> TSI, ‘[Home page](#)’, no date

<sup>146</sup> ReportOUT, ‘[Out in Uganda: the lived experiences of SOGIESC Ugandans](#)’, 2020

# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context
  - general anti-discrimination provisions (and inclusion or absence of reference to LGBTI persons)
  - (being) a LGBTI person
  - same-sex sexual behaviour
  - same-sex couples, including civil union and marriage
  - gender reassignment/transition, and recognition of gender identity of trans persons
  - LGBTI organisations
  - relevant significant court cases and caselaw
- State attitudes and treatment
  - statements made by government figures and public officials
  - government policies/programmes that assist or discriminate against LGBTI persons
  - how the law is applied (including discriminatory application non-LGBTI specific laws). Numbers:
    - arrests and detentions
    - prosecutions
    - convictions and acquittals
  - restrictions/enforcement of law against LGBTI organisations
  - other state treatment, such as
    - harassment
    - blackmail
    - bribery
    - corrective therapy
  - access to public services
    - education
    - healthcare
    - employment
    - justice

- state protection
  - description of security forces and their capabilities, including any specific units with remit to protect LGBTI persons
  - response and assistance provided, including arrests and prosecutions of persecutors, witness protection, assistance in relocation
  - oversight mechanisms and organisations, complaints process, investigations, outcomes and penalties
- geographic, socio-economic or other factors affecting variation in attitudes/treatment
- Societal attitudes and treatment
  - public opinion/views/surveys, including anti-LGBTI movements and public demonstrations
  - prevailing cultural and family attitudes to male/female relationships, family and non-conforming behaviour
  - religious group attitudes, statements and actions
  - media representation, language and discourse
  - treatment by the public, including family members
    - shunning and stigma
    - harassment and violence, including mob attacks and gender-specific forms such as corrective rape
    - accessing accommodation, education, employment and healthcare
  - geographic, socio-economic or other factors affecting variation in attitudes/treatment
- LGBTI individuals, communities and groups
  - size and location of LGBTI population
  - presence, projection and location of openly LGBTI persons and communities into public life
  - numbers, aims and location of openly LGBTI communities
  - services, meeting places and events, such as bars, restaurants and Gay Pride
  - operation, activities and restrictions of LGBTI civil society and other supportive groups or associations, including websites
  - geographic, socio-economic or other factors affecting behaviour of individuals and groups.
- Freedom of movement
  - legal freedoms/restrictions, including documentation
  - safety of movement
  - vulnerabilities of different groups

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# Version control

## Clearance

Below is information on when this note was cleared:

- version 5.0
- valid from 2 February 2022

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**Official – sensitive: Start of section**

The information in this section has been removed as it is restricted for internal Home Office use only.

**Official – sensitive: End of section**

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