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INCREASING VIOLENCE: CASES OF VIOLENCE AND VIOLATIONS AGAINST REAL OR SUSPECTED LGBTIQ PERSONS FOR THE PERIOD BETWEEN THE PASSING OF THE ANTI-HOMOSEXUALITY BILL, 2023 (21ST MARCH 2023) AND ITS COMING INTO FORCE (30TH MAY 2023)

Kampala, 19th June 2023

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1. Introduction

On Tuesday 30th May 2023, the Anti-Homosexuality Act, 2023 (AHA) was published in the Uganda Gazette. By virtue of this, the AHA became law in Uganda on that date. The Anti-Homosexuality Bill, 2023 which later became the AHA was passed by Parliament on Tuesday 21st March 2023 for the first time, and after the President returning it to Parliament with suggestions for amendment, the Bill was passed for the second time on Tuesday 2nd May 2023. On 26th May 2023, the President signed the Bill and it therefore became an Act of Parliament. During the period between the first time the Bill was passed by Parliament and its coming into force, cases of

violence and other violations against LGBTIQ persons have continued to increase. This report builds on an earlier one issued on 20th April 2023 to mark the first month after the passing of the Bill into law by Parliament. The report covers the whole period after the Bill was passed until it became law – the period between 21st March 2023 and 30th May 2023, a period of two months and eight days.

The report discusses the number, nature and trends of violations during this period, and does a comparative analysis with the same period in 2022. The report reveals a drastic increase in the number of violations during this period, as well as a big difference in the nature of the cases compared to the same period in 2022.

2. Methodology

This report is compiled from cases handled by HRAPF's network of lawyers and community paralegals spread across the country. It only covers cases that were reported to and handled by HRAPF through its legal aid network. This includes cases handled by lawyers based at the HRAPF offices, and those handled by trained community paralegals across the country as well as those handled through the different regional centres and legal aid desks that HRAPF supports based at partner organisations.

Both quantitative and qualitative data were collected, with quantitative data focusing on the number of cases handled and violations documented. Qualitative data focused on the facts of each individual case in order to determine the circumstances under which the different violations occurred and, by understanding these circumstances, provide certainty on whether or not these violations were based entirely or primarily on the victims' sexual orientation and/gender identity. HRAPF defines a case as a separate set of facts involving the violation of a law or a right and which is included in one file. A single case can involve multiple persons and reveal multiple violations arising from the same set of facts.

This report has a number of limitations. The first one is that it may not be a comprehensive consideration of all cases that happened during this period. This is because the only cases that are reported are those handled by HRAPF under its legal aid network. There are other cases that may not have been reported at all, or that may have been reported to other legal service providers. Another limitation is that it is issued before the end of the month, which implies that not all community paralegals have reported the cases that they have handled, which presents the risk of underreporting.

3. Number and nature of cases handled between 21st March and 29th May, 2023

Between 21st March 2023, when the Bill was enacted by Parliament, and 29th May 2023 which was the last day before the Act came into force, HRAPF received and handled 141 cases involving LGBTIQ or suspected LGBTIQ persons.

Of these, 91 cases (64.5%) involved violence and/or violations targeting the victims purely or partly on the basis of their presumed sexuality and gender identity, and affected a total of 159

persons. 48 cases included acts of violence and threats of violence against LGBTIQ persons, 28 were cases of evictions, and 15 were cases of arrests.

4. Nature of cases of violence/violations based wholly or partly on sexual orientation and/or gender identity

In the two-month and 8 days period from 21st March 2023, the date of the first passing of the Bill by Parliament to 29th May 2023, the date when the Anti-Homosexuality Act, 2023 came into force, HRAPF documented a total of 91 cases involving violence and other human rights violations against persons based on their real or presumed sexual orientation or gender identity. These cases can be classified as follows:

a) Acts of violence against LGBTQ persons

Acts of violence, primarily by non-state actors – but without effective state redress - were the highest during this period, registering a drastic increase. In the first month, HRAPF reported a total of 14 cases of this nature – but in the next one month and 8 days before the Act came into law, the number increased by 30 cases to 47. These are categorised to include 23 cases of threats of violence, 19 cases of actual violence, and 5 cases of other forms of violence including sexual and psychological violence.

i) Cases of threatened physical violence

The cases of threats increased from six in the first month following the passing of the Bill to 17 in the second month, and the figure stood at 23 by 29th May 2023. Some of the more outstanding examples of these cases which occurred after the first month include:

In one case, a gay man was outed during a radio talk show where the presenter kept asking his listeners to name and shame the homosexuals in their area, and his name, home address and workplace were discussed on three different occasions within a space of two weeks. Following this exposure, he began to receive threats from his neighbours, with one specifically telling him to watch out because the village would eventually ‘rise up’ against him. Attempts to appeal to the local leaders for help were fruitless as the local council leaders also advised him to simply relocate and leave the village for his own safety.

In another case, a transgender woman was forced to flee her home and move in with friends when her neighbour told some youths who frequented their neighbourhood that she must be a homosexual because of how she walks and talks. This resulted in those youths repeatedly harassing her, asking her to take off her clothes so they could know if she was male or female, and threatening to one day find her and do it themselves.

In another case, a transgender woman working as a makeup artist at a saloon was outed by a colleague to clients and neighbours of the saloon and as a result of this, she was threatened by

the boda boda riders near the saloon. She was forced to quit the job and eventually move into a crisis shelter as without it she could no longer afford her personal expenses.

In a different case, a pastor was threatened with violence both by the local population and the district security personnel for allegedly using his church to spread homosexuality, and he was forced to temporarily leave the area.

ii) Cases of physical violence

These were 20 cases of actual physical violence during this period. Some of the outstanding ones reported in the period following the first month after the law was passed are:

In one case, the leader of an LGBTQ organisation was assaulted by unknown persons on her way from office less than two days after her office had been attacked by a group of protestors. In the attack, she suffered painful injuries, lost personal property and was verbally abused and threatened with further harm if she continued 'spreading homosexuality' in the area.

In another case, a transgender woman was attacked by a random stranger on the streets and beaten up for 'walking and behaving like a woman.' This is the only incident of such violence that has thus far been addressed by the state as a case was opened at the Central Police Station, the suspect arrested, arraigned and later remanded, and is now standing trial for this.

In another case, a gay man was attacked while leaving his workplace and beaten by two unidentified individuals, who accused him of being gay. This came months after his employer, a bar-owner, had also been arrested, held for several days and harassed by the police, who were asking for information about 'the homosexuals' who frequent and hang out at his bar.

In two cases, the offices of LGBTIQ support organisations were attacked by a mob with a view to causing harm or otherwise forcing the closure of these organisations. In one case, they failed to access the premises and resorted to damaging the gate and the lights, heckling and verbally harassing everyone they saw inside and threatening them. In the second case, the unruly crowd was able to break into the office and they destroyed computing equipment, furniture and data. The organisation also lost property that was stolen during the raid.

In another case, the residents of a crisis shelter in Kampala, which primarily hosts LBQ women and transgender men, were threatened repeatedly by the staff of a garbage collection company. These persons would pass through the area once every week and during their rounds, they would stop outside the fence, which they could see over from the back of their garbage truck, and shout insults at the people they saw inside the fence. In one particularly nasty incident, they promised to set the shelter on fire when the President signs the Act into law, or to bring men to the shelter to teach them all a lesson that 'they were women who must be with men'.

iii) Other forms of violence

There were five other documented cases in which LGBTIQ persons were subjected to other forms of violence, beyond physical assaults and threats.

There was one case of sexual violence, where a lesbian woman who works with an LGBTIQ organisation reported that she had been forced to move in with her sister at the beginning of the year due to personal financial complications but that since the passing of the Bill, her sister's husband had started to sexually harass her, demanding sex from her in exchange for keeping quiet about her sexuality. She reported that these sexual advances became particularly aggressive after the Bill was passed the second time by Parliament, even progressing to physical assaults on three occasions. She was eventually forced to leave the home, rendering her and her two children homeless. She could not report the case due to fear of revealing her sexual orientation.

There was also psychological violence involving extortion for money or other favours in exchange for not being outed in three cases. In one case, a gay man was extorted for money by his brother, who continuously demanded upkeep and other things from him in exchange for not telling their parents that he was gay. In another case, a neighbour who had been friendly to a gay man and to whom he had eventually come out started to blackmail him in May 2023, and in another, a gay man was extorted by his ex-partner, who repeatedly threatened to go to police and claim he had been raped if he was not paid several rather large sums of 'hush money'.

In one case, a gay man was denied inheritance from his late father's estate, and even denied access to the family planning meetings for the selection of an administrator upon threat of arrest after his siblings got information that he was gay.

b) Evictions from property

There were 28 incidents of evictions recorded affecting 66 persons. The evictions are mostly orchestrated by property owners as well as local council leaders in some cases.

i) Evictions by landlords

Landlords were directly responsible for the majority of the evictions – 20, involving 23 individuals and one organisation. In the majority of these cases, the landlords cited the Anti-Homosexuality Bill as the reason, while in many cases the landlords did not feel the need to provide reasons, or simply insisted that they did not wish to be associated with homosexuals or with homosexual money.

For instance, in one case, a gay couple was outed by the police to the entire neighbourhood when they were arrested for having carnal knowledge against the order of nature and, about two days after their release, the landlord demanded that they leave the rental house without notice. In a slightly similar case, the client was evicted by the landlord who had found out that they were transgender from social media posts. They had been charged with assault but during the course of the hearing, the prosecution repeatedly referred to their work at an LGBTIQ organisation as promotion of homosexuality.

In seven other cases, the landlords evicted their tenants simply because they got information from the neighbouring tenants, that they were LGBTIQ persons. In one of these cases, the landlord barged into the tenant's house without knocking, found two men in the house and proceeded to evict them. In another case, the landlord of a gay man demanded that he leave his house after the tenant had hosted four transgender women in crisis for three weeks, after which the landlord and the neighbours surmised that he must also be a homosexual. In another case, a lesbian woman working with an LGBTIQ organisation was forced to leave her home because she had allowed the organisation to use her house for meetings and other staff activities after the organisation's office had been attacked by a group of people in the neighbourhood and was therefore no longer safe for the staff.

ii) Evictions by local authorities

Local leaders orchestrated seven of the evictions, involving 33 individuals and two organisations. The ones that occurred after the first month of the passing of the Anti-Homosexuality Bill (AHB) are:

A lesbian woman was forced to flee her house and village after the local area leaders and the cultural leaders in her area started searching for her home to have her arrested for being the 'lead recruiter' in the district. The local leaders were so adamant and forceful in their efforts to find her, telling her colleagues and friends to advise her to flee or face the consequences. By extension, she felt compelled to move hundreds of kilometres away for her own safety. A similar incident happened to a lesbian couple in a city neighbouring the one above when they were forced by the local council leaders to leave their home or they would face arrest.

iii) Evictions by neighbours/community

There is only one case in which, the eviction was done by neighbours/the community and this was covered in the report for the first month.

c) Arrests based on presumed sexual orientation and gender identity

There have been 15 arrests of LGBTIQ people on grounds of their presumed sexual orientation and/or gender identity. These arrests involved a total of 20 persons. Of the 15 cases, 9 cases did not proceed to court while in 6 cases, the matters proceeded to court. Some of the outstanding cases after the first month are:

Two men were arrested on allegations that they had stolen money and held from 16th April 2023 to 5th May 2023, and for the first week, they were not allowed to call a lawyer. However, they were both eventually charged with having carnal knowledge against the order of nature. This came after the investigating officer had failed to get one of them to confess and state that the other had recruited him into homosexuality. Two other gay men were also arrested on 29th April and

arraigned on 8th May, and they were arrested because the neighbours suspected the two of being gay and called the police on them.

A female identifying intersex person was arrested, held for three days and details of her arrest and identity shared widely through social media by police officers because she was found in possession of sex toys at a brothel.

5. Comparison with the period 21st March 2022 to 29th May 2022

In the period 21st March 2022 to 29th May 2022, HRAPF handled a total of 110 LGBTIQ cases. Of these, 37 (33.6%) involved actions that targeted LGBTIQ persons specifically because of their sexual orientation and gender identity. These cases affected a total of 40 LGBTIQ persons.

In the same period in 2023, HRAPF handled a total of 141 cases involving LGBTIQ persons, of which 91 cases (64.5%) involved acts or omissions that singled out LGBTIQ people for negative treatment because of their real or presumed sexual orientation and/ or gender identity. These cases affected a total of 159 persons.

6. Conclusion

It is quite clear that the two-month period and 8 days between the first passing of the Bill by Parliament and when the Anti-Homosexuality Act came into force, there were increased cases of violence and violations against real or suspected LGBTIQ persons. This is as compared to the same period in 2022 when no law had been passed or discussed. This clearly shows a connection between the increased cases of violence and violations and the increased anti-LGBTIQ rhetoric that came with the discussion of the law.