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ONE MONTH AFTER: INCREASING CASES OF VIOLENCE AND VIOLATIONS BASED ON REAL OR PRESUMED SEXUAL ORIENTATION AND GENDER IDENTITY IN THE FIRST MONTH OF THE ENFORCEMENT OF THE ANTI-HOMOSEXUALITY ACT, 2023

Kampala

14th July, 2023

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1. Introduction

The Anti-Homosexuality Act, 2023 (AHA) became law on 30th May 2023, and 30th June 2023 marked the 31st day of the law's coming into force. HRAPF's legal aid clinic has been handling cases involving LGBTIQ persons during this period and documenting them. This report summarises the cases that involve violence and violations against real or suspected LGBTIQ persons based wholly or partly on their sexual orientation and/or gender identity within the first 31 days of the law's being in force.

This report builds upon the report that HRAPF issued on 21st June 2023, which focused on cases of violence and violations that specifically targeted persons on the basis of their real or presumed sexual orientation and gender identity (SOGIE) in the first 21 days of the law's enforcement. The current report covers all the 31 days from 30th May 2023 to 30th June 2023.

2. Methodology

The data for this report has been collected and verified in the same manner as the previous report: this report contains only information reported to HRAPF through our legal aid network of community paralegals, the central legal aid clinic in Kampala and specialised legal aid desks and regional legal aid centres. The data was collected through a physical review of case files and monitoring registers to ascertain the number of cases handled, the nature and number of violations and incidents of violence reported and the number of persons affected. An in-depth review of documents on the case files was also undertaken for purposes of ascertaining the circumstances under which these cases took place, thus ensuring that only cases in which individuals were specifically targeted on the basis of their SOGIE are included in this report.

It is important to note that this report does not present a comprehensive view of the situation for LGBTIQ people across the country as it contains only the cases that were reported to HRAPF through our legal aid network, and excludes cases reported to other legal aid service providers/handled through other channels and those not reported at all. The report focuses on cases, which are defined as a separate set of facts involving the violation of laws or rights which are included in one file. Each case can therefore contain more than one violation against more than one individual.

3. Nature and number of cases reported

In the period from 30th May 2023 to 30th June, 2023 HRAPF has handled a total of 65 cases across the legal aid network. Of these 65 cases, 46 (70.8%) involved actions that specifically targeted people because of their real or presumed sexual orientation and/or gender identity, and affected a total of 50 individuals. These cases are: 23 cases involving violence or threats of violence affecting 23 individuals; 19 cases of evictions from rented property affecting 20 individuals; and 4 cases of arrests on sexuality-related cases, affecting 7 persons;

a) Cases of violence

HRAPF recorded a total of 23 cases involving violence or threats to violence and affecting 23 persons. There were no new cases of violence in the last 10 days of the 31-day period. Of the 23 cases, 6 cases involved actual violence affecting 8 persons and 17 involved threats of violence affecting 17 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	1

			group of unknown individuals who forced him out, beat him up and burnt some of his properties, accusing him 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	2

			questioned about being involved in homosexuality for several hours before they were released, although they were asked to leave the village immediately.	
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 17 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 of always having gay parties at their home and spreading homosexuality in their district. The incident happened on two separate occasions.	1
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	1

			also threatened to have him arrested if he ever tried to return home.	
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 threatening to have her beaten if she did not move because she was influencing their children.	1
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, burning 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	1

			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 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	1

			could not stand homosexuals. He also specifically stated that if her ever saw her again, he would beat her up.	
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 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.	1
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
HRAPF/PA/32/2023	30 th June 2023	Violence	A transgender woman who had been reportedly abducted and held for 8 days found upon her return that a social media campaign run by her colleagues and friends for her safe return been seen by the boda boda riders at the stage near her home, who then started taunting her and threatening to teach her a lesson if she did not stop being a homosexual.	1
HRAPF/PA/35/2023	30/6/2023	Violence, eviction	A gay met a person on Facebook with whom they became friendly, and he later invited the friend to visit him at his home. However, the two had a disagreement and the friend promptly started announcing to the neighbourhood that the victim was gay, claiming that he had proof of this in his phone. Since then, the neighbours started to harass him, threatening to have the landlord and LC chairperson evict him if he did not leave peacefully. He was later evicted by the property owner.	1
HRAPF/PA/36/2023	30/6/2023	Beatings, arson	The victim is a transgender woman who has lived in the same area for several years. However, she was recently approached by the	1

			neighbours, who informed her that they would set the house on fire with her in it if she did not leave the neighbourhood.	
HRAPF/PA/42/2023	23/6/2023	Beatings	The victim in this case was approached by two unidentified individuals on her way home. They demanded her phones, asking her if she had other homosexuals in her phone, and demanded money in exchange. Before they were scared away by an approaching motorist, they warned her that they knew her home and her office and would find her.	1

b) Evictions from rented property

19 cases of evictions from rented property affecting 20 individuals were recorded by HRAPF during the first month of the enforcement of the AHA. Details of the cases are as below:

CASE CODE	DATE OPENED	PERPETRATOR	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	1

			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.	
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	1

			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.	
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	1

			December 2022 on suspicion of being queer came to her house to remind her that, now that the 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
HRAPF/PA/33/2023	30/6/2023	Local council	The client was forced to	1

		authorities	leave the village where they previously stayed after the LC chairperson was informed by the landlord that the client was probably a homosexual because of his character and the fact that he never married or had any girlfriends visiting, which had made the neighbours curious. The council held a meeting and agreed that he should leave the village immediately or face arrest for homosexuality.	
HRAPF/PA/34/2023	30/6/2023	Local council authorities, landlord	The client was evicted from his home area following a disagreement with a neighbour relating to his sexuality. The two had a verbal altercation after which the neighbour physically assaulted him, causing the client to report the matter to the police and have him arrested. The matter was resolved through mediation but after this incident, the neighbour reported to the landlord and LC leadership that the client was a homosexual, and demanded that he be evicted, which both the chairperson and landlord agreed with.	1
HRAPF/PA/37/2023	27 th June	Landlord and	A man was subjected to	1

	2023	neighbours	subtle violence designed to force him to leave his rented accommodation without actually evicting him. The client's neighbour, who also happens to be his landlord's brother, started to suspect that the client was gay in February 2023, and confronted the client, who denied it. However, in March 2023, the client's power was disconnected by the landlord, who then refused to reconnect the power despite repeated requests from the client. The client's water supply was then cut off in May 2023 and in June 2023, the landlord informed him that he was increasing the rent by 50%. When he checked with his other neighbours, he found that their rent had not been increased at all, and they all had a steady supply of water and electricity. This case was reported on the vide case code	
HRAPF/PA/39/2023	26/6/2023	Landlord	The client had an argument with his partner which was heard by the neighbours. They immediately called the	1

			landlord to inform him that the client and his partner were homosexuals, and less than two hours after that the landlord showed up with an eviction notice, demanding that the client leave his house with immediate effect. Efforts to mediate the matter were fruitless, with the landlord offering to give the client only one week to leave the premises.	
HRAPF/PA/40/2023	26/6/2023	Local council authorities	The client received a notice from the LC chairperson stating that the council had had a meeting and agreed unanimously that she leave the village immediately because of her homosexuality. Efforts were made to mediate the matter by speaking to the chairperson but he simply insisted that if she was not gone within the week, the council could not offer her any protection against mob violence.	1
HRAPF/PA/41/2023	23/6/2023	Landlord	The client was evicted from the rented accommodation when the landlord heard rumours from the neighbours that he was really a woman who	1

			dressess and behaves like a man, and therefore a homosexual, and not a man as the landlord had initially thought. The landlord threw him out with immediate effect, forcing him to leave without his properties and stay with a friend.	
HRAPF/PA/43/2023	23/6/2023	Landlord	In this case, a transgender woman was forced to leave her rented accommodation after the neighbours witnessed her kissing her boyfriend at the entrance to their house one night after an outing. The neighbours complained to the landlord and insisted that they would move out the rented premises if she was not kicked out, and the landlord responded by demanding that she move out immediately.	1
HRAPF/PA/44/2023	21/6/2023	Landlord	The client had a heated verbal exchange with his partner in the course of which the neighbours were able to surmise that the two were lovers. They immediately informed the landlord, who called the client and demanded that he leaves the house within a week to avoid being arrested.	1
HRAPF/PA/45/2023	28/6/2023	Clan elders	The client was evicted from her village by her	1

			clan elders. This happened less than a week after she was released from prison where she had been held on charges of prostitution, although the arrest itself was accompanied by rumours that she is a lesbian. These rumours had been heard by her family, and the clan held a meeting while she was in custody resulting in her eviction from the village and ousting from the family unit.	
HRAPF/PA/48/2023	29/6/2023	Landlord/ Local council authorities	The client is an intersex woman whose arrest for 'unnatural offences' was widely publicised in the media. After she was released on police bond, she went back home, only to be informed by her landlord that she had to leave the house immediately, and by the LC Chairperson to leave the village altogether.	1
HRAPF/PA/49/2023	23/6/2023	Landlord, Local council authorities	The victim in this case is a transgender woman was arrested in 2021 for homosexuality and the matter publicised all over the news. Recently, a video of her resurfaced and her neighbours showed it to her landlord, who reported her to the police. She was	1

			summoned to explain herself and, although she was not charged, both the landlord and the LC chairperson, who were present, insisted that she leave their village immediately.	
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c) Cases of arrest of LGBTIQ persons

There have been four cases of arrests of LGBTIQ persons based on their sexual orientation/gender identity in the first 31 days of enforcement of the AHA, affecting 7 individuals. The cases of arrests are as below:

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 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.	1
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	1

			authorities and media houses that picked up the story.	
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
HRAPF/PA/38/2023	29/6/2023	Promotion of homosexuality under section 11 of the Anti-Homosexuality Act and child grooming under section 8 of the AHA	In this case, three people living at an crisis shelter were arrested and detained for two days on charges of promotion of homosexuality and child grooming. This happened when, following a tenancy dispute with their landlord, he reported to the police that the organisation was promoting homosexuality and harbouring young people in the shelter located at his house. One of the persons detained was the administrator of the shelter while the other two were residents.	3

4. Comparison with the month following the Bill's passing by Parliament

During the period of 31 days immediately preceding the coming into force of the Act (29th April 2023 to 28th May 2023), HRAPF received and handled a total of 50 cases across the legal aid network, and 37 of these (35%) involved actions that directly targeted LGBTQ people on the basis of their sexuality, affecting 39 persons. Of these cases, 22 cases involved violence, 8

involved evictions from rented property, 6 were cases of arrest on sexuality-based charges and 1 case involved denial of inheritance .

This comparison shows an increase in the number of cases in the 31 days period when the Act came into force compared to the 31 day period before it did. The number of cases involving violence and violations increased from 37 to 46, an increase of 24.3%. The cases of violence increased from 22 to 23 (4.5% increase), while those of evictions increased from 8 to 19 (137.5% increase) and but the cases of arrest reduced from 6 to 4 (33.3% decrease).

This shows that the trend of violence and evictions continues to rise although arrests are reducing – showing that more non state actors are involving in violence and violations than state actors, after the Act came into force.

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

In the same period during the year 2022, HRAPF recorded far fewer cases. A total of 36 cases were handled and of these, only 15 cases involved actions that targeted individuals on the basis of their real or presumed SOGIE (41.6%). This is a 206.6% increase in number of cases involving violence against persons based on their real or presumed SOGIE ,which shows the impact of the AHA on cases of SOGIE-based violence and violations.

Of these 15 cases, 7 cases involved real or threatened violence compared to 23 in 2023; 6 cases were of arrests compared to 4 in 2023; and 2 cases were of evictions compared to 19 in 2023. The percentage increase in the number of cases of violence is 228.5%, that in cases of evictions is 850% while that in arrests reduced by 33.3%.

This shows a drastic increase in cases of violence and evictions, but a reduction in cases of arrests, which has also become a noticeable trend since the Bill was first passed by Parliament.

6. Conclusion

This data demonstrates the continuing impact of the AHA on the lives and livelihood of LGBTQ people, with the law already being enforced by the police authorities, the local council authorities, the courts and even the general population. The statistics show a clear connection between the enactment of the AHA and the cases involving violence and violations against human rights of persons on the basis of sexual orientation and gender identity. What is notable is that there are charges being preferred under the Anti-Homosexuality Act with two charges for homosexuality and 3 for promotion of homosexuality and child grooming in the first month of the law. The Act is thus being enforced by non state actors and state actors.