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ETEEKKA LYAYITA... VOL. 2

UNWANTED, OUTLAWED AND ILLEGAL: THE CRY OF LGBTIQ+ UGANDANS

One Year after the enactment of the draconian Anti Homosexuality Act, Human Rights Violations against LGBTIQ+ persons in Uganda continue...



**“ETEEKKA LYAYITA... UNWANTED, OUTLAWED, AND ILLEGAL” THE CRY OF
LGBTQ+ UGANDANS**

**RIGHTS VIOLATED: A REPORT ON DOCUMENTED HUMAN RIGHTS
VIOLATIONS AND ABUSES OF LESBIAN, GAY, BISEXUAL, TRANSGENDER
AND QUEER PERSONS (LGBTQ+) PERSONS IN UGANDA.**

**A COMPILATION BY THE STRATEGIC RESPONSE TEAM – SRT UGANDA
SECOND EDITION**

SEPTEMBER 2023 - MAY 2024

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ACKNOWLEDGEMENTS

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 services to the community for safe shelter, access to justice, and health across Uganda. The SRT was formed at the helm of the witch-hunt of LGBTQ+ persons and the backlash created by the anti-LGBTQ+ 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 LGBTQ+ 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 works in a collaborative manner with like minded entities to provide 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

Ally- A person that provides assistance or support in an ongoing effort, activity or struggle

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.

Community - Used to refer to an umbrella of LGBTQ+ persons in Uganda

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 LGBTQ+ 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

AC: African Court

AG: Attorney General

AHA: Anti-Homosexuality Act, 2023

AHB: Anti-Homosexuality Bill, 2023

DPP: Directorate of Public Prosecutions

GoU: Government of Uganda

LC: Local Council

LGBTQ+: Lesbian, Gay, Bisexual, Transgender, Intersex and Queer plus

MSM: Men who have Sex with Men

PS: Permanent Secretary

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

This report is a second edition published by the Strategic Response Team (SRT) covering the period September 2023 to May 2024. This is the period the Anti Homosexuality Act (AHA) was being legally enforced with persons arbitrarily arrested and charged under AHA, it is also the period the LGBTQ+ community challenged AHA in the Constitutional Court in Uganda and the East African Court of Justice and it is the period when the Constitutional Court upheld AHA having nullified in part, just two sections and in whole two other sections. It is twelve months since Ugandans were armed with a law that criminalises persons for homosexuality, aggravated homosexuality, promotion of homosexuality and denial of basic rights such as housing and mandatory reporting to authorities¹. Although law became legally enforceable after the presidential assent on 20th May 2023; suspected, perceived and or known LGBTQ+ persons, organisations and allies faced immense challenges following the misleading campaigns, misinformation in the media with allegations of “promotion of homosexuality and recruitment of young persons into homosexuality” in spaces like schools. As a result, LGBTQ+ persons were subjected to violence and threats, denial of services such as access to justice and health services as documented in the first edition of the report².

In this report, the SRT documented 1031 cases directly affecting 1043 LGBTQ+ persons, including organisations. The 1043 persons repeat multiple human rights violations and abuses embedded in them. The report highlights the nature and number of cases, persons involved, the nature and number of human rights violations as well as leading perpetrators. The nature of rights abuses include freedom from torture, inhuman and degrading treatment, rights to property, right to liberty among others. In the eyes of one observer, the passing of the AHA and the subsequent court decision acted as a licence for some individuals to attack and violate the rights of LGBTQ+ persons. Known and/or perceived LGBTQ+ persons were arrested, tortured, beaten, exposed, including evictions and banishments, blackmail, loss of employment, and health service disruptions. This was sustained by frequent fake and false news shared on different platforms and a sustained campaign to paint LGBTQ+ persons as persons who are not only acting against African and religious morals but also as persons but also as persons who are out there to recruit children into homosexuality, destroy society and cause some form of apocalypse in Uganda.

Enforcement of the Anti Homosexuality Act

In the reporting period the Uganda Police, Landlords, Local Councils (LCs), and family members are among the top violators of rights. This category of people especially Landlords, Mobs and LCs were generally enforcing provisions of the AHA that required individuals to report cases of violations and not to allow tenants in their houses.

LGBTQ+ persons, victims of violence, and organisations that respond to such attacks are increasingly working under fear of being attacked and having their rights violated. This has

¹ <https://www.parliament.go.ug/news/6737/president-assents-anti-homosexuality-act>

² https://www.kuchutimes.com/wp-content/uploads/2023/09/20230927_LIVES-AT-RISK.Final-min.pdf

not only affected effective response but also things like effective documentation of the violence. These put constraints on victims from seeking justice, entities from responding to victims, and individuals from reporting cases they faced. Despite the challenges the report highlights the following key issues;

A total number of 1031 cases were recorded in the period under review involving 1043 LGBTQ+ persons who suffered 1253 human rights violations and abuses documented. These involved forced evictions and loss of shelter, violent attacks and threatening violence, exposure and outing, leading to violation of the rights to equality and non discrimination, freedom from torture inhuman and degrading treatment, access to social services, family rejection, mental and physical health challenges, among others. 1228 persons categorised as state and no state actors were responsible for violating the rights of LGBTQ+ persons.

1. 434 cases of evictions from premises and banishment recorded in the period. Landlords and Local Council (LC) leaders continue to be the most frequent perpetrators of the violation and abuse of the right to housing of LGBTQ+ persons. Although the section of AHA mandated house owners to deny LGBTQ+ persons right to housing and shelter, cases of evictions continue to be reported and documented.
2. 309 cases of violence against LGBTQ+ persons were documented and responded to. These involved actual physical violence with 92 cases, threatening violence and verbal attacks with 87 cases, public outing, exposure and insecurity with 59, cyber and online attacks with 41, police raids and summoning with 15 cases and 15 cases of blackmail and extortion. These violate multiple human rights under the Constitution including freedom from torture, inhuman and degrading treatment, which goes to the of of the right to dignity of LGBTQ+ persons in Uganda.
3. 108 cases of discrimination were documented. 51 cases of family rejection, 35 cases of termination and loss of employment, 21 cases of exclusion from social services and one case of denial of a passport. These are violations of the right to equality and freedom from discrimination.
4. 92 cases mental and physical health were documented including conversion practices, denial and or failure to access health services, suicide attempts, self infliction of harm, abuse of harmful drugs, anxiety and panick attacks. These are directly linked with violations, violence and abuses and the general climate of fear propagated by the Anti-Homosexuality Act, 2023. The right to health is a protected right that is guaranteed to everyone without discrimination. In this period LGBTQ+ persons in some cases were denied dignified health services. In the end they shunned health services from mainstream health providers that propagated hate and violence during the debates and after the passing of AHA.
5. A total 69 of the arrests were documented. 47 of these are arrests and charges were under the AHA while 22 were with no charges. Of those charged under the AHA 31 were charged with homosexuality, 11 with aggravated homosexuality, 3 attempted homosexuality and 2 promotion of homosexuality. In 22 cases there were no charges preferred and these were documented as arbitrary arrests. These involved 89 persons in total. It should be noted that there are various arrests and charges of sodomy, possession of narcotics, inciting violence among others that have not been included in the cases reported here. The cases preferred under other existing laws such as the Penal Code Act cap 120 and under Control of Narcotics and Psychotropic Substances Act, to mention Computer Misuse Act. 33 forced anal examinations were recorded by police. These violate the right to health and other multiple human rights enshrined in

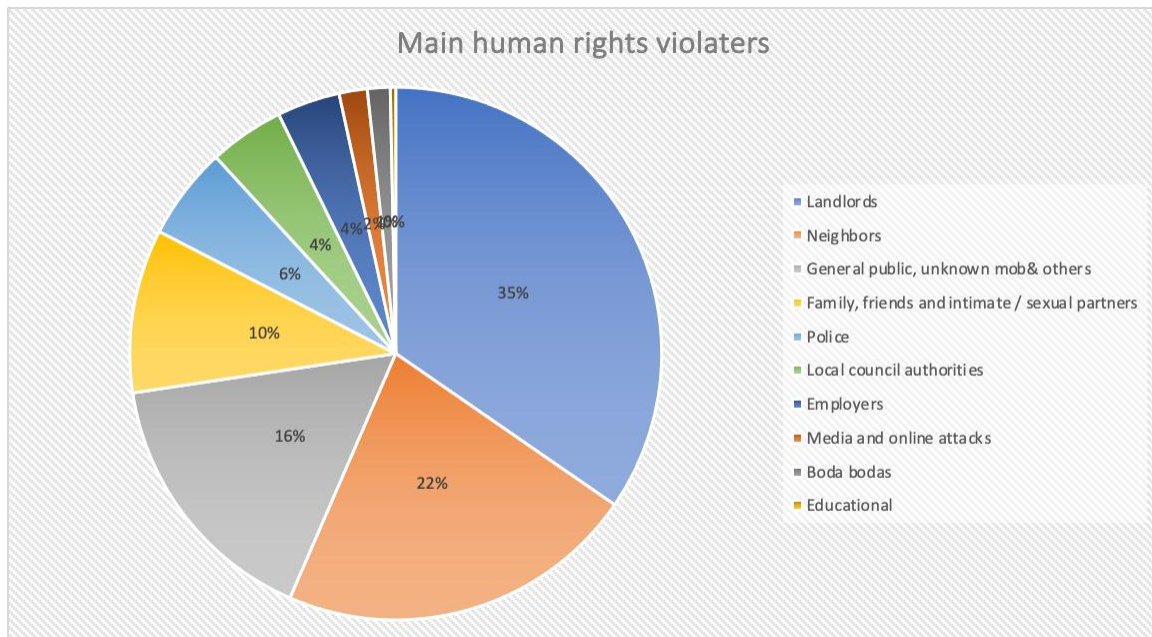
the Constitution including right to liberty, freedom from discrimination, freedom from torture inhuman and degrading treatment.

6. 19 cases of sexual assault such as corrective rape, forced marriages and reproductive corsion though child bearing were documented in the period. These cases violate several human rights including freedom from torture, inhuman and degrading treatment, right to health.

The SRT team notes an increase in human rights violations occasioned by the passing of the AHA and the court decision on AHA and failure by the state to protect LGBTQ+ persons. The cases of violations have risen from 306 documented in the January-August 2023 period to 1253 cases documented between September 2023 - April 2024. These are summarised in the table below in comparison.

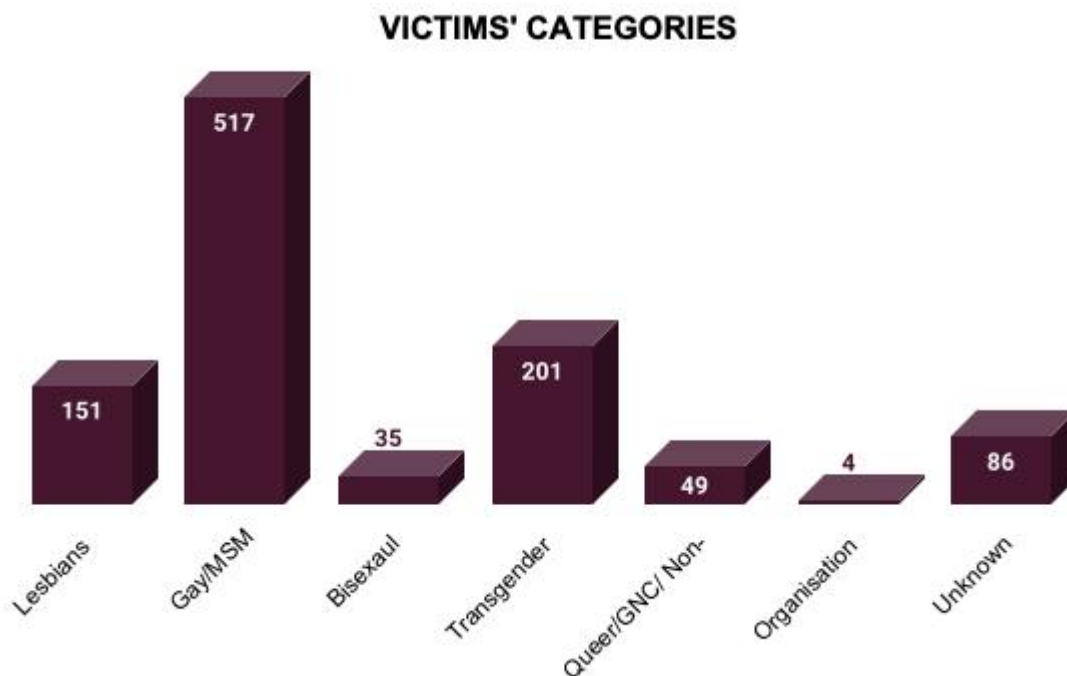
Right	Number of cases documented	
	Jan-Aug 2023	Sept 2023 - April 2024
Overall number of cases	306	1253
Right to equality and non discrimination	159	283
Right to housing/shelter	180	211
Right to privacy	-	208
Right to expression & association	-	205
Right to dignity and freedom from torture, inhuman and degrading treatment.	179	164
Right to health	102	60
Right to work	70	54
Right to liberty	-	37
Right to family	-	20
Right to education	-	11

Members of the public and private individuals have increasingly taken the law into their hands. This can be associated with the fact that the AHA required landlords, LCs and neighbours to take action and arrest LGBTQ+ persons. There was also a campaign mainly on social media and faith owned radio and TV to go against LGBTQ+ persons. This resulted in increased attacks as seen from an increase in violators who are now mainly members of the public such as landlords, family members, and private individuals, a consistent trend with the first released report. These would in turn be supported by police and LCs. The Graph below summarises the main perpetrators.



Victims

The most affected persons were gay men, followed by transgender women and lesbians. The graph below shows the most affected persons in the number of cases documented.



It is evident that the most affected category in the LGBTQ+ community are gay/MSM persons. These are followed by transgender persons, Lesbians and those whose orientation and or gender identity was not revealed.

Due to the prevailing environment with AHA being enforced, these violations were hoped to be addressed in the case that was challenged in the Constitutional Court but constitutional court justices instead upheld AHA almost in its entirety, denying LGBTQ+ persons basic fundamental human rights and protection. The Community has appealed to the supreme court with optimism that the supreme court will nullify AHA.

The report provides a number of recommendations including;

1. Urgent need to repeal the AHA 2024 and other laws that undermine minority rights and protections in Uganda including sections under the Penal Code Act of 1950.
2. The need to have capacity building for parliament and government officials on issues of minority rights and human rights generally including LGBTQ+ rights as human rights
3. The need for the Supreme Court to act quickly and make a decision on the AHA with the hope that the court will revert the earlier decision of the Court of Appeal that undermines the enjoyment of rights.
4. The UPF, DPP and Courts of Law should put a moratorium on enforcing the AHA until the appeal process is concluded. This order should be given to all police officers, state attorneys and judicial officers who are now enforcing the law.
5. Local council leaders, parents and family members should stop violating and abusing the rights of LGBTQ+ Ugandans under mandatory reporting which was nullified.

There are no mitigation measures that can address the devastating violence and discrimination that this law has brought. It should be nullified by the Supreme Court or repealed by Parliament immediately.

In solidarity for action for safer queer lives.

Thank you

The Strategic Response Team - SRT

Recommendations

To the Supreme Court of Uganda

1. Immediately hear the appeal of the constitutionality of the Anti-Homosexuality Act 2023 and issue a decision that protects and upholds the constitutional rights of individuals in Ugandans irrespective of their sexual orientation or gender identity.

To the President of Uganda

1. Publicly condemn acts of discrimination and violence committed against LGBTQ+ persons and their allies by state and non-state actors and call for accountability to ensure perpetrators are held accountable.
2. Uphold the Constitution's principle of non-discrimination and reject any legislation, regulation or government policy that discriminates against LGBTQ+ persons – as previously done regarding the Sexual Offences Bill – to safeguard the protection of LGBTQ+ persons.
3. 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 LGBTQ+ people and ally with the movement for non-discrimination across all government services in Uganda.

To the Parliament of Uganda

1. Desist from uttering discriminatory rhetoric, which inflames homophobia and emboldens other public officials to make further inflammatory remarks that promote mob violence, attacks, online harassment and discrimination against LGBTQ+ persons.
2. Repeal laws that codify discrimination and violence against LGBTQ+ persons and deny them the constitutional right to equal protection of the law.
3. Engage LGBTQ+ organisations and members of the LGBTQ+ community to understand the impact of criminalisation of LGBTQ+ 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 compliance with international human rights law and the rights and protections enshrined in Uganda's constitution. In particular, the Committee on Human Rights should ensure that proposed laws do not further stigmatise, and discriminate against LGBTQ+ persons.
5. Continue to build the knowledge and capacity of parliamentarians regarding international human rights norms including nondiscrimination by regularly providing continuing education for all parliamentarians.

6. 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.

To the Minister of Internal Affairs and the Uganda Police Force

Develop and release a National Action Plan to Reduce Mob Justice. Such a plan should include:

- Issuing public statements that acts of mob justice, including of real or perceived LGBTQ+ people, are illegal and will be prosecuted to the fullest extent of the law, resulting in prompt, thorough and impartial investigations and arrest of perpetrators, particularly “ringleaders.”
- Issuing an order to all police officers that anyone arrested is entitled to a thorough investigation of their case and will be protected from violence from the public.
- Issuing a public statement to local administrative officials that the police will be monitoring the role of local administrative officials in instances of mob justice, including of real or perceived LGBTQ+ people, and it will arrest those who are complicit in encouraging citizen violence or witch hunts or those who attempt to cover up acts of mob justice against anyone including anyone arrested under the Anti-Homosexuality Act of 2023.
- Discipline or prosecute as appropriate all police officers, regardless of rank, who fail to take all feasible and appropriate measures to protect criminal suspects from mob violence.

To the Uganda Police Force

1. Conduct prompt, impartial, and thorough investigations of complaints from LGBTQ+ 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, including complaints filed by LGBTQ+ people and their allies.
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 forced 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. Ensure all police and medical personnel understand that such examines

without consent has been deemed cruel, inhumane and degrading treatment and may rise to the level of torture and that such acts can be prosecuted under the law.

5. Encourage survivors of “correctional” rape to file complaints and investigate their complaints in a timely fashion. Arrest and charge any individuals including police officers who are involved in carrying out correctional rape and other inhuman acts against LGBTQ+ persons.

To the DPP and Courts of Law

1. Issue a moratorium on any prosecutions under the AHA until the appeal process is concluded and issue guidance to all state attorneys and judicial officers to desist from holding or prosecuting any individuals under the Anti-Homosexuality Act or any other law due to their real or perceived status as an LGBTQ+ person.
2. Enforce the constitutional standards and other rights standards such as dismissing cases brought before them where the victims have been tortured in line with Ugandan law.
3. Immediately drop the charges against anyone prosecuted under the Anti-Homosexuality Act or section 145 of the Penal Code.

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. Proactively Investigate complaints of human rights violations experienced by LGBTQ+ persons and their allies, and all victims of human rights abuse, and provide remedies such as compensation to the victims and any other appropriate legal remedy in a timely fashion.
2. Document human rights violations against LGBTQ+ persons and their allies and include these statistics in UHRC's annual report on the state of human rights in the country, when presented to Parliament.
3. Conduct investigations into the use of forced anal examinations and should call on relevant authorities to end 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 LGBTQ+ 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 LGBTQ+ 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 LGBTQ+ 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 LGBTQ+ persons to promote respect for the rights of LGBTQ+ 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 LGBTQ+ 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 LGBTQ+ people without threat of deregistration.

To Ugandan and International 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 in the appeal before the Supreme Court in work and public messaging.
3. Condemn laws that curtail the rights of LGBTQ+ 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 LGBTQ+ community in Uganda.
5. Consistently include documentation of human rights violations experienced by LGBTQ+ persons on the basis of their sexual orientation and gender identity and allies and press the state to hold both state and non-state perpetrators accountable for these violations; Make documentation public nationally and internationally. Share such documentation with regional and international human rights mechanisms, for example at the East African Community, the African Commission, and UN bodies.
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 LGBTQ+ people 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.
9. As permitted under Ugandan law, considering supporting or instituting private prosecutions of persons who promote hate speech and homophobia.
10. Increase investment in the safety, security and psychosocial well-being of LGBTQ+ persons in Uganda as well as the safety, security and psychosocial well-being of NGO workers and defenders documenting human rights abuses in Uganda.

11. Consider establishing alternative dispute resolution between LGBTQ+ persons and other groups and within the LGBTI persons, particularly for family level disputes or conflict with landlords or employers.

To Governmental Development Partners of Uganda, including the United Kingdom, the United States, Ireland, Germany, France, Belgium and Japan, among others

1. Seize every opportunity to privately and publicly forcefully underscore a commitment to non-discrimination and support for the rights of LGBTQ+ 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 LGBTQ+ people and civil society committed to upholding the rights of LGBTQ+ 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 AHA.
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 LGBTQ+ Ugandans in need of safety and freedom of persecution.
7. Attend hearings before the Supreme Court of Uganda as a way to show support to Ugandan LGBTQ+ people suffering under the law.
8. Increase funding for LGBTQ+ persons, especially in areas of safety and security, legal response, and capacity building for government among others.

To the European Union:

Having not yet taken any concrete action regarding the passage and implementation of the Anti-Homosexuality Act despite increasing reports of violence and discrimination documented in this report, we specifically call on the EU to:

1. Announce a comprehensive review of all of funding to Uganda, and pause or reprogram any funds that go via government entities which are legally mandated to implement or enforce the Anti-Homosexuality Act or led by individuals who have publicly supported homophobia in Uganda. Any essential humanitarian support should be rerouted to non-government organisations who are committed to providing services to and employing LGBTQ+ people to fulfil the EU's commitment to inclusive economic development.
2. Pause the pursuit of new, renewed, or expanded cooperation agreements or partnerships with the government of Ugandan, considering the deteriorating environment for human rights and the lack of accountability for perpetrators of human

rights abuses. Nullification of the Anti-Homosexuality Act should be the prerequisite to reactivating such arrangements.

3. Work with the European Investment Bank to announce a pause to all lending to Uganda and Ugandan entities until each can publicly state how their operations will avoid complicity in exclusion and discrimination against LGBTQ+ people and allies in the fight for basic rights.
4. Publically detail how internal due diligence is being conducted to ensure EU-funded projects in compliance with the European Investment Bank (EIB) Group's Environmental and Social Standards and are implemented following a human-rights based approach and in a non-discriminatory manner specifically regarding the new €200 million Global Gateway project and €40 million investment in coffee infrastructure and deforestation.
5. Issue sanctions against those Ugandans who commit gross human rights abuses including extrajudicial killings and torture and corruption as well as those who publicly share or rely on hate speech in supporting and implementing the Anti-Homosexuality Act as hate speech is a driver of violence.
6. Begin the process of withdrawing trade preferences for Uganda under the "Everything but Arms" treaty, in accordance with the human rights standards set out in that agreement.

To the World Bank

1. Continue to pause all lending to Uganda to uphold the World Bank's own Environmental and Social Framework. Do not engage in mitigation measures but rather encourage Uganda to repeal the Anti-Homosexuality Act and support an economy committed to inclusive economic development.
2. When engaging with any members of the Ugandan government or operating in Uganda, ensure World Bank staff use accurate terminology to refer to LGBTQ+ people which is used in the World Bank's own policy documents, including the use of "gender identity," "sexual orientation," "sexual and gender minorities," "SOGIE," and "LGBTQ" as the World Bank's own Gender and SOGIE Safeguard document and other World Bank policy documents do. Do not employ imprecise language or vague euphemisms or bow to homophobic pressure to do so.
3. 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.

Recommendations to LGBTQ+ persons in Uganda

1. Share instances of violence and discrimination with like-minded non-governmental organisations and trusted allies so that such incidents can be documented and supported in demands for justice, and/or to access physical and mental health services if needed.

METHODOLOGY

Background on the study

This report is developed by the Strategic Response Team (SRT) under The Convening For Equality - CFE, in collaboration with like minded organisations. The SRT is composed of actors from LGBTQ+ community networks organisations and individuals working on human rights issues in Uganda. The SRT works with REActors, community paralegals, peer educators, and Human Rights Defenders that provide multi pronged intersectional remedies such as access to justice, health services, safe shelter, protection from targeted, harmful and violent actions from state and non state actors among others. and HRDS from across the country who document and follow up on cases of violations throughout the country. This report captures violations and threats to LGBTQ+ persons in Uganda from September 2023 to April 2024.

Over the years, there have been systematic attacks on LGBTQ+ persons with no recourse to justice and lack of protection of LGBTQ+ persons in Uganda. There have been a number of misleading sustained campaigns aimed at attacking or humiliating LGBTQ+ persons, from the days of the Rolling Stone articles calling on the killing of LGBTQ+ persons in 2010, through the “Kill the Gay” Bill, of 2014 to present. When parliament passed the Anti-Homosexuality Act, on 2nd May 2023, stakes were already very high risk and a number of people had attacked skyrocketed³. The passing of the Anti-Homosexuality Act served as a catalyst to further violence the rights and wellbeing of the community.

Uganda passed the Anti-Homosexuality Act (AHA) in May 2023, the passing of the AHA resulted in increased attacks on LGBTQ+ persons. Several actors led by the community under Convening For Equality-CFE challenged the AHA in Uganda’s constitutional court. However, the court largely upheld the law only nullifying a few sections that restricted healthcare access and criminalised premises and the blanket mandatory reporting obligations under the law. AHA ors have appealed against the decision in the Supreme Court of Uganda.

The above events have seen an increase in hate, discrimination and attacks on LGBTQ+ persons in Uganda. In the build-up to tabling the AHA in parliament, there was a sustained campaign against LGBTQ+ persons through misleading and false news mainly targeting schools. Numerous misinformation about homosexuality in schools were shared on social

³ Eteeka lyayita: human rights violations https://www.kuchutimes.com/wp-content/uploads/2023/09/20230927_LIVES-AT-RISK.Final-min.pdf

media and some of the stories found themselves in mainstream media⁴. The fake and false news set the pace for responses and attacks on LGBTQ+ persons in Uganda. When the court ruled in favor of having the law, many persons took it upon themselves to enforce the said law and this has resulted in further abuses and threats to human rights of LGBTQ+ persons.

The SRT notes an increase in attacks and threats on LGBTQ+ persons. The attacks has not only affected the LGBTQ+ persons but even those who give them support including NGOs and other HRDs that give health, legal, and other support such as shelter.

We also note that whereas we try to capture as much information as possible on the violations and threats happening in the country on LGBTQ+ persons, many cases go unreported and it is likely that after the passing of the AHA and the court decision many LGBTQ+ persons are scared of reporting cases of violations and abuses due to stigma.

We believe that continued documentation and sharing of the cases will show the reader the state of human rights for LGBTQ+ persons in Uganda and may help them advocate for reforms.

Objectives

The overall objective of this report is to document and provide a situational analysis and share evidence backed data of human rights violations of LGBTQ+ after the Anti Homosexuality Act was largely upheld by the Constitutional Court of Uganda, legalising violations and abuse of human rights by state and no state actors.

Methodology

The SRT's methodology relies on a network of responders from the community such as reactors, paralegals, peer leaders, crisis responders as well as lawyers, spread across the country in all the five regions. These are responsible for monitoring, verifying, documenting, reporting and strategically responding to cases of human rights violations and abuses to mitigate further harm to the survivors.

Qualitative and quantitative data is collected and analysed. This includes the use of a standardised questionnaire and interviews for clarification and qualitative data. During data cleaning, follow-ups are conducted to get clarity and fill other gaps that may exist in the collected data.

The study results are limited to areas where the SRT team organisations work. This might have skewed the results to reflect only events that happened in those areas and may not be used for generalisation purposed. However, efforts were taken to capture all the cases and incidents reported in those areas.

⁴ Schools Tricked to teach Homosexuality. Daily Monitor Newspaper. Available at <https://www.monitor.co.ug/uganda/news/education/at-least-100-schools-tricked-into-teaching-homosexuality-1649494>

SECTION I

IMPLEMENTATION OF THE ANTI HOMOSEXUALITY ACT AND ITS IMPLICATIONS ON HUMAN RIGHTS

Trends in Human Rights violations for LGBTQ+ persons in Uganda

The SRT notes an increase in cases of violation generally in comparison with the Jan-August 2023 period. The cases between September 2023 and May 2024 increased by more than double. This can be attributed to the increased campaigns against LGBTQ+ persons, the passing of the AHA and the court decision in support of the AHA. The table below compares the rights violated in the two periods;

Table 1: Rights violated Jan-August 2023 and Sept 2023 - May 2024 (in comparison)

Right	Number of cases documented	
	Jan-Aug 2023	Sept 2023 - April 2024
Overall number of violations	306	1253
Right to equality and nondiscrimination	159	283
Right to housing/shelter	180	211
Right to privacy	-	208
Right to expression & association	-	205
Right to dignity and freedom from torture, inhuman and degrading treatment	179	164
Right to health	102	60
Right to work	70	54
Right to liberty	-	37
Right to family	-	20
Right to education	-	11

From the above table there has been an increase in violations, these tended to peak at particular times. The peak and drop in cases is mainly related to court appearances and the court case to challenge the AHA. At the time of hearing or ruling the cases seem to have increased. In comparison, 617 violations were documented between January and August 2023, and to the first report, the violations increased to 1031 reported incidents in the period September 2023 and April 2024. This huge increase has had a big impact on the work and other issues relating to LGBTQ+ persons in Uganda. Though a reduction in cases had been documented in the period of March and April 2024, there is still potential for the cases to escalate given the prevailing social-political situations in the country. It should be noted that the reduction in reported cases does not mean Uganda is a safe place for LGBTQ+ persons,

the threats are still high and the potential to enforce AHA is one major factor that can see the cases escalate overnight.

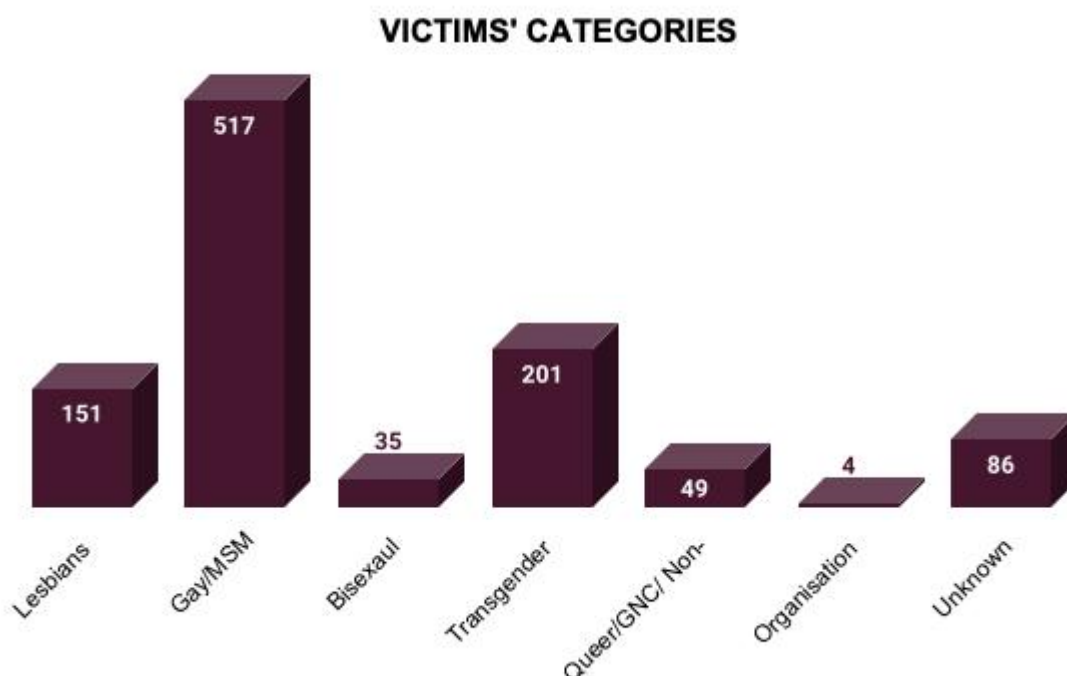
Respondent background information

Nature and number of victims

The majority of the persons who faced violation of rights identified as gay men (517 cases), this was followed by Tran women (201 cases), Lesbian women (151 cases), while bisexuals were the least attacked in this category. This could be because there tends to be a bias and homosexuality is associated with men more than it is with women. This is not to take away the fact that women have fallen victim of this law, while women may not directly report these attacks for fear of being stigmatised and but will find other coping mechanisms.

The Graph below shows the different sexual orientations attacked.

Figure 2: The most affected category within the LGBTQ+



The above data is correlated with data on gender identity where the majority of those attacked were gay men, followed by transwomen and Cis gender women. The data suggest that gay men and trans women are more likely to be attacked compared to any other category of LGBTQ+ persons.

Leading perpetrators of rights violation

Landlords (425 cases) were the biggest violators of LGBTQ+ rights, these were followed by neighbours (269 cases) followed by the general public (198 cases). Overall we see an increased number of private citizens attacking LGBTQ+ persons, these are helped and

supported by persons in authority for example LCs and Police who also rank high among the violaters. The table below shows the top violaters.

Table 1: Leading Human Rights Violated against LGBTQ+ persons in Uganda

Type of violator	Numbers of times
Landlords	425
Neighbours	269
General public, unknown mob & others	198
Family, friends and intimate / sexual partners	122
Police	69
Local council authorities	56
Employers	47
Media and online attacks	21
Boda bodas	17
Educational	4

The police were also involved in a number of violations. In some cases the police would be called to arrest and in the process they ended violating rights while in other cases the police moved on their own. When we look at the combined role of persons in authority i.e. the Police and the LCs, their number is significantly high.

On the other hand the state has also failed to control the LCs who are a major violator of LGBTQ+ rights in Uganda. The Police and LCs should ideally be in charge of protecting and promoting the rights of every person in Uganda. Instead they have become the key violaters. The combined number of violations by UPF members and LCs would far outweigh the violations by mobs and private citizens. The state has a duty to control member of UPF and LCs in ensuring they uphold and respect rights

There is a direct link between the AHA and the leading violaters. The study shows an increase in attacks by Mob, Landlords, LCs and Police. This is mainly due to the fact that the AHA made it a duty of persons to report any LGBTQ+ persons. Mobs, LCs and Landlords acted since the law not only protected them but also gave them a duty to report any LGBTQ+ persons in their neighbourhood. Despite the fact that this section was finally annulled by the Constitutional Court, LCs, Mobs and Landlords continued enforcing it.

Following the passing of the AHA in 2023 and the court petition challenging its legality, there were a number of responses from development partners, human rights activities, and diplomatic missions that expressed dismay at how the country was targeting a particular section of society. The World Bank responded by halting new loans to Uganda and demanding respect of rights for all World Bank-funded projects^[1]. The US government on the other hand responded by cutting military aid and aid to health and other social services. Other donors expressed fear and shock though many of them did not go ahead to cut funding and support^[2].

In response to the diplomatic push, there was a mixed response from the Government of Uganda (GoU). Most of the responses were attempts at showing the diplomatic missions and

World Bank that the state was committed to non-discrimination while in practice discrimination and enforcement of the AHA was going on. This can be seen in several circulars, guidance documents, and responses from different ministries. Below we review the responses

Lies and deceit on protection

Many government agencies claimed they were taking action to protect human rights and the rights of LGBTQ+ persons while actually in practice they continued discrimination and violation of rights of LGBTQ+ persons.

On the 21st of September 2023, the Permanent Secretary (PS) Ministry of Finance (MoF) and Secretary to the Treasury issued a circular^[3] to different ministries directing social safeguard policies. This followed an earlier circular issued in July 2023 which required agencies to implement activities in respect of the right to non-discrimination^[4]. The September 2023 circular noted that following the World Bank's Concerns about Uganda's passing of the AHA, the government had decided to put in place social safeguards for the protection of citizens. Whereas the circular claimed to be implementing Uganda's social safeguards, it restricted itself to World Bank projects. It directed that all those implementing World Bank-funded projects should implement the projects in line with principles of non-discrimination and respect the freedom from discrimination, it required agencies to put in place specific mitigation measures to address non-discrimination.

On the face of it the circular sought to address the discrimination issued, however, it is important to note that the circular limited itself only to World Bank-funded projects. this we can conclude that the intent of the circular was not to address non-discrimination issues in Uganda generally but was targeted at World Bank funds. Indeed other agencies and entities that were not funded by the World Bank continued with their discrimination as seen in the increased number of violations.

A similar circular had been issued by the Ministry of Health (MoH) and it required all government and private facilities to provide services without discrimination. The MoH required health service providers to provide services without discrimination, to consider medical ethics, and to respect the client chatter. It however, did not take any measures to provide for safety and protection mechanisms for LGBTQ+ who may need to access health services but are likely to fear due to stigma and attacks that were happening following the passing of the law.

On August 18th, 2023, the Ministry of Education and Sports (MoES) issued a circular requiring education institutions to respect the right to non-discrimination and to implement the Gender in Education Policy. The circular did not provide for any mechanisms in which these would be enforced. It only stated that the state does not condone discrimination and called upon other agencies to do the same! Due to the lack of concrete orders and directives in the policy and the circular issued by the PS, education institutions continued discriminating against LGBTQ+ persons including dismissing teachers and children from school as seen in the 5 cases documented in this report and many other cases that were not reported. There were no measures to punish the schools that discriminated against the children or the teachers on the basis of their sexual orientation.

Using the above circulars, the GoU moved into negotiations with different donors to paint an image of being responsive and addressing the issues of discrimination and dangers faced by LGBTQ+ people in Uganda. Of specific interest were negotiations with the World Bank to show it that the government had addressed the issues^[5]. The GoU tried to show the outside world that it was committed to fighting discrimination and upholding LGBTQ+ rights when it actually was not. There was no follow-up from the different donor agencies to see if rights were being violated. For example, the World Bank focused more on the projects they funded and did not consider discrimination happening outside their projects. Other donors did not specify on the violations.

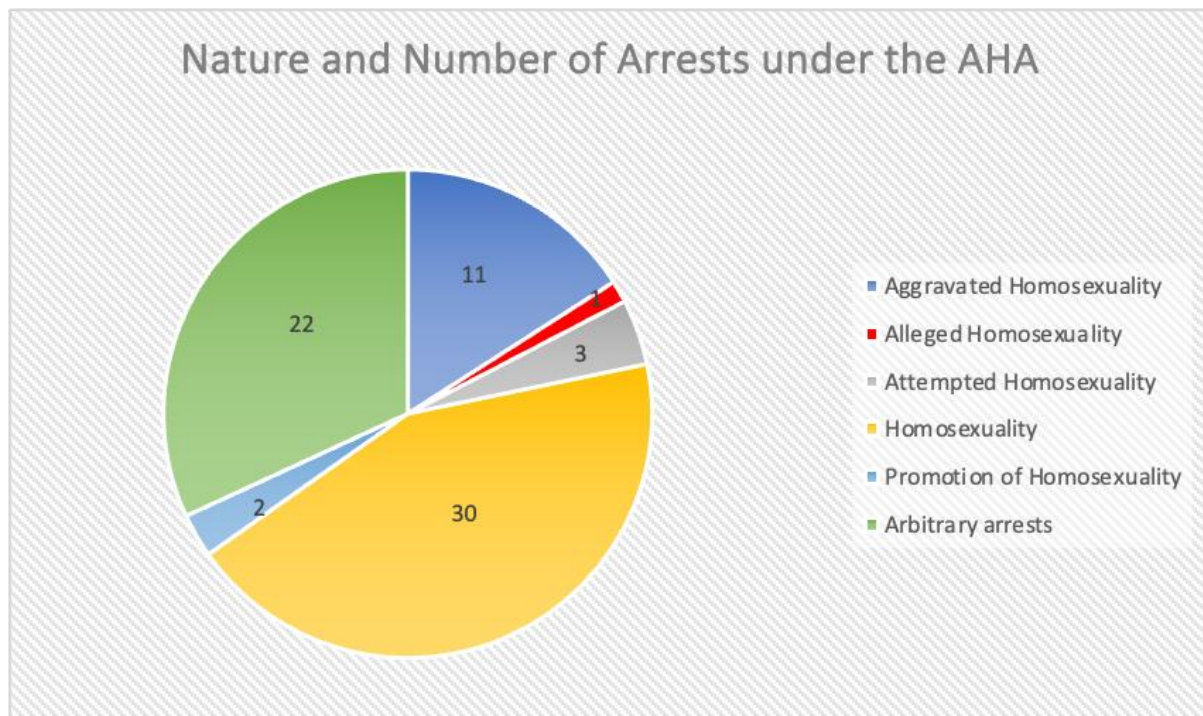
Enforcement of the AHA in the criminal justice system

In September 2023, the Director of Public Prosecutions (DPP) issued a directive to suspend the implementation of the AHA. The DPP directed that all such cases should be sent to her office for advice and that officers needed to build the capacity to understand the law before it is implemented.

It should be noted that despite the directive by the DPP not to enforce some aspects of the law, police and other officers continued the arrest and charging of LGBTQ+ persons. In some cases, these persons were charged with other charges or given holding charges.^[6]

On 4th April 2024 following the Constitutional Court ruling on AHA, the DPP issued another directive that required all State Attorneys to forward cases under the nullified sections of the AHA to the headquarters for proper management.

It should also be noted that in the second circular, the DPP did not stop the enforcement of other provisions of the AHA, nor had there been a capacity building of officers which the DPP had promised in the first circular. This has resulted in continued enforcement of the AHA even when the Court of Appeal decision has been appealed. As a result 69 arrests involving 89 persons were conducted in this period. Majority of these persons were charged with Homosexuality, followed by those charged with Aggravated homosexuality. The table below shows the enforcement of the AHA in the reporting period



From the above, it is clear that not only was the AHA enforced in the previous period but also there was a high number of cases of arrests and release with no charges which violated the right to liberty of those involved. It should be noted that there are several cases preferred under other existing laws such as the Penal Code Act cap 120 and under Control of Narcotics and Psychotropic Substances Act, to mention Computer Misuse Act that were not included in this report since the focus of this was the AHA.

Anal examinations

33 forced anal examinations were recorded by police and in most cases, suspects were also subjected to mandatory HIV tests. These violate the right to health and other multiple human rights enshrined in the Constitution including right to liberty, freedom from discrimination, freedom from torture inhuman and degrading treatment.

The Constitutional Court nullified S.9 of AHA, the section made it a crime for a person to allow his or her premises to be used for acts of homosexuality. It also nullified S. 14 which made it mandatory for every person to report cases of homosexuality if they suspected that these were happening. However, the nullification of these provisions did not stop members of the community, landlords, police, and workmates from taking the law in their own hands to carry out searches, arrests, and at times through a mob to violate the rights of LGBTQ+persons.

The state has also done little to prevent such violations from happening.

SECTION II

DOCUMENTED HUMAN RIGHTS VIOLATIONS AND ABUSES AGAINST LGBTQ+ PERSONS

Documented human rights abuses for LGBTQ+ Persons

The most violated rights were the right to non discrimination with 283 (22.6%) incidents reported, this is followed by the right to housing/shelter, with 211 people reporting being evicted from their homes or places where they stayed without alternatives or proper planning for alternative shelter. A total of 208 cases of violation of the right to privacy were reported. Another commonly violated right was the expression and the freedom of association with 205 cases, right to dignity and freedom from torture and cruel and inhuman treatment had 164 cases reported. Other violated rights include the right to health, education, family and right to education which was the least among the reported violations. The table below shows the most violated rights.

Table 2 Most violated rights

Right	Totals	Percent
Right to nondiscrimination	283	22.6
Right to housing/shelter	211	16.8
Right to privacy	208	16.6
Right to expression & association	205	16.4
Right to dignity	164	13.1
Right to health	60	4.8
Right to work	54	4.3
Right to Liberty	37	3.0
Right to family	20	1.6
Right to education	11	0.9
TOTAL	1253	100.0

From the table above, the nature of rights violated have a relationship with the AHA. Most rights such as right to privacy, right to shelter, freedom from torture and right to liberty were violated by persons who were enforcing the AHA such as landlords, mobs and LCs trying to find evidence of LGBTQ+ activities in people's homes. Entering buildings to see what is happening in those houses, chasing tenants because they are suspected of being LGBTQ+ persons which the AHA put as a requirement, etc.

Freedom from Discrimination

Freedom from discrimination is protected under the constitution of Uganda and a number of other international human rights instruments. Article 21 of the Constitution of Uganda provides that;

- (1) All persons are equal before and under the law in all spheres of political, economic, social, and cultural life and in every other respect and shall enjoy equal protection of the law.
- (2) a person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion, or disability.
- (3) For the purposes of this article, “discriminate” means to give different treatment to different persons attributable only or mainly to their respective descriptions by sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion, or disability.

From the foregoing the Uganda Constitution protects discrimination against all persons irrespective of their background, it also protects against discrimination on grounds of sex, race, colour, and ethnic origin among others.

Freedom from discrimination manifested in different forms. There are cases where parents give different treatment to their children on the basis of sexual orientation. For example, during this period a total 51 cases of family rejection, 35 cases of termination and loss of employment, 21 cases of exclusion from social services and one case of denial of a passport were documented. There were several cases of people being given different treatment at work, by landlords, LCs, police etc. In all the cases the family members gave different treatment to different family members (mainly children) where LGBTQ+ persons were banished from their homes while the other children remained at home.

Right to housing and shelter

The right to adequate housing and shelter is one of the rights protected under international human rights instruments such as the International Covenant on Economic, Social, and Cultural Rights which under Article 11 requires state parties to recognize the right of everyone to an adequate standard of living for every person and it includes the right to adequate food, clothing, and housing, and to the continuous improvement of living conditions.

In Uganda, the Constitution under Objective XIV of the National Objectives and Directive Principles of State Policy provides for the right to decent shelter. It provides that the state shall endeavour to fulfil the fundamental rights of all Ugandans to social justice and economic development and shall, in particular, ensure that all Ugandans enjoy rights and opportunities and access to education, health services, clean and safe water, work, decent shelter, among other rights.

The right to shelter was one of the most abused rights in the reporting period. This is mainly through landlords chasing persons believed to be LGBTQ+ from their houses. In one of the cases, two men were outed on social media and as a result, a meeting with the LCs was held. The landlord decided to chase them out of the house without giving them a chance to look for an alternative house. The LCs made a decision to chase them from the village and informed the neighbouring villages claiming that they were recruiting children into homosexuality. As a result, the two could not find shelter in the neighbourhood and had to move to another side of town. Similar cases of persons being chased by landlords and not being given a chance to

look for alternative accommodation were reported. In many such cases, household property would be destroyed as landlords forcefully threw the victims out of the houses.

There were also reported cases where parents chased their children from their homes due to suspecting them to be LGBTQ+.

My Father came home one day and asked me why I was always with my friend, he insisted that they had informed him we were gay and as a result should leave his house. That evening he threw us out without anything, we only left with the clothes we were wearing. He became so violent that we just ran. We stayed at a friend's place and since then we have moved from place to place since we have no means to get our own place of work.

Testimony from a gay man, chased by the parent.

It should be noted that in many cases, this violation has not affected only LGBTQ+ persons but also any young man or woman seen living with another of the same sex. The violations have tended to focus on those who dress in a particular way, for example, girls and young women who wear trousers. In the reporting period, we received 211 cases of such.

The effects of such violations were discussed by the Supreme Court in Uganda in 1998 in the case of *Salvatori Abuki and Another v Attorney General*⁵, where the court argued that acts that undermine a person's quality of life have the potential to affect that person's right to life. In this case, the deprivation of access to ancestral land was construed as a violation of the right to adequate shelter.

Freedom from torture, cruel and inhuman treatment

The violations under this manifest in different forms ranging from beating and direct physical assault, forced anal examination, sexual abuse, and rape among others. 191 cases of assault were reported during the period. These were mainly physical in nature, though through the narrative and interviews situations of psychological torture were also noted.

Mob attack and threats of Mob justice

Several persons reported cases where mobs attacked them or a stranger would find them and start beating them accusing them of being gay. This was also made common by landlords who evicted LGBTQ+ persons from their houses. The landlords out the LGBTQ+ persons by calling on neighbours or members of the community to attack them. There are also cases where the landlords themselves attacked the victims.

Some people came to my house claiming to be policemen, they forced their way in and ordered me to leave. They claimed I was gay and that the landlord had reported me and wanted me out of his house. They beat me up, then arrested me and took me to the police station where they continued with the beating.

Responded by someone who was outed and evicted by the landlord

There were also reported cases where the family members could beat the person. This happened mainly before the persons were excommunicated from the family or when the

⁵ Attorney General v Salvatori Abuki [1999] UGSC 7 (25 May 1999)
<https://ulii.org/akn/ug/judgment/ugsc/1999/7/eng@1999-05-25>

person had a disagreement with the family member. In most cases when such assault happens, most family members are not willing to intervene because of the fear of the consequences and power relations in the family or sometimes because the victim is viewed as less human and therefore no need to help. In some cases the persons attacking see the attack as helping to “correct” the victim and for this, the victim does not get support from family or from law enforcement agencies.

The increase in mob attacks directly related to passing of AHA and the court decision as more people took it upon themselves to enforce the law. This presents a very dangerous problem to LGBTQ+ persons in Uganda. This is mainly because most mob attacks in Uganda result in deaths and dangerous injury to the victims. The government has not done enough to protect communities from the attacks.

Corrective Rape and Sexual Assault

Cases of “correctional rape” were also rampant. All the cases were against persons that society brands as female. The cases happened mainly in homes and other residencies as well as at police. The cases at homes and residencies were mainly with people who were closely related to the victims. These are mainly parents, siblings, or close relatives. In most cases, rape is either by these very persons or by another person who is arranged to come and do it. On the other hand, similar rapes were reported by persons in police custody including gang rape. These are normally arranged with close family relatives who work with individual police to carry out the rape.

The Uganda Police Force (UPF) continued carrying out forced anal examinations even when it was clear that this had no evidential value. Whereas some of the examinations were carried out by medical officials attached to UPF, there were cases where such examinations were done by persons who were not health workers. The purpose of the examinations is to humiliate the victims and make them feel inferior and insecure. A total of 19 such examinations were reported during the reporting period. Respondents noted how they were tormented by the ordeal of forced anal examinations. Some of the examinations are done before several persons who watch and laugh at the victim and openly discuss what they are seeing as they make statements on the state of the victim’s anus.

Other reported incidencies include cases of forced marriages and reproductive coercion through child bearing

Psychological torture through conversion practices and reproductive coercion

Another form of torture that was reported is the psychological torture. This ranges from verbal abuse mainly with family members to other forms of torture. Some respondents reported cases where parents or those with authority over them took them to places of worship to force them to change. In most places of worship, the victims are seen as possessed outcasts who have demons that have to be prayed for or removed by some form of force.

My parents contacted a pastor to come home and pray for me. The reason he came home was because my parents felt very ashamed of my condition and that they never wanted me to go to church or associate with their name. the pastor would come in to pray. Initially, he came in twice or three times a week and later it became daily. He prayed for me, forced me to say things, and at times threatened to beat me up so that I could change. Sometimes the prayer was so intense, lasting half a day or about 8 hours. It was a form of mental torture

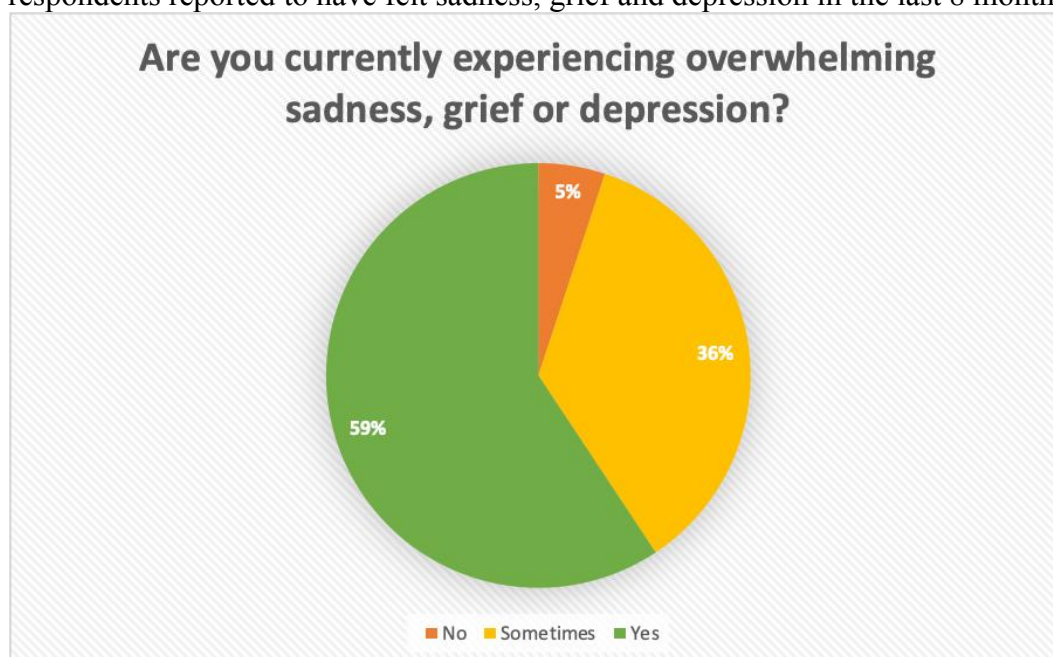
One of the victims of mental torture

Another victim testified how the parents used to lay hands on him and pray for him. This was done whether he liked it or not and it lasted several years until the time when he decided to leave. He was often told that if he was not willing to pray and change, he should find another place to stay. He eventually left the home, an act that resulted in him being excommunicated.

In some cases, the victims are denied food in the name of fasting and this lasts for days. One of the victims narrated how he was denied food so they could have days of dry fasting (going for several days or hours without food or water). This went on for days and when he did not change, he was sent away from home and was described as an outcast since he was not conforming to what the family wanted.

Right to health, Mental stress and depression

There has been an increase in cases of mental stress and potential for depression among LGBTQ+ persons in Uganda. This is mainly due to the fear and general threatening environment they live in and the discrimination they face regularly, up to 56% of the respondents reported to have felt sadness, grief and depression in the last 8 months.



The existence of the AHA and persons ready to attack LGBTQ+ persons in disguise of enforcing the AHA greatly contributed to the stress and mental issues faced by LGBTQ+ persons. The AHA, the Court of Appeal Decision and the fear of being attacked has resulted in a number of LGBTQ+ persons living in isolation, fear of attack, and other factors have led to increased anxiety, suicidal thoughts and general mental stress.

Other aspects of the right to health include situations where LGBTQ+ people would shun health facilities because of the way they are treated at the facility. Some respondents informed the team that they had to move long distances to find facilities where they were not known and where they would be treated well. Most times they avoided facilities within their neighbourhood because they are known there. There were also situations where

Right to privacy

The right to privacy is protected under Article 27 of the Uganda Constitution which provides;

- (1) No person shall be subjected to
 - (a) unlawful search of the person, home, or other property of that person; or
 - (b) unlawful entry by others on the premises of that person.
- (2) No person shall be subjected to interference with the privacy of that person's home, correspondence, communication, or other property.

Despite the above constitutional guarantee the right to privacy of many LGBTQ+ persons in Uganda continues to be violated. There have been several cases of violation of the right to privacy of LGBTQ+ persons.

A total of 208 incidents of violation of the right to privacy were documented. Most of these were from landlords and relatives who entered homes and bedrooms to establish if acts of homosexuality were happening. Most times the intrusion happens during the night or during times when the persons are resting. In many of the cases, the violators entered bedrooms and tried to search for materials that would prove that acts of homosexuality were happening.

The landlord, after accusing us of being gay, came to our house with 3 *Kanyamas* (bodybuilders) and entered our house to see if we were having sex. After failing to find me and my partner red-handed in a sexual act, they started searching the whole house looking for evidence. They turned the whole house upside down as they looked. In the process, some of our properties were destroyed and there was little we could do. One of the victims

Many of the cases resulted from victims being outed by those they trusted or those they lived with. Whenever the outing would happen. In one of the cases, the victim's colleague at work checked his phone and found gay porn, and started spreading rumours about his sexual orientation which reached his landlord who then evicted him. They checked the phone, computer, and other items. Several respondents faced violation of their right to property through forced anal examination

Right to liberty

A total of 69 persons were arrested, 22 of these were released without charge after spending more than 48 hours in police custody, a direct violation of their right to liberty. 47 of these are arrests and charges were under the AHA while 22 were with no charges. Of those charged under the AHA, 31 were charged with homosexuality, 11 with aggravated homosexuality, 3 attempted homosexuality and 2 promotion of homosexuality.

Arrests happened mainly from landlords or family members. These normally report to police where people are considered to be gay. There were also cases where workmates would report colleagues after suspecting them of being gay. A total of 11 cases of arrests resulted from persons outing each other. In one of the cases, a victim in Eastern Uganda was kidnapped, held in custody, and raped. The victim could however not report to police for fear of being arrested again.

Right to access to Justice

The passing of the Anti-Homosexuality Act (AHA) had a direct impact on the right of access to justice for LGBTQ+ persons in Uganda. Increased homophobia meant LGBTQ+ persons were adjudged to be in the wrong even where they were victims. The passing of the law also

created fear among LGBTQ+ persons who are not likely to seek formal justice because of the fear that they will be arrested. A total of 32 persons had their right of access to justice affected. The violations manifest in several ways including refusal to record the cases reported by LGBTQ+ persons when they report, fear by LGBTQ+ persons to report cases, and intimidation in cases where cases are reported. Some respondents noted that even when they are victims of a wrong that they did not commit, they tended to be judged. Many times people in places of authority would not be willing to listen to them. The extreme cases of these include situations where the victims of rape could not report for fear of being arrested and situations where people were raped in places where they should have been protected and they could not report such cases to authorities.

Right to Work

Several people lost their jobs because of being discovered to be LGBTQ+ persons. In some cases, co-workers would out the persons and demand that they be dismissed while in other cases it resulted after being outed or where landlords or LCs would report the people or demand that such people be dismissed. A total of 54 cases were reported.

Right to Education

In the build-up to tabling the AHA, during the debate, and after the debate there was an increase in false news on the spread of homosexuality in schools. This resulted in many schools dismissing children they believed were LGBTQ+.

In March 2024, the Minister of State for Primary Education closed the boarding section of Kaducu Primary School on allegations that 4 children were sodomised by the warden⁶. The minister accused the school of being congested and this was a factor contributing to homosexuality in school. Whereas we condemn AHAs of rape and defilement of young children irrespective of the sex of the victims or offenders, we find it a violation of the right to education for the whole school to be closed and victimizing children including even those that were not involved.

There was a number of fake news about schools and school leaders promoting homosexuality. Among them are the claims about Budo S. S. teacher who it was claimed that he has raped children for over 5 years, and photos of Vienna college school where two girls were acting and was portrayed as a gay couple, among others. There were also cases of posting photos of young persons, especially students, and claiming that they were gay which has the potential of undermining their reputation but also affecting their education.

Some schools dismissed students claiming that the students were LGBTQ+,+ these were mainly students who were mainly suspected of being LGBTQ+ because of how they looked. A total of 5 cases were documented.

My daughter was dismissed from the school because the school accused her of being gay. They called her to the office and asked her why she was a tomboy and why she preferred to wear trousers. Based on this they sent her home. The school went ahead and wrote to other schools in the community not to admit her claiming she may spread the vice. I tried to talk to the [school] administration but no one was willing to listen. They claimed they were Muslims and were promoting the Islamic religion.

⁶ Barbra Nalweyiso & AL-Mahdi SSenkibirwa: Minister closes school boarding section after homosexuality reports. Daily Monitor Newspaper. Available at <https://www.monitor.co.ug/uganda/news/national/minister-closes-school-boarding-section-after-homosexuality-reports--4172780>

This has been traumatising for her and for the whole family, at one time we felt we should take her out of the country so she could study there peacefully.

Parent whose child was dismissed from school.

A lot of trauma is caused to the students and their parents due to these school exposures.

Right to Property

There were several cases where landlords, LCs, and the mob attacked LGBTQ+ persons and destroyed their properties. This at times happened as they tried to banish the victims or chase them from their villages. For example, in Mengo a transwoman was attacked at her home, and her property destroyed. She was left homeless after the incident. They threatened to kill her if she stayed in their neighbourhood. A similar case happened in Nansana after the Landlord called men to evict a Queer lady and demanded whom he said was spreading homosexuality while in Mbale, a mob attacked a gay man and destroyed his property after the landlord informed the LCs of his sexuality. In many cases, mob attacks often followed the destruction of property and physical attacks.

[1] See World Bank Group Statement on Uganda

<https://www.worldbank.org/en/news/statement/2023/08/08/world-bank-group-statement-on-uganda>

[2] See US cuts Aid to Uganda over Anti-Gay Law. Available at <https://www.aljazeera.com/news/2014/6/20/us-cuts-aid-to-uganda-over-anti-gay-law>

[3] Ministry of Finance Circular No. ALD 141/259/01 TC

[4] Ministry of Finance Circular No. EPD 86/1179/011

[5] Uganda Nears resolution of World Bank Loan. Available at https://www.newvision.co.ug/category/news/uganda-nears-resolution-of-world-bank-loan-su-NV_179610

[6] A holding charge is where the state has not found AHAual offence but charges a person with an offence as they continue investigating. This is a violation of the freedom to liberty and other freedoms

SECTION III

HATE, MISINFORMATION AND DISINFORMATION

There were a number of situations that were not necessarily a violation of rights but could potentially result in violations. These include situations of misinformation and disinformation, fake news, outings, and related publications. This fuelled attacks against the LGBTQ+ persons resulting in several violations, violence and abuse of rights.

There has been an increase in fake and false news against LGBTQ+ persons. Most of the news claims LGBTQ+ persons have a lot of money that they have used to recruit children. The fake and false news is aimed at gathering support against LGBTQ+ persons who are seen

as some form of paedophiles who are out there to spoil young children. WhatsApp, X (formally Twitter), and Facebook have been the most used social media. The manifest in different forms.

As already noted there is an increase in attacks coming from members of the community mainly from landlords, family members, neighbours and LCs. There is a direct link between the media campaigns to “deal” with LGBTQ+ persons and these attacks. Most of the attackers are likely to be guided and inspired by what they read in the media that tends to be aimed at scaring them and promoting a form of “end to the world” for mankind due to the existence of LGBTQ+ persons. Below are some of the manifestations of the attacks.

Claims of child recruitment

Many promoters of hate, misinformation and disinformation have claimed that there are people out there who recruit Uganda Children in homosexuality. One of the main promoters of these claims has been Stephen Langa of Family Life Network. In several preachings and clips he claims LGBTQ+ will affect mankind and are recruiting children in Uganda. He calls on parents and government to declare this a terror act that should be fought⁷.

Whereas these promoters claim they have had evidence including cases where children have been recruited, in all the cases none of them reported the cases of defilement and child molestation which is a crime in Uganda to police. We believe that all cases of child abuse should be reported and police should investigate them. A number of press releases and online media content has been created with claims that homosexuality was being promoted to recruit children and undermine African culture.

Preaching and claims of immorality

One of the ways through which homophobia is promoted is through preaching and claims that homosexuality is immoral and against religious and african cultures. As noted in the previous report most violations and abuses suffered by LGBTQ+ 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 continued in the reporting period. The preachers such as Pr. Sempa, Dr. Ruth Senyoni and others continued calling for forced counselling of LGBTQ+ persons⁸. A number of people who reported to have been forced to have undergone the counseling reveal how they faced torture in the name of being reformed and in some cases where no reforms happened, the individuals would be deprived of basics like food and education.

The immorality claim has also made it easy to buy the message and crusade people against LGBTQ+ persons who are seen as inferior and less human beings that are out there to destroy the moral fabric of society and need to be fought. Often this creates a situation of “they, the bad group” and “we the good group” and the good group has a duty to is given a duty to fight the bad group. This partly has contributed to increased homophobia in Uganda generally.

On the other hand the state has failed to control misinformation and false information against LGBTQ+ persons despite the danger of the information being spread on the enjoyment of

⁷ See Parents Led Advocacy for protection of the child. Available at <https://www.youtube.com/watch?v=f9EUZEYtrf0>

⁸ See Dr. Ruth Senyoni: Biblical Sexuality available at <https://www.youtube.com/watch?v=4KEbrD0qhhdg>

rights of individuals involved. The Anti gay groups have continued to freely air false and hateful information and in some cases dangerous information that incite the public.

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...and our deepest gratitude and honour goes to the SURVIVORS, the true heroes for your courage to speak out and step forward in your truth and path to healing.