

“ETEEKA LYAYITA... EVEN THE GOVERNMENT DOES NOT LIKE YOU HOMOSEXUALS.”



LIVES AT RISK:

A REPORT ON DOCUMENTED HUMAN RIGHTS VIOLATIONS AND ABUSES OF LESBIAN, GAY, BISEXUAL, TRANSGENDER, INTERSEX AND QUEER PLUS PERSONS (LGBTIQ+) IN UGANDA

A COMPILATION BY THE STRATEGIC RESPONSE TEAM – SRT UGANDA



JANUARY- AUGUST 2023

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ABOUT THE SRT

The Strategic Response Team – the SRT Uganda is a consortium of five entities operating in Uganda that actively documents and coordinates community response and referral mechanisms to providers of safe shelter, legal, safety, and protection services to LGBTIQ+ persons across Uganda. The SRT was formed at the helm of the witch-hunt of LGBTIQ+ persons and the backlash created by the anti-LGBTIQ+ and SRHR opposition groups. The sole aim of the SRT was to strategically respond to and mitigate the impact of the backlash by the growing anti-gender and anti-sexual reproductive health and rights (SRHR) movement, the Ugandan “ex-gay” movement to prevent and mitigate harm to LGBTIQ+ individuals and their organisations. The SRT complements the existing safety, legal and protection mechanisms and periodically convenes to track emerging trends, resources and strategies. The SRT adopts a holistic community-informed approach to mitigate the vast impact of the Anti-Homosexuality Act 2023. Since the passage of the law, the SRT has been operating as a safety and protection committee of Uganda’s Convening For Equality (CFE).

GLOSSARY OF KEY TERMS

CASE – A distinct set of facts comprising the violation of a law or a right. A case might involve either one individual or multiple persons and multiple violations arising from the same set of facts.

INTERSEX – A term to refer to people who naturally have biological traits, such as gonads, hormones, or genitalia, that do not match what is typically identified as female or male. There are many different intersex variations. Being intersex is not linked to sexual orientation or gender identity; intersex people can have different sexual orientations and gender identities and expressions.

GENDER – A composite of socially constructed roles, behaviours, activities and/or attributes that a given society may consider appropriate for people of a given sex. Gender identity, like gender, refers to an individual's personal sense of being female, male, both, or other than female or male. Gender identity may or may not correspond to the sex assumed or assigned at birth.

OUTING – Disclosing an LGBTIQ+ person's sexual orientation or gender identity without the person's consent.

PERPETRATOR – A person or institution that commits or is responsible for those who commit human rights violations.

SEXUAL AND GENDER MINORITIES – A group of persons whose sexual orientation, gender identity, and/or practice differs from the majority of the surrounding community

SEXUAL ORIENTATION – term to refer to the sexual, romantic, and emotional attraction that one has the capacity to feel for others. However, some people have different sexual and romantic orientations.

TRANSGENDER – A person whose gender identity does not correspond with that assigned at birth.

TRANS-MAN – A transgender person assigned the female sex at birth but identifies as male.

TRANS-WOMAN – A transgender person assigned the male sex at birth but identifies as female.

VIOLATION – An act that infringes upon or disregards a right guaranteed by national and/or international law.

ACRONYMS

AG:	Attorney General
AHA:	Anti-Homosexuality Act, 2023
AHB:	Anti-homosexuality Bill
DPP:	Directorate of Public Prosecutions
EOC:	Equal Opportunities Commission
HIV:	Human Immune-deficiency Virus
LC:	Local Council
LGBTIQ+:	Lesbian, Gay, Bisexual, Transgender, Intersex and Queer plus
SOGIESC:	Sexual Orientation and Gender Identity/ Expression and Sex Characteristics
SRHR:	Sexual Reproductive Health and Rights
UHRC:	Uganda Human Rights Commission
UPF:	Uganda Police Force

EXECUTIVE SUMMARY

On 2 May 2023, the Parliament of Uganda passed the Anti-Homosexuality Act. The Bill was first passed on 21 March 2023 by the majority of Parliamentarians present for the first, second and third reading. After parliamentary considerations of revisions proposed by the President, President Museveni signed the bill into law on 26 May, and it came into force on 30 May 2023. It was the second time in the last decade that Uganda expanded on British Colonial era anti-sodomy laws.

Like its predecessor – which was nullified by the Constitutional Court in 2014 on technical grounds – many provisions of the Anti-Homosexuality Act of 2023 blatantly violate rights to equality, non-discrimination, dignity, and privacy, among other rights, allowing intrusion into the private sexual lives of Lesbian, Gay, Bisexual, Transgender and Queer plus persons (LGBTIQ+) persons. It also provides a basis upon which LGBTIQ+ persons can be subjected to invasive searches, interrogations and imprisonment as well as spurious and tortuous physical examinations. Through the new crime of “promotion of homosexuality,” the new law criminalises allyship with LGBTI people by anyone, violating rights to free association and expression, and requires everyone to be a mandated reporter of anyone suspected of homosexuality. In these ways, the Anti-Homosexuality Act of 2023 institutionalised discrimination and violence against LGBTIQ+ persons in Uganda and emboldens state and non-state actors to harass and mete violence upon them.

Since the bill was first tabled in parliament, LGBTIQ+ persons experienced intensified violence and discrimination. As such, violations and abuses escalated and continue to escalate, compounded by social and traditional media sensationalising arrests of LGBTIQ+ and parading people to humiliate them before the public. Local authorities and security agencies such as the Police have also conducted raids of LGBTIQ+ housing shelters and civic organisations.

This report is a situational analysis of the rights and well-being of LGBTIQ+ persons in Uganda from January to August 2023 and makes recommendations to different stakeholders to enhance the protection of LGBTIQ+ persons. The report examines the state of human rights

1 Parliament, Tough penalties for engaging in acts of homosexuality, 22 March 2023 Available at <https://www.parliament.go.ug/news/6544/tough-penalties-engaging-acts-homosexuality>

2 Daily Monitor, Museveni signs tougher Anti-Homosexuality Bill into law, 29 May 2023 Available at <https://www.parliament.go.ug/news/6672/anti-homosexuality-bill-passed-parliament-second-vote>

violations and abuses against persons who are or are perceived to be LGBTIQ+ in the face of the Anti-Homosexuality Act of 2023. The report documents human rights violations committed by state and nonstate actors all of which have gone unaddressed by authorities, leaving survivors without redress.

During the reporting period, real and perceived LGBTIQ+ persons were exposed, tortured, beaten, arrested, outed and suffered physical, sexual and psychological violence, including evictions and banishments, blackmail, loss of employment and health service disruptions. Frequently, the media sensationally reported cases of suspected LGBTIQ+ persons and called for their elimination. At the same time, politicians, including the Minister of Health, and religious leaders spewed discriminatory rhetoric and fuelled the potential for more violence and discrimination, furthering the physical and economic vulnerabilities of LGBTI people.

The report further identifies the most notorious perpetrators of human rights violations and abuses against LGBTIQ+ persons as the Uganda Police Force, defence authorities, local council authorities and non-state actors, including families of LGBTIQ+ persons, landlords, doctors and public health officials, and the general public.

Documentation of abuses in this climate of violence and discrimination remains extremely difficult as many survivors are understandably reluctant to share their experiences because of fear of reprisals and the total absence of safe channels to seek redress formally. Therefore, a considerable number of cases of violations and abuses against LGBTIQ+ persons go unreported straightaway. Violations are also not straightforward to classify; it is not unusual for an incident to result in multiple violations to the rights of an individual at the same time. We made an effort to categorise the rights violations and abuses as presented in the different cases. Due to these realities and other limitations, this report is clearly not a comprehensive of every abuse of the human rights of LGBTIQ+ people throughout the country.

Despite these challenges and working carefully to corroborate the verify incidents, during the reporting period the SRT documented a total of 306 human rights violations and abuses against LGBTIQ+ persons from 1 January 2023 to 31 August 2023. All the recorded violations and abuses were wholly or partly premised on the sexual orientation and or gender identity, expression and sex characteristics of the victims. Among other key findings:

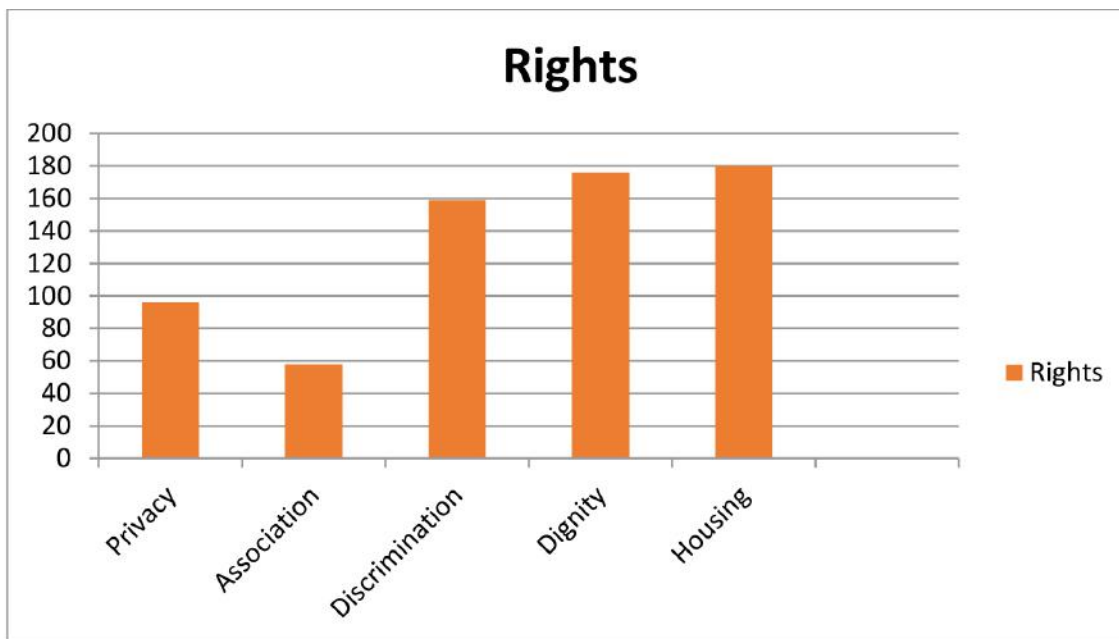
1. The most violated right was the right to housing and shelter. One hundred eighty (180) cases of evictions, displacement and banishment were reported between January 2023 and August 2023. House owners and Local Council Heads continue to be the most frequent perpetrators of the violation and abuse of the right to housing of LGBTIQ+ persons.

2. One hundred seventy-six (176) cases of violating and abusing the right to freedom from torture, cruel, inhuman, and degrading treatment or punishment have been meted out to LGBTIQ+ persons in Uganda between January 2023 and August 2023, committed by state and non-state actors. The team documented that Police conducted 18 instances of horrific forced anal examinations on the arrested persons.

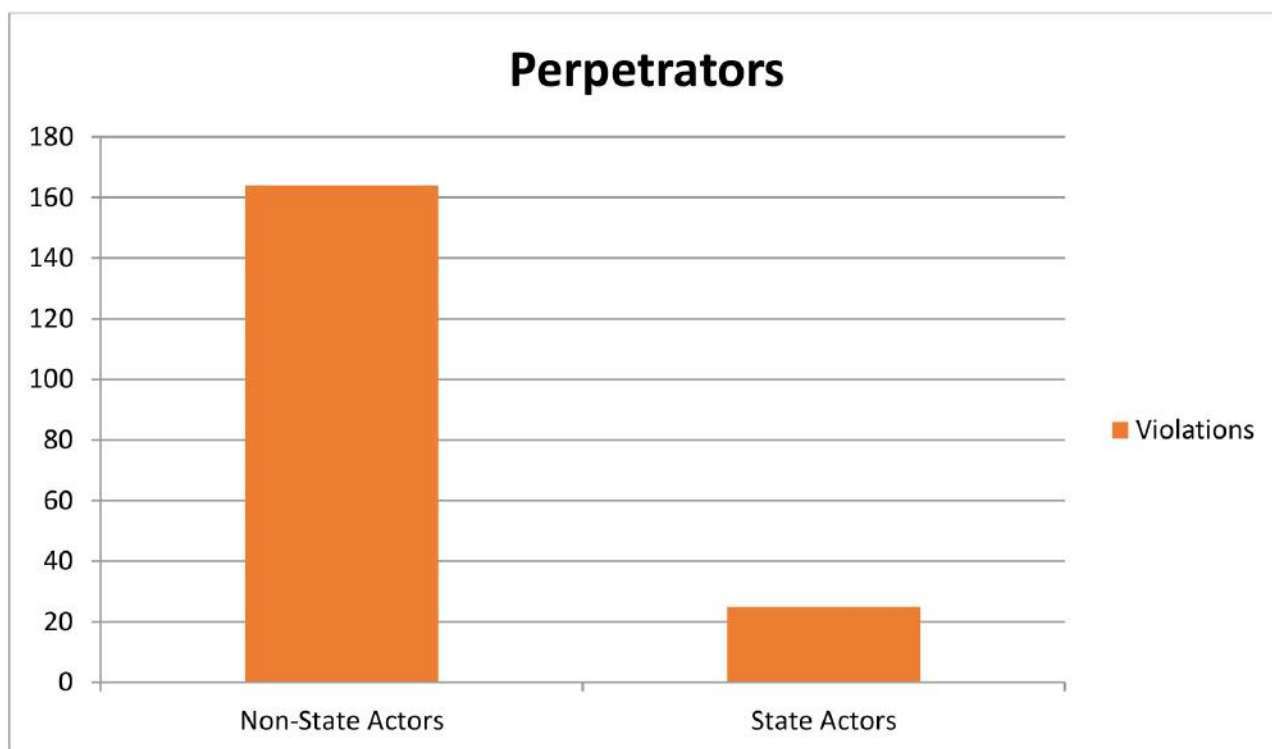
3. One hundred fifty-nine (159) cases of violation and abuse of the right to equality and freedom from discrimination were recorded in the first half of 2023 till August. State actors perpetrated breaches of this right twenty-five (25) times, while non-state actors were behind one hundred twenty-four (124) abuses of this right.

4. One hundred and two cases (102) were documented of mental health conditions directly linked with violations, abuse and the general climate of fear propagated by the Anti-Homosexuality Act, 2023. Most of these presented with anxiety and panic attacks, suicidal ideation, and depression.

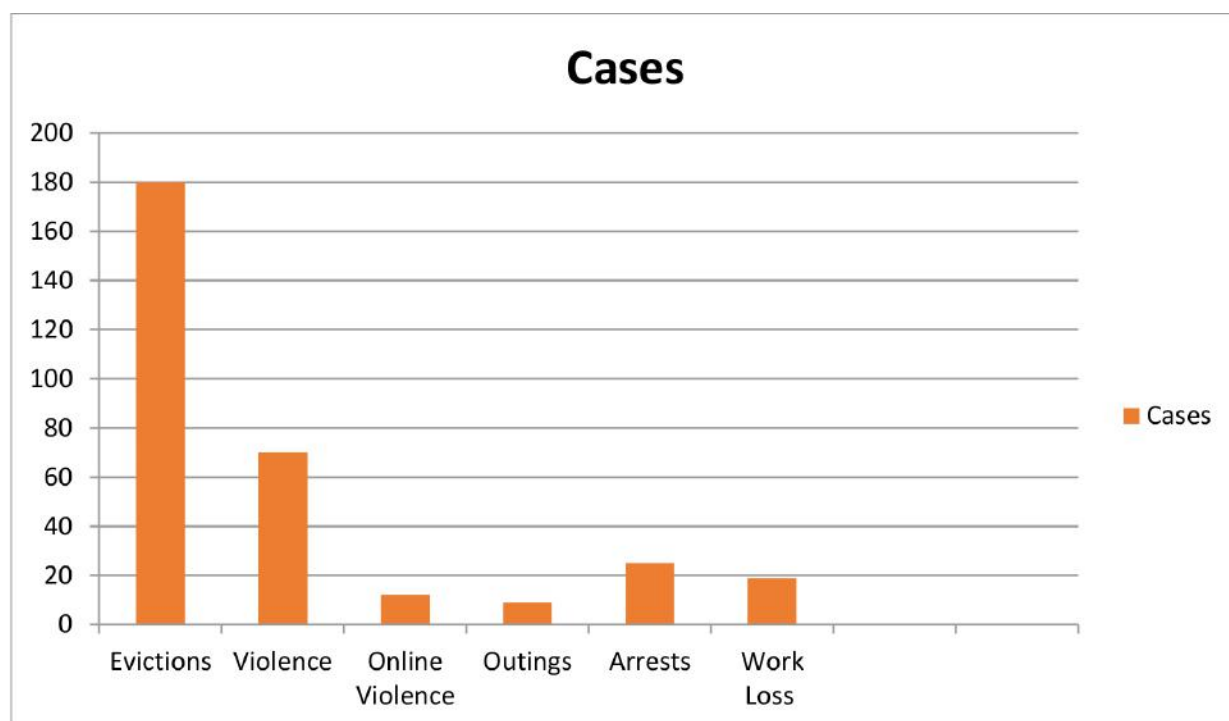
3. Unlike international law, including the Convention Against Torture, Uganda's Prevention and Prohibition of Torture Act of 2012 does not define torture as being committed by a state actor, as definition. In Uganda's law, torture is defined as "In this Act, torture means any act or omission, by which severe pain or suffering whether physical or mental, is intentionally inflicted on a person by or at the instigation of or with the consent or acquiescence of any person whether a public official or other person acting in an official or private capacity...." See The Prevention and Prohibition of Torture Act of 2012, Article 2(1).



A GRAPH ILLUSTRATING THE ABUSES OF THE HUMAN RIGHTS OF LGBTIQ+ PEOPLE THAT THE SRT DOCUMENTED BETWEEN JANUARY AND AUGUST 2023.



A GRAPH ILLUSTRATING THE NUMBERS OF LGBTIQ+ RIGHTS VIOLATIONS BY STATE AND NON-STATE ACTORS DOCUMENTED BY THE SRT BETWEEN JANUARY AND AUGUST 2023.



A GRAPH ILLUSTRATING THE NUMBER OF CASES THAT THE SRT DOCUMENTED BETWEEN JANUARY AND AUGUST 2023.

The staggering rise and breadth of human rights violations during the reporting period were foreshadowed by persistent and organised efforts throughout 2022 and 2023 to silence organisations working with, on behalf of or led by LGBTIQ+ persons. For example, in August 2022, the government, through the Bureau for Non-Governmental Organisations (NGO Bureau), closed and suspended Sexual Minorities Uganda (SMUG) from operating on the allegation that SMUG “promoted homosexuality.” Then, in January 2023, a leaked document from the NGO Bureau listed over 20 organisations flagged for “promoting homosexuality.” Shortly after the Anti-Homosexuality Act was tabled in parliament and the crime of promoting homosexuality was codified. Many of the organisations listed have been harassed, attacked, and overshadowed with the threat of imminent closure. Most of these suffered evictions, police raids and or criminal summoning of directors and founders.

4 Human Rights Watch, Uganda Bans Prominent LGBTIQ Group, <https://www.hrw.org/news/2022/08/12/uganda-bans-prominent-LGBTIQ+-rights-group>

5 Leaked report shows intent to criminalise gay activities, The Daily Monitor, <https://www.monitor.co.ug/uganda/news/national/leaked-report-shows-intent-to-criminalise-gay-activities-4120836>

During the tabling of the Anti-Homosexuality Act, there was a sharp surge in the cases of actual and threatening violence, evictions, torture and blackmail by non-state actors such as landlords, family members and vigilante persons from the general society. Because to them, the law had been passed by Parliament – '**eteeka lyayita**' as they notoriously retorted in the written and verbal slurs. The phases of operationalization of the law after the presidential assent present clear sanctioning of violence against LGBTIQ+ people, and both state and non-state actors are actively violating rights of LGBTIQ+ people.

The many impacts of the law have been immediate. Service delivery to LGBTIQ+ persons, especially for sexual and reproductive health, became much more erratic and inadequate than before as now seeing a doctor risked being reported to police. Many LGBTIQ+ struggle to find access to safe health services, including HIV testing and treatment. In this way, the new law is driving people who could benefit from needed healthcare away from such services. Unsurprisingly, there have also been rising numbers of mental health challenges, school dropouts and people choosing to flee Uganda to seek asylum elsewhere.

In the wake of the law's passage, activists and lawyers have come together to challenge the law's constitutionality. In a few weeks, the Constitutional Court will hear all that legal challenge. We urge the Court to nullify the law on substantive grounds and clearly state that LGBTIQ+ people have the same rights as all Ugandans to live without discrimination and state sponsored violence.

In response to the horrific new law, on 9 August, the World Bank announced that it was pausing all lending to Uganda "until the efficacy of the additional measures has been tested. As this report makes clear, there are no additional measures that can meaningfully and systemically protect Ugandans from the ongoing and devastating violence and discrimination perpetrated by both state actors and citizens that this new law has prompted and permitted. It remains critical for all funders of the Ugandan government to announce comprehensive reviews of all aspects of their funding to Uganda, and pause, redirect, reprogram, reduce and/or end funding to ensure that entities who advance and/or actively support the law cannot benefit from international assistance

Funding to non-health sectors, including Uganda's tourism and business sectors, as well as security assistance for Uganda's regional operations as a lead recipient of AMISOM funding, and counterterrorism funding, should all be fully part of any review.

Coordinated bilateral action remains critical to the possible nullification of the law in the Constitutional Court. However, many governments have up to now done little more than issue condemnatory statements. The US, the EU, the UK and other allied nations should be coordinating and working together to bring multilateral pressure on Uganda and announce not only their commitment to non-discrimination and economic inclusivity but also explain with precision how their donor money will be allocated in Uganda in ways that live up to those most critical principles.

Above these many factors, the Government of Uganda has a critical role to play in ending the ongoing onslaught of discrimination and violence against LGBTIQ+ people and changing course in the treatment of its own citizens. Key ministries, such as the Minister of Health and the Minister of Education should reverse their commitment to transphobia and homophobia and commit to conducting the work of their ministries free of discrimination. The Uganda Human Rights Commission and other government bodies, such as the Law Reform Commission and the Equal Opportunity Commission should work to protect the basic human rights of LGBTIQ+ people and educate themselves about the many ways in which democracies around the world toil to eliminate discrimination on the basis of sexual orientation and gender identity, provide redress for victims and survivors and build strong inclusive economies.

⁶ The World Bank: Statement on Uganda, August 8, 2023, <https://www.worldbank.org/en/news/statement/2023/08/08/world-bank-group-statement-on-uganda>

METHODOLOGY

Data collection, review, verification and validation for this report were conducted by a consortium of five entities that form the Strategic Response Team – the SRT Uganda. The SRT team developed and validated tools for documenting human rights violations and abuses; these tools were reconciled, and the reporting indicators were shared with collaborating entities. Through institutional mechanisms such as community reactors and responders, the entities used the documentation tool to record incidents against LGBTIQ+ persons registered in their communities. The violations and abuse victims were then linked to relevant service providers, and in most cases, the action taken was also indicated.

Qualitative data collection methods were employed, such as key interviews reviewing the client files of the collaborating entities to gather information on the nature of violations and abuses, the perpetrators, and the steps taken to remedy the situation. Documents reviewed comprised case notes, police bond forms, bail forms, medical forms, rulings, and judgments. To further bolster the verification process, interviews were conducted with clients, witnesses, paralegals, community responders, and lawyers directly involved in the cases. Sometimes, home and site visits were conducted to verify claims and cases. All the collaborating entities met on 21 June 2023 to validate the data collected for this report.

The main challenge experienced during the compilation of data for this report was the unavailability of a centralised system and harmonised tools for data collection. As such, many incidents have been reported but have yet to be documented, while others had been documented hazily, leaving out essential information and thus could not be verified for inclusion in this report. It is important to emphasise that all unsubstantiated claims of human rights violations and claims have been left out in the compilation of this report.

The non-reporting of cases or late reporting of cases makes verification hard. The cases that we struggled to verify were cases centred on sexual abuse.

RECOMMENDATIONS

To the Constitutional Court of Uganda

1. During upcoming proceedings, nullify the Anti-Homosexuality Act 2023 in its entirety and affirm the constitutional rights of LGBTIQ+ Ugandans.

To the President of Uganda

1. Desist from uttering discriminatory rhetoric, which inflames homophobia and emboldens other public officials to make further inflammatory remarks that promote violence and discrimination against LGBTIQ+ persons.
2. Publicly condemn acts of discrimination and violence committed against LGBTIQ+ persons by state and non-state actors and call for accountability to ensure perpetrators are accountable for their actions.
3. Uphold the Constitution's principle of non-discrimination and reject any legislation, regulation or government policy that discriminates against LGBTIQ+ persons – as you did with the Sexual Offences Bill – to safeguard the protection of LGBTIQ+ persons.
4. Publicly affirm the rights of Ugandans to free expression, assembly and association, as agreed to in African regional human rights conventions, including the right to advocate for rights of LGBTIQ+ people and ally with the movement for non-discrimination across all government services in Uganda.

To the Parliament of Uganda

1. Adhere to the government's international and regional obligations to respect, fulfil and protect the human rights of all persons without discrimination by enacting laws that affirm the human dignity of all persons.
2. Repeal laws that codify discrimination and violence against LGBTIQ+ persons and deny them the constitutional right to equal protection of the law.
3. Engage LGBTIQ+ organisations and members of the LGBTIQ+ community to understand the impact of criminalisation of LGBTIQ+ persons including barriers to discrimination in healthcare and access to HIV treatment and commodities and how this undermines the fight against HIV/AIDS and ultimately affects the entire population, via relevant committees, such as the Committees on Human Rights, HIV/AIDS and Related Matters, and sectoral committees on Health, among others.

4.Scrutinise all bills for their human rights compliance. In particular, the Committee on Human Rights should ensure that proposed laws do not further marginalise and discriminate against LGBTIQ+ persons.

To the Uganda Police Force

The Uganda Police has a duty to protect and serve the people of Uganda. This duty extends to the protection of the rights of all persons, including LGBTIQ+. Therefore, it is recommended that;

- 1.Conduct prompt, impartial, and thorough investigations of complaints from LGBTIQ+ persons where their rights have been violated and ensure the perpetrators are held accountable.
- 2.Investigate all reports of misconduct by the Uganda Police Force and ensure the Professional Standards Unit (PPSU) of the Police is strengthened in both manpower and training to address these reports.
- 3.Organise continuous training for police officers – including in rural areas and of all ranks– on how to investigate incidents of human rights abuse and how to engage with citizens on issues of human rights, gender identity, and sexual orientation to increase the potential for a human rights-based approach to policing.
- 4.Prohibit any law enforcement officials from ordering anal examinations on anyone at any time, including persons charged with consensual same-sex conduct and ensure that medical personnel who refuse to conduct the exams do not face any legal consequences.

To Uganda Law Reform Commission

The Law Reform Commission was established under Article 248 of the Constitution of Uganda and mandated under Section 10 of the Uganda Law Reform Commission Act cap 25 to review Uganda laws to recommend law reform constantly. As such, under Article 248(2) of the Constitution, the Uganda Law Reform Commission is required to submit periodic reports to Parliament with recommendations for improvement, development, and reform of the law. Therefore, we recommend that the Uganda Law Reform Commission to:

1. Research the practical and financial implications of the Anti-Homosexuality Act as well as the implications for the constitutional rights and public health implications LGBTQ+ persons.
2. Prepare and submit a report to Parliament detailing its findings on the human rights and public health implications of the Anti-Homosexuality Act and other penal laws that criminalise LGBTQ+ persons such as stated in Section 145, 146, and 148, and recommend their repeal.
3. Recommend repeal of the Anti-Homosexuality Act 2023 based on its adverse impact on the human rights of LGBTQ+ persons.
4. Recommend to Parliament and develop a proposal for a comprehensive law on hate speech against minorities beyond the Computer Misuse (Amendment) Act, 2022.

To the Uganda Human Rights Commission

Article 51 of the Constitution establishes the Uganda Human Rights Commission, whose mandate is stipulated in Article 52 as investigating at its initiative or on a complaint by any person or group of persons against the violation of any human right'. The Commission has the power to provide a legal remedy where human rights have been infringed. Therefore, it is recommended that UHRC.

1. Investigate complaints of human rights violations experienced by LGBTQ+ persons and provide remedies such as compensation to the victims and any other appropriate legal remedy.
2. Document human rights violations against LGBTQ+ persons and include these statistics in UHRC's annual report on the state of human rights in the country, which is presented to Parliament.
3. Conduct investigations into the use of forced anal examinations and should call on relevant authorities to put a stop to the practice, noting that it has been deemed cruel, inhumane and degrading treatment and may rise to the level of torture.
4. Strengthen collaboration with Civil Society Organisations, particularly LGBTQ+ aligned and focused on documenting violations, providing redress, and collectively advocating for legal reform and practice change.

To the Equal Opportunities Commission (EOC)

The EOC is established under Article 32(3) of the Constitution of the Republic of Uganda and mandated in the Equal Opportunities Commission Act, 2007, to monitor and investigate acts and omissions that constitute discrimination and marginalisation and provide effective remedies, monitor compliance with laws and policies with equal opportunities and affirmative action as well as consider proposals for the promotion of equal opportunities. In line with this mandate, it is recommended that the EOC:

1. Investigates institutionalised and systemic discrimination against LGBTIQ+ persons on the basis of their sexual orientation and gender identity, particularly within state agencies and organs such as the Police and other security agencies, as well as within courts of law and health care settings.
2. Document acts, activities, and omissions that amount to discrimination and marginalisation of LGBTIQ+ persons and recommend rectification by the relevant authority and report on these issues in the State of Equal Opportunities report presented to Parliament annually.
3. Continually train EOC staff on human rights issues, including equality and non-discrimination towards LGBTIQ+ persons, to capacitate them to address discrimination and persecution of LGBTQ persons.
4. Collaborate closely with Civil Society Organisations working with and/or led by LGBTIQ+ persons to promote respect for the rights of LGBTIQ+ persons in Uganda.

To the NGO Bureau

The National Bureau for NGOs (NGO Bureau) is a semi-autonomous body under the Ministry of Internal Affairs. It is mandated to provide an enabling environment for the empowerment of the NGO sector. It envisions a vibrant and accountable NGO sector enabling citizens' advancement and self-transformation. The Bureau's mission is to "Register, regulate, monitor, inspect, coordinate and oversee all NGO operations in the country". In line with this mandate, it is recommended that the Bureau;

1. Strictly ensure that any administrative obligations imposed on NGOs have a proper legal basis, are strictly necessary and proportionate to a legitimate purpose, and that

they are compatible with safeguarding an environment in which civil society can operate freely.

2.Allow Sexual Minorities Uganda (SMUG) to reopen and operate.

3.Recognize and support the registration of NGOs working on the rights of LGBTIQ+ people as a routine part of legitimate human rights work.

4.Publicly acknowledge that NGOs are legally permitted to work in coalitions and advocate for the rights of LGBTIQ+ people without threat of deregistration.

To Civil Society Organisations

1.Remain steadfast in demanding the protection of human rights for all persons and sensitise the public and state actors on human rights, gender identity, sexual orientation, and social inclusion to foster acceptance and address discrimination and marginalisation.

2.Support overturning the Anti Homosexuality Act via the ongoing challenge to the Constitutionality of the Anti-Homosexuality Act in your work and public messaging.

3.Condemn laws that curtail the rights of LGBTIQ+ persons before Courts of Judicature and rally the community to follow and support such petitions.

4.Engage Parliament, the Uganda Law Reform Commission, the Equal Opportunities Commission, and the Uganda Human Rights Commission on the impact of laws such as The Anti-Homosexuality Act to push for law reform and prevent the passing of laws that further marginalised the LGBTIQ+ community in Uganda.

5.Consistently document human rights violations experienced by LGBTIQ+ persons on the basis of their sexual orientation and gender identity and press the state to hold both state and non-state perpetrators accountable for these violations; Make documentation public nationally and internationally.

6.Engage with regional and international human rights bodies to share documentation about Uganda's many ongoing human rights challenges and speak publicly on behalf of survivors of violations.

7.Continue to advocate for a law that criminalises explicitly hate speech to protect the community from hate crimes not covered within the Computer Misuse (Amendment) Act, 2022.

8.Continue advocacy for the legal recognition of transgender identity to address rampant transphobia in community settings and within the state.

To the US, the EU, the UK and other donor governments

- 1.**Seize every opportunity to privately and publicly forcefully underscore a commitment to non-discrimination and support for the rights of LGBTIQ+ people in the allocation of donor assistance.
- 2.**Call on the government of Uganda to provide meaningful redress to survivors of human rights abuses, including those prompted by a person's real or perceived sexual orientation or gender identity.
- 3.**Call on the government of Uganda to take concrete steps to foster an environment in which LGBTIQ+ people and civil society committed to upholding the rights of LGBTIQ+ people can operate freely without fear of deregistration or arrest.
- 4.**Review all financial assistance to the government of Uganda and immediately reallocate or reprogram any money which may further the implementation of the Anti-Homosexuality Act or will be implemented by individuals or government agencies who support or enforce the Act.
- 5.**Issue sanctions and visa bans against known Uganda human rights abusers, including those who order, or conduct forced anal exams.
- 6.**Ensure access to asylum proceedings for LGBTIQ+ Ugandans in need of safety and freedom of persecution.
- 7.**Attend the hearings of the challenge to the Anti-Homosexuality Act as a way to show support to Ugandan LGBTIQ+ people suffering under the law.

To the World Bank

- 1.**Continue to pause all lending to Uganda to upload the World Bank's own Environmental and Social Framework.
- 2.**Remain in close consultations with activists to keenly understand the many pernicious and pervasive impacts of the Anti-Homosexuality Act and how the law is and could impact any World Bank staff members and operations in Uganda.

⁷ The Computer Misuse Act, <https://ict.go.ug/wp-content/uploads/2019/12/UGANDA-Computer-Misuse-Act-No.-2-of-2011-1.pdf>.

DOCUMENTED HUMAN RIGHTS VIOLATIONS AND ABUSES AGAINST LGBTIQ+ PERSONS

The past eight months have been noticeably harsher than the years before for LGBTIQ+ persons in Uganda. While the gravity and regularity of the grievances and violations suffered in the period do not by any means diminish the pains of the earlier years, one cannot overstate the general climate of fear that seems to have gripped the community on account of the risk hovering overhead in light of the Anti-Homosexuality Act of 2023 (AHA). The AHA continues to unjustly clothe, with justification and legality, the actions of the state and non-state actors who purport or attempt to implement the law.

Between 1 January 2023 and 31 August 2023, 306 violations and abuses were reported against LGBTIQ+ persons based on their sexual orientation and gender identity. State actors accounted for 25 of the 306 violations, which suggests a sharp shift towards establishing non-state actors as the main rights abusers of LGBTIQ+ persons. Contextually, according to the Uganda Report of Human Rights Violations Based on Sexual Orientation and Gender Identity 2021, in 2021, state actors accounted for 176 violations, while non-state actors accounted for 77 rights abuses. In 2020, state actors accounted for 196 violations, while non-state actors were responsible for 93 rights breaches. While the number of state actor violations is perhaps lower than anticipated, state actors in the form of political leaders and government institution heads have used public spaces and positions to spread hate speech and rouse the public against LGBTIQ+ persons, partly explaining the rise of the homophobic craze among Ugandans. The increase in violations by non-state actors is an indictment of the state's core mandate to protect all Ugandans from violating their rights. The state is legally obligated to protect all persons from violations of state and non-state actors. As the custodian of justice under the judiciary and relevant government bodies, the state is mandated to provide redress where rights have been violated – the state has increasingly failed on this front.

8 The Computer Misuse Act, <https://ict.go.ug/wp-content/uploads/2019/12/UGANDA-Computer-Misuse-Act-No.-2-of-2011-1.pdf>.

A considerable number of violations against LGBTIQ+ persons go unreported straightaway, primarily because of fear of reprimand and the brazen absence of safe channels to seek redress formally. A case in point is an incident that happened on 31 July 2023 in Dokolo District, 'An intersex woman who had been working as a house help had a disagreement with her employer, who accused her of stealing UGX 25,000 and reported her to the Police, but the employer also asked the officer to check the client's genitalia because she (the employer) was sure the client had a penis. The Police conducted this physical examination, and because the client's genitalia was ambiguous, the client was arrested and detained for a week on charges of homosexuality.' Incidences like these are not only intrusive but also inhumane and go a long way to pushing away gender and sexual minorities from seeking help at police stations.

Most violations and abuses suffered by LGBTIQ+ persons take the form of ridicule, harassment, assault, humiliation, threats of violence, or violence based on perceived or actual sexual orientation or gender identity. These violations have continued to push LGBTIQ+ persons further from the core of society and ignited a mass exodus of LGBTIQ+ persons, mental anguish, a sense of helplessness, and fear, and generally compromised the safety, livelihoods, and well-being of LGBTIQ+ persons in Uganda.

A. VIOLATION OF THE RIGHT TO DIGNITY AND FREEDOM FROM TORTURE, CRUEL, INHUMAN, AND DEGRADING TREATMENT OR PUNISHMENT

LGBTIQ+ individuals' lives have long been at risk in Uganda. Although the classification of the most vulnerable category is unclear, violence and physical abuse have been prevalent for the longest time, some of which have been fatal. A total of 70 cases of physical violence have been recorded since January. The severity of the injuries inflicted varies on a case-by-case basis. Some of the injuries have been so severe that victims required hospitalisation. Clearly, many violations go unreported and unattended due to the fear of being outed publicly. Most queer people, especially in rural areas, may not know how and from where to seek a response. The recent statistics indicate that community members and law enforcement officers have occasionally perpetrated such incidents.

The right to dignity and freedom from torture, cruel, inhuman, degrading treatment or punishment is under domestic and international law considered non-derogable, non-negotiable, and sacred, yet is breached the most by state and non-state actors. Articles 24 and 44 of the 1995 Constitution of the Republic of Uganda , Article 5 of the African Charter on Human and Peoples' Rights , Article 7 of the International Covenant on Civil and Political Rights, and the Convention Against Torture and Cruel, Inhuman or Degrading Treatment or Punishment provides for this right. This right is also stressed in Articles 1 and 5 of the Universal Declaration of Human Rights.

Under Article 1 of the CAT , torture is defined as “any act by which severe pain or suffering, whether physical or mental, is inflicted upon a person for such purposes as obtaining information or a confession from that person or a third party, punishment for an act done by that person or a third party, intimidation or coercion of that person or a third party or for any reason based on discrimination of any kind, particularly when this is done by or at the instigation of or with the consent or acquiescence of a public official.” Section 2 of Uganda’s Prevention and Prohibition of Torture Act of 2012 adopts the same phraseology in defining torture.

9 The Constitution of Uganda, <https://www.parliament.go.ug/documents/1240/constitution>.

10 The African Charter on African and Peoples’ Rights. https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf.

11 The Convention Against Torture, and Other Cruel, Inhuman and Degrading Treatment, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>. Uganda ratified the Convention in 1986.

12 The Universal Declaration on Human Rights, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

13 The Convention Against Torture, and Other Cruel, Inhuman and Degrading Treatment, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>.

14 Prevention and Prohibition of Torture Act of 2012, <https://ulii.org/akn/ug/act/2012/3/eng@2012-09-18>.

In the first half of 2023, the regularity of violations against LGBT persons suggests the rise of homophobia and trans-phobia – unreasonable hate and fear propagated by hate speech and encouraged by the AHA. More and more LGBTIQ+ persons find themselves at the receiving end of heinous instances of cruel and degrading treatment. In the past, such instances happened and would be spread by word of mouth. But with the onset of social media, these violations are recorded and broadcast for the world to see, which is detrimental to the well-being of victims of these violations because it fosters repeated and endless trauma.

One hundred seventy-six instances of the violation of the right from torture, cruel, inhuman, and degrading treatment or punishment have been meted out to LGBTIQ+ persons in Uganda between January 2023 and August 2023. It is important to stress that more violations go unreported or are only disclosed to relevant human rights defenders way later after the commission of the violations.

Forced Anal Exams

Forced anal examinations to gather “evidence” of homosexuality has been widely condemned around the world, for example in a resolution by the World Medical Association (WMA) on Prohibition of Forced Anal Examinations to Substantiate Same-Sex Sexual Activity in a report by the Office of the United Nations High Commissioner for Human Rights, and in a report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. The World Medical Association wrote:

The WMA is deeply disturbed by the complicity of physicians in these non-voluntary and unscientific examinations, including the preparation of medical reports that are used in trials to convict men and transgender women of consensual same-sex conduct. In accordance with its Statement on Body Searches of Prisoners, the WMA reminds that forced examinations are not ethically acceptable and physicians must not perform them.

¹⁵ World Medical Association Resolution on Prohibition of Forced Anal Examinations to Substantiate Same-Sex Activity. Adopted by the 68th General Assembly, Chicago, United States, October 2017 and reaffirmed with minor revisions by the 221st WMA Council Session, Berlin, Germany, October 2022. <https://www.wma.net/policies-post/wma-resolution-on-prohibition-of-forced-anal-examinations-to-substantiate-same-sex-sexual-activity/>.

¹⁶ Ibid

Health care professionals who carry out forced anal exams are in clear violation of their professional ethics obligations, such as the prohibition on medical personnel participating in degrading treatment. While Uganda has routinely subjected men and transgender women accused of consensual same sex relations to anal exams over the years, since the passage of this law, the practice of forced anal exams has increased markedly.

Medical doctors, working at the behest of police, conducted at least 18 forced anal exams during the reporting period, including recently on a 26-year-old cisgender woman, who is facing three counts of homosexuality and one count of trafficking in persons charges. Two transgender women were, because of their gender identity, threatened with death by their community. M, one of the two, had been arrested and charged with Unnatural offences under Section 145 of the Penal Code Act. M was detained at Kabalagala Police Station in February 2023, and subjected to forced anal exams, HIV tests and other verbal humiliation by the Police. M was released on police bond after three excruciating days.

“Surviving a forced anal examination at police is something that lives with you forever,” said one survivor, “because of the way it is done, inviting other people to watch as they carry out the examination.”

Sexual Abuse

LGBTIQ+ persons are often subjected to sexual violations in a bid to humiliate them. Rape, forced public undressing and even attempts to castrate a suspected LGBTIQ person were recorded between January and August 2023.

A particularly horrific instance of one such abuse was the case of a corrective rape suffered by a 33-year-old community member on her way home in Kyanja, Kampala, on 19 March 2023. Two unidentified men perpetrated the unspeakable offence to cure the woman of her sexuality. The crime was not reported to Uganda Police because of the reputation the Police have for brazenly double victimising LGBTIQ+ persons who report violations and abuses at police stations. Two cases of attempted rape were also reported. One happened in May in Bugema, while the other happened in Mbale in the same month. On 20 February 2023, a mob attempted to castrate a transwoman in Kampala, leaving her badly wounded and in dire need of medical aid.

Eviction, Displacement, and Banishment

Under the violation of the right to dignity and freedom from torture, cruel, inhuman, and degrading treatment or punishment, we also examined cases relating to evictions, displacement and banishments, and cases premised on threats and acts of violence, as seen below.

The right to housing and shelter is not expressly guaranteed in the 1995 Uganda Constitution; however, the Constitution guarantees the right to privacy and the protection from deprivation of property in articles 27 and 26. Despite not being guaranteed in the Constitution, the same is provided for in Article 11 of the ICESCR, to which Uganda is a state party. Under Article 11, it is the state's responsibility to ensure that individuals have an adequate standard of living. This is inclusive of housing. Shelter is one of the core human needs. Denying an individual/ individuals a basic human need on account of their sexual orientation and gender identity is a gross violation of that person's rights. It deliberately threatens the person's livelihood, existence, and overall right to life.

Due to expulsion from families and villages and landlord evictions, securing accommodation has long been one of the largest issues for LGBTIQ+ persons in Uganda, and as a result, the number of shelters for LGBTIQ+ people has expanded due to ever-increasing homelessness. With 17 eviction cases recorded in a period of one month in June 2023, the numbers have since escalated to a total of 180 eviction cases the first six months of 2023. Suffice it to note that these numbers account for the cases that have been reported through the various partners under the SRT by the community responders. We strongly believe that these figures are only a fraction of the actual number of evictions that have indeed happened during this period. T (not real name) describes how the landlord evicted her after she was outed on a local radio station. T was evicted along with her housemates, to whom she was temporarily providing shelter. This clearly indicates that homelessness is and will continue to be the most prevalent state among LGBTIQ+ people in Uganda.

Both service and advocacy organisations and individuals have been victims of unlawful and forced evictions. One of the founding organisations of the queer movement in Uganda was evicted from its premises, which it had occupied for ten years. The organisation had managed to occupy the space for more than a decade despite endless harassment from residents. However, after the Bill was passed, the landlord worried about the repercussions of housing the organisation and issued them an eviction notice. Evictions are now top on the list of human rights violations in Uganda at the moment.

Landlords, families, and communities perpetrated 180 violations in the form of unlawful evictions and banishment based on sexual orientation, gender identity and expression of LGBTIQ+ persons in the first half of 2023. It is an evident suggestion that the fears of the sections of the AHA that criminalise offering housing facilities to persons suspected of homosexuality are the basis of these continuous and growing evictions. Section 9 of the AHA imposes criminal sanctions upon owners of premises used by LGBTIQ+ persons, such as hotels, lodges, and rental houses. A trans-man was evicted from his home in Makindye because of his sexual orientation, gender identity and expression by his landlord because the landlord worried the oppressive act would potentially trap him.

In May 2023, in Namisindwa, a man was banished from their district because of their sexual orientation, gender identity and expression. They narrated that:

‘The community chased me away from the village. They poisoned my cow, so I want to shift from the village to the town where I am doing my business just because I have lived my whole life as a trans man, but due to this law being passed against people like village mates started to hate me that I live in fear of my life alongside my partner.’

In another incident that occurred in Nansana, a Kampala suburb reported in April, P narrates their experience thus:

First, I was outed and pinned for promoting homosexuality and recruiting youth in the area into homosexuality. Later, my landlord received complaints from one of my neighbours, who then asked me to vacate the premises quickly. On Monday 26th April 2023, at around 10:15 pm, I was attacked and beaten by four unknown people; they stole all my belongings, including money, my phone and a copy of my keys, because they were all in my small bag. They said to me, "Gay people have money. We shall come back for more." I reported this incident to the Police, and I have the Police references with me. I also underwent a medical examination, and I was issued a medical report.

A 33-year-old male was also evicted from his rented premises in Nakawuka because he was a homosexual man. Community Volunteers for Youth Empowerment, an organisation based in Entebbe, was expelled by the landlord, LC1 chairperson, and the neighbours who accused the members of the organisation of promoting homosexuality in the area. The organisation was served with two eviction notices from the LC chairperson of Abaita Ababiri Cell Nkumba Ward issued on 16 April and 17 April, respectively. It is important to note that most of the recorded evictions have only verbal notices to leave the premises.

In the queer community, vicious attacks against LGBTIQ+ persons are frequent, persistent and predominantly orchestrated by people close to us. Queer people are routinely attacked by family members, neighbours, friends and co-workers, accusing them of being a disgrace to themselves and society. These attacks have, however, been on the rise during this reporting period. One of the victims recounted how he was brutally attacked by 7 of his partner's relatives, accusing him of sodomy and recruiting their child into homosexuality. He managed to escape but sustained several injuries. This is one out of the 23 cases of family rejections that have been recorded during this reporting period. It should be noted that most of these have been mob attacks mobilised by neighbours, family members or community members.

Acts or Threats of Violence

Seventy threats and acts of violence were recorded in the first half of 2023 against LGBTIQ+ persons by non-state actors such as family, neighbours, partners, and even strangers. LGBTIQ+ persons considerably face verbal threats, finger-pointing, and ridicule in their communities. Digital spaces have also been embraced by homophobes as oppressive tools against LGBTIQ+ persons. Threats of occasioning physical harm and death threats are constantly issued on social media sites in the form of videos and audio. On Tik Tok , a video-sharing platform, a video threatening two LGBTIQ+ persons was circulated online around March and occasionally still crops up on the forum.

Physical acts of violence were prevalent, too, against LGBTIQ+ persons only on account of their SOGIE. On 3 May 2023, a 33-year-old man was attacked in Kampala by neighbours for causing trauma to their children because of his behaviour and dress code, which the public interpreted as unusual and promoting homosexuality. A 28-year-old male was attacked by his family members and beaten by seven relatives who accused him of bringing shame to their family and being a curse to them. In another instance of violence, on 20 February 2023, a mob attempted to castrate a gay man, leaving them wounded. On 11 February 2023, an LGBTIQ+ person continuously received threats through calls and messages on her social media platforms, threatening to beat or kill her. She then was attacked and beaten on her way home. She had been receiving threats because she was presumed to be promoting homosexuality. On 9 April, an LGBTIQ+ person was attacked in Kapchorwa by a mob. All these instances are only the tip of the iceberg in relation to the extent of rights violations and abuses LGBTIQ+ persons have to put up with.

17 Tiktok's Algorithm of Gay Hate and Uganda's Anti-Homosexuality Act, June 7, 2023, <https://minorityafrica.org/tiktoks-algorithm-of-gay-hate-and-ugandas-anti-homosexuality-bill/>

18 X, <https://twitter.com/Chacha20k/status/1644991117899837441?t=PBIA4Cz5BIFUoHClorCvPA&s=09>

Violence Online

LGBTIQ+ are relatively safe from physical harm online but not entirely safe. Most violations and abuses of the rights of LGBTIQ+ this year have seriously been perpetrated by non-state actors who not only verbally abuse the victims but also rob, disparage, assault, and undress LGBTIQ+ persons based on their SOCIESC. Many of these violations are often recorded and shared on Tik-Tok and Facebook to spread needless hate speech against LGBTIQ+ persons. Twelve instances of online violence were reported in the recording period. Just Gospel Media Uganda, a Facebook page, is notorious for continuously producing episodes of programs targeting individuals known or suspected to be LGBTIQ+ persons. On 2 March 2023, a video was shared on TikTok threatening harm towards two transgender individuals. A police reference was allegedly issued at Bweyogerere Police Station GEF 004/2023 against the victims.

B. VIOLATIONS OF THE RIGHT TO EQUALITY AND FREEDOM FROM DISCRIMINATION

Article 1 of the Universal Declaration of Human Rights : states that all human beings are born free and equal in dignity and rights. This principle is enshrined under Article 21 of the 1995 constitution, which guarantees the right to equality and Freedom from discrimination. Article 21(1): All persons are equal before and under the law in all spheres of political, economic, social, and cultural life and every other respect and shall enjoy equal protection of the law of the Constitution of Uganda.

In the past, LGBTIQ+ persons have had to contend with legal, cultural, and spiritual prejudice. But now they have to deal with protracted hate speech and a specific law that purports to criminalise adult consensual sexual relations, which continue to be demonised by local leaders who bank on the protection of the AHA, which encourages discrimination against LGBTIQ+ persons by requiring members of the public to report instances of suspected homosexuality. The criminalisation of consensual adult sexual relations under the Act directly reinforces the bias of LGBTIQ+ persons by placing them on the same pedestal as felons.

19 Tiktok's Algorithm of Gay Hate and Uganda's Anti-Homosexuality Act, June 7, 2023, <https://minorityafrica.org/-tiktoks-algorithm-of-gay-hate-and-ugandas-anti-homosexuality-bill/>

20 The Universal Declaration of Human Rights, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

One hundred fifty-nine (159) cases of violation and abuse of the right to equality and Freedom from discrimination were recorded in the first half of 2023. State actors perpetrated five violations, while non-state actors were behind 144 violations, again indicating the rise of breaches against LGBTIQ+ persons by non-state persons. The public has been rallied into participating in the war against homosexuality by local leaders who refer to the AHA as empowering the public to actively combat homosexuality, which directly translates to acts of violations against LGBTIQ+ persons.

Discriminatory Speech

The changing spectrum of violations perpetrated by non-state actors is heavily linked to the encouragement of local religious, cultural, and political leaders who assure the populace of their rights to protect their children and communities from homosexuality under the oppressive AHA. For example, because of their role as outspoken and visible advocates, human rights activists have traditionally fallen victim to attack and criticism by both the public and state actors. With Uganda's growing opposition towards human rights advocacy, LGBTIQ+ advocates have been increasingly violently abused, arrested, publicly shamed, and even threatened their lives.

The increasingly radical religious campaigns have categorically fuelled hate, criticism, and degradation of LGBTIQ+ people and even more LGBTIQ+ advocates. Individuals have been labelled as abusers, agents of evil, promoters of darkness and sin, and ultimately a disgrace to society. Some of the perpetrators have even gone as far as openly inciting violence and harm against individuals that protect the rights of queer people in Uganda. Homophobic religious rhetoric has recently incited some of Uganda's cruellest human rights violations. In a country where inciting violence is a criminal offence, individuals should be banned from openly chastising and instigating such violence against their fellows.

This form of harassment has been limited to religious leaders and state actors such as the NGO bureau that recently released a list of organisations suspected to be engaged in acts promoting homosexuality. The announcement posed a serious security risk for the institutions' leaders and workers. The speaker of Parliament, Anita Among, has also been known to make very homophobic public statements during the tabling of the Bill. Several other comments from different state actors at various events have augmented the speaker's rhetorical statements.

The media has also ignited much hate towards LGBTIQ+ people in Uganda. Different media platforms, especially social media, have been used to out and shame queer people in Uganda. These uncontrolled acts have resulted in banishments, evictions and physical attacks on LGBTIQ+ people. Media houses have also hosted TV talk shows that have been aimed at criticising LGBTIQ+-led work, categorising it as promotion and rallying the public to action to ensure that the country is rid of this “vice.”

The Minister for Gender and Culture Honourable Mutuuzo Peace, in February 2023 reportedly said, 'Africa resolved as a continent to not to accept homosexuality. It is Africa's right to denounce such stupid acts. We shall not accept homosexuality even for a day.' Such speech clearly impacted actions by citizens. For example, in an unfortunate case reported in the Kampala suburb of Bwaise, a transwoman named Q was attacked by neighbours on 11 March 2023. The neighbour, to add insult to injury, reminded Q, “Even the government does not like you homosexuals.”

C. VIOLATIONS OF THE RIGHT TO HEALTH

“Health is wealth,” a popular English adage proclaims. The Committee on Social, Economic, and Cultural Rights has defined the right to health to include the freedom from interference with one's body (including torture) and freedom from interference in seeking health services, among other factors. The government is obligated to ensure access to health services. This obligation is founded on domestic law and international legal principles and laws. Article 16(1) of the African Commission on Human and Peoples' Rights (ACHPR) and Article 12(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) mandates the government to ensure the right of every person to the highest attainable standard of physical and mental health is guaranteed and protected. Under domestic law, the right to health is constitutionally protected under Article 8 as amended. Objective XIV of the Constitution of Uganda requires the government to ensure that all Ugandans enjoy access to, among others, health services. Objective XX obligates the state to ‘take all practical measures to ensure the provision of basic medical services to the population.’

23 We shall not tolerate homosexuality, even for a day: Minister Mutuunzo, February 25, 2023. <https://softpower.ug/we-shall-not-tolerate-homosexuality-even-for-a-day-minister-mutuuzo/>

24 The African Charter on Human and Peoples' Rights, <https://achpr.au.int/en>.

Uganda's public health ecosystem is bedevilled by many shortcomings in the form of inadequate access to quality service, ill-equipped staff, understocked drug stores, and other general ails that affect all persons. According to the World Health Organisation, in Uganda:

The major challenges affecting the health system are the lack of resources to recruit, deploy, motivate and retain human resources for Health, particularly in remote localities; ensuring the quality of the health care services delivered; ensuring the reliability of health information in terms of the quality, timeliness and completeness of data; and reducing stock-out of essential/tracer medicines and medical supplies.

Discrimination

On or around 5 May, a voice recorded by one Nakimbugwe Winnie was released on social media, outing and publicly sharing the locations of LGBTIQ+ health and medical hubs. This was intended to scare the medical and health workers from offering medical services to those known or perceived to be homosexuals in light of the Bill now the AHA.

LGBTIQ+ persons living under Uganda's AHA are now victims of a double tragedy in public health care because of discrimination when seeking services on the basis of the sexual orientation and gender identity or expression. One Uganda doctor noted that the new law has made LGBTIQ+ "outcasts in the realm of health services."

Another doctor in Uganda said, "The fear that LGBTIQ+ patients are living in now means that they aren't even bothering to go to government health centres because the law clearly requires patients to be reported if they are suspected of being LGBTIQ+." Section 14 of the AHA imposes a duty to report acts of homosexuality, thereby creating a culture of fear and suspicion around LGBTIQ+ individuals, leading to increased stigmatisation and persecution and a spike in hate crimes against LGBTIQ+ people, including by individuals who are otherwise privileged, such as healthcare providers. The law's requirement of mandated reporting forces health services providers to violate patient confidentiality and therefore drives people away from seeking much needed health services, including HIV testing and treatment.

One Ugandan public health worker noted that:

health care workers who are expected to provide care impartially have also fallen victim to the prevailing negative sentiments against the LGBTQ community. Many of them are part of unions and congregations that promote hostility toward queer individuals All along we have fought against the stigmatization of individuals living with HIV, but now the law exacerbates this stigma. If someone is suspected of being engaged in homosexuality while living with HIV, it becomes an aggravated crime punishable by death. This further stigmatizes them, regardless of preventative measures such as PrEP, PEP condom use of the “Undetectable=Untransmittable concept.

Denial of Health Services

A transwoman who found herself unconscious and helpless inside Kiruddu, a public hospital was denied health services on the basis of her gender identity. The victim was unconscious when she was rushed there, and the hospital staff realised she was a transwoman, without hesitation the medical attention was withdrawn from her and she was immediately isolated, and left to public ridicule. The discriminatory denial of urgent medical care did not only put her health and life at risk but her safety too because hospital staff isolated her, letting the public take pictures and videos of her almost lifeless body. It took the urgent interventions of human rights defenders upon hearing of this incident to ensure that she received the treatment she needed. Under the AHA, medical service providers are mandated to report suspected acts of homosexuality to authorities. Although the Ministry of Health released circulars on ending denial of services based on SOGIESC, the circulars do not speak to the layperson who is offering the services on a daily basis.

Violating the right to health has broader implications beyond the individual. The denial of services and consumables to LGBTIQ+ persons has the adverse effect of undermining the government of Uganda’s commitment to providing non-discriminatory health care and can drive people away from testing and treatment, reducing positive public health outcomes for all citizens.

28 PrEP stands for Pre-exposure prophylaxis and PEP stands for post exposure prophylaxis. While PrEP helps prevent HIV infection prior to exposure, PEP helps to treat patients who have been exposed to HIV. PEP is for patients who have already been exposed to HIV and need treatment to prevent transmission. For more see, <https://medlineplus.gov/hivprepandpep.html>.

D. VIOLATIONS OF THE RIGHT TO PRIVACY

Article 27 of the Constitution introduces the right to privacy, stating that no person shall be subjected to interference with the privacy of that person's home, correspondence, communication, or other property. Disregarding the privacy of LGBTIQ+ persons is a norm rather than an exception in Uganda. The right of LGBTIQ+ to privacy is neither protected nor respected.

Nine instances of public shaming and exposure, commonly known as the “outing” of LGBTIQ+ persons, were reported between January 2023 and August 2023. A resident of Ndejje was outed by his neighbour for being a homosexual as he had not been seen with a woman visiting his house. The man, as a result, was forced to leave his neighbourhood. In Mbarara, a list was circulated asking the public to disclose any known or perceived LGBTIQ+ persons. The motive of generating and sharing the list was intended to threaten and publicly expose those who identify and live as homosexual and or those perceived to be. A man in Kampala was outed by his partner, who accused him of breaking up with him. On 20 February 2023, a video clip unlawfully recorded by Police circulated online demonising a detainee whom they accused of being homosexual. The decision to record a detainee and disclose his personal life to the online mobs was at least unfair and, at worst, criminal and clearly violated his rights.

In another incident, a neighbour secretly recorded a couple's intimate relations in their living room. He then alerted the entire neighbourhood, saying, “I have always known that you are a homosexual, and today I have proof.” The couple was forced to leave the premises immediately and find a safe place to reside temporarily.

E. VIOLATIONS OF THE RIGHT TO HOUSING

Housing continues to be an unending challenge to LGBTIQ+ persons who struggle to find accommodation and are always prone to evictions by landlords and family and even banishments. Despite being outlawed, Banishments are practised and heeded by local government leaders. It is not unusual for LGBTIQ+ persons to seek refuge from emergency shelters, which, despite being safe havens, are vulnerable to invasions by security agencies and the public. In one instance, a woman was evicted from her rented premises after her neighbours

discovered her work on social media. The area's Local Council chairperson wrote a letter evicting her from the village for promoting homosexuality.

Organisations linked to protecting the rights of LGBTIQ+ persons have also been victims of needless attacks based on association with LGBTIQ+ persons. A pro-LGBTIQ+ rights organisation was forced to leave their office space because of their work. In a similar case, another organisation was evicted from the rented office space they have been in occupation for over 15 years – the space has, among other purposes, been a community drop-in centre.

In in Mbale, a 27-year-old man was evicted from his rented space by his landlord on 7 March 2023 on suspicion that he was a homosexual. In another case, a resident of Kikoni, Makerere, was issued an eviction letter on 16 June 2023 because of his SOGIE. The prevalence of these unlawful evictions can be directly attributed to section 9 of the AHA, which imposes an obligation upon house owners not to house homosexual persons. The property right is protected under Article 26 of the Constitution. It is important to note that most evictions are rushed because of the increased spotlight and safety compromise they entail. Property is often abandoned or lost in such unlawful evictions and such incidents fuel economic vulnerability of LGBTIQ people

On 7 January 2023 in Kawala, Kampala, individuals' homes housing about seven transgender women were invaded, and everyone found inside was beaten, leaving some occupants unconscious. In the eviction of IP – a gay man, on 25 May 2023, the landlady said to him; "I don't want you on my property because you bring curses with your homosexuality."

F. VIOLATION OF THE RIGHT TO LIBERTY AND RIGHT TO A FAIR HEARING

Liberty is a globally recognised right: the right to life, liberty, and the pursuit of happiness. Art. 9 of the International Convention on Civil and Political Rights states, "Everyone has the right to Liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his Liberty except on such grounds and under such procedures as are established by law." Article 23 of the Constitution of Uganda protects

the right to Liberty. The right to Liberty is not absolute. The Constitution clarifies the circumstances under which one's Liberty may be curtailed. The Constitution protects basic guarantees by discouraging arbitrary arrests, where there is no reasonable suspicion that a person has committed an offence or for an action or circumstance that does not constitute an offence under the laws of Uganda.

A detained person's right to contact a legal representative and family is protected, too, but seldom protected at detention facilities. Instead of detecting the arrested person's vulnerability, police officers use the same for extortion. A detained person is also entitled to be informed in a language that she understands the reasons for the arrest and to access medical assistance when required. Violations of the right to liberty and fair hearing affect the greater majority of Ugandans, and yet again, being an LGBTIQ+ person exacerbates the situation.

Prolonged detention beyond 48 hours without production before a competent court of law is outlawed. Police bond is another attempt to protect the right to Liberty, but police bond is often illegally monetised. State actors are the biggest violators of the right to Liberty because of the state's monopoly over guns and lawful detention facilities.

Historically in Uganda, LGBTIQ+ people have often been arrested and charged with petty offences under the penal code, such as being "rogue and vagabond" and "indecent practices" This is due to the fact there is rarely sufficient proof to support a charge of unnatural offences under section 145 of the Penal Code Act. It is also not uncommon for queer persons to be arrested and charged with fictitious and unfounded charges. The tabling and subsequent passing of the Anti-Homosexuality Act has only aggravated this situation. Whereas the Penal Code criminalises unnatural offences under Section 145, the AHA institutes the offence of homosexuality in Section 2 and clearly stipulates the ingredients of the offence. Section 3 further introduces the offence of aggravated homosexuality. Already this section is being applied in three different cases; one in Soroti, another in Jinja and another of two young men in Kampala. The suspects in these cases are still in remand by the time of writing this report. Law enforcement officers like the police force are some of the most renowned perpetrators of violence against LGBTIQ+ persons in Uganda. The passing of this legislation only serves to aggravate the situation.

The available data indicates that a total of 25 recorded arrests were affected during this period. Some of these are arrests with charges, some without charges, while others are trumped-up charges.

Despite the shifting trends, police brutality and harassment still rank highly on the list of violations against queer people in Uganda. For example, a case of two transgender women who were arrested were detained at a local police station in Kampala for more than 48 hours and were subjected to forced anal examinations, an act that can amount to torture, as stated previously. A transgender woman was violently arrested, stripped, and physically and verbally tormented by police officers as they videorecorded her. The video was circulated all over social media, with the offending officer chastising both the victim and LGBTIQ+ people generally. Statistics show that transgender people have experienced higher police brutality in the recent past than any other category of individuals.

Twenty-six documented cases of criminal arrests of LGBTIQ+ persons were recorded between January and August 2023. Whereas these were targeting community members, they were brought under distinct provisions of the existing laws other than the Anti-Homosexuality Act. More often than not, LGBTIQ+ persons, especially transpersons, often find themselves on the receiving end of harassment by security operatives who execute arrests of LGBTIQ+ persons on trumped-up charges. The end goal of such an arrest is extortion. The nature of the crime of extortion entails the victim paying the oppressor to keep the facts of the matter under the carpet. Nearly all successful crimes of extortion do not see the light of day. We recorded one case of extortion where the victim was asked to pay 5m to buy his privacy. Police stations are hotspots for extortion. Arrested victims are threatened and forced to pay significant sums to secure their release. This unaddressed corruption fuels violence against LGBTIQ people.

On 17 July 2023, in Arua, 14 LGBTIQ+ persons were rounded up by Police. The victims were hanging out at their usual spot when Police arrived, surrounded them around midnight, and took them into custody. They were detained for allegedly being suspected of recruiting Gays, engaging in rebel activity, being a public nuisance, and consuming, possessing, and distributing banned narcotic drugs. They were detained for over 48 hours.

Arrest with charges

Two persons suspected of involvement in homosexuality were arrested, charged with committing an act of gross indecency, and remanded to Kirinya Prison in Jinja. The motive for their arrest was practising and promoting homosexuality in the school where one was teaching. The pair were remanded and denied bail under the pretext that staying in prison was safe. The case is on trial. In another case, peer educators were arrested during their work and charged with committing acts of gross indecency under Section 148 of the Penal Code Act cap 120. The peer educators were denied police bond and court bail and have been in custody beyond the mandatory release time.

Citizen Arrest and Arrest without Charges

On 9 April 2023 in Kapchorwa, a transwoman found herself in detention after being harassed and physically violated by a mob that accused her of impersonation on account of her decision to dress as she deemed fit. She was beaten and injured, and to add salt to the injury, she was arrested and detained by the Police. Mob-instigated arrests are increasingly common because AHA has put LGBTIQ+ persons on the spot as persons of interest, and the public seems to be the custodians of enforcing the witch hunt against LGBTIQ+ persons.

Arrest and Illegal Detention

In an unfortunately peculiar case, on 19 May in Koboko, a police officer was held in a military facility on allegations of being a homosexual. While the military is known to man detention facilities, such detention facilities are not gazetted for civilians not accused of offences threatening the state.

30 Jinja teacher arrested over promoting lesbianism, The Kampala Report, <https://www.thekampalareport.com/latest/2023030524083/ji-ja-teacher-arrested-over-promoting-lesbianism-after-parents-storm-school.html>.

31 The Ugandan Penal Code, <https://ulii.org/akn/ug/act/ord/1950/12/eng%402014-05-09>.

32 Six youth in viral homosexuality video arrested, The Independent, <https://www.independent.co.ug/six-youths-in-viral-homosexuality-video-arrested/>

G. VIOLATION OF THE RIGHT TO FREEDOM OF CONSCIENCE, EXPRESSION, MOVEMENT, RELIGION, ASSEMBLY AND ASSOCIATION

Article 22(1) of the International Covenant on Civil and Political Rights (ICCPR) and Article 10 of the African Charter on Human and Peoples' Rights proclaim and protect the right of groups to associate and assemble. Domestically, the Right to Freedom of Conscience, Expression, Movement, Religion, Assembly, and Association is guaranteed under Article 29 of the Constitution. It ensures all persons the right to Freedom of conscience, movement, religion, association with others, and expressing their opinions. The Article offers further promotion to groups by guaranteeing the right of groups to assemble and associate freely.

Generally, the state is known for acting decisively against any groups suspected of compromising the regime's hold on power. Violations of this right are thus primarily political. However, religious and cultural enthusiasts always wave the religion and cultural cards in justification of violations of the right of LGBTIQ+ persons to the Right to Freedom of Conscience, Expression, Movement, Religion, Assembly, and Association. The arguments fronted are mute since Uganda is neither a monarchy nor a religious state but rather a democratic republic.

To combat threats to life, limb, and livelihood directed towards LGBTIQ+ persons, groups, associations, shelters, community, and Non-profit organisations have mushroomed to advocate for the rights of LGBTIQ+ persons, demand reforms, and seek to be left alone but not isolated. The collectives offer safety in crisis, food, shelter, legal aid, and other necessities to LGBTIQ+ persons living on the edge.

Sections 9 and 11 of the AHA are designed to criminalise the conduct of people who engage in appropriate adult-to-adult debate and discussion about homosexuality through speech, written content, and civic involvement – a threat to the right of LGBTIQ+ persons to expression and association.

34 The International Covenant on Civil and Political Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

35 The African Charter on Human and Peoples' Rights, https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf

Section 11 of the AHA also ambiguously criminalises the promotion of homosexuality. The provision criminalises people and organisations working on human rights, sexual orientation, and gender identity. The Act has provided a basis for violating the Freedom of association of LGBTIQ+ individuals, heightened stigma and discrimination, and mass evictions of organisations and individuals suspected to be LGBTIQ+, whether real or perceived.

Silencing Pro-LGBTIQ+ Rights NGOs

Pro-LGBTIQ+ NGOs have been the easiest targets for violating the Right to Freedom of Conscience, Expression, Movement, Religion, Assembly, and Association. On 6 February, An NGO status report leaked, naming 26 organisations suspected of promoting LGBTIQ+ activities in the country. The regulatory body owned up to the document.

Of the 15 violations or threats to this right reported in the first six months of 2023, 6 targeted NGOs that support LGBTIQ+ persons. On 20 March 2023, a pro-LGBTIQ+ organisation found itself at the receiving end of an eviction from rented office premises due to the nature of the organisation's work. The Executive Director at the same organisation was also earlier this year summoned to Kabalagala Police Station for questioning over the nature of work at the organisation.

Another community organisation was also evicted from their rented office premises due to suspicion that the organisation works with LGBTIQ+ persons. The unfortunate eviction of an organisation from the community drop-in centre rented office space they have occupied for over 15 years was also directly attributed to work with LGBTIQ+ persons.

Community organisations have not been spared of the spate of violations. A community organisation providing shelter to the homeless key population was evicted from their rented office premises due to allegations of recruitment of persons into homosexuality.

On 7 January 2023 in Kawala, Kampala, individuals' homes housing about seven transgender women were invaded by unknown persons, and everyone found inside was beaten, leaving some unconscious.

The growing trend of visits by state officials to different LGBTQ+-led organisations has notably been on the rise. Several organisations (names withheld) have been visited by public officers, questioned about their work and asked to disclose confidential information like company documents, their sources of income and the like. These officials have then suggested amendments to some of the organisational structures, programmatic areas and company documents. Some of the organisations have been asked to review their board memberships to remove renowned human rights activists, stating that they are famous for their work regarding LGBTQ+ rights.

H. VIOLATION OF THE RIGHT TO PRACTISE A PROFESSION

Termination of employment is a formal process that must be carried out under the procedures set by law. Requirements for the termination of one's employment are laid out in the Employment Act³⁸ and no provision is sexual orientation and gender identity stated as one of those requirements. Article 40 of the Uganda Constitution also guarantees the right to lawful occupation. This, however, has not protected LGBTQ+ persons from unlawful termination of their employment by their cruel and homophobic employers. The AHA imposes an obligation to report incidences of homosexuality in Section 14. The provisions above have heightened unnecessary pressure upon employers to sever employment ties with persons considered risk factors. Furthermore, the AHA in Section 12 bars persons convicted of homosexuality-related offences from employment.

During the reporting period, there has been an increase in the number of employment terminations based on the assumed sexual orientation of those particular employees. A total of 19 work termination cases have so far been recorded. These are inclusive of both formal and informal employment. Note that most of the requests that LGBTQ emergency response teams are receiving are for nutritional support have cited unemployment as one of the reasons it is nearly impossible to afford basic needs like food.

³⁸ The Employment Act of Uganda, <https://ulii.org/akn/ug/act/2006/6/eng@2006-06-08>.

Professional Sports teams have also been accused of exercising discrimination towards LGBTIQ+ persons. Six Professional Rugby Players were indefinitely suspended from their Rugby Clubs only on account of their SOGIESC. We cannot emphasise enough that LGBTIQ+ persons too have the right to earn income from their talents.

On 13 April, a man named EQ was terminated from his work in Lugazi for having a friend who is a known gay man. The boss reportedly said: “It is true that you are a homosexual because that person you brought today was arrested for homosexuality, and I know him.”

As stated earlier in this report, on or around 5 May, a recording was released, outing and publicly sharing LGBTIQ+ health and medical hubs. This was intended to scare medical and health workers from offering medical services to those known or perceived to be homosexuals in light of the anti-homosexuality Bill - now the AHA.

In another incident, a transman’s means of sustenance was curtailed when his village neighbours banished him because of his sexuality. He said, “The community chased me away from the village, and they poisoned my cow where I was doing my small business just because I have lived my whole life as a transman.”

I. ONGOING INDIRECT IMPACTS OF THE AHA 2023

The Anti-Homosexuality Act of 2023 has undoubtedly led to mass violations and abuses of gender and sexual minorities in Uganda. But there are many other less direct impacts of the AHA on the day-to-day lives of LGBTIQ+ persons in Uganda, prompted by the intense climate of fear of arrest, outing and witch-hunting.

Mental Health

At least one hundred two LGBTIQ+ persons have sought mental health care over the past eight months. A confidential source who works with a mental health service provider serving predominantly LGBTIQ+ persons reported that 58.8% of the 102 LGBTIQ+ persons registered at the facility this year were diagnosed with depression. 70.6% of the patients registered were diagnosed with anxiety and panic attacks. 71.6% of the LGBTIQ+ persons seeking psychosocial support at the facility expressed having experienced suicidal ideations.

Dropping Out of School

The withdrawal of support in cash and kind has negatively affected school-going LGBTIQ+ persons enrolled in tertiary institutions but still dependent on their parents - the oppression of such financially vulnerable community members by family has led to increased school dropout rates of LGBTIQ+ persons. It is also important to note that oppressive study environments have indirectly compelled such students out of school to survive ridicule and harassment. Some schools have placards that read: 'Homosexuals Not Allowed.' These visual manifestations of hate and exclusion are strategically placed outside school gates and classrooms. At Makerere University, stickers reading Ebisiyaga tubigobe (kickout homosexuality) are prominently placed at entrances of Halls of Residences.

The AHA has also immensely increased harassment and discrimination at social spaces like beaches, bars, clubs, and cultural and religious places. Preaching against homosexuality in the streets, churches and mosques has made many LGBTIQ+ persons feel unwanted and unclean.

Seeking Asylum

While the AHA has invariably increased the occurrence and regularity of LGBTIQ+ persons' rights violations and abuses, it has indirectly resulted in a surge of LGBTIQ+ community members actively fleeing the country to seek asylum.

J. PROTECTION OF LGBTIQ+ PERSONS AND PERSONS PRESUMED TO BE LGBTIQ+

Despite the dire human rights situation of LGBTIQ+ persons in the period under review, with numerous violations, there were few incidents in which the human rights of LGBTIQ+ persons were protected. An interesting development during this period was President Museveni's recall of the Anti-Homosexuality Bill (as it then was) for reconsideration by the Parliament after it had passed the first time on 21 March 2023. The President recommended that Parliament clarify the purpose and intention of the Bill, which was to criminalise sexual acts committed by same-sex persons and not punish LGBTIQ+ persons based on their appearance or perceived sexuality. Parliament adopted this recommendation, and the Bill was, in minimal ways, amended to reflect this position before the second passing. The President's action in itself was profound; as it was, the bill was so broad that it justified arrests of anyone who "appeared" to be LGBTIQ+ alone. This was the prevalent position among police officers then, leading to arbitrary arrests and the President's action compelled the removal of this provision.

We recorded four incidents in which local council leaders and some defence secretaries rescued LGBTIQ+ persons from mob justice. In this case, two LGBTIQ+ persons were rounded up by the local community in Jinja, assaulted and interrogated over their sexuality. Incidentally, the Local Chairman was involved in the interrogation and assault. However, the Defence secretary of the local area managed to whisk the LGBTIQ+ members away, allowing them to move to safety.

On 17 March in Kireka, Kampala, a woman accused of being a homosexual by neighbours was arrested but later released by Police without pressing any charges. In three separate incidents, the Police offered support to victims in the form of protection and access to medical reports and references to help document these assaults and violations.

38 Parliament, Anti-Homosexuality Bill Passed by Parliament in the second vote, 2 May 2023 Available at <https://www.parliament.go.ug/news/6672/anti-homosexuality-bill-passed-parliament-second-vote>

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...and a huge thank you to the **SURVIVORS**, the true heroes for your courage to speak out and step forward in your truth and path to healing.

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