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REPORT ON CASES OF VIOLENCE AND VIOLATIONS BASED ON REAL OR PRESUMED SEXUAL ORIENTATION DURING THE FOURTH MONTH OF THE ANTI-HOMOSEXUALITY ACT BEING IN FORCE - SEPTEMBER 2023

13th October 2023

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1. Introduction

The month of September 2023 marks the fourth full month of the enforcement of the AHA 2023, and this report considers cases of violence and violations against persons on the basis of their real or presumed sexual orientation that have occurred during this period. The report considers only cases received by HRAPF's legal aid network in September 2023. This report builds on previous reports in this series, which have documented violence and violations of the rights of LGBTQ persons during the run up to the passing of the AHA, the first 21 days of implementation of the AHA, and the first, second and third months of the law being in force. The report also documents the total number of cases since the AHA came into force, and makes comparisons between September 2023 and September 2022 as well as between the period June – September 2023 and June – September 2022 with a view to establishing the change in trends that the AHA and its enforcement has caused for LGBTIQ persons in Uganda.

2. Methodology

The report contains only those cases that have been reported to the HRAPF legal aid clinic in the month of September 2023. The cases have been reported across the entire legal aid network, from the central legal aid clinic at the HRAPF secretariat, the regional legal aid centres, the specialised legal aid desks as well as the network of community paralegals spread across the country.

In compiling the data for this report, the team reviewed all the physical files for all the cases reported in the month of September 2023, focusing on establishing the number of cases in which there was evidence of violence or other violations against persons on the basis of their real or presumed SOGIE. The figures were compiled in order to establish the number and nature of cases included in this report, and these cases were classified into three categories, as has been the case with the previous reports: cases of violence, evictions, and arrests on sexuality based charges. The files were then subjected to further review to establish the nature of each violation/case of violence and to establish, more importantly, the reason for the violation. Care is taken to include only those cases where the actions that affected the rights and lives of LGBTIQ persons were based purely or primarily on their presumed sexuality.

This report contains only those cases that have been reported to HRAPF's legal aid network. While HRAPF has a wide network of community paralegals and regional legal aid centres, this network by no means covers the entire country, and there are thus areas where LGBTIQ persons may not be reached by HRAPF legal aid services. This would therefore mean that this report is limited in so far as it does not consider cases involving persons in those areas that may have gone unreported or reported to other legal aid service providers or private practitioners. However, the report does capture cases reported from across the country through HRAPF's vast network, and therefore presents a fairly representative picture of SOGIE-based violence in light of the enforcement of the AHA 2023.

3. Nature and number of cases reported

In the month of September 2023, HRAPF handled a total of 68 cases involving LGBTIQ persons across its legal aid network, a slight reduction from 71 in August 2023. Out of the 68 cases handled, 49 involved actions that directly targeted people for negative treatment on the basis of their SOGIE, representing 72.1% of all the cases handled during the month, a slight increase from the 47 (66.2%) in August 2023. Out of these 24 were cases of violence and threats of violence, 22 were cases of eviction from homes and rented properties, and 3 were arrests based on sexuality. These violations affected a total of 73 individuals up from 59 individuals in August 2023 – a 23% increment. This section of the report provides detailed data on these cases.

3.1. Cases of violence

In September 2023, HRAPF recorded a total of 24 cases of violence and threats of violence against individuals on the basis of their real or presumed sexual orientation and gender identity, an increase from 17 cases handled in August. Out of the 24 cases reported, 18 involved acts of physical violence while 6 were threats of violence. In August, there were 12 cases of actual violence and 5 threats of violence.

The actions in these cases affected a total of 37 individuals up from 20 persons in August – a remarkable increase.

i) Cases of actual violence on the basis of sexual orientation/ gender identity

There were 18 cases of actual violence against persons on the basis of their real or presumed SOGIE in September 2023, affecting 20 persons. The majority of these cases were cases of physical violence (11), followed by verbal abuse (3), and extortion (2). There was also one case each of rape and confiscation of property.

The cases of violence were perpetrated by unknown persons in 9 cases, and 1 each by boda boda riders, intimate partners, neighbours and a manager at work. The cases were reported from Kampala (7), Wakiso (4), Gulu (2) and 1 each from Mbale, Oyam, Kitgum, Mukono and Nwoya.

The details of these cases are discussed in the table below:

No.	Case code	Date of reporting	District	Nature of violence	Perpetrator	Brief facts	Number of Victims
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1.	HRAPF/PA/172/2023	1 st September 2023	Kampala	Extortion	Ex-partner	The client ended a long-term relationship with the perpetrator in this case, who asked that the client continue to pay his rent. When he refused, the ex-partner threatened to out him as a homosexual and started extorting him for money, and then eventually outed him to his family.	1
2.	HRAPF/PA/180/2023	2 nd September 2023	Kampala	Physical assault	Boda boda riders	The client, a transgender woman, was beaten into an unconscious state by three boda boda men for no apparent reason.	1
3.	HRAPF/PA/186/2023	4 th September 2023	Kampala	Raid on home/verbal attacks	Unknown persons	The client was woken from sleep one night by a group of individuals who were standing at the door yelling loudly and chanting slogans like 'kill all homosexuals', 'homosexuals must go', etc. The following morning, the landlord asked him to leave the premises.	1

4.	HRAPF/PA/173/2023	5 th September 2023	Kampala	Physical Assault	Unknown men	The client was attacked at night while on the way to his home by unknown men who insisted that he tell them once and for all if he was male or female. They beat him because he resisted attempts to undress him.	1
5.	HRAPF/PA/178/2023	6 th September 2023	Wakiso	Physical assault	Family (father)	The client heard that his family had been hearing rumours that he is gay. He went home hoping to speak with them and explain himself, but as soon as his father saw him, he immediately started beating him with his fists and a stick he picked up after some time, screaming angrily at him until he was able to run away.	1
6.	HRAPF/PA/194/2023	6 th September 2023	Wakiso	Confiscation of property	Landlady	The client's neighbour complained to the landlady that the client was a homosexual who could easily start a relationship with the neighbours 12 years old daughter. The landlady reacted by locking up the house with all the client's property in and forcefully taking her phone from her and refusing to return them.	1
7.	HRAPF/PA/174/2023	10 th	Mbale	Physical	Unknown	The client was attacked by a	1

		September 2023		assault	men	group of men of whom one was known to him by face. They beat him brutally, accusing him of trying to spread homosexuality in their district.	
8.	HRAPF/PA/175/2023	11 th September 2023	Kampala	Physical assault	Unknown men	The client, a transgender woman went to a mall where she usually hangs out with her friends and when the security guard saw her, he approached her and asked her where her other friends were. She insisted that she did not know who he was talking about, upon which he led her to a group of four men that immediately attacked her and started beating her before taking her phone.	1
9.	HRAPF/PA/176/2023	12 th September 2023	Kampala	Extortion	Manager at work	The client's romantic relationship with a co-worker was discovered by the Manager at work. The Manager got the co-worker to give him access to their private communications and then started using them to blackmail the client, demanding money from her until she had no choice but to quit.	1
10.	HRAPF/PA/195/2023	18 th September	Wakiso	Verbal abuse	Neighbours	The client's house help mistakenly put out some	3

		2023				publications on the human rights of persons including LGBTIQ persons which neighbours then read and have since repeatedly referred to the 3 women in the client's household as either 'malaya' or 'musiyazi' whenever they see them.	
11.	HRAPF/PA/196/2023	18 th September 2023	Mukono	Physical assault	Unknown men	The client, a transgender woman, was walking home from a bar when she met three men walking on the road. They started heckling her and asking her for sex but she ignored them. One of them reached out to pull her hair, and when the wig fell off, they set upon her and beat her up, leaving her on the side of the road.	1
12.	HRAPF/PA/179/2023	22 nd September 2023	Kitgum	Physical assault; gang rape	Unknown men	The client, a transgender man, was beaten by a group of 3 men he did not know. The men cut him with a panga and then gang raped him before leaving him in the street.	1
13.	HRAPF/PA/197/2023	27 th September 2023	Wakiso	Physical assault	Unknown people	The client, a transgender woman, was assaulted by a man in her neighbourhood in February 2023, who accused her of being a homosexual. Out of fear, she left the area for a few months, returning	1

						in August 2023. In September 2023, she was attacked again by four men who beat her up and took her phone and money, and warned her to stop being a homosexual.	
14.	HRAPF/PA/181/2023	28 th September 2023	Nwoya	Physical assault	Unknown men	The client was attacked just outside her shop and beaten by two men unknown to her. They never spoke to her, and she did not know why they attacked her.	1
15.	HRAPF/PA/182/2023	28 th September 2023	Gulu	Physical assault	Unknown men	The client was attacked by two men who asked her for either sex or money. When she declined both, they attacked her and beat her up, causing her several injuries.	1
16.	HRAPF/PA/177/2023	29 th September 2023	Kampala	Verbal abuse	Neighbours	Several persons in the client's neighbourhood started subjecting her to verbal abuse and harassment upon suspicion that she was a transgender woman.	1
17.	HRAPF/PA/183/2023	29 th September 2023	Oyam, Gulu	Physical assault, arson	Unknown persons	The client's home in Gulu was attacked and burnt to the ground because the people found out he was gay, and he went back to his people's village in Oyam. However, when the family in the village found out about the fire (and why), they also attacked and beat him up	1

						and asked him to leave.	
18.	HRAPF/PA/184/2023	29 th September 2023	Gulu	Physical assault	Unknown persons	Client had relocated to a town outside Gulu after she had been repeatedly attacked by a group of boys for being a lesbian. However, a week after she relocated, the boys came to find her at her new home and attacked her again, beating her brutally. The landlady intervened and saved her, but when they told her that they were beating her because she was a homosexual, the landlady asked the client to prepare to move out of her house.	1

ii) Cases involving threats of violence based on sexual orientation and/or gender identity

HRAPF received and handled a total of 6 cases involving threats of violence against LGBTIQ persons in September 2023, the same number of cases received in August. These affected a total of 17 persons up from 8 in August. Of these, 5 were threats of physical harm while 1 was a threat of arrest.

The cases were registered from Kampala (2), Wakiso (2), Gulu (1), Mbale (1) and Mukono (1). The threats were perpetrated by unknown individuals (4 cases), friends of the victim (1), the police and LC authorities (1) and the father of an intimate partner in 1 case.

This table provides a detailed breakdown of the threats:

No.	Case code	Date of reporting	District	Nature of threat	Perpetrator	Brief facts	Number of Victims
1.	HRAPF/PA/185/2023	1 st September 2023	Mbale	Threat of physical harm	Friends	The client came out as a transgender woman to one of their friends, who told	1

						their other mutual friends. The entire group started threatening to beat her up if she did not immediately change her ways.	
2.	HRAPF/PA/187/2023	8 th September 2023	Mukono	Threat of physical harm	Unknown persons	The clients were living in a shelter. They had earlier on been told to vacate the place, but had been unable to do so. One night, they heard a crowd of people gathering in the neighbourhood and shouting about killing gays. They were forced to flee for their safety.	12
3.	HRAPF/PA/188/2023	10 th September 2023	Kampala	Threat of arson and physical harm	Unknown persons	Some unknown persons from the client's neighbourhood went to the client's landlord and threatened to burn the house down with the client in it if the landlord did not evict him. The landlord asked him to leave on this basis.	1
4.	HRAPF/PA/189/2023	28 th September 2023	Wakiso	Threats of physical harm	Unknown persons	Different persons in the client's neighbourhood started harassing him after a former employee of his told people that he was a homosexual.	1
5.	HRAPF/PA/190/2023	28 th September 2023	Gulu	Threat of arrest	Police and LC leadership	The client was repeatedly harassed by the LC leadership in his area who kept telling him that the police were searching for	1

						him to arrest him for spreading homosexuality. He became so uncomfortable that he had to leave the area.	
6.	HRAPF/PA/191/2023	28 th September 2023	Wakiso	Threats of physical harm	Father of his partner	The client was engaged in a relationship with his partner and when the father found out, he got his number from the partner's phone and started calling him, threatening to find him and 'teach him a lesson', even after he agreed to break up with the partner.	1

3.2. Evictions from rented property

In September 2023, HRAPF handled a total of 22 cases involving evictions of persons from rented premises on the basis of their SOGIE. This was the same number of cases handled in August. The evictions were carried out by family members in 9 cases, landlords/ property owners in 7 cases, the local council leadership in 4 cases and neighbours in 1 case. The majority of these cases occurred within the Kampala Metropolitan Area (7 in Kampala district and 7 in Wakiso district), followed by 2 cases in Tororo district while one case was recorded from Budaka, Busembatia, Gulu, Kibuku, Mbale, and Mukono each. These cases affected a total of 31 individuals up from 26 in August.

The table below discusses these cases in detail:

No.	Case Code	Date Of Reporting	District	Perpetrator	Brief Facts	Number Of Victims
1.	HRAPF/PA/150/2023	1 st September 2023	Mbale	Family	The client had earlier been arrested on suspicion of homosexuality, although he was not taken to court. The brother however found out and told the family, who threw him out of the family home.	1
2.	HRAPF/PA/151/2023	2 nd September	Busembatia	Family (father)	The father of the client in this case heard a rumour that he was a homosexual and	1

		2023			questioned him about it. When he did not deny it, the father beat him and then threw him out of the house immediately.	
3.	HRAPF/PA/152/2023	4 th September	Wakiso	Landlord	The client had gone to visit his friends living at a crisis shelter when they were all arrested by the police. When he told the police that he did not live at the shelter, they insisted on taking him to his home to confirm, and then asked the neighbours if they knew he was a homosexual, and they confirmed it. This information was relayed to the landlord. The landlord immediately evicted him.	1
4.	HRAPF/PA/153/2023	4 th September 2023	Wakiso	Local Council Leader	The client was issued an eviction notice by the LC chairperson once the LC chairperson heard rumours that the client was a homosexual. The notice required him to leave the village entirely.	1
5.	HRAPF/PA/154/2023	7 th September 2023	Wakiso	Neighbours	The client was outed by his partner after the two had a disagreement, and when the neighbours heard that the client was gay, they immediately ganged up on him and demanded that he leave the compound immediately.	1
6.	HRAPF/PA/155/2023	10 th September 2023	Kampala	Family (father)	The client was arrested in July 2023 on suspicion of homosexuality and when he was released, the police kept his phone for further investigations. They eventually managed to unlock it and found his father's number. They immediately called the father and informed him that the son was a homosexual, to which he reacted by demanding that the client leave the family home immediately.	1
7.	HRAPF/PA/	11 th	Wakiso	LC Leadership	The clients were a couple living together	2

	156/2023	September 2023			in rented accommodation. When the landlord found out that they were a couple, he took them to the LC chairperson and reported them. The LC chairperson issued them a notice evicting them from the village 'for their own safety'.	
8.	HRAPF/PA/157/2023	12 th September 2023	Mukono	Employer	One of client's male customers at a massage parlour made an unwelcome sexual advance to him. When the client turned it down, the customer made a scene, accusing the client of being a homosexual. The employer reacted by firing him and evicting him immediately from the staff housing.	1
9.	HRAPF/PA/158/2023	14 th September 2023	Kampala	Landlady	The clients were six individuals sharing housing. Their landlady heard rumours that they were gay and asked them to leave, but when they were not able to do so in the four days she had given them, she locked them in the house for 18 hours (which had no bathrooms or food inside) and went away. When she was persuaded to open for them later, she insisted that they leave with all their property.	6
10.	HRAPF/PA/159/2023	14 th September 2023	Tororo	Landlord and family (mother)	The client's mother heard a rumour that he was working with gays and that he was also gay. She asked him to quit and when he refused, she went to his landlord and told him that her son was a homosexual and he should be evicted. The landlord did so. She also asked the client to never return to her house.	1
11.	HRAPF/PA/160/2023	14 th September	Tororo	Family (mother)	The client was expelled from school after the school administration suspected that	1

		2023			he was gay. He went back home but when the school told the mother that he was expelled for being gay, she also chased him away from home.	
12.	HRAPF/PA/161/2023	15 th September	Tirinyi (Kibuku district)	LC Chairperson	The client had a shop selling bread. When rumours started to spread that he was a homosexual, customers greatly reduced at this shop. The LC chairperson afterwards approached him and asked him to leave the village, informing him that the people in the village had made it clear that they did not want him there but he had just refused to heed the message.	1
13.	HRAPF/PA/162/2023	15 th September 2023	Budaka	Family	The client owned a small shop in the village where he was raised. When rumours started spreading that he was a homosexual and people stopped buying goods from his shop, his family summoned him and demanded that he leave the village because he was embarrassing the family.	1
14.	HRAPF/PA/163/2023	19 th September 2023	Kampala	Landlord	The boyfriend of the client, a transgender woman moved in with her. Shortly after he did, the neighbours started to notice their behavior towards one another and informed the landlord that the two were a couple, upon which the landlord evicted them both.	2
15.	HRAPF/PA/164/2023	15 th September 2023	Kampala	LC Chairperson	The client was summoned to a meeting in the chairperson's office where she was given a notice ordering her to leave the village. The chairperson clearly stated that he had warned her to stop recruiting people into homosexuality but she had refused to listen and had brought two	3

					young women to live with her (she offered shelter to two friends in crisis).	
16.	HRAPF/PA/ 165/2023	27 th September 2023	Wakiso	Family (mother)	The client's mother found out that he was gay through rumours in the neighbourhood and immediately withdrew him from the tertiary institution where he was studying and sent him away from home, stating that she could no longer waste money on him when all he was doing was embarrassing her in the village and the family.	1
17.	HRAPF/PA/ 166/2023	26 th September 2023	Gulu	Family (brothers)	The client's brothers saw her in a bar where she was dancing with a girl, and at some point she kissed the girl and the brothers immediately took her home where they beat her and then made her leave the house immediately.	1
18.	HRAPF/PA/ 167/2023	26 th September 2023	Kampala	Landlady	The client was evicted by the landlady when she found out that he had been arrested and detained for 2 days on suspicion of homosexuality.	1
19.	HRAPF/PA/ 168/2023	27 th September 2023	Kampala	Family (father)	The client failed to pay rent for three months and was evicted, which forced him to move back to his parents' house. He had stayed there for a few weeks when his brother checked in his phone and found chats with his partner which outed him as a gay person. The brother immediately told their father, who demanded that the client leave the home immediately.	1
20.	HRAPF/PA/ 169/2023	28 th September 2023	Kampala	Family	The client's family asked him to leave the home after his sister read his WhatsApp text from a community group that caused her to believe he was gay. The sister	1

					immediately told the family, and they agreed that he must leave at once.	
21.	HRAPF/PA/170/2023	28 th September 2023	Wakiso	Landlord	The client had a disagreement with his partner over infidelity. The partner got upset and they screamed at each other for several minutes, after which the partner loudly announced to the neighbourhood that the client was a homosexual. The neighbours informed the landlord and the client was evicted.	1
22.	HRAPF/PA/171/2023	29 th September 2023	Wakiso	Landlady	The client's landlady saw a video on Tiktok in the background of which were photos of several persons from Uganda, including the client. The landlady concluded that this meant that the client was gay, and asked them to leave the house. She gave them 5 days' notice.	1

3.3. Cases of arrest

There were 3 cases of arrests of individuals on the basis of their real or presumed sexual orientation or gender identity. One of the arrests was on the charge of homosexuality under section 2 of the AHA while the other was on the charge of promotion of homosexuality under section 11 of the AHA. All the cases were in Kampala, and they involved 5 persons. In August 2023, there were 6 such cases affecting 11 individuals.

No.	Case code	Date of reporting	District	Charge	Brief facts	Number of Victims
1.	HRAPF/PA/192/2023	8 th September 2023	Kampala	Homosexuality	The client was arrested and detained for two days after a friend of his reported to the police that he was a homosexual. He was held for 2 days before being released on police bond.	1
2.	HRAPF/PA/193/2023	25 th September	Kampala	Promotion of homosexuality	Three people were arrested and detained for 10 days after one of them	3

		2023			met a man on a gay dating app and agreed to meet with him, only for the other to show up with police officers claiming that he was trying to recruit him into homosexuality. Since the three of them were in the same house at the time the complainant came to meet, they were all arrested.	
3.	HRAPF/PA/198/2023	1 st September 2023	Kampala	Homosexuality	The landlord of three women repeatedly asked one of them out and she repeatedly declined his advances, making him angry. The three were arrested and detained for two days because the landlord reported them to the police, accusing them of being homosexuals.	3

4. Comparison with August 2023

While there has been a slight reduction in the total number of cases recorded over the past two months, the number of cases specifically targeting people on basis of their SOGIE increased slightly from 47 in August to 49 in September, and the proportion of the total number of cases handled which involve violence and violations against persons on grounds of SOGIE also increased from 66.2% in August to 72.1% in September. This increase is a sustained trend from July, in which 63.1% of all cases handled involved actions deliberately targeting individuals on the basis of their SOGIE.

The number of individual victims affected greatly increased in September with cases affecting 73 persons compared to 59 in August, a 23.7% increase.

Cases of violence overtook those of evictions from rented property/ housing as the highest with 24 in September compared to 22 in August. Those of evictions remained constant at 22 while arrests reduced from 6 to 2.

5. Comparison with the period from 1st September 2022 to 30th September 2022

In September 2022, a total of 31 cases were handled involving LGBTQ persons, of which 9 cases involved actions that directly targeted persons on the basis of their real or presumed SOGIE (29%). The actions in these 9 cases affected a total of 11 people, and included 5 cases of real or threatened violence, 2 evictions and 2 arrests. There has been a clear increase in the number of cases being handled between the two time periods, with the general number of cases increasing dramatically from 31 in September 2022 to 68 in September 2023, an increase of 37 cases (119.4%). The cases in which LGBTQ people have been specifically targeted also increased dramatically from 9 in September 2022 to 49 in September 2023 (444.4%), a clear indication of the contribution that the homophobia surrounding the enactment and enforcement of the AHA 2023 to the upsurge in violence and violations based on real or presumed sexual orientation or gender identity.

6. An overview of trends in the first four months of the AHA 2023 in Uganda

In the first three months of the AHA 2023, a total of 288 cases involving LGBTIQ persons were handled across the legal aid network, of which 195 (67.7%) targeted LGBTIQ people on the basis of their sexuality, affecting a total of 249 persons. The breakdown of cases so far is as follows:

Nature of violation	June 2023	July 2023	August 2023	September 2023	Total number of cases
Evictions	19	26	22	22	89
Violence	23	21	19	24	87
Arrests	4	6	6	3	19
Total	46	53	47	49	195

The victims in these cases are:

Nature of violation	June 2023	July 2023	August 2023	September 2023	Total number of victims
Evictions	20	33	26	31	110
Violence	23	24	22	37	106
Arrests	7	10	11	5	33
Total	50	67	59	73	249

In comparison with the same three-month period in 2022, a total of 138 LGBTIQ cases were handled in that period, of which 43 cases (31.2%) contained actions that deliberately targeted LGBTIQ persons for detrimental treatment. This translates to an increase of 150 in the overall total number of cases handled, and an increase of 152 in the number of cases involving actions targeting LGBTIQ persons specifically – a clear indication that nearly all the new cases creating the current surge are directly as a result of attacks against LGBTIQ persons in the context of the enforcement of the AHA.

7. Conclusion

The four months since the AHA came into force have continued to be particularly difficult for LGBTIQ persons in Uganda, contrasting sharply with the same exact period from a year ago. While there have been claims from various state agencies within the Justice Law and Order Sector that the law is not being enforced, it is necessary to note that the law is quite clearly being formally enforced by the state. It is even more important to note that the AHA 2023 is in many ways self-enforcing, with non-state actors modifying their behavior in accordance to what they believe the law requires of them, including evicting suspected LGBTIQ tenants, reporting suspected LGBTIQ persons to the police and even attacking LGBTIQ persons verbally and physically, many of which actions go unaddressed in part because the victims are usually too afraid of further victimization to report these acts.