

**Flygtningenævnets baggrundsmateriale**

|                                    |                                                                                                        |
|------------------------------------|--------------------------------------------------------------------------------------------------------|
| <b>Bilagsnr.:</b>                  | <b>351</b>                                                                                             |
| Land:                              | Uganda                                                                                                 |
| Kilde:                             | UK Home Office                                                                                         |
| Titel:                             | Country Policy and Information Note – Uganda:<br>Sexual orientation and gender identity and expression |
| Udgivet:                           | 1. april 2019                                                                                          |
| Optaget på<br>baggrundsmaterialet: | 23. april 2019                                                                                         |



Home Office

# **Country Policy and Information Note**

## **Uganda: Sexual orientation and gender identity and expression**

**Version 4.0**

**April 2019**

# Preface

## Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

## Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

## Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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# Assessment

Updated: 26 March 2019

## 1. Introduction

### 1.1 Basis of claim

- 1.1.1 Fear of persecution or serious harm by the state and/or non-state actors because of the person's actual or perceived sexual orientation and/or gender identity or expression.

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### 1.2 Points to note

- 1.2.1 This note provides analysis on the general situation of gay men, lesbians, bisexuals, trans and intersex persons, as well as those perceived as such. They are referred hereafter collectively as 'LGBTI persons', though the experiences of each group may differ.
- 1.2.2 Decision makers must also refer to the Asylum Instructions on [Sexual Identity Issues in the Asylum Claim](#) and [Gender identity and expression, including intersex issues in asylum claims](#).

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## 2. Consideration of issues

### 2.1 Credibility

- 2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#). Decision makers must also refer to the Asylum Instructions on [Sexual Identity Issues in the Asylum Claim](#) and [Gender identity and expression, including intersex issues in asylum claims](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the Asylum Instruction on [Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the Asylum Instruction on [Language Analysis](#)).

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### 2.2 Convention reason(s)

- 2.2.1 LGBTI persons in Uganda form a particular social group (PSG) within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to their identity or conscience that they should not be forced to renounce it, and have a distinct identity which is perceived as being different by the surrounding society.
- 2.2.2 Although LGBTI persons in Uganda form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question to be addressed is whether the particular person will face a real risk of persecution on account of their membership of such a group.

- 2.2.3 For further guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.3 Exclusion

- 2.3.1 The Refugee Convention provides a framework for international refugee protection but contains specific provisions to exclude certain persons from those benefits. The circumstances of each case, however, must be considered on its own facts.
- 2.3.2 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave guidance](#).

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## 2.4 Assessment of risk

### a. General points

- 2.4.1 Decision makers must establish whether or not an LGBTI person, if returned to their country of origin, will live freely and openly as such. This involves a wide spectrum of conduct which goes beyond merely attracting partners and maintaining relationships with them. Even if LGBTI persons who lived openly would not generally be at risk, decision makers must consider whether there are reasons why the particular person would be at risk.
- 2.4.2 If it is found that the person will in fact conceal aspects of his or her sexual orientation/identity if returned, decision makers must consider why.
- 2.4.3 If this will simply be in response to social pressures or for cultural or religious reasons of their own choosing and not because of a fear of persecution, then they may not have a well-founded fear of persecution.
- 2.4.4 But if a material reason why the person will resort to concealment is that they genuinely fear that otherwise they will be persecuted, it will be necessary to consider whether that fear is well-founded.
- 2.4.5 Decision makers must also consider if there are individual- or country-specific factors that could put the person at risk even if they choose to live discreetly because of social or religious pressures and/or whether the steps taken by them would be sufficient to avoid the risk of persecution. Some will not be able to avoid being known or perceived to be LGBTI whilst others will take some steps to conceal but would still be at risk.
- 2.4.6 For further guidance, see the Asylum Instructions on [Sexual Identity Issues in the Asylum Claim](#) and [Gender identity and expression, including intersex issues in asylum claims](#).

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### b. State treatment

- 2.4.7 Same-sex sexual acts are illegal under the Penal Code and punishable with up to life imprisonment. In practice, although LGBTI persons have been arrested they are rarely successfully prosecuted under the Penal Code. There are no laws that specifically legislate on gender identity and

expression. The constitution bans discrimination on a number of grounds but does not extend to sexual orientation or gender identity and expression, nor does it apply to same-sex marriage, which is prohibited (see [Legal rights](#) and [State attitudes and treatment](#)).

- 2.4.8 Some politicians and members of the government, including President Museveni, have publicly denounced sexual minorities (see [Public statements by government officials](#)).
- 2.4.9 Other laws, while not overtly anti-LGBTI, are sometimes used to arrest and harass LGBTI persons or restrict the activities of LGBTI advocacy and support groups. Gay pride events, although having taken place in the past, have been disrupted by the state or banned outright, the last having taken place in 2015 (see [Legal rights, Public statements by government officials](#) and [LGBTI groups, civil society and human rights NGOs](#)).
- 2.4.10 There have been human rights violations against LGBTI persons including acts by the police and other state agencies. LGBTI persons who have been arrested and/or detained reported being subjected to ill-treatment, including humiliation, physical and sexual assault and being subjected to forced anal examinations (see [Arrests, detention and ill treatment](#)).
- 2.4.11 LGBTI persons suffer discrimination in accessing services such as healthcare, including access to HIV / AIDS treatment and services, and a LGBTI advocacy group had a health event closed by police on government orders. There have been reports of healthcare workers calling state actors to arrest LGBTI persons when they attended clinics for assistance (see [Public statements by government officials](#) and [Access to services](#)).
- 2.4.12 While LGBTI persons may face ill-treatment and discrimination from the state, they are not generally targeted and subjected to ill-treatment that, by its nature and repetition, amounts to persecution or serious harm from the authorities.
- 2.4.13 Each case must, however, be considered on its facts and the onus is on the person to demonstrate why, in their particular circumstances, they would be at real risk from state actors on the basis of their sexual orientation or gender identity or expression (see [State attitudes and treatment](#)).

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### c. Societal treatment

- 2.4.14 Uganda is generally a conservative country where sex and sexuality are not openly discussed. Homophobic views are widespread and there is a general lack of acceptance of LGBTI persons, with some people believing being LGBTI is a western concept. A 2016 report noted that 57% of Ugandans surveyed felt that being an LGBTI person should be a crime with 31% disagreeing (see [Societal attitudes and treatment](#)).
- 2.4.15 LGBTI persons have been subjected to violent attacks and societal discrimination and harassment involving intimidation, blackmail, loss of property and eviction, denial of educational opportunities, loss of employment, difficulties in accessing health care, and community discrimination. Some LGBTI persons have been rejected by their families. Some have also experienced physical and sexual attacks, including

‘corrective rape’ and mob violence although documented incidents of mob violence are rare. A 2018 report noted that despite the widespread nature of violent attacks and threats they were less frequent than in the past (see [Societal attitudes and treatment](#) and [Access to services](#)).

- 2.4.16 Approximately 30-50 LGBTI NGOs reportedly operate in Uganda, the strongest being Sexual Minorities Uganda (SMUG) the umbrella organisation co-ordinating 18 LGBTI groups. LGBTI NGOs provide various forms of assistance and support to LGBTI persons. Civil society organisations and their members have also been subject to harassment and threats by societal actors (see [Other legislation affecting LGBTI persons](#) and [Civil society](#)).

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#### d. Conclusion

- 2.4.17 In the country guidance case of [JM \(homosexuality risk\) Uganda CG \[2008\] UKAIT 00065 \(11 June 2008\)](#), heard 30 November 2007, the Asylum and Immigration Tribunal found that in general the evidence did not establish that there was ‘persecution of homosexuality’ (paragraph 171).
- 2.4.18 However, since JM the situation for LGBTI persons has changed. The passage of the Anti-Homosexuality Act (AHA) into law in 2014 increased, often negative, public discourse about LGBTI rights and led to an upturn of incidents of violence and discrimination against LGBTI persons. While the AHA is no longer law, same-sex sexual acts remain unlawful and anti-LGBTI rhetoric and discrimination persist.
- 2.4.19 A person who is open about their sexual orientation and/or gender identity and expression may face harassment and discrimination from the state and is likely to experience societal discrimination, including harassment and violence. The accumulation of such treatment by state and non-state actors is likely to be sufficiently serious by its nature and repetition to amount to persecution or serious harm. Each case, however, will need to be considered on its individual facts, with the onus the person to demonstrate that they face a risk.
- 2.4.20 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.4.21 Decision makers must also refer to the Asylum Instructions on [Sexual Identity Issues in the Asylum Claim](#) and [Gender identity and expression, including intersex issues in asylum claims](#).

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## 2.5 Protection

- 2.5.1 The police do not usually investigate cases of violence against the LGBTI community, instead arresting or detaining the victims. However, a number of civil society sources acknowledge increasing co-operation between the police leadership, including training, and the LGBTI community. Civil society has also documented a few incidents where the police have assisted LGBTI persons, for example protecting individuals from mob violence (though sometimes by arresting and taking them into protective custody) (see [Police support to LGBTI persons](#)).

- 2.4.1 Where the person fears persecution/serious harm at the hands of the state, they will not be able to avail themselves of the protection of the authorities.
- 2.4.2 Where the person has a well-founded fear of persecution from non-state actors, the state is, generally, able but unwilling to provide effective protection. As same-sex sexual acts are prohibited in Uganda, it would be unreasonable to expect a person identifying as LGBTI, who fears persecution or serious harm by non-state actors, to seek protection from the authorities without themselves facing a risk of prosecution. Decision makers must, however, consider each case on its facts. The onus is on the person to demonstrate why they would not be able to seek and obtain state protection.
- 2.4.3 For further guidance on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#). Decision makers must also refer to the Asylum Instructions on [Sexual Identity Issues in the Asylum Claim](#) and [Gender identity and expression, including intersex issues in asylum claims](#).

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## 2.6 Internal relocation

- 2.6.1 Where the person has a well-founded fear of persecution from the state, internal relocation will not be reasonable.
- 2.6.2 Where the person has a well-founded fear of persecution from a non-state actor, decision makers should consider each case on its individual circumstances to ascertain if the threat is local and could be removed by internal relocation. However, prejudice against LGBTI persons is prevalent and widespread which may make internal relocation difficult. Each case must be considered on its own facts.
- 2.6.3 The law provides for freedom of internal movement and the government generally respects these rights (see [Freedom of movement](#)).
- 2.6.4 Internal relocation will not be an option if it depends on the person concealing their sexual orientation and/or gender identity in the proposed new location for fear of persecution.
- 2.6.5 For further guidance on internal relocation and the factors to be considered, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#). Decision makers must also refer to the Asylum Instructions on [Sexual Identity Issues in the Asylum Claim](#) and [Gender identity and expression, including intersex issues in asylum claims](#).

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## 2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# Country information

Section 3 updated: 25 March 2019

## 3. Legal rights

### 3.1 Overview

- 3.1.1 Section II of the [Uganda LGBTI Violations Report 2016](#), released in September 2016 by the Human Rights Awareness and Promotion Forum (The HRAFP report 2016) provides a useful, detailed discussion of LGBTI persons' legal rights, including high profile litigation in the Ugandan courts during 2015.<sup>1</sup>

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### 3.2 Constitution

- 3.2.1 The [Constitution](#) prohibits discrimination on a number of grounds, including sex and HIV/communicable disease status. However, it does not address sexual orientation or gender identity or expression other than to state that 'Marriage between persons of the same sex is prohibited.'<sup>2</sup>

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### 3.3 Penal Code

- 3.3.1 Same-sex consensual sex is illegal under sections 145 and 146 of the Penal Code, which, amongst other things criminalises 'carnal knowledge of any person against the order of nature' and is punishable with up to life imprisonment<sup>3</sup>. The Penal Code does not specifically refer to women but The International Lesbian and Gay Association (ILGA) annual survey of laws on sexual orientation and gender identity stated that same-sex relations between women are illegal.<sup>4</sup>
- 3.3.2 The Sexual Offences Bill (2015) expands criminalisation of same-sex consensual sex to include women<sup>5</sup>. In August 2018, the Bill was still being considered by the Ugandan parliament<sup>6</sup>. In February 2019 the website of the Parliament of the Republic of Uganda announced that 'The Sexual Offences Bill will be re-tabled following an impasse at the committee stage where it was supposed to be processed clause by clause ... The bill seeks to consolidate laws relating to sexual offences and provide procedural and evidential requirements during trial of sexual offences...'.<sup>7</sup> As at March 2019,

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<sup>1</sup> HRAFP, Uganda LGBTI Violations Report 2016, September 2016, [url](#).

<sup>2</sup> Constitution of the Republic of Uganda, 2006, [url](#).

<sup>3</sup> Government of Uganda, Penal Code Act 1950, chapter 120, [url](#).

<sup>4</sup> ILGA, State-Sponsored Homophobia, ... (page 89), 15 May 2017, [url](#)

<sup>5</sup> Uganda Children's Portal, The Sexual Offences Bill 2015, [url](#).

<sup>6</sup> TND News Uganda, Parliament ready to pass sexual offences bill ..., 12 August 2018, [url](#).

<sup>7</sup> Parliament of the Republic of Uganda, Sexual offences Bill to be re-tabled, 20 February 2019, [url](#)

in sources consulted (see [Bibliography](#)) no information could be found that the Sexual Offences Bill (2015) has been passed in to law.

3.3.3 The United States State Department (USSD) Country Report on Human Rights Practices for 2017 (USSD report 2017) stated: ‘Consensual same-sex sexual conduct is illegal according to a colonial era law that criminalized “carnal knowledge of any person against the order of nature” and provided for a penalty of up to life imprisonment.’<sup>8</sup>

3.3.4 In addition to articles 145 and 146 of the Penal Code, there are other provisions that may, according to the consortium of NGOs in the HRAPF report 2016, be used against LGBT persons including the offences of:

- Indecent practices (article 148)
- Common nuisance (article 160)
- Being idle and disorderly (article 167)
- Being rogue and vagabond (article 168)
- Personation – any person who falsely represents themselves (art. 381)<sup>9</sup>

3.3.5 The Finish Immigration Service report, Status of LGBT people in Cameroon, Gambia, Ghana and Uganda, dated 3 December 2015, stated:

‘Section 381 (“Personation in general”) of the Ugandan Penal Code states the following:

‘(1) Any person who, with intent to defraud any person, falsely represents himself or herself to be some other person, living or dead, commits a misdemeanour.

‘(2) If the representation is that the offender is a person entitled by will or operation of law to any specific property, and he or she commits the offence to obtain that property or possession of it, he or she is liable to imprisonment for seven years.

‘Human Rights Watch reported that this section had been frequently used to arrest transgender persons, despite the lack of evidence that they intended to “defraud.”’<sup>10</sup>

3.3.6 There is no mention of gender identity or expression in the Penal Code<sup>11</sup>.

See the full text of the [Penal Code](#). See also [Other legislation affecting LGBTI persons and Arrests, detention and ill-treatment of LGBTI persons](#)

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## 3.4 Anti-Homosexuality Act

3.4.1 The Human Dignity Trust report, The Criminalisation of Consensual Same-Sex Sexual Relations Across the Commonwealth – Developments and Opportunities, stated:

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<sup>8</sup> USSD, USSD report 2017 (section 6), 20 April 2018, [url](#).

<sup>9</sup> HRAPF, Uganda LGBTI Violations Report 2016 (p22), September 2016, [url](#).

<sup>10</sup> Finnish Immigration Service, Status of LGBT people...Uganda, (page 71) 3 December 2015, [url](#).

<sup>11</sup> Government of Uganda, Penal Code Act 1950 (chapter 120), [url](#)

'The Anti-Homosexuality Act (AHA) became law on 24 February 2014. Its provisions lengthened sentences for adults found guilty of same-sex relationships and extended punishments to people involved in "promoting homosexuality". On 1 August 2014, the Ugandan Constitutional Court declared Uganda's AHA void on the basis that parliament did not have the constitutionally required quorum of one third of parliament members when the act was passed on 20 December 2013.'<sup>12</sup>

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### 3.5 Prohibition of Promotion of Unnatural Sexual Practices Bill

#### 3.5.1 An Equal Rights Trust article, Ugandan Prohibition of Promotion of Unnatural Sexual Practices Bill Clearly Violates International Law, dated 12 December 2014, stated:

'In August 2014, the Constitutional Court of Uganda struck down the Anti-Homosexuality Act 2014 on the basis that the legislation had been passed by the Parliament of Uganda without the required quorum. In response, a number of parliamentarians in Uganda called for similar legislation to be adopted in its place, and a committee of MPs from the governing party, the National Resistance Movement, was established to prepare a revised version of the law. In November 2014, a copy of the draft version was made available to the Equal Rights Trust.

'The Bill creates various new offences, all of which can be loosely described as in some way "promoting" so-called "unnatural sexual practices". Clause 1 of the Bill defines an "unnatural sexual practice" as "A sexual act between persons of the same sex, or with or between transsexual person (sic), a sexual act with an animal, and anal sex, within the meaning of section 145 of the Penal Code Act." The Bill sets out various means by which "unnatural sexual practices" can be "promoted", acts which could be interpreted as including simply providing information on safe same-sex sexual activity, renting a room to a LGBT people or raising money for LGBT organisations.'<sup>13</sup>

#### 3.5.2 Amongst sources consulted (see [Bibliography](#)) no information could be found about the passing of the Prohibition of Promotion of Unnatural Sexual Practices Bill in to law.

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### 3.6 Other legislation affecting LGBTI persons

#### 3.6.1 On 30 January 2016 President Museveni assented to the Non-Governmental Organisations Act (NGO Act) which replaced 'the Non-Governmental Organisations (Registration) Act, Cap 113, which was last amended in 2006.'<sup>14</sup> A response compiled for the Library of Congress' Global Legal Monitor from a range of sources noted the NGO Act:

'[E]stablishes [an] NGO regulatory body, the National Bureau for Non-Governmental Organisations... Among other tasks, the functions of the Bureau include establishing and maintaining a register of NGOs and issuing

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<sup>12</sup> Human Dignity Trust, The Criminalisation of Consensual Same-Sex Sexual ..., 2015 (p. 15), [url](#).

<sup>13</sup> Equal Rights Trust, Ugandan Prohibition of Promotion of Unnatural..., 12 December 2014, [url](#).

<sup>14</sup> The Observer (Kampala), Uganda: Museveni's Assent to NGO Act..., 26 February 2016, [url](#)

and renewing NGO permits... The Bureau has the power to “blacklist” (a term not defined by the Act), suspend, or revoke the permits of an NGO... Although the Bureau is required to “give an organization the opportunity to be heard” before it takes any such action, the Act does not define what that actually entails... However, decisions of the Bureau may be appealed to a body known as the Adjudication Committee and then to the High Court...

‘Under the new NGOs Act, any act deemed prejudicial to Uganda’s security, interest, or the dignity of its people is an offense, which, upon conviction, is punishable by a fine and/or a maximum of three years in prison... [However] Neither the new Act nor the previous one defines what would constitute this type of act.’<sup>15</sup>

- 3.6.2 Adrian Jjuuko, executive director of Human Rights Awareness and Promotion Forum, a Ugandan NGO advocating for human rights, opined in February 2016 that the NGO Act’s section 44 which imposes special obligations on NGOs bars organisations from doing anything that would be prejudicial to the ‘security of Uganda’ and the ‘interests of Uganda and the dignity of Ugandans’ are potentially ‘... a way of reintroducing the Anti-Homosexuality Act. This part of the NGO Act achieves the same aim as the promotion of homosexuality provisions. The provision assumes that the interests of Ugandans are homogeneous.’<sup>16</sup>

- 3.6.3 An Erasing 27 Crimes report Uganda: Anti-LGBT stigma restricts health care; HIV rate up, published on 17 February 2017 stated:

‘The Ugandan parliament has indirectly promoted the spread of AIDS by passing laws that hamper the work of anti-HIV programs.

‘Uganda is consistently pursuing aggressive, dangerous and discriminatory HIV/AIDS laws against LGBTI people. Those include the recent HIV/AIDS Prevention and Control Act of 2015, which requires disclosure of HIV status and declares the spread of HIV infection a crime, and the Non-Governmental Organizations Act of 2015, which limits civil society organizations’ work in reaching out with health services for criminalized groups.’<sup>17</sup>

The Non-Governmental Organisations Act 2016 is available [here](#).

See [Regulation and treatment of LGBTI civil society groups](#) and [Access to services](#)

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Section 4 updated: 25 March 2019

## 4. State attitudes and treatment

### 4.1 The security services in general

- 4.1.1 The USSD report 2017 provided an outline of the role and structure of the security services:

‘Under the Ministry of Internal Affairs, the UPF has primary responsibility for law enforcement. The UPDF, under the Ministry of Defense, is responsible

<sup>15</sup> Library of Congress, Uganda: Non-Governmental Organizations Bill..., 17 March 2016, [url](#)

<sup>16</sup> The Observer (Kampala), Uganda: Museveni’s Assent to NGO Act..., 26 February 2016, [url](#)

<sup>17</sup> 76Crimes, Uganda: Anti-LGBT stigma... 17 February 2017, [url](#)

for external security and may aid civil authorities when responding to riots or other disturbances of the peace. The Chieftaincy of Military Intelligence is legally under UPDF authority and may detain civilians suspected of rebel or terrorist activity. Other agencies with law enforcement powers include the Directorate of Counter Terrorism, Joint Intelligence Committee, and Special Forces Brigade.<sup>18</sup>

- 4.1.2 The same report noted: 'The security services continued to use excessive force, including torture, often failed to prevent societal violence, and at times targeted civilians.'<sup>19</sup>
- 4.1.3 Human Rights Watch (HRW) noted in their 2018 World Report, covering events of 2017 that: 'Security officials' continue to use excessive use of force with impunity...'<sup>20</sup>

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## 4.2 Arrests, detention and ill-treatment of LGBTI persons

- 4.2.1 Human Rights Watch noted in their 2018 World Report, covering events of 2017 that: 'Police failed to end the practice of forced anal examinations of men and transgender women accused of consensual same-sex conduct. These examinations lack evidentiary value and are a form of cruel, inhuman, and degrading treatment that may constitute torture.'<sup>21</sup>
- 4.2.2 Sexual Minorities Uganda (SMUG) in their 2018 report, Even if they spit at you, don't be surprised, noted: '[... ] health workers still carry out forced anal examinations when the Uganda police forces individuals who have been arrested for "homosexuality", "sodomy", or "carnal knowledge against the order of nature" to be examined.'<sup>22</sup>
- 4.2.3 The HRAFP report 2018, covering events in 2017 noted in its executive summary:

'A total of 74 violations arising out of 45 verified cases were recorded in 2017. This is a drastic decrease in the number of violations recorded in 2016 which were 171 arising out of 91 cases...'

'The Uganda Police Force accounted for 26 of the violations verified in that year, representing 35.1% of all violations reported. The most violated right was the right to liberty. The state occasioned 15 of these violations, all of which were perpetrated by the Uganda Police Force.'<sup>23</sup>
- 4.2.4 The same report noted:

'The Uganda Police Force were once again the biggest violators of the rights of LGBT persons in Uganda for the year 2017, although there were much fewer violations perpetrated by the Police in that year than in any of the previous years. This high propensity to violate the rights of LGBT persons is easily explained by the fact that the Police often interfaces more with LGBT

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<sup>18</sup> USSD, USSD report 2017 (section 1.d), 20 April 2018, [url](#).

<sup>19</sup> USSD, USSD report 2017 (section 1.d), 20 April 2018, [url](#).

<sup>20</sup> HRW, World report 2018, 9 January 2018 [url](#)

<sup>21</sup> HRW, World Report 2018 (Section Sexual Orientation and Gender Identity), 9 January 2018, [url](#)

<sup>22</sup> SMUG, Even if they spit at you, don't be surprised (p28) June 2018 [url](#)

<sup>23</sup> HRAFP, Uganda LGBTI Violations Report 2018 (executive summary), October 2018, [url](#)

persons, especially when they come into conflict with the law, and the limited levels of knowledge and understanding of LGBT issues among the members of the Police force.

‘Nevertheless, there has been a tremendous improvement in the Police record with regards to the protection of the rights of LGBT persons. In the year 2017, the Police force accounted for 26 of the violations verified in that year, representing 35.1% of all violations reported. This was a reduction from 64 violations in 2016. Of these, three were violations of the right to equality and freedom from discrimination, fifteen were violations of the right to liberty, two were violations of the right to dignity and freedom from torture, cruel, inhumane and degrading treatment or punishment, two were violations of the right to privacy and four were violations of the right to freedom of expression, movement, association and assembly’...9 incidents involving arbitrary arrests of suspected LGBT persons were recorded in 2017.

‘...A number of times, the Police arrest and detain suspected LGBT persons merely on the suspicion that they are homosexuals. They then impose a holding charge, or a charge upon an offence that does not exist, and force the detainee to wait for days beyond the constitutionally mandated 48 hours for a state attorney to peruse the case file and advise that there is no case. In the event that HRAPF or another legal aid service provider does not hear about the case in time, the person detained can spend as long as a week in the Police custody. 4 such incidents were reported and verified in 2017.’

‘In 2017, one case involving a violation of the right to dignity and freedom from torture, cruel, inhumane and degrading treatment or punishment was registered and verified.’<sup>24</sup>

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### 4.3 Prosecutions

#### 4.3.1 The Finish Immigration Service report, Status of LGBT people in Cameroon, Gambia, Ghana and Uganda, dated 3 December 2015, stated:

‘Individuals are arrested due to suspicion of homosexuality, which is often based on appearance that does not conform to gender norms. Despite a large number of individuals having been arrested and charged for “carnal knowledge against the order of nature”, no person to date has been convicted under this law.

‘The passing and entering into force of the Anti-Homosexuality Act in 2014 (AHA) resulted in increased numbers of arrests as well as suspensions and closures of organisations working on LGBTI issues...Despite the increased number of arrests, nobody was charged under the new law while it was in force. The effects of the AHA can be interpreted as being more about legitimising the violence committed against LGBTI people as well as making arbitrary arrests and detentions themselves serve as a punishment, rather than actually prosecuting people under the law...’<sup>25</sup>

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<sup>24</sup> HRAPF, Uganda LGBTI Violations Report 2018 (page 9-14), October 2018, [url](#).

<sup>25</sup> Finnish Immigration Service, Status of LGBT people...Uganda, (p.74, 75) 3 December 2015, [url](#).

Amongst sources consulted (see [Bibliography](#)) CPIT could find no updated information on prosecutions of LGBTI persons.

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#### 4.4 Police support to LGBTI persons

##### 4.4.1 The Ugandan NGO consortium in the HRAPF report 2016 noted:

‘Private individuals continue to violate rights of LGBTI persons with impunity as in most cases these actions are implicitly condoned by law enforcement authorities, as the Police usually does very little to investigate the cases, and in some cases even condones them....

‘Police have also exhibited a worrying trend of failing to investigate violations against LGBTI persons. In most cases, instead of assisting and investigating such cases, they instead arrest the LGBTI persons and prefer charges on them based on their sexual orientation and gender identity. In one case, a suspected gay man fought with his partner and was badly injured. He went to police to report a case of assault and after making his statement, he and his partner were instead arrested on charges of sodomy.

‘In all these [30 violations perpetrated by the community] and more cases, the perpetrators were never brought to book....’<sup>26</sup>

##### 4.4.2 The same report noted:

‘As the trend has been before, the authors of this report acknowledge the increased cooperation between the Police leadership and the LGBTI community. The Police’s leadership and especially the Directorate of Human Rights and Legal Services continued to be actively engaged in the protection of LGBTI rights. The Director himself, Assistant Inspector General of Police Erasmus Twaruhukwa and his staff were always available throughout the year, and could be contacted at any time in case the Police were violating the rights of LGBTI persons. Activists and lawyers used this channel on many occasions and in all those cases there was a positive outcome.

‘In a number of instances, the Police came out to protect the rights of LGBTI persons. Like in 2014, five separate incidents were verified in 2015 where police protected LGBTI persons. What should be of note is that in all but one of these cases of protection, there were violations being committed by the Police and this one instance simply stood out.’<sup>27</sup>

##### 4.4.3 The report gave specific examples of police assistance, including:

- 2 cases where the police protected LGBT persons from mob violence (though this included the arrest of 9 men on charges of sodomy, but whom the police then wished to release but would only do so once the NGO HRAPF had found somewhere safe for the men to go)
- Assistance in accessing property following a person’s eviction because of their sexual orientation

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<sup>26</sup> HRAPF, Uganda LGBTI Violations Report 2016 (p35 and 48), September 2016, [url](#).

<sup>27</sup> HRAPF, Uganda LGBTI Violations Report 2016 (p25-26, 35 and 48-49), September 2016, [url](#).

- Release of a trans person who was arrested for ‘dressing like a woman’, after the police concluded that ‘they did not really see a problem with cross dressing’.<sup>28</sup>

4.4.4 A Ugandan Daily Monitor report, Police organise workshop on how to protect gays, dated 15 November 2017, stated:

‘Police have organised a meeting in which they will sensitize its police officers on how to protect rights of lesbian, gay, bisexual and transgender (LGBT).

‘According to the police message ...40 police officers from Kampala Metropolitan Police Area are supposed to converge at Tick Hotel in Kawempe Division on Thursday.

“There will be a sensitisation workshop on minorities rights (LGBT) on Thursday 16 November 2017 at Tick Hotel Kawempe (Division)...

‘The new move is seen as police’s softening stance against LGBT groups.

‘Police spokesman, Mr Emilian Kayima confirmed that the workshop funded by police partners will be held but was quick to point out that its objectives aren’t to promote homosexual practises.

“What the training is aimed at, is to teach our field officers to appreciate that minorities have rights that should be respected,” Mr Kayima said on Wednesday.

‘Mr Kayima said they want their officers to treat each case that is brought to police according to its merit.

“If an intersexual person is arrested, the officers should be able to know how to handle the suspect. The officers must be able to know whether to detain the suspect in male or woman’s cell,” he said.’<sup>29</sup>

4.4.5 The HRAPF report 2018, focusing on events in 2017 noted:

‘For three years now, HRAPF has been actively engaged in training police officers to enable them understand the limits of the laws that they enforce, to appreciate their duty to protect the human rights of all persons and to reduce the violations occasioned by them against real and presumed members of the LGBT community. In the year 2017, a total of 4 trainings reaching out to 134 police officers across the country were conducted by HRAPF<sup>20</sup> with the support of the Uganda Human Rights Commission and the Directorate of Human Rights and Legal Services in the Uganda Police Force...This in part accounts for the reduced number of violations of human rights based on sexual orientation and gender identity that were occasioned by the Police in the year 2017.’<sup>30</sup>

4.4.6 The same report noted: ‘There have been isolated pockets of improvement in the human rights situation for LGBT persons who come into contact with the law. This is partly attributed to the increased engagement with police officers all over the country. HRAPF was able to register, during the year

<sup>28</sup> HRAPF, Uganda LGBTI Violations Report 2016 (p26-27), September 2016, [url](#).

<sup>29</sup> Daily Monitor, Police organise workshop on how to protect gays, 15 November 2017, [url](#).

<sup>30</sup> HRAPF, Uganda LGBTI Violations Report 2018 (p7), October 2018, [url](#)

2017, a number of incidents where the rights of LGBT persons were protected by the Police officers.’<sup>31</sup>

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#### 4.5 Public statements by government officials

- 4.5.1 A BBC News report, Uganda President Yoweri Museveni block anti-gay law, dated 17 January 2014, stated:

‘Homosexuals were "abnormal" or were so for "mercenary reasons" and could be "rescued", a local paper quotes his [President Yoweri Museveni’s] letter as saying...

‘His spokesman told the AFP news agency that Mr Museveni believes that gay people are sick but this does not mean they should be killed or jailed for life.’<sup>32</sup>

- 4.5.2 A SBS (Australian media network) report, The Ugandan government wants to bring back harsher anti-gay laws, dated 29 June 2017, stated:

‘Rebecca Kadaga, politician and Speaker of the Parliament of Uganda, has called for the country’s anti-homosexuality laws to be re-instated.

‘Same-sex sexual activity is already illegal in Uganda—punishable by up to seven years imprisonment—but Kadaga is pushing for harsher sentences for the LGBT+ community who are found guilty of homosexuality.

“There is no bill on homosexuality. What we need is a new bill,” she said.’<sup>33</sup>

- 4.5.3 The Observer, in an article published in August 2018 reported:

‘President Yoweri Museveni has attacked the West for “imposing” homosexuality and leaders of their choice on Africans, saying that this is an act of intolerance and lack of respect.

‘Museveni said for the Africans, sexuality is treated as a private matter but now the West is imposing its own values on the continent, ignoring the fact that as Africans they have an identity and a set of values that should be respected.

“Tolerance is something I find missing in the Middle East and even in Europe and it causes a lot of problems. On every issue, somebody wants to impose his views on other people. You come to the issue of homosexuality, they want to impose it on you,” said Museveni.

‘Museveni was on Thursday addressing the Global Peace Leadership Conference at Commonwealth Resort, Munyonyo. He said that the mishandling of identity is a big mistake saying that every body’s identity should be respected.

“Africans here, we know a few people who are rumoured to be homosexuals, even in history we had some few being rumoured but you cannot stand up here and say ‘am a homosexual.’ People will not like it, but whenever we talk to our partners from other part of the world, and say that is

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<sup>31</sup> HRAPF, Uganda LGBTI Violations Report 2018 (p8), October 2018, [url](#)

<sup>32</sup> BBC News, Uganda President Yoweri Museveni block anti-gay law, 17 January 2014, [url](#)

<sup>33</sup> SBS, The Ugandan government wants to bring back harsher anti-gay laws, 29 June 2017, [url](#)

a private matter, you leave it. They say no; they want to impose it on you that I should stand up and say; oyee, homosexuals oyee," said Museveni.<sup>34</sup>

- 4.5.4 The Guardian, in an article entitled Minister condemns plans for Uganda's first LGBT centre as 'criminal act', published 9 October 2018, stated:

'Activists trying to open Uganda's first centre for lesbian, gay, bisexual and transgender people have been told their plans for a safe space are illegal.

'Simon Lokodo, minister for ethics and integrity, said opening the community centre would be a criminal act.

"They will have to take it somewhere else. They can't open a centre of LGBT activity here. Homosexuality is not allowed and completely unacceptable in Uganda," he said. "We don't and can't allow it. LGBT activities are already banned and criminalised in this country. So popularising it is only committing a crime."<sup>35</sup>

See [LGBTI groups, civil society and human rights NGOs](#)

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## 5. Societal attitudes and treatment

### 5.1 Societal norms

A ScienceNordic article, 'Ugandan anti-gay laws have not curbed homosexuality' dated 11 April 2016, stated: 'The [Ugandan] culture is known to be exceptionally prejudiced against lesbians, gay men, bisexuals and transsexuals, attitudes that are also transmitted by the authorities...'<sup>36</sup>

See also [Public statements by government officials](#)

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### 5.2 Public opinion

- 5.2.1 The International Lesbian and Gay Association commissioned a global attitudes survey towards LGBT persons in 65 countries, including Uganda in 2016. The survey size in each country was between 700 and 3,200 people.<sup>37</sup> The survey results for Uganda released in 2016 are in the table below (numbers may not sum to 100% owing to rounding) :

|                                                  | Strongly agree | Somewhat agree | Neither | Somewhat disagree | Strongly disagree |
|--------------------------------------------------|----------------|----------------|---------|-------------------|-------------------|
| Being gay, lesbian, bisexual, trans, or intersex | 47%            | 10%            | 15%     | 5%                | 26%               |

<sup>34</sup> The Observer, Greedy West imposing homosexuality..., 3 August 2018, [url](#)

<sup>35</sup> The Guardian, Minister condemns plans for Uganda's first LGBT centre..., 9 October 2018, [url](#)

<sup>36</sup> ScienceNordic, Ugandan anti-gay laws have not curbed homosexuality, 11 April 2016, [url](#).

<sup>37</sup> ILGA-RIWI 2016 Global Attitudes Survey (p10), updated to June 2016, [url](#).

|                                                         |             |     |                        |    |                    |
|---------------------------------------------------------|-------------|-----|------------------------|----|--------------------|
| should be a crime?                                      |             |     |                        |    |                    |
| Same-sex desire is a Western phenomenon                 | 42%         | 12% | 19%                    | 5% | 23%                |
|                                                         | No concerns |     | Somewhat uncomfortable |    | Very uncomfortable |
| How would you feel if your neighbour is gay or lesbian? | 40%         |     | 15%                    |    | 45%                |

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- 5.2.2 In an opinion piece for The Guardian, published in August 2017 Frank Mugisha, the director for Sexual Minorities Uganda (SMUG) noted that some Ugandans viewed being gay as 'western'.<sup>39</sup>
- 5.2.3 The Independent noted in an article published on 17 May 2017, that Uganda's media council banned a Dutch film from being screened in the country as it 'glorified homosexuality'.<sup>40</sup>

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### 5.3 Violence, harassment and discrimination

- 5.3.1 The Ugandan NGO consortium in the HRAFP report 2016 observed that: 'Homophobia is still very prevalent in Uganda and therefore there is a prevalent lack of acceptance of LGBTI persons, even by their families. Family members have therefore been documented to perpetrate violations against their actual or perceived LGBTI relatives.'<sup>41</sup>
- 5.3.2 The same report noted that the majority of violations against LGBT persons it documented in 2015 were committed by non-state actors (contrasting with 2013 and 2014, where the majority were committed by the state):  
'Of the 171 violations, [non-state actors] ... were responsible for 93 of these. Most of the perpetrated violations by non-state actors were evictions of suspected LGBTI persons from their homes. Some of these were outright evictions while others were a result of insecurities arising from threats and attacks. This left many LGBTI persons homeless and without means of sustenance. The perpetrators responsible were property owners, families, community members and in a few instances, places of work.'<sup>42</sup>
- 5.3.3 The same went on to opine in its conclusion:

<sup>38</sup> ILGA-RIWI 2016 Global Attitudes Survey (p10), updated to June 2016, [url](#).

<sup>39</sup> The Guardian, Pride Uganda has been crushed. Please don't look away, 21 August 2017, [url](#)

<sup>40</sup> Independent, Uganda bans Dutch Film...17 May 2017, [url](#).

<sup>41</sup> HRAFP, Uganda LGBTI Violations Report 2016 (p45), September 2016, [url](#).

<sup>42</sup> HRAFP, Uganda LGBTI Violations Report 2016 (p35), September 2016, [url](#).

‘For the first time [compared to reports for 2013 and 2014], a report on violations showed that non-state actors perpetrated more violations than state actors. Of the 171 violations documented in this report, state actors perpetrated 93 of these which translate into 54.4% of the violations. This is a unique development, and it is hard to attribute it to anything in particular. It could be that there is more documentation of these violations or that the non-state actors have become more emboldened to carry out these violations. It should be noted that among the non-state actors, property owners ranked as the top most violator (see It would not be so farfetched to presume that the property owners are increasingly violating rights of LGBTI persons because their actions feel justified and in most cases, they are condoned by duty bearers like the Police. Most of the violations perpetrated by property owners are forceful evictions. These are rarely punished or addressed as in most cases, the property owners feel justified to evict actual or perceived LGBTI persons as most of these evictions are pursuant to complaints from the general community. The treating of LGBTI persons as outcasts is the accepted norm and this could be emboldening property owners and other non-state actors to violate rights of LGBTI persons.’<sup>43</sup>

- 5.3.4 The SMUG report, ‘And That’s How I Survived Being Killed’ stated in April 2016: ‘Sexual and gender minorities are often met with harassment from community members, friends, family, and state actors. Harassment most frequently takes the form of nonphysical homophobic or transphobic threats, ...However, LGBTI persons also face harassment in the form of intimidation ...blackmail, ...house intrusion, and ... loss of physical property.’<sup>44</sup>
- 5.3.5 The Finnish Immigration Service report Status of LGBT people in Cameroon, Gambia, Ghana and Uganda, dated 3 December 2015, stated:  
‘According to SIPD Uganda, an organisation that specialises on issues of intersex individuals, “[m]any people with intersex conditions experience significant stigma and discrimination in Uganda such as humiliation, ostracism, exploratory rape, evictions from accommodation facilities due to superstitions, ritualistic murder of intersex infants, lack of access to healthcare, employment, and education to exclusion from community and family life as well as domestic violence for mothers of such children”. Intersex persons face unique circumstances and concerns, but these are often confused with issues concerning gender identity and sexual orientation.’<sup>45</sup>
- 5.3.6 In respect of societal treatment of trans persons, the Finnish Immigration Service report stated ‘Transgender Ugandans and others who defy gender norms are subjected to the same discrimination as gay men and lesbian women, regardless of their actual sexual orientation. Violating gender norms can create a presumption of homosexuality and lead to harassment and arrest...’<sup>46</sup>
- 5.3.7 The International Lesbian and Gay Association (ILGA) annual survey of laws on sexual orientation and gender identity stated that ‘In May 2016, the [UN]

<sup>43</sup> HRAPF, Uganda LGBTI Violations Report 2016 (p50-51), September 2016, [url](#).

<sup>44</sup> SMUG, And That’s How I Survived Being Killed (p. 37), April 2016, [url](#).

<sup>45</sup> Finnish Immigration Service, Status of LGBT people...Uganda, 3 December 2015, [url](#).

<sup>46</sup> Finnish Immigration Service, Status of LGBT people...Uganda, (page 71) 3 December 2015, [url](#).

Committee overseeing the Convention of the Rights of People with Disabilities noted “the absence of concrete measures to prevent and eradicate discrimination against women and girls with disabilities... especially on the grounds of sexual orientation and gender identity”.<sup>47</sup>

- 5.3.8 The USSD report 2017 stated: ‘The HRAPF [Human Rights Awareness and Promotion Forum] reported numerous incidents of societal ... violence against LGBTI persons. Between February and April [2017], the HRAPF reported 11 cases in which attackers physically assaulted persons because of suspicions they were LGBTI individuals. In one case a mob doused a suspected LGBTI person with gasoline and set him on fire before police rescued him.’<sup>48</sup>
- 5.3.9 Sexual Minorities Uganda (SMUG) in their 2018 report, *Even If They Spit At You, Don’t Be Surprised*, noted ‘While less frequent; violent attacks, threats, and forced anal examinations on LGBTI persons are still widespread in Uganda.’<sup>49</sup>
- 5.3.10 HRAPF in their 2018 report noted in their executive summary ‘The trend of non-state actors perpetuating more violations than state actors continued this year [2017] with non-state actors being responsible for 45 violations out of the 74 recorded, accounting for 60.8% of all violations.’<sup>50</sup>

See [Access to services](#) and [LGBTI groups, civil society and human rights NGOs](#)

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Section 6 updated: 25 March 2019

## 6. Access to services

### 6.1 Healthcare

- 6.1.1 The UN Committee on Economic, Social and Cultural Rights expressed its concern in August 2016 that ‘... lesbian, gay, bisexual, transgender and intersex persons [were] being denied access to health care and, in particular, same-sex partners facing serious difficulties in accessing HIV/AIDS-related prevention and treatment[...] The Committee urged Uganda to investigate and deter acts of discrimination against lesbian, gay, bisexual, transgender and intersex people, bring perpetrators to justice and provide compensation to victims.’<sup>51</sup>
- 6.1.2 The April 2016 SMUG report ‘And That’s How I Survived Being Killed’ stated: ‘Perhaps one of the most frequent human rights abuses against LGBTI persons relates to accessing non-discriminatory healthcare. Although informal discussion among members of the LGBT community about

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<sup>47</sup> ILGA, *State-Sponsored Homophobia*, ... (page 105), 15 May 2017, [url](#)

<sup>48</sup> USSD, *USSD report 2017* (section 6), 20 April 2018, [url](#).

<sup>49</sup> SMUG, *Even If They Spit At You, Don’t Be Surprised* (pages 27-28) June 2018 [url](#)

<sup>50</sup> HRAPF, *Uganda LGBTI Violations Report 2018* (executive summary), October 2018, [url](#).

<sup>51</sup> UNHRC, *Compilation prepared by the Office of the UNHCHR...* (para 24) 29 August 2016, [url](#)

discrimination at health clinics occurs quite frequently, reported cases are rare. The normalization of this discrimination is extremely problematic. Although, there were only 5 documented cases relating to access to health care, we expect to see this number rise to its more accurate figure with continued documentation.’<sup>52</sup>

- 6.1.3 An Erasing 76 Crimes report Uganda: Anti-LGBT stigma restricts health care; HIV rate up, published on 17 February 2017 stated:

‘Ugandan lesbians, gays, bisexuals and intersex persons face exceptionally high levels of HIV infection because Ugandan society and institutions frequently deny them their economic, social, and cultural rights and exclude them from access to public health care, treatment and support.

‘A recent study showed that HIV prevalence among men who have sex with men (MSM) in Kampala is 13 percent, more than three times the average prevalence among heterosexual men in Kampala (4.1 percent) and about twice as high as the national average of 7.3 percent. Because of intolerance, discrimination, fear and lack of prioritization of LGBTI health needs, HIV prevention and treatment services in these communities are almost non-existent.

‘Some efforts are under way to ensure health care access for LGBTI and other key populations in Uganda, but they still face strong opposition from religious and institutionalized discrimination. For example, such opposition has stymied several activities supported by the current Global Fund ‘interventions grant for Uganda...

Similarly, work has stalled on analyses of the size of Uganda’s key populations, which is a necessary step toward providing improved treatment and prevention of HIV/AIDS and other sexually transmitted infections....

‘The increased HIV prevalence among members of Uganda’s LGBTI community has to be placed into context: Uganda is consistently pursuing aggressive, dangerous and discriminatory HIV/AIDS laws against LGBTI people. Those include the recent HIV/AIDS Prevention and Control Act of 2015, which requires disclosure of HIV status and declares the spread of HIV infection a crime, and the Non-Governmental Organizations Act of 2015, which limits civil society organizations’ work in reaching out with health services for criminalized groups.’<sup>53</sup>

- 6.1.4 A GayTimes report, Ugandan Minister of Ethics shuts down IDAHOBIT Day event, dated 19 May 2018, quoted Christine Stegling, the executive director for the HIV / AIDS Alliance “‘The discrimination and stigma LGBTI people face in Uganda affect all areas of their life, including their right to access health services and is a major driver of the HIV epidemic within this community.”<sup>54</sup>
- 6.1.5 Sexual Minorities Uganda (SMUG) in their 2018 report, Even If They Spit At You, Don’t Be Surprised, noted that

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<sup>52</sup> SMUG, And That’s How I Survived Being Killed (p. 37), April 2016, [url](#).

<sup>53</sup> 76Crimes, Uganda: Anti-LGBT stigma...17 February 2017, [url](#)

<sup>54</sup> Gay Times, Ugandan Minister of Ethics shuts down IDAHOBIT Day event, 19 May 2018, [url](#)

‘LGBTI peer-educators in Uganda have found there is a trend of health workers denying service to LGBTI-identifying persons when seeking services. This discrimination happens most frequently for LGBTI persons who express an outward identity or gender expression which conflicts with conventional understandings of gender in Uganda. Often this means transgender women, transgender men, gender nonconforming persons, ‘butch’ lesbians, and ‘fem’- gay men most frequently experience refusal of services.’

‘Perhaps the most frequent violation to sexual and gender minorities when seeking health services is infringement on their right to privacy. This takes many forms, but often occurs through stigmatization and ‘outing’ of LGBTI persons by health workers to the clinic, to peer clients, or to the community.’

‘Threats are usually made by health care workers or peer clients to call state actors to “arrest” LGBTI persons when they enter the clinic and seek services. ...Violent attacks, usually in the form of mobs, against LGBTI persons who display a “visible” identity of non-conformity, have been reported outside and inside health clinics when LGBTI persons have sought services.’<sup>55</sup>

6.1.6 The same report in its concluding paragraphs noted:

‘Stigma and discrimination are rampant. Yet stigma and discrimination are one of the fundamental causes of disease to spread, with dire health implications—for “key populations” and the general population alike. This institutionalized stigma forces Uganda’s sexual and gender minorities to experience higher rates of HIV, mental health concerns, and everything from denial of services to violent attacks. Although the current treatment of sexual and gender minorities in Uganda’s public health sector violates sexual and gender minorities’ constitutional rights and human rights guaranteed by international human rights declarations; those in power...continue to discriminate.’<sup>56</sup>

6.1.7 Freedom and Roam Uganda (FARUG), a lesbian, bisexual and queer (LBQ) and women’s rights organisation based in Uganda stated on their (undated) website

‘...(FARUG) runs the Uganda’s first exclusive Mini Clinic and a Drop In Centre (DIC) that offers a Safe Space where Lesbians, Bisexual, Queer (LBQ) womyn [sic] can access HIV related Health Care Services like Hepatitis B screening and vaccination, Counselling, Information (through our resource centre) Peer to Peer Support, Consumables like Condoms and Lubricants (through our Mini clinic) & program that provide free HIV screening and testing, Care and Support.’<sup>57</sup>

See [Arrests, detention and ill-treatment of LGBTI persons](#) and [LGBTI groups, civil society and human rights NGOs](#)

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<sup>55</sup> SMUG, Even If They Spit At You, Don’t Be Surprised (p. 20/21, 23 and p27-28) June 2018 [url](#)

<sup>56</sup> SMUG, Even If They Spit At You, Don’t Be Surprised (p32) June 2018 [url](#)

<sup>57</sup> FARUG, website, undated, [url](#)

## 6.2 Education

- 6.2.1 The SMUG report, *And That's How I Survived Being Killed* stated in April 2016: 'The [constitutional] right to education is restricted, when LGBT persons are denied educational opportunities and are subjected to harassment and bullying in schools because of their sexual orientation or gender identity. In addition, many families, friends, and community members will end educational support or opportunities to LGBT persons after their sexual orientation or gender identity is revealed.'<sup>58</sup>

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## 6.3 Employment

- 6.3.1 The April 2016 SMUG report '*And That's How I Survived Being Killed*' stated:

'Just before Kintu, 29, was terminated from his job in February, 2015, his employer handed him a letter that read, "Kintu you have been hardworking and flexible but I choose to let you go try your efforts elsewhere due to reasons not listed in this letter." What wasn't detailed in the letter was his employer's fear of losing [sic] customers for having employed a "gay man." After Kintu's boss was confronted by several of his workmates that suspected Kintu of being gay, he was terminated, unable to work, and earn money to live...

'For many LGBT Ugandans who are fired from work on grounds of their sexual orientation or gender identity, like Kintu, they do not want to pursue suing their former employers. In Kintu's case he had gained the job through a relative, and feared that his sexual orientation would be exposed to his family and the media if he took any legal action. Instead now Kintu is attempting to get his sister to sell off land in his village to raise money for him to start his own business — but was told that is only going to happen if he could show that he was "responsible" by introducing a girlfriend to the family.

'Finding work for LGBT Ugandans is extremely difficult. When LGBT identifying persons do find jobs, it almost always requires them to stay in the closet and hide their status as a sexual or gender minority — living in constant fear that they may one day be outed by coworkers, family, or community members. Nsubuga, 28, who was arrested, assaulted and harassed because of his sexual orientation told us about the difficulty in finding employment as an LGBT person in Uganda...

'Researchers documented 24 cases of sexual and gender minorities being terminated based on their sexual orientation or gender identity. When this happens, they face social exclusion from the community and difficulties in providing support for themselves and their families.'<sup>59</sup>

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## 6.4 Housing

- 6.4.1 The Ugandan NGO consortium in the HRAPF report 2016 documented violations committed by local authorities. It noted that: '... in six verified cases, the authorities violated rights. The actions engaged in by most of

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<sup>58</sup> SMUG, *And That's How I Survived Being Killed* (page 9), April 2016, [url](#).

<sup>59</sup> SMUG, *And That's How I Survived Being Killed* (pages 26-27), April 2016, [url](#).

these authorities were evictions and banishments from villages on the basis of sexual orientation...'.<sup>60</sup>

6.4.2 The SMUG report covering events between May 2014 and December 2015 noted that: 'Sometimes, local councils (LCs) formally require tenants to leave after being reported by landlords. These formal requests are often made on false premises for sexual and gender minorities, such as not paying rent on time.'<sup>61</sup>

6.4.3 The April 2016 SMUG report 'And That's How I Survived Being Killed' stated: 'Ugandan sexual and gender minorities are often forced to leave their homes, either by formal eviction from landlords or informal forced removal by neighbors and community members. These evictions are almost always grounded in fear from landlords and neighbors in hosting a "gay person." Of the 34 cases of eviction documented in this report almost all detailed the landlord or community members concern for having a "gay person" in the area. This language parallels that outlined in the Anti Homosexuality Act, in which having knowledge of a "homosexual" without reporting to police was a crime.

'Often when evictions happen, LGBT persons are forced to leave within hours and are left without their assets and belongings or a place to go. In addition, many are already living on their own after being banished by their families. Evictions make it very unsafe for LGBT persons, leaving them prone to violent attacks, because accusations of being "gay" from landlords often quickly spread by word of mouth and can spark "mob justice" in the surrounding community.'<sup>62</sup>

6.4.4 The same report noted:

'In many cases of eviction, immediate family members have forced LGBT persons out of the home. The state has the responsibility of promoting acceptance in the family and respect of the rights of the child to shelter, care and support irrespective of the child's sexuality. In this report there were 34 cases that involved family eviction or banishment.

'For LGBTI youth this type of eviction is all too common, leaving many without the necessary resources to access basic necessities and medical treatment.

'In May 2014, Muyomba, 20, was banished by his family after his father came across a Facebook profile on a laptop that revealed his sexuality. Consequently, Muyomba's 30 father physically beat him and demanded that he leave immediately while threatening to call police to arrest him for "being a homo."<sup>63</sup>

6.4.5 HRAFP in their 2018 report noted that: 'Property owners, specifically landlords and landladies of LGBT persons, perpetrated 7 human rights violations in 2017. Five of these were violations of the right to equality and

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<sup>60</sup> HRAFP, Uganda LGBTI Violations Report 2016 (p25-26, 35 and 48-49), September 2016, [url](#)

<sup>61</sup> SMUG, And That's How I Survived Being Killed (page 16), April 2016, [url](#).

<sup>62</sup> SMUG, And That's How I Survived Being Killed (page 15), April 2016, [url](#).

<sup>63</sup> SMUG, And That's How I Survived Being Killed (pages 18-19), April 2016, [url](#).

freedom from discrimination, while two were violations of the privacy of their tenants.’<sup>64</sup>

See [Violence, harassment and discrimination](#)

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Section 7 updated: 26 February 2019

## **7. LGBTI groups, civil society and human rights NGOs**

### **7.1 Civil society (NGOs) and activists**

#### **7.1.1 The DIS / DRC FFM report, citing a diplomatic source, stated that:**

‘... it is possible to categorize Ugandan LGBT activists into the following three groups:

‘1. The urban elite; activists who are highly profiled in the public, well connected to international actors and travelling to raise awareness for their cause not only on the national level, but also abroad.

‘2. Activists who have a more local focus, are not so well-travelled and mostly based in Kampala. An example would be members of the CSCHRCL of which approximately 50% are LGBT NGOs.

‘3. Grassroots-level activists and NGOs, often non-Kampala based, not travelling.

‘According to a Western embassy (A), tensions exist between the group of urban elite activists and the groups of local and/or grassroots activists and NGOs. The latter have expressed their disagreement with the urban elite’s work abroad, as it is found that the elite’s lobbying and efforts to for instance secure financial funding is painting an exaggerated bleak picture of the situation in Uganda. One example raising these concerns could be some LGBT bloggers e.g. ‘sebaspace’.[...] The grassroots activists have also expressed concern about the elite’s focus on the Bahati Bill, and they fear that this would have a negative effect on the credibility of the LGBT community in the long run.’<sup>65</sup>

#### **7.1.2 Two diplomatic sources in the same report noted:**

‘... there are approximately 30-50 LGBT NGOs in Uganda, many of which are very weak. The umbrella LGBT organization SMUG is one of the stronger organizations, but even that organization has capacity issues. One of the problems the organizations are facing is that they cannot register as NGOs. CSCHRCL has a broader and stronger basis for its activities. Other LGBT organizations such as FARUG have accountability issues to deal with.

‘A Western embassy (A) stated that some of the smaller civil society groups assisting the LGBT community for example are “KLUG”, a small local organization that provides support at the Universities in Kampala, “Icebreakers”, the Interfaith Rainbow Coalition, as well as specific transgender organizations. The embassy regularly receives emails from

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<sup>64</sup> HRAFP, Uganda LGBTI Violations Report 2018 (p. 20/21), October 2018, [url](#).

<sup>65</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda (p71) January 2014, [url](#)

smaller organizations seeking funding in order to support and assist LGBT persons.’<sup>66</sup>

7.1.3 The Finnish Immigration Service’s report covering LGBT persons in Uganda, based on a collation of original or primary sources to October 2015, stated:

‘Before the Anti-Homosexuality Bill of 2009, the LGBTI movement in Uganda had been rather disorganised. The bill led to a reorganisation of the movement, which now focused on the struggle to prevent further criminalisation in the short-run in addition to the ultimate goal of decriminalising homosexuality [...]. The work of LGBTI activists in Uganda has become extremely visible, with three activists (Julius Kagwa, Jacqueline Kasha Nabagesera and Frank Mugisha) having won prestigious international human rights awards [...]. There are several organisations in Uganda founded and run by LGBTI people that work on different aspects such as HIV/AIDS, policy advocacy, healthy living and creating safe spaces for LGBTI persons [...].

‘These groups have achieved small but significant gains by using the relative autonomy of the Ugandan judiciary to set legal precedents that protect the rights of LGBTI people, such as Kasha Jacqueline, David Kato and Onziema Patience v Rollingstone Publications Limited and Giles Muhame[...]. There are, however, difficulties involved in getting legal recognition for LGBTI organisations in Uganda[...]. Nonetheless, more organisations are being formed and activism is becoming more specialised, with specific groups starting to address their own specific issues [...].’<sup>67</sup>

7.1.4 Sexual Minorities Uganda (SMUG) is a non-profit, non-governmental organisation advocating for the fundamental human rights of LGBTI Ugandans. It has an active Twitter presence<sup>68</sup> (as at January 2019) which links to other organisations and LGBTI projects. According to its website ‘SMUG advocates for policy reform, while simultaneously monitoring and aiding to coordinate the efforts of 18 LGBTI organizations in Uganda. These organizations provide a plethora of services to the LGBTI community such as medical attention, counselling, guidance, as well as support for the economic empowerment of LGBTI individuals. SMUG works closely with local, regional and international human rights organizations and activists.’<sup>69</sup>

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## 7.2 Regulation and treatment of LGBTI civil society groups

7.2.1 The Ugandan NGO consortium in the HRAPF report 2016 explained:

‘The Uganda Registration Services Bureau is established by the Uganda Registration Services Bureau Act to, among other things, carry out all registrations required under the law. Among these registrations is the registration/incorporation of companies...during 2015, the Bureau refused the incorporation of three LGBTI organisations on the grounds that homosexuality is criminalised in Uganda under section 145 of the Penal

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<sup>66</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda (p72) January 2014, [url](#)

<sup>67</sup> Finnish Immigration Service, Status of LGBT people...Uganda (section 5.8), 3 December 2015, [url](#).

<sup>68</sup> Twitter, SMUG, undated, [url](#)

<sup>69</sup> SMUG, webpage (About us), undated, [url](#)

Code Act, thereby violating their right to freedom of association. This started with the incorporation of Sexual Minorities Uganda, an umbrella organisation bringing together 18 LGBTI organisations in Uganda. The Registrar General refused to reserve the name Sexual Minorities Uganda saying that it was undesirable.<sup>70</sup>

7.2.2 Human Rights Watch noted in its November 2016 submission to the Universal Periodic Review that: 'The government has increasingly sought to curtail the work of NGOs working on topics considered sensitive by the government, such as governance, human rights, land, oil, and the rights of lesbian, gay, bisexual and transgender (LGBT) people. Tactics include closure of meetings, threats, and heavy-handed bureaucratic interference.'<sup>71</sup>

7.2.3 Pink News reported in June 2016 that:  
'Rights Awareness and Promotion Forum Uganda (HRAPF) was broken into on 22 May [2016] and a security guard was killed as its offices were ransacked. The statement from HRAPF suggests that the four people who broke into the organisation made an attempt for "information rather than property". But the police investigation into the break-in has been criticised by human rights groups who say it was inadequate. Ugandan police spokesman Fred Enanga said following the attack that it could have been "masterminded" by employees and managers at HRAPF. The basis of his claim was that managers had initially appeared hesitant to share CCTV images with authorities.'<sup>72</sup>

7.2.4 Human Rights Watch noted in their 2018 World Report, covering events of 2017 that:

'The 2016 Non-Governmental Organisations Act includes troubling and vague "special obligations" of NGOs, such as a requirement that groups should "not engage in any act which is prejudicial to the interests of Uganda or the dignity of the people of Uganda." Another provision criminalizes activities by organizations that have not been issued with a permit by the government regulator, fundamentally undermining free association rights. A separate provision allows imprisonment for up to three years for violating the act...

'Concerns remain that the 2016 NGO law effectively criminalizes legitimate advocacy on rights of lesbian, gay, bisexual, and transgender (LGBT) people.

'In August, activists canceled (sic) Pride celebrations in Kampala and Jinja after the minister of ethnics and integrity threatened organizers with arrest and violence.'<sup>73</sup>

7.2.5 In February 2018 Human Rights Watch reported that:

'Ugandan rights organization Human Rights Awareness and Promotion Forum (HRAPF) was the target of a violent break-in...HRAPF works to protect the rights of marginalized groups including lesbian, gay, bisexual,

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<sup>70</sup> HRAPF, Uganda LGBTI Violations Report 2016 (p42), September 2016, [url](#).

<sup>71</sup> Human Rights Watch, November 2016 submission to the Universal Periodic Review, [url](#).

<sup>72</sup> Pink News, Ugandan police say LGBT organisation 'masterminded' break-in ...17 June 2016, [url](#).

<sup>73</sup> HRW, World report 2018, (section Freedom of Association...), 15 March 2017 [url](#)

transgender and intersex (LGBTI) people, and sex workers. The group reported that unidentified assailants broke into its office overnight, disabled parts of the security system, and slashed two guards with machetes, severely injuring them.<sup>74</sup>

- 7.2.6 In its 2019 World Report covering events of 2018 Human Rights Watch noted that:

‘On May 17 [2018], police and the Minister of Ethics and Integrity, Simon Lokodo shut down a celebration of the International Day Against Homophobia, Biphobia and Transphobia organized by the NGO Sexual Minorities Uganda. In May [2018], Lokodo vowed to block the health ministry’s first Annual Conference on Key and Priority Populations, arguing it would promote “homosexuality and other dirty things.” The conference did not take place.’<sup>75</sup>

- 7.2.7 A GayTimes report, Ugandan Minister of Ethics shuts down IDAHOBIT Day event, dated 19 May 2018, stated:

‘On International Day Against Homophobia, Biphobia, Intersexism and Transphobia (IDAHOBIT), Sexual Minorities Uganda were holding an event as part of the International HIV/AIDS Alliance’s PITCH programme.

‘The PITCH programme aims to build up the capacity of local civil society organisations in order for them to advocate for equal rights and for services to gain access to HIV treatment for those affected by the disease.

‘However, before the event was able to start, Ugandan police closed it down, on the orders of Uganda’s Minister for Ethics and Integrity, Simon Lokodo. This is the eighth time the state has shut down or interfered with an LGBTQ-related event in the past two years...

‘Christine Stegling, the executive director for the HIV / AIDS Alliance said: “We strongly condemn the actions of the Ugandan government, which are a blatant disregard for the human rights of lesbian, gay, bisexual, transgender and intersex people...

‘Richard Lusimbo, a research and documentation officer at Sexual Minorities Uganda said: “Intimidation and threats from government officials make it so difficult for civil society to even reach out to their constituents.

“We should be independent and supplementing the work of government, but government is doing everything possible to hinder the work of civil society, which is a huge violation of our rights.’<sup>76</sup>

- 7.2.8 The Kuchu Times (an online LGBTI news platform) in the article Rainbow Mirrors Evicted From Bunamwaya Offices published 25 July 2018 reported:

‘Rainbow Mirrors, an organization that advocates for the rights and equality of transgender youth through enhancement of skills and talents, has had to temporarily shut down operations after being ordered by their landlord to

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<sup>74</sup> HRW, Uganda: Human Rights Group Targeted in Violent Break-In, 9 February 2018, [url](#)

<sup>75</sup> HRW, World report 2019: Uganda, 17 February 2019, [url](#)

<sup>76</sup> GayTimes, Ugandan Minister of Ethics shuts down IDAHOBIT Day event, 19 May 2018, [url](#)

vacate his premises. The offices that housed the organization were located in Bunamwaya.

‘According to Rainbow Mirrors Executive Director Abdul Jamal Wasswa commonly referred to as Hajat, trouble started when the neighbors noticed that the premises were frequented by transgender persons. They immediately started surveying the office and on two occasions sent people to find out what business was being transacted within the premises.

‘They also lodged a complaint to the landlord and claimed that the occupants of his space were disturbing the peace of the neighborhood. It was from this that the landlord barred the staff of Rainbow Mirrors from accessing their offices..

‘She also shared that they registered a case that could have ended fatally after one of her staff was attacked by boda boda cyclists as she left the office, an incident that made them realise that their security was greatly threatened. Hajjat explained that her staff has also endured homophobic insults from the neighbours and anonymous phone calls threatening not only their work but also lives...

‘Human Rights Awareness and Promotion Forum (HRAPF) has come to the rescue and offered to temporarily host the organization...’<sup>77</sup>

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### 7.3 Activities of LGBTI groups

#### 7.3.1 A Global Human Rights undated article, ‘Resilience and Determination: Uganda’s LGBTI Movement’, stated:

‘While the Anti-Homosexuality Act has been temporarily put to rest, the situation for LGBTI people in Uganda remains dangerous...However, there exist a number of dynamic LGBTI rights organizations in Uganda who, despite the security risks, are continuing to fight for equality in court, document rights violations, provide legal aid to victims of discrimination and abuse, and challenge an overwhelmingly anti-gay mainstream media. The Fund for Global Human Rights has been a critical ally to these organizations—among them Sexual Minorities Uganda.

‘Sexual Minorities Uganda (SMUG) and its staff were among the first in Uganda to speak publicly about the prejudice and violence they faced in their every-day lives. SMUG was one of the leading organizations in the coalition that fought against the Anti-Homosexuality Act, and in addition to advocacy, the organization provides LGBTI individuals a much-needed safe space and community, as well as direct support, including documenting cases of abuse and detention and providing legal and psychosocial counseling.

‘Despite the personal risk involved, SMUG’s staff and volunteers have remained resolute and courageous advocates, even in the wake of threats and tragedy: following the brutal 2011 murder of SMUG’s advocacy director, David Kato, SMUG publicly declared its refusal to be intimidated, eventually filing and winning an injunction against the Ugandan tabloid that had

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<sup>77</sup> Kuchu Times, Rainbow Mirrors Evicted From Bunamwaya Offices , 25 July 2018, [url](#)

previously published David's name and photo under the banner "Hang Them."

'The Fund provided SMUG with one of its first grants, and we've supported the organization as it has expanded and increased its impact over time. The Fund stands with Uganda's LGBTI movement and organizations like SMUG no matter the challenges they face. We've provided seed-funding to new groups operating in near-secrecy, emergency support to activists facing violence and threats, and critical resources to groups pushing back against homophobia wherever it may be—from small towns to the halls of parliament.' <sup>78</sup>

- 7.3.2 An Independent article, Gay rights activists defy Ugandan laws by publishing new LGBTI magazine, dated 4 January 2015, stated:

'Gay rights activists in Uganda have risked detention by police, threats of violence and death threats to publish a new magazine sharing the stories of the country's lesbian, gay, bisexual, transgender and intersex (LGBTI) community.

'Campaigners in Kampala have launched Bombastic to "share the realities of being gay" in Uganda, where homosexuality activity is illegal, the mainstream media is openly hostile towards gay people and the government has repeatedly tried to introduce new laws to ban the "promotion of homosexuality".

'Homophobia is rife in the socially conservative country, but the team of 130 campaigners and volunteers behind Bombastic intend to hand out tens of thousands of copies by the end of this month and have plans to publish the ground-breaking title four times a year.

"Bombastic came about because we wanted to put right many of the falsehoods spread by the Ugandan media, which regularly publicly humiliates and degrades homosexuals," said Jacqueline Kasha, a lesbian activist and the magazine's organiser. "Instead, we are sharing our stories in the hope that we can change social attitudes. The people we are trying to reach out to are the people who are threatening to burn our houses and beat us."

'The first issue of the free magazine contains 20 personal stories, as well as articles on the clergy and homosexuality and health advice; 15,000 copies were printed before Christmas and a further 15,000 are expected to be delivered this week.' <sup>79</sup>

- 7.3.3 A Reuters report, Police raid shuts down Uganda's only gay film festival, dated 11 December 2017, stated:

'Uganda's only gay and lesbian film festival was forced to shut down at the weekend after police stormed the venue and film-goers fled, fearing arrest, its organisers said.

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<sup>78</sup> Global Human Rights, Resilience and Determination: Uganda's LGBTI Movement, undated, [url](#).

<sup>79</sup> Independent, Gay rights activists defy Ugandan laws..., 4 January 2015, [url](#).

‘On Saturday afternoon, the second day of the festival, three policemen, including one armed with an AK-47 rifle, burst into the festival venue in the capital Kampala...

‘Nicholas Opiyo, head of Chapter Four Uganda, an independent human rights group, said he informed the festival organisers that the police were on their way after a tip off.

‘Festival helpers and attendees quickly left the venue, where a police officer had already been waiting outside taking pictures of those going in and out with his cellphone, he said...

‘Uganda police have raided similar events before with officials accusing organisers of assembling illegally and promoting gay lifestyle.

‘Last year, Ugandan police raided a nightclub where a gay pride event was underway and arrested at least 15 people.

“For the past two years, it has been impossible to organise any major LGBT event (in Uganda),” Opiyo said.’<sup>80</sup>

- 7.3.4 The Guardian, in an article entitled ‘Minister condemns plans for Uganda’s first LGBT centre as ‘criminal act’ published 9 October 2018 noted the work being done by activists despite the government condemning the opening of an LGBTI community centre:

‘...fundraising is continuing, according to campaigners crowdfunding to build and open an advice and arts centre in the capital, Kampala, by the end of the year.

“Queer people live in fear of being arrested or getting beaten up or killed. There is no safe space. This is why my team want to open Uganda’s first LGBT community centre,” said Petter Wallenberg, director of the group Rainbow Riots.

“The centre will be a safe space to welcome queer people, encourage and support them. To achieve this, we are currently raising funds to cover the costs.

“We will provide opportunities to learn, relax, socialise and will also give advice on health and safety, which is much needed. It will in essence be a support system...”

‘Activists believe the arts can help to address transphobia and homophobia in the east African nation. Kowa Tigs, a member of Rainbow Riots, said: “In Uganda anyone can humiliate you, embarrass you, chase you from his house, school or even home and you know there is nothing you can do about it. There is resentment and hatred towards LGBTI people and they are seen as evil and un-African.

“We have had team members drop out because they are scared of being exposed. But if we don’t speak out, then who will? Someone has to take a front seat.”<sup>81</sup>

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<sup>80</sup> Reuters, Police raid shuts down Uganda’s only gay film festival, 11 December 2017, [url](#).

<sup>81</sup> The Guardian, Minister condemns plans for Uganda’s first LGBT centre..., 9 October 2018, [url](#)

## 7.4 Gay pride

### 7.4.1 A BBC News report, Ugandan police block gay pride parade, dated 24 September 2016, stated:

‘Ugandan police have blocked gay pride celebrations from happening in two resorts outside the capital, Kampala.

‘Gay rights activist Frank Mugisha said more than 100 LGBTI people tried to participate in the celebrations in Entebbe near Lake Victoria.

‘But many were escorted by police back to Kampala in minibuses.

‘The minister for ethics and integrity had threatened to mobilise mobs to attack participants. Homosexuality is illegal in Uganda.

‘After being blocked from entering the Entebbe resort, several dozen participants moved on to another resort but were kicked out by officers.

‘This is the second time the LGBTI [lesbian, gay, bisexual, trans, and/or intersex] community has tried to hold gay pride celebrations in Uganda this year. In August, the authorities broke up a beauty pageant and arrested activists.

‘The BBC's Catherine Byaruhanga reports from Kampala that it is unclear why this event was targeted, as over the past four years celebrations have been held without much notice from the police.’<sup>82</sup>

### 7.4.2 A Guardian report, No gay promotion can be allowed: Uganda cancels pride events, dated 21 August 2017, stated:

‘Activists are outraged over the Ugandan government’s decision to cancel a week of gay pride celebrations in the country for a second consecutive year, describing the move as a violation of fundamental human rights of minority groups.

‘On 16 August, the state minister of ethics and integrity, Simon Lokodo, issued a directive shutting down a gala, scheduled to take place at the Sheraton Hotel in the capital, Kampala, accusing the organisers of attempting to stage an illegal gathering aimed at recruitment, exhibition and promotion of homosexuality.

‘Police officers were deployed at the hotel and other venues where pride events were scheduled, to arrest anyone participating in activities...

“‘We know they are trying to recruit and promote homosexuality secretly. But it’s worse to attempt to stand and exhibit it in public arena. This is totally unacceptable. Never in Uganda.”...

“‘Now they want to move on the streets and talking about MSM [men who have sex with men] in a public arena. I couldn’t allow them to do that. The next time they do it they will face the full wrath of the law,” said Lokodo...

“‘We are utterly appalled by the minister’s actions. The government crackdown on our events is abuse of our freedom of assembly and

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<sup>82</sup> BBC News, Ugandan police block gay pride parade, 24 September 2016, [url](#).

association. We have a right granted by the Ugandan constitution,” said Frank Mugisha, the executive directive of Sexual Minorities Uganda (Smug), a network of LGBTI organisations in Uganda...

‘Last year, police raided a pride festival in Kampala and made 15 arrests.

“Activists feeling compelled to cancel pride out of fear for their safety is clear evidence of Uganda’s deteriorating space for free assembly and free expression. As we observed during elections last year, the government is increasingly intolerant of diverse views from a range of stakeholders,” said Maria Burnett, associate director for the Africa division of Human Rights Watch.

“Uganda’s LGBTI movement has made great strides in the demand for rights and remains strong. Lokodo’s threats won’t tarnish that. He has repeatedly disregarded for his mandate fighting corruption, while maintaining an absurd obsession with people’s private lives,” she said...

‘Gay men and women face frequent harassment and threats of violence in Uganda. Many people live secretive lives, afraid of being openly gay, due to stigma and hostility from family and friends, and fearing the loss of a job or a rented apartment...

‘Emilian Kayima, a police spokesperson in Uganda, said organisers had failed to ask for permission for pride, a claim contested by Smug. But Kayima added: “Even if they wrote, it’s criminal to be gay in Uganda. How can we allow and preside over a function involving a crime?

“Our law books are clear. When you engage in gay activities, we prosecute you in courts of law. We can’t allow their activities.”<sup>83</sup>

- 7.4.3 There has not been a ‘Pride’ event since 2015<sup>84</sup>. The Daily Beast (a US news and opinion website) reported, in an interview with Isaac Mugisha, co-ordinator of Pride Uganda that there were plans to hold one in 2018<sup>85</sup>. Amongst sources consulted (see bibliography), CPIT could not find any information to confirm that a ‘Pride’ event took place in Uganda in 2018.

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Section 8 updated: 11 March 2019

## **8. Freedom of movement**

### **8.1 Demography**

- 8.1.1 The total population for Uganda was estimated in July 2018 to be over 40 million.<sup>86</sup>
- 8.1.2 The CIA factbook stated ‘population density is relatively high in comparison to other African nations; most of the population is concentrated in the central and southern parts of the country, particularly along the shores of Lake Victoria and Lake Albert; the northeast is least populated.’<sup>87</sup>

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<sup>83</sup> The Guardian, No gay promotion can be allowed...21 August 2017, [url](#)

<sup>84</sup> Daily Beast, LGBT Ugandans Plan First Pride..., 03 June 2018, [url](#)

<sup>85</sup> Daily Beast, LGBT Ugandans Plan First Pride..., 03 June 2018, [url](#)

<sup>86</sup> CIA, World Factbook, Uganda (people and society), updated 11 March 2019, [url](#)

<sup>87</sup> CIA, World Factbook, Uganda (people and society), updated 11 March 2019, [url](#)

- 8.1.3 A western diplomatic source estimated in June 2013 that there were between 30-50 NGOs working on behalf of the LGBT persons in Uganda.<sup>88</sup> A coalition of Ugandan NGOs observed in a submission made in March 2011 that 'Ugandan Gay, Lesbian, Bisexual, Transgender and Intersexual associations / organizations comprise of over 500 gay, lesbian, bisexual and trans persons.'<sup>89</sup>
- 8.1.4 There are no census data on the size of the LGBT population in Uganda but the NGO Sexual Minorities Uganda (SMUG) in their report published in 2018, compiled from a number of sources, estimated that of the total population, approximately 390,000 are sexual and gender minorities<sup>90</sup>.

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## 8.2 Legal rights and practice

### 8.2.1 The USSD report 2017 noted:

'The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

'The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.'<sup>91</sup>

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<sup>88</sup> DIS / DRC fact finding report, Situation of LGBT persons in Uganda (p72) January 2014, [url](#)

<sup>89</sup> Civil Society Coalition on Human Rights and Constitutional Law, Joint submission on LGBTI issues... 11 March 2011, [url](#)

<sup>90</sup> SMUG, Even if they spit at you, don't be surprised (p8) June 2018 [url](#)

<sup>91</sup> USSD, USSD report 2017 (section 2.d), 20 April 2018, [url](#).

# Terms of reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal rights
  - Overview
  - Constitution
  - Penal Code
  - Anti-Homosexuality Act
  - Prohibition of Promotion of Unnatural Sexual Practiced Bill
  - Trans persons
- State attitudes and treatment
  - Police disruption of gay pride events
  - Banning of gay film festival and Dutch film
  - Treatment of trans persons
  - Arrests of LGBTI persons
  - Police workshop on rights of sexual minorities
  - Views of the president and government officials
- Societal attitudes and treatment
  - Societal attitudes
  - Violence and discrimination
- LGBTI civil society groups
  - Regulation and treatment of LGBTI civil society groups
  - Activities of LGBTI civil society groups

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# Version control

## Clearance

Below is information on when this note was cleared:

- version **4.0**
- valid from **01 April 2019**

## Changes from last version of this note

Updated country information and assessment.

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