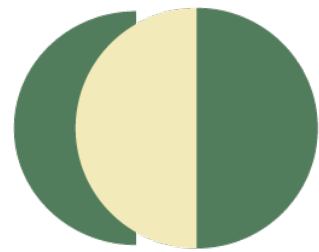


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**MARTIN ENNALS AWARD**  
FOR HUMAN RIGHTS DEFENDERS

# Submission in view of the Universal Periodic Review of Uganda Situation of LGBTI Rights

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A Submission by:

Right Livelihood Award Foundation and Martin Ennals Foundation

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**The Right Livelihood Foundation** awards each year brave changemakers working in a multitude of fields such as Human Rights, Peace, Justice and Sustainability. The Award comes with long-term support for these activists, which are currently 182 from 72 different countries. Having received ECOSOC status in 2018, we actively work with UN Human Rights Mechanisms to advance the causes of the Laureates and improve their working conditions.

The **Martin Ennals Foundation** is an independent foundation that manages the Martin Ennals Award for Human Rights Defenders. The Award honors individuals and organisations that have shown exceptional commitment to defending and promoting human rights, despite the risks involved. It strives to provide them with protection, raising their public profile and amplifying their advocacy actions.

This report was written in close cooperation with **Kasha Nabagesera**, prominent Ugandan LGBTI activist and recipient of both the 2015 Right Livelihood and the 2011 Martin Ennals awards. Despite threats, arrests and intimidation Nabagesera is actively engaged in judicial processes to advance LGBTI rights in Uganda. She is also the founder and executive director of Kuchu Times Media Group, which provides a voice for Uganda's LGBTI community.

## Executive Summary

Homosexuality is illegal in most countries of the African continent, with 32 out of the 54 African nations imposing draconian laws against LGBTI people, dating back to colonial rule. Uganda is one of those States where criminalisation against the LGBTI community is harshly implemented and, as enshrined in the current Ugandan penal code, is punishable with life imprisonment. Criminalisation and societal discrimination and harassment are rooted in a deeply homo- and transphobic environment, where homosexuality is seen as a western “perverse” concept and behaviour. In recent years, LGBTI persons in Uganda have seen a rise in homophobic rhetoric from the government and are subject to increasing violations of their human rights. Public beatings and arbitrary arrests of LGBTI persons are common. When arrested, they are often tortured and are subjected to invasive practices such as anal examinations.

Against this backdrop and drawing from the conclusions of Uganda’s last UPR cycle, this submission aims at highlighting shortcomings in Uganda’s implementation of human rights guarantees for the LGBTI community, and suggests recommendations for the future. It is organised following the specific core international human rights obligations that States have with regards to LGBTI persons: (1) decriminalising same-sex relations; (2) protecting LGBTI persons from violence and ill treatment; (3) prohibiting discrimination; (4) safeguarding freedom of expression, peaceful assembly and association of LGBTI persons. Our report demonstrates how, to date, the LGBTI community in Uganda does not only live in fear due to continuous criminalisation and homophobic environment, but is also heavily discriminated against in healthcare, education, housing and employment. NGOs and human rights defenders working for LGBTI rights are also impaired in their work, as they struggle to obtain registration and are banned from sharing advocacy material online. Lastly, the right of peaceful assembly and association for LGBTI people is routinely violated, with events frequently interrupted by violent actions from the police.

The recommendations provided in this report are a call to action directed towards the Ugandan government to take prompt action to improve the human rights situation of its LGBTI citizens by, among others: effectively decriminalising same-sex relations and repealing all laws which discriminate against LGBTI persons; ensuring accountability for all crimes perpetrated on the basis of SOGI; upholding LGBTI persons’ right to health, to work free of discrimination, freedom of expression and peaceful assembly as well as taking effective measures to address homophobia and transphobia.

## Background Information – Progress and problems since last review

1. In the last cycle of the UPR, Uganda received 17 recommendations (see Annex 1) directly related to LGBTI rights, all of which were noted. Nevertheless, States legal obligations regarding the safeguard of LGBTI rights are included in numerous international treaties to which Uganda is a party, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and customary international law. However, Uganda does not uphold its international obligations with regards to LGBTI rights, but instead continues to criminalise its LGBTI community, which continues to suffer from discrimination and violence in all aspects of life.
2. The present report is organised according to some core legal obligations that States have in safeguarding the rights of all LGBTI persons which are paramount to progress, namely: repelling laws criminalising LGBTI people, protection of the LGBTI people from violence, prevention of ill-treatment and torture of LGBTI persons, prohibition of discrimination on the basis of Sexual Orientation and Gender Identity (SOGI), safeguarding freedom of expression and peaceful assembly for the LGBTI people.

### 1. Refrain from criminalising LGBTI people

3. Discriminatory laws have a direct effect on an individual's fundamental rights to non-discrimination, equality before the law, and may expose them to arbitrary detention and unreasonable interference with privacy, as per article 2(1), 6(2), 9 of the International Covenant on Civil and Political Rights (ICCPR), which Uganda ratified in 1995. The principles of equality and non-discrimination are also enshrined in very strong terms in the Ugandan Constitution (Art. 21), except for the right to marry, which has been denied to persons of the same sex since the Marriage Act of 2005.
4. Uganda remains one of the States where it is most dangerous to be a LGBTI person. In fact, section 145 (a) of the Penal Code states that "any person who has carnal knowledge of any person against the order of nature commits an offence and is liable to imprisonment for life." On similar lines, Section 146 and 148 provide a sentence of 7 years of imprisonment to anyone who "attempts to commit unnatural offences," and "Any person who (...) commits any act of gross indecency."<sup>1</sup> The vague language of such laws allows the authorities to use them arbitrarily against LGBTI persons.
5. In May 2021, in an attempt to enhance accountability for sexual offenders and increase the protection of victims, the Ugandan parliament adopted the "Sexual Offences bill," which is, at the time of writing, awaiting Presidential assent. The bill actually fails in its endeavour and instead contains many provisions which continue to criminalise and marginalise LGBTI persons, sex workers, and persons living with HIV. Consensual same-sex relations continue to be referred to

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<sup>1</sup> Uganda: The Penal Code Act (Cap. 120), 1950 [Uganda], 15 June 1950, available at: <https://www.refworld.org/docid/59ca2bf44.html>

as “unnatural offences”. And while it seems like the sentence would be reduced from life-sentence to a few years in prison, the bill continues to conflate same-sex with both sexual abuse and bestiality. The bill also provides for the creation of a “sexual offender register” which therefore comes with the risk of creating a “LGBTI” register, in complete breach of their right to privacy and non-discrimination.

6. Uganda also counts numerous other laws further criminalising the LGBTI community, such as the Computer Misuse Act, Public Order Management Act, NGO Act and anti-Pornographic act, which will be examined further in this report.
7. While such laws directly violate the Ugandan Constitution and Ugandan international obligations, including article 2, 6, 9, 17, 26 of the ICCPR and Uganda has been recommended on many occasions, including in the last UPR cycle, to decriminalise same-sex relations, no progress can be observed between the last review and the upcoming one.

## 2. Protect LGBTI people from violence

8. Article 6 of the ICCPR binds States to ensure that the right to life be protected by law. Nevertheless, discriminatory laws and practices further a homophobic climate, where violence is legitimised, and perpetrators are not held accountable.<sup>2</sup>
9. In the case of Uganda, due to the current criminalisation of same-sex relations, LGBTI victims of sexual abuse are afraid to speak up. In addition, the laws seeking to protect survivors fall short of international standards. In fact, the current definition of rape, as established by Section 123 of the penal code is extremely limited to the “carnal knowledge of a woman or girl.”<sup>3</sup> While the intent of the Sexual Offences bill, approved by parliament in May 2021, was to provide enhanced punishment for sexual offenders and protection of victims, it is once again excluding a wide range of victims, including LGBTI people. In fact, section 1 defines a sexual act as “penetration, however slight, of a person’s sexual organ by another person’s sexual organ.”<sup>4</sup> Such definition therefore falls short of international standards, and absolutely excludes all men, including men who have sex with men as well as women who have sex with women, or any victim of non-penetrative sexual violence, from protection.
10. In addition, Section 46 of the Sexual Offences bill includes a sentence of three years for any person who fails to report a sexual offence included in such act.<sup>5</sup> Thus putting additional pressure on families and friends of LGBTI persons to report them to the authorities.
11. The social setting thus remains the biggest source of insecurity for LGBTI Ugandans, such as family, home environment and neighbours, with 22% identifying the latter as the biggest cause of insecurity in the community.<sup>6</sup> During the pandemic, an increase in cases of Intimate Partner

<sup>2</sup> OHCHR. Born Free and Equal. *Sexual Orientation, Gender Identity and Sex Characteristics in International Human Rights Law*. (2019). Available at: [https://www.ohchr.org/Documents/Publications/Born\\_Free\\_and\\_Equal\\_WEB.pdf](https://www.ohchr.org/Documents/Publications/Born_Free_and_Equal_WEB.pdf)

<sup>3</sup> Uganda: The Penal Code Act.

<sup>4</sup> Sexual Offences Bill (2019)

<sup>5</sup> Ibid.

<sup>6</sup> Sexual Minorities Uganda (SMUG). *Safety and Security of the LGBTIQ+ Community in Uganda*. (2020).

Violence could also be observed, due to being locked up together at home.<sup>7</sup>

12. As stated above, discriminatory laws not only do not protect LGBTI Ugandans from violence, but also legitimise stigmatisation and violence towards them. The deep homophobic climate in the country could also be felt during the COVID-19 pandemic, during which LGBTI persons had to confront harmful prejudices, such as false allegations that they were responsible for spreading the virus.<sup>8</sup>
13. No steps were therefore taken, by the Ugandan authorities, between the previous UPR review and the upcoming one, to protect LGBTI persons from violence.

### 3. Prevention of ill-treatment and torture of LGBTI persons

14. The obligation to prevent torture and other cruel, inhumane and degrading treatment is not only a rule of *jus cogens* but is also included in article 7 of the ICCPR, Art 1(1) and 2(1) of the Convention against Torture (CAT), Article 37(a) of the Convention of the Rights of the Child (CRC), of which Uganda is a party. It therefore has an obligation to prohibit, investigate and punish acts of torture and ill-treatment, regardless of sexual orientation and gender identity.
15. It is widely recognised that there are 8 main risks and situations of ill-treatment in detention for LGBTI persons: (1) Targeted arrests and violence in police custody; (2) abusive interrogations; (3) mis-allocation of transgender detainees; (4) humiliating and abusive body searches; (5) violence from fellow inmates; (6) abuse by prison staff; (7) solitary confinement as a “protective measure”; (8) discrimination in accessing any kind of services while in prison.<sup>9</sup> Ugandan LGBTI persons are subjected to all of these and the police is allowed to use extremely violent and invasive practices, such as anal examinations to allegedly corroborate hypotheses regarding a person’s sexual orientation.<sup>10</sup> In October 2019, 16 men were taken into police custody after they were targeted by a homophobic mob, but instead of receiving protection, they were arrested, forced to undergo anal examinations and charged under penal code article 145.<sup>11</sup> According to a survey done by Sexual Minorities Uganda in June 2020, 50% of the LGBTI respondents declared having experienced violence from the police and the local authorities.<sup>12</sup>
16. During the COVID-19 pandemic, arrests and ill-treatment of LGBTI persons surged. LGBTI shelters were targeted by raids and forced to close in alleged violations of the “non-congregation rules.”<sup>13</sup> In March 2020, the shelter “Children of the Sun” (COSF) was raided, and numerous residents were arrested. It was reported that during the arrest, police forces tied up the persons together, who were then slapped, hit with stones, shouted at by by-passers.<sup>14</sup> They were then arbitrarily

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<sup>7</sup> Ibid.

<sup>8</sup> K. Nabagesera, Interview. Available at: <https://www.rightlivelivelihoodaward.org/media/covid-19-and-human-rights-interview-with-2015-laureate-kasha-j-nabagesera/> (2020).

<sup>9</sup> OHCHR. Born Free and Equal.

<sup>10</sup> Human Rights Watch. World report 2020 : Uganda. Policy Press (2021)

<sup>11</sup> news24. “16 Ugandan LGBT Activists given Forced Anal Exams: Rights Group.” *News24*, news24. (2019). Available at: [www.news24.com/news24/africa/news/16-ugandan-lgbt-activists-given-forced-anal-exams-rights-group-20191024](http://www.news24.com/news24/africa/news/16-ugandan-lgbt-activists-given-forced-anal-exams-rights-group-20191024).

<sup>12</sup> Sexual Minorities Uganda (SMUG) .Safety and Security of the LGBTIQ+ Community in Uganda.

<sup>13</sup> Ibid.

<sup>14</sup> Akumu, Patience. “Nowhere to go: the young LGBT+ Ugandans outdid during lockdown.” *The Guardian*. (2020) Available at: <https://www.theguardian.com/global-development/2020/nov/23/nowhere-to-go-the-young-lgbt-ugandans-outed-during-lockdown>

detained in prison for over a month, where they were taunted, prevented from seeing their lawyers and tortured.<sup>15</sup> On May 31<sup>st</sup> 2021, police officers raided the shelter of Happy Family Youth Uganda Limited where 44 members were arrested on COVID-19 related charges. 39 of them were then transferred to Kitalya Mini Maxi Prison, where LGBTI persons are routinely subjected to beatings, insults, burnings and anal examinations. They all were eventually released on bail on Friday June 4<sup>th</sup> 2021 but are in need of psychological attention for the trauma received.

In addition, LGBTI persons in Uganda are often forced to undergo “Conversion therapies.” Such practices, supported by religious and community leaders, are oftentimes extremely violent, with electric shocks and invalid medications being used in so called “aversive treatments.” Banning such practices is fundamental for Uganda to align with its international obligations under the Convention against Torture, as recommended by the Independent Expert on the protection against violence and discrimination based on sexual orientation and gender identity in his report to the Human Rights Council’s 44<sup>th</sup> session, who called for all States to ban such practices.<sup>16</sup>

17. Under all aspects, it can be concluded that Uganda has not done any progress in preventing torture and ill-treatment of its LGBTI community in the last 5 years.

## 4. Prohibition of discrimination on the basis of SOGI

18. As mentioned above, the Ugandan constitution provides very strong language on non-discrimination and equality before the law, which is enshrined in numerous international instruments,<sup>17</sup> but does however include a discriminatory section on marriage. In fact, since the Marriage act of 2005, the constitution provides that marriage, and all its benefits, is an exclusive right of heterosexual couples. In addition, despite the strong constitutional wording on equality, LGBTI people face discrimination in practice in the economic, social and cultural sphere.

19. LGBTI people face numerous impediments in their **right to health**, which is contrary to Uganda’s obligations under the International Covenant on Economic Social and Cultural Rights (ICESCR).<sup>18</sup> For example, numerous trans people fail to seek care, due to prevalent social stigma, criminalisation and more generally, for not fitting within the binary, sex-segregated categories of health services.<sup>19</sup> NGOs have been at the forefront of ensuring health-care access to LGBTI and other minorities in Uganda, but have been facing strong opposition from religious authorities and other segments of society.

20. When it comes to HIV, Uganda can be said to have made considerable progress in combatting the epidemic in recent years. Nevertheless, UNAIDS notes that men who have sex with men are less

<sup>15</sup> Ibid.

<sup>16</sup> Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. Report on Conversion therapy (A/HRC/44/53). (2020) Available at: <https://www.ohchr.org/EN/Issues/SexualOrientationGender/Pages/ReportOnConversiontherapy.aspx>

<sup>17</sup> See ICCPR art 2(1), 26, ICESCR art 2, CEDAW art 2(f)

<sup>18</sup> In General Comment n.2 the Committee on Economic Social and Cultural Rights clarified that the covenant prescribes any discrimination in access to health care on grounds of SOGI.

<sup>19</sup> UNAIDS. “UNAIDS calls for the LGBT community in Uganda to be treated with respect and dignity at all times.” (2021). Available

at :

[https://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2021/january/20210112\\_uganda-rights](https://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2021/january/20210112_uganda-rights)

likely to have access to testing, treatment, prevention and care services.<sup>20</sup> An issue that would be further aggravated by the Sexual Offences bill, as it not only continues to criminalise same-sex consensual relationships, but also provides for the death penalty for “aggravated rapes” in which the offender was aware of his HIV positive status. The approval of the bill is therefore likely to decrease the willingness of people to get tested for HIV and become aware of their status.

21. LGBTI persons also face discrimination in **education**. The government is indeed failing to take measures to eliminate harmful stereotypes and discrimination against the LGBTI community in education. In 2017, the ISFiT research group in fact found that homophobic comments and remarks during classes are frequent and that cases had been reported where school attendance was denied to young people perceived to be LGBTI.<sup>21</sup>
22. Discrimination in **employment** is also extremely frequent. While the Committee on Economic, Social and Cultural Rights, stated that the ICESCR requires States to guarantee both through law and practice the right to work without discrimination of any kind, including on the basis of sexual orientation, gender identity and sex characteristics, no policy has been enacted by the Ugandan authorities to uphold such obligation.<sup>22</sup> In a study performed by Sexual Minorities Uganda in 2020, it was found that the third largest source of insecurity for LGBTI persons was indeed the work environment and the attitudes of employers, due to the high possibility of harassment or firing on the basis of sexual orientation and gender identity.<sup>23</sup> After the above-mentioned raid of the COSF shelter, it was reported that pictures of the residents were leaked, following which a number of them lost their employment.<sup>24</sup> Once fired, most LGBTI persons cannot sue their employer, due to fear of being further stigmatised, if not arrested because of their sexual orientation or gender identity.
23. **Housing** is also another source of discrimination for LGBTI people in Uganda. While the ICESCR requires States parties to “adopt all necessary measures to prevent, diminish and eliminate the conditions and attitudes which cause or perpetuate substantive or de facto discrimination in accessing housing,”<sup>25</sup> Uganda has not taken any proactive measures in ensuring that this obligation is upheld. A report from 2015 documented over 20 cases of evictions on grounds of perceived or real sexual orientation or gender identity, a majority of which happening in violent circumstances.<sup>26</sup>
24. Discrimination on all these grounds is likely to worsen with the Sexual Offences bill, as it entails the creation of a “Sexual Offenders register.” Since the law continues to criminalise LGBTI persons, there is a real likelihood that this could become a “LGBTI register” thus increasing discrimination in practice and in complete violation of their right to privacy.
25. The **right to privacy** is already often completely disregarded for LGBTI persons, not only in practice, but also by law. The Anti-pornographic Act of 2014 for example, contains broad

<sup>20</sup> *Ibid.*

<sup>21</sup> Bil-Jaruzelska, Anna et al. “Forms of discrimination of LGBT people in Ghana, Uganda, Russia and Norway.” (2017).

<sup>22</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 23 (E/C.12/GC/23), 2016, at para. 65(a); and General Comment No. 18 (E/C.12/GC/18), 2006, para. 12(b)(1).

<sup>23</sup> Sexual Minorities Uganda (SMUG) .*Safety and Security of the LGBTIQ+ Community in Uganda*.

<sup>24</sup> Akumu, Patience. “Nowhere to go: the young LGBT+ Ugandans outdid during lockdown.”

<sup>25</sup> International Covenant on Economic, Social and Cultural Rights article 11(1), Committee on Economic, Social and Cultural Rights, General Comment No. 7 (E/1992/23), 1992 and General Comment No. 20 (E/C.12/GC/20), 2009, para. 8.

<sup>26</sup> Consortium on Monitoring Violations based on sex determination, gender identity and sexual orientation. “Uganda report of violations based on gender identity and sexual orientation” (2015) Available at: [https://outrightinternational.org/sites/default/files/15\\_02\\_22\\_lgbt\\_violations\\_report\\_2015\\_final.pdf](https://outrightinternational.org/sites/default/files/15_02_22_lgbt_violations_report_2015_final.pdf)

language and can be used to issue search warrants and arrests LGBTI peoples and activists.

26. Lastly, an important step in combatting discrimination of trans-persons entails the **recognition of each person's self-defined gender identity by law**. This remains impossible in Uganda. In 2015, the Registration of Persons Act came into force. While section 38 allows for a change of sex for intersex persons under the age of 18, it does not allow transgender persons to follow the same process.
27. Discrimination in law and practice therefore impedes the realisation of LGBTI Ugandan's Human Rights. While State and Community leaders should be at the forefront of defending human rights for all, they fuel the homophobic environment. The Minister of State for Ethics and Integrity has been at the forefront of homophobic activism, equating homosexuality with bestiality and claiming that it is "un-African."<sup>27</sup> The Ugandan society is religiously diverse, with Christianity and Islam as predominant faiths, but it is also highly conservative. Religion is therefore a powerful weapon of anti-gay propaganda in Uganda, with numerous pastors and Imam often holding deeply homophobic sermons. For discrimination against LGBTI persons to be eliminated, this aspect will have to be tackled.
28. LGBTI activists have been at the forefront in trying to take down harmful stereotypes and better inform the population and decision-makers. For example, in 2015, Kuchu Times Media Group officially released Bombastic Magazine into the public domain with the objective to "share the realities of being gay" in Uganda. In 2017, copies were handed to parliament, but as soon as they learnt what it was about, they recalled all delivered copies.<sup>28</sup> Decision-makers should be more open about trying to understand the realities of LGBTI people.
29. All these factors and prevalent discrimination which socially excludes and drive numerous LGBTI Ugandans into poverty has led many to flee Uganda. Kenya, where LGBTI refugees often live in the poorest neighborhoods, lack access to basic services and many are forced to turn to prostitution to ensure their livelihoods. Uganda should urgently ensure that LGBTI Ugandans are not left behind, and do not feel compelled to leave the country.<sup>29</sup>

## 5. Safeguarding freedom of expression, peaceful assembly and association for LGBTI people

30. Under the ICCPR Articles 19(2), 21 and 22(1) States have an obligation to guarantee the rights to Freedom of Expression, Association and Peaceful Assembly, without discrimination. Unfortunately, Uganda fails to uphold such rights for LGBTI rights defenders.
31. In fact, the Public Order Management Act of 2013 requires organisers to request a police permission to organise workshops or events with more than 15 participants. Any event on SOGI

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<sup>27</sup> Ibid.

<sup>28</sup> Editor, Kuchu Times. "3rd Edition of Bombastic Magazine Rolled Out as Parliament Recalls All Delivered Copies." Kuchu Times, (2017). Available at: [www.kuchutimes.com/2017/06/3rd-edition-of-bombastic-magazine-rolled-out-as-parliament-recalls-all-delivered-copies/](http://www.kuchutimes.com/2017/06/3rd-edition-of-bombastic-magazine-rolled-out-as-parliament-recalls-all-delivered-copies/).

<sup>29</sup> "Uganda's Other Refugee Crisis." The World from PRX. Available at : [www.pri.org/stories/2017-07-12/ugandas-other-refugee-crisis](http://www.pri.org/stories/2017-07-12/ugandas-other-refugee-crisis).

is likely to be denied permission.<sup>30</sup> Additionally, the Computer Misuse Act of 2011, provides a five-year prison sentence to anyone sharing information about LGBTI advocacy online. Freedom of expression is therefore heavily curtailed.

32. Even more restraining is the NGO Act of 2016, which denies registration to any organisation whose objectives “contravenes the laws of Uganda,”<sup>31</sup> therefore making it impossible for LGBTI organisations to be registered. LGBTI organisations often see their offices raided or dislodged and activists are regularly targeted with death threats.<sup>32</sup>
33. Freedom of assembly is also breached with the use of force. In August 2016, Ugandan police unlawfully raided a Pride event. The police had been told an unlawful “gay wedding” was taking place. The officers locked up the club, detaining hundreds of people, beating them and humiliating them and arrested over 16 people, a majority of which were LGBTI activists.<sup>33</sup> In December 2017, the police shut down Uganda’s only gay film festival by storming into the venue. It was reported that one of the officers was carrying an AK-47 rifle.<sup>34</sup> Similarly, in 2018, the Minister of Ethics and Integrity ordered the termination of the celebration of the International Day against Homophobia, Biphobia and Transphobia organised by Sexual Minorities Uganda.<sup>35</sup>

## Recommendations for Action:

### 1. Decriminalisation of LGBTI people

- Effectively decriminalise same-sex relations by repealing sections 145, 146 and 148 of the Penal Code;
- Ensure equality for all within the Constitution, including for the right to marry;
- Repeal or amend the Computer Misuse Act, the Public Management Act and the Anti-Pornography act to ensure that these do not discriminate against LGBTI persons and other vulnerable groups;
- Reject the “Sexual Offences Act”, which falls short from protecting LGBTI people from discrimination, and initiate inclusive negotiations for a new bill that would ensure the protection of all victims of sexual violence and the marginalised segments of society;

### 2. Protect LGBTI persons from violence, torture and ill-treatment

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<sup>30</sup> Opiio, Sam and Bauer, Isabella. “LGBT people still tend to hide” (2020). Available at: <https://www.dandc.eu/en/article/though-things-have-improved-lgbt-people-still-face-serious-harassment-uganda>

<sup>31</sup> Uganda: *The Non-Governmental Organisations Bill*, 2015 [Uganda], 10 April 2015, available at: <https://www.refworld.org/docid/553649894.html> [accessed 28 May 2021]

<sup>32</sup> Opiio, Sam and Bauer, Isabella. “LGBT people still tend to hide.”

<sup>33</sup> <https://www.hrw.org/news/2016/08/05/uganda-police-attack-lgbti-pride-event>

<sup>34</sup> Lazareva, Inna. “Police raids shuts down Uganda’s only gay film festival”. *Reuters*. (2017). Available at: <https://www.reuters.com/article/us-uganda-lgbt-festival-idUSKBN1E52AF>

<sup>35</sup> N.a. “Minister Lokodo halts Uganda’s 2018 IDAHOBIT event”. *Kushu Times*. Available at: <https://www.kuchutimes.com/2018/05/minister-lokodo-halts-ugandas-2018-idahobit-event/>

- Ensure accountability for all crimes and human rights abuses perpetrated on the basis of SOGI, including those perpetrated by state officials;
- Prohibit invasive forms of examinations by law enforcement officers such as anal searches;
- Ban the practices of “Conversion Therapies” and ensure prosecution to those practicing them;

### 3. Combat discrimination in practice

- Uphold LGBTI persons’ right to the highest attainable standard of health, including by guaranteeing their access to healthcare and HIV testing;
- Ensure that SRHR and HIV/AIDS policies are inclusive and explicitly mention sexual and gender minorities;
- Protect anonymity of HIV status and decriminalise HIV transmission as aggravating factor for sexual offenses;
- Take measures to increase awareness, especially among minorities, of the availability of PEP and PrEP services;
- Ensure accountability for any act of discrimination based on SOGI in the world of work and regarding the right to housing;
- Take effective measures to address homophobia and transphobia in society, including through educational programs in schools and with trainings of law-enforcement officers;
- Engage religious and community leaders in constructive dialogue with LGBTI activists to battle homophobia in society;

### 4. Protect the right to freedom of expression and peaceful assembly

- Protect everyone’s, including the LGBTI community, right to freedom of expression and peaceful assembly;
- Protect all Human Rights Defenders, including LGBTI Defenders;
- Engage in constructive cooperation with the Independent Expert on sexual orientation and gender identity.

