

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	488
Land:	Uganda
Kilde:	Human Rights Awareness and Promotion (HRAPF)
Titel:	Increasing violence and violations: The first 21 days of the Anti-Homosexuality Act, 2023
Udgivet:	21. juni 2023
Optaget på baggrundsmaterialet:	10. november 2023



INCREASING VIOLENCE AND VIOLATIONS: THE FIRST 21 DAYS OF THE ANTI-HOMOSEXUALITY ACT, 2023

Kampala, 21st June, 2023

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1. Introduction

The Anti-Homosexuality Act, 2023 became law on 30th May 2023. 20th June 2023 marks the third complete week since the law came into force – 21 days. HRAPF's legal aid clinic has been handling cases involving LGBTQ persons during this period and documenting them. This report summarises the cases that involve violence and violations against real or suspected LGBTQ persons based wholly or partly on their sexual orientation and/or gender identity within the first 21 days of the law's being in force.

2. Methodology

This report contains only cases handled by HRAPF's advocates. The data for this report was collected using both qualitative and quantitative methods in order to capture the number and nature of cases reported during the period, as well as analysing the information on specific cases to ascertain whether or not the abuses reported were based in any way on the victims'

sexual orientation and/ or gender identity. Quantitative data was collected through a review of case files and reports while qualitative data was collected both through an in-depth review of documents on the case files as well as further interviews with the lawyers and community paralegals that handled the cases as well as the victims in some cases.

This report is limited by the fact that it contains only those cases reported to HRAPF as a legal aid service provider, and therefore does not capture cases that were not reported at all, of which there could be a significant number, as well as those reported to other legal aid service providers and crisis responders. It is thus not a comprehensive report on all the cases that involve LGBTQ persons during the period.

This report only contains cases and not individual incidents of violations. HRAPF defines a case as a separate set of facts involving the violation of a law or a right and which is included in one file. A single case can involve multiple persons and reveal multiple violations arising from the same set of facts.

3. Nature and number of cases reported

In the period from 30th May 2023 to 20th June, 2023, HRAPF handled a total of 43 cases involving LGBTQ persons. Of these 43 cases, 30 (69.7%) involved actions that specifically targeted LGBTQ people because of their real or presumed sexual orientation and/or gender identity. These affected a total of 32 individuals. These cases were: 19 cases of violence/threats of violence affecting 20 individuals; 8 cases of evictions from rented property affecting 9 individuals; and 3 cases of arrests on sexuality-related cases affecting 4 persons. The details are as below:

a) Cases involving violence/threatened violence against LGBTQ people

HRAPF recorded a total of 19 cases involving violence or threats to violence and affecting 20 persons – of these 6 involved actual violence affecting 7 persons and 13 involved threats of violence affecting 13 persons. Most of these cases were not reported to the police for fear of arrest harm as soon as the victims' sexual orientation and/or gender identity were revealed.

i) Cases of actual violence

The six cases involving actual violence are summarised below:

CASE CODE	DATE REPORTED	NATURE OF PHYSICAL VIOLENCE	BRIEF FACTS	NUMBER OF VICTIMS
HRAPF/PA/01/2023	30/5/2023	Beating	The client's home was attacked in the night by a group of unknown individuals who forced him out, beat him up and burnt some of his properties, accusing him	1

			of hosting gay boys in his house and spreading homosexuality.	
HRAPF/PA/02/2023	20/6/2023	Stabbing	The client went to the home of his older brother to visit and as soon as he got there, his brother picked a knife and attacked him, stabbing him in the right arm and cutting him on his left hand while accusing him of being a homosexual and embarrassing the family.	1
HRAPF/PA/03/2023	15/6/2023	Beating	The client was at the home of her sister doing laundry when two men attacked her and started beating her up, accusing her and her sister of being homosexuals. She suffered injuries to the face, shoulders, head and arms and had to be rushed to the hospital.	1
HRAPF/PA/04/2023	2/6/2023	Multiple beatings, sexual violence, eviction	- The two clients were forcibly removed from their house by the local council (LC) leaders, made to sit outside on the verandah and heckled and harassed for several minutes before being taken to the LC office. During this interaction, one of them, a transgender man, was fondled by unidentified individuals, and the entire ordeal was recorded and uploaded to Tit Tok. At the LC Office, they were questioned about being involved in homosexuality for several hours before they were released, although they were asked to leave the village immediately.	2

HRAPF/PA/30/2023	12 th June 2023	Abduction	A transgender woman went missing on 12 th June 2023. Ransom messages were sent twice to HRAPF lawyers and her work colleagues demanding 250 million shillings. She was later found on the 20 th of June at a police station, although the police officers stated that she had just come to them half naked and shaken. She stated that two men claiming to be police officers had picked her up and she managed to escape and turn up at the police station for safety.	1
HRAPF/PA/31/2023	14/6/2023	Beatings and cuts	A lesbian woman was attacked in her home and beaten by two men she did not know. This happened after she was warned to leave the village in May 2023 for her safety, and formally evicted by her landlord, but she had not yet left because she did not have the resources to afford the move. She suffered several cuts and bruises from the assault.	1

ii. Cases involving threats of violence against LGBTQ people

A total of 13 cases were recorded in which suspected LGBTQ people were threatened with violence because of their perceived sexuality. These threats were made by neighbours, family members, local area leaders and the general community, as detailed below:

CASE CODE	DATE REPORTED	NATURE OF THREAT	BRIEF FACTS	
HRAPF/PA/05/2023	8/6/2023	beatings	The client was threatened with violence by boda boda riders and a woman in her neighbourhood who accused her and her friend	1

			of always having gay parties at their home and spreading homosexuality in their district. The incident happened on two separate occasions.	
HRAPF/PA/06/2023	8/6/2023	Lynching	The client was threatened with lynching by the neighbours if she did not move. When the LC chairperson was called in to intervene, he managed to convince the landlord to give them two weeks to relocate but also reiterated that if they failed to move, the community might do something drastic to them.	1
HRAPF/PA/07/2023	12/6/2023	Beatings, insults	The client was outed as a lesbian when a friend of her partner wrote letters threatening to beat her and pinned them at her door as well as delivering a copy to her workplace. She was immediately terminated from employment and forced to move after the neighbours started insulting and threatening her.	1
HRAPF/PA/08/2023	12/6/2023	Beatings, arrest	The client reported being repeatedly taunted by neighbours and threatened by some youth in his neighbourhood with violence because of his sexuality. His family has also threatened to have him arrested if he ever tried to return home.	1
HRAPF/PA/09/2023	20/6/2023	Beatings	Videos of the client defending LGBTI persons on Tik Tok reached her neighbours, who had always been suspicious of her sexuality. The neighbours immediately started harassing her and	1

			threatening to have her beaten if she did not move because she was influencing their children.	
HRAPF/PA/10/2023	12/6/2023	Arrest, torture	The client received letters from two people who claimed to be a lawyer and a police officer respectively. These individuals threatened to have the client arrested and kept in a government 'safe house' and tortured for being a homosexual if he did not pay them millions of shillings.	1
HRAPF/PA/11/2023	12/6/2023	Beatings, turning of property	The client is a lesbian woman who has lived in the same general area for several years with her partner (a transgender man). From the beginning of May 2023, they were forced to host several other LGBTQ friends in crisis who had been evicted from their own homes and, at the beginning of June 2023, the neighbours turned against her, accusing her of bringing even more homosexuals into the area to 'spoil their children'. Eventually, the verbal insults turned to written threats of violence and the area defence secretary himself went to her house and threatened to mobilise the community to beat them up if they did not leave immediately. He also told the landlady that the local authorities would not help her if the village decided to burn her property because she had insisted on hosting homosexuals, thus forcing	1

			her to evict them.	
HRAPF/PA/12/2023	12/6/2023	Rape	Prior to the passing of the AHA, the client had come out to a boda boda rider in her neighbourhood that she considered a friend while they were having a conversation about homosexuality. Although initially he remained kind to her, he later outed her to the entire boda boda stage, and the other riders started harassing her and threatening to find and rape her if she did not accept her 'natural role' and get married to a man.	1
HRAPF/PA/13/2023	5/6/2023	Arrest, lynching	The client, a transgender woman, reported that members of the local council kept going to her home repeatedly looking for her, and that neighbours were threatening to have her arrested or lynched because she kept bringing men to have sex with her in the house, thus misleading their children. When we inquired into the matter, the area defence secretary went so far as to state that he had stopped the client from accessing water from the community tap, over which he had control, because he could not stand homosexuals. He also specifically stated that if he ever saw her again, he would beat her up.	1
HRAPF/PA/14/2023	10/6/2023	Beatings	Following the arrest of two gay men in his area, the client, who is a KP coordinator at a government health facility, was threatened with	1

			violence by their colleagues at work and people in the community, who said he was responsible for the actions of the two who had been arrested because he was always the one supporting them and giving them treatment.	
HRAPF/PA/15/2023	2/6/2023	Outing, beatings	The client has been threatened by an individual who has repeatedly threatened to out the client as a homosexual and have her beaten if she did not stop seeing her current partner.	1
HRAPF/PA/16/2023	12/6/2023	Violence	The client has had long-standing conflicts with his neighbour, who has attempted to poison the client's pets (succeeding once), had his animals eat the client's plants and flowers and destroyed property of the client along the boundary line. When the client confronted him about all these issues, the neighbour instead loudly proclaimed that the client is a homosexual and that if he was not careful, he 'would regret' what would happen next.	1
HRAPF/PA/28/2023	9 th June 2023	Outing, blackmail	The client was forced to flee the country and a friend of his leaked videos of him and his partner through WhatsApp, and repeatedly threatened to leak more videos if he was not paid off.	1

b) Evictions from rented property

HRAPF registered a total of 8 cases of evictions affecting 9 persons on the basis of their sexual orientation and/or gender identity. In six of these cases, the evictions were done by landlords, while in one by the parents and in another by local council officials authorities. Details of these cases are discussed below:

CASE CODE	DATE OPENED	PERSONS EVICTING	BRIEF FACTS	NUMBER OF VICTIMS
HRAPF/PA/20/2023	15/6/2023	Landlord	The client was arrested and detained at Katwe Police Station on charges of having carnal knowledge against the order of nature in April 2023 and remanded to prison. On 8 th June 2023, he was granted bail, although during the bail hearing, he was outed to his parents because of the nature of charges. When he tried to return to his home, he found that he had been evicted and his property put in storage while he was in custody because the landlord had found out that he was gay, and he could not go to his parents' home, having been outed to them as well.	1
HRAPF/PA/21/2023	30/5/2023	Landlord	The clients, two gay men who share housing and rental expenses, were given one week's notice by their landlord to vacate the house because he had heard from the other tenants that the clients were a homosexual couple.	2
HRAPF/PA/22/2023	19/6/2023	Landlord	The client was asked by the landlord to leave his rental home within a week on the 16 th of June 2023. The landlord explained that he had heard rumours that the client was gay, and that he did not want to risk going to jail by continuing to harbor him.	1

HRAPF/PA/23/2023	14/6/2023	Local council officials	The client was previously arrested and charged with homosexuality (in 2022 when this was not a criminal offence) and arraigned, and has been standing trial for this since then. He received criminal summons in May 2023 to appear in court for a hearing on the same matter. However, at the beginning of June 2023, he received a letter from the LC chairperson asking that he leave their village because of reports that he was a homosexual and a recruiter.	1
HRAPF/PA/24/2023	10/6/2023	Parents	The client was released from prison at the end of May 2023, where he had been serving a two-month sentence for a nuisance offence. Once he was released, he tried to go back to his parents' home but the complainant in his case went to the home and explained to the parents that the client was a homosexual, and that he had initially reported him for homosexuality although the case had been reduced to a smaller offence in court. The parents accordingly evicted the client from their home on 2 nd June 2023, rendering him homeless.	1
HRAPF/PA/25/2023	19/6/2023		The client was forced to leave her rented accommodation because her landlord discovered that she was a transgender woman/ homosexual when police officers who had arrested and held her briefly in December 2022 on suspicion of being queer came to her house to remind her that, now that the	1

			law had been signed, they would be coming back for her.	
HRAPF/PA/26/2023	20/6/2023	Landlord	The client a leader of an LGBTQ organisation started to receive threatening messages from unknown persons, who would leave notes stuck to his gate with various threats of harm if he continued to promote homosexuality. In June 2023, the landlord demanded that he leave the premises to avoid trouble with the law and the general community.	1
HRAPF/PA/27/2023	20/6/2023	Landlord	The client has been asked to leave his rented accommodation after he was outed as LGBTQ in his neighbourhood. This happened after he hosted a transgender friend to his home for a day, after which the neighbour started asking him if people like the friend who visited him were the reason why he had no wife. The landlord informed him the very next day that he was expected to leave the premises by end of this week (25 th June 2023).	1

c) Cases of arrest of LGBTQ persons

In the three-week period since the Act came into force, there have been three cases of arrest. In two, the persons arrested were charged with homosexuality under the Anti-Homosexuality Act, 2023 while in the third case, the client was charged with unnatural offences under the Penal Code Act. The cases were as follows:

CASE CODE	DATE REPORTED	CHARGE	BRIEF FACTS	NUMBER OF VICTIMS
HRAPF/PA/17/2023	30/05/ 2023	Unnatural offences under section 145 of the Penal Code	A female-identifying intersex person was arrested in a brothel where she was with	1

			another woman. In her possession were two sex toys and, even if the two were not actually found sex, the intersex woman was arrested and charged with unnatural offences under the Penal Code Act, and the matter was spread on social media by the police authorities.	
HRAPF/PA/18/2023	07/06/2023	Homosexuality under section 2 of the Anti-Homosexuality Act, 2023 and Trafficking in Persons Act	The client was arrested on allegations that he had engaged in sexual relations with a young man, and he was later arraigned before court on charges of homosexuality and aggravated trafficking in persons. The arrest was widely publicised both by the police authorities and media houses that picked up the story.	1
HRAPF/PA/19/2023	16/06/2023	Homosexuality under section 2 of the AHA	Two persons who used to live together were arrested on suspicion that they were sexual partners and were taken to the police station. They were arrested after their landlord went to the police station and reported that they were homosexuals.	2

4. Comparison with the period from 30th May 2022 to 20th June 2022

The period 30th May 2023 to 20th June 2023 was characterised by a spike in cases of violence and abuse against LGBTQ persons on the basis of their sexuality, with 69.7% of all cases recorded

involving some form of negative treatment or action targeting individuals because of their presumed SOGIE, a total of 30 cases out of 43 reported cases in the period.

By contrast, the period from 30th May 2022 to 20th June 2022 had less cases of violence. During that three-week period, HRAPF recorded a total of LGBTQ 30 cases across the legal aid network, of which 13 cases (43.3%) involved actions that specifically targeted individuals because of their real or presumed SOGIE.

The total number of cases handled has increased from 30 to 43 this year from a similar period in 2022, while incidents of violence and other violations on the basis of SOGIE have increased from 13 in the same period in 2022 to 30 (an increase of 130.7%) this year. The percentage of cases in which LGBTQ people are specifically targeted as a fraction of the total number of cases has also increased by 26.4% between the two time periods.

5. Conclusion

The statistics as discussed above clearly indicate that the three weeks period within which the Anti-Homosexuality Act, 2023 has been in force have been characterised by an increase in cases of violence and abuses of human rights of LGBTQ persons on the basis of their real or presumed SOGIE. This continues the trend since the Anti-Homosexuality Bill, 2023 was passed by parliament on 21st March 2023 as indicated in HRAPF's earlier issued reports. Important to note is that most of the violations are by non-state actors, who use the prevalent homophobic environment to carry out attacks and threats knowing that LGBTQ persons will not have recourse to the police for fear of being arrested. Indeed, most of the cases were not reported to the police for fear of arrest under the Act. The law is therefore promoting an environment of lawlessness to the detriment of real or suspected LGBTQ persons in Uganda, without any recourse to the law for remedies.