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THE UGANDA REPORT

OF HUMAN RIGHTS VIOLATIONS BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY, 2022





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AND GENDER IDENTITY, 2022

NOVEMBER 2023

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ABOUT HUMAN RIGHTS AWARENESS AND PROMOTION FORUM

Human Rights Awareness and Promotion Forum (HRAPF) is a voluntary, independent, non-partisan non-governmental organisation that works towards the protection and promotion of the rights of marginalised communities in Uganda. HRAPF does this through the direct provision of legal aid services, legislative advocacy, human rights awareness, and research and community capacity enhancement. HRAPF operates a specialised legal aid clinic for marginalised persons and key populations in Uganda.

ABOUT THE CONTRIBUTING ORGANISATIONS

Freedom and Roam Uganda (FARUG)

Freedom And Roam Uganda is one of the oldest organisations in Uganda that work on issues of sexual orientation and gender identity/expression through lobbying, dialogue, visibility and voice. It was established specifically to provide support services and conduct advocacy on the issues that affect lesbian, bisexual and queer women and transgender persons, and has over the years continued to provide services geared towards improving access to physical, mental and sexual and reproductive health and wellbeing of LBQ/T persons in Uganda. FARUG currently hosts a specialised legal aid desk for LBQ women that is operated in partnership with HRAPF.

Health Rights Initiative (HRI)

Health and Rights Initiative (HRI) is an organisation working with key populations in the Northern and West Nile regions of Uganda. The vision of the organisation is a society that provides equal opportunities and justice for all, and they work to advocate for justice and equal opportunities for marginalised persons through social and economic empowerment, advocacy and research on issues affecting KPs in the rural areas. HRI is committed to improving the livelihoods of KPs in the region and is also currently the host of HRAPF's regional legal aid centre in the Northern Region.

HOPE Mbale

HOPE Mbale is a non-profit organisation that promotes and advocates for human rights observance, quality health service provision and equal opportunities for all persons, particularly KPs, and is based in the Eastern Region of Uganda. The organisation offers health and legal support services to the KPs in the area, and is currently the host of HRAPF's regional legal aid centre in the Eastern Region.

Mbarara Rise Foundation

Mbarara Rise Foundation (MRF) was founded in 2016 by a group of social activists and educators to advocate for high quality health services and the fundamental human rights of Key Populations in Western Uganda. The organisation is based in Mbarara and is the host of HRAPF's legal aid centre in the Western Region. The work of MRF focuses on improving access to health services, social justice and economic empowerment for KPs in the Western Region of Uganda.

Tranz Network Uganda

Tranz Network Uganda (TNU) is an indigenous not for profit umbrella organisation that brings together transgender and gender non-conforming persons and organisations in Uganda. TNU was established in July 2014 with the aim of supporting, coordinating and fostering collaboration among transgender and gender non-conforming persons' organisations, and focuses on advocacy for an improved legal and policy regime for the full realisation of the rights and dignity of TGNCs. Presently, TNU hosts a specialised legal aid desk for transgender and gender non-conforming persons that is operated in partnership with HRAPF.

PREFACE

2022 came just after a two-year lockdown, during which LGBTIQ persons had suffered the effect of double marginalisation on the basis of both their sexuality but also multiple stay at home directives that forced communities into a close proximity with members of the general public, as a result of which many LGBTIQ persons were outed to their families and neighbours, and exposed to various intersecting forms of violence. As a result, the violations of the rights of LGBTIQ persons and the violence that they faced during the two years of the COVID- 19 restrictions were multiple, intersecting and diverse, and yet there was a dearth of access to justice given the general challenges posed by the lockdowns in that period.

The year 2022 therefore initially promised to be a period of relative freedom and safety for LGBTIQ persons across the country, at least as compared to the two years immediately preceding it, and in many ways it lived up to this promise. However, the year also came with some unexpected challenges for the LGBTIQ community in Uganda, particularly in form of the rise of an 'anti-gay' movement that propagated a wave of mass hysteria with unsubstantiated claims of paedophilia, and the 'recruitment' of minors into homosexuality, a wave that has carried well into 2023, with grave consequences.

This edition of the Uganda Report of Human Rights Violations based on Sexual Orientation and Gender Identity, 2022, the 10th in the series, examines events in the year 2022 with a view to providing a general picture of the human rights situation for LGBTIQ persons in Uganda during that year. It looks only at reported and verified cases of violence and other human rights violations perpetrated against individuals either wholly or primarily on the basis of their real or presumed sexual orientation or gender identity or expression, but also seeks to track progress on the part of the state in providing protection to individuals against violence and violations on the basis of SOGIE.

In light of recent events, it is necessary that we continue to develop the ever growing body of knowledge available about the impact of state-sanctioned homophobia, both through legislation and policy and through actions of the state, on the rights and lives of LGBTIQ persons in Uganda. It is our sincere hope that this report, as well as other reports in the series and similar publications by partners and allies monitoring and documenting human rights violations on the basis of SOGIE, will provide an insight into the lives of LGBTIQ persons in Uganda and add some much needed perspective to debates surrounding anti-LGBTIQ legislation in the country.

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GLOSSARY

Bisexual:	A person romantically and/or sexually attracted to both men and women, though not necessarily at the same time
Case:	A separate set of facts involving the violation of a law or a right and which is included in one file. A single case can involve multiple persons and multiple violations arising from the same set of facts.
Gay:	A man romantically and/or sexually attracted to men
Gender identity:	A person's conception of self as male or female or both or neither
Homosexual:	A person attracted to persons of the same sex
Intersex:	A condition in which a person is born with a reproductive or sexual anatomy that does not seem to fit the typical definitions of female or male
Key Populations:	Groups of people considered to be at a higher risk of contracting HIV and who often have less access to essential health services due to various socio-legal factors related to their identities/ behaviour patterns
Lesbian:	A woman romantically and/or sexually attracted to women
Outing:	The act of disclosing a lesbian, gay, bisexual or transgender person's sexual orientation or gender identity without that person's consent
Perpetrator:	The person or institution responsible for causing a human rights violation or violations of human dignity

Sex:	The physical distinction between male and female (genitalia)
Sex worker:	An adult person who consensually offers sexual gratification in exchange for money or other material gains as a way of gainful employment
Sexual minorities:	A group of persons whose sexual orientation, gender identity, and/or practice differs from the majority of the surrounding community
Sexual orientation:	A person's emotional, physical and sexual attraction and the expression of that attraction with other individuals
Transgender:	Someone whose deeply held sense of gender is different from their biological sex assigned at birth
Transgender man:	A transgender person who was assigned the female sex at birth but identifies as male
Transgender woman:	A transgender person who was assigned the male sex at birth but identifies as female
Violation:	An act that contravenes a law that guarantees a right.

LIST OF ACRONYMS

AG:	Attorney General
DPP:	Directorate of Public Prosecutions
EOC:	Equal Opportunities Commission
HIV:	Human Immuno-deficiency Virus
HRAPF:	Human Rights Awareness and Promotion Forum
LBQ:	Lesbian, Bisexual and Queer women
LC:	Local Council
LGBT:	Lesbian, Gay, Bisexual and Transgender
MSM:	Men who have Sex with Men
SMUG:	Sexual Minorities Uganda
SOGIE:	Sexual Orientation and Gender Identity/ Expression
UHRC:	Uganda Human Rights Commission
UKPC:	Uganda Key Populations Consortium
UPF:	Uganda Police Force
URSB:	Uganda Registration Services Bureau



EXECUTIVE SUMMARY

The 10th edition of the Uganda Report of Human Rights Violations based on Sexual Orientation and Gender Identity presents a general picture of the human rights situation for LGBTIQ persons in Uganda as it appears from the cases and incidents of violations reported by LGBTIQ persons throughout the year 2022. In this report, we examine cases of violence and other human rights violations based wholly, principally or in part on SOGIE that were reported in the year 2022 alone, as well as incidents in which the state took steps to protect individuals from violence and violations on the basis of their SOGIE or offer redress in case of such violations.

The report focuses on providing an overall understanding of the human rights situation for LGBTIQ persons in Uganda by analysing trends in the nature of rights mostly violated on the basis of SOGIE and the perpetrators of these violations. The report takes both a quantitative and qualitative approach to data collection in order to provide a picture of the statistics related to the violations reported, that is, the number of violations as disaggregated by perpetrator and nature of right violated, as well as to establish the circumstances in which the violations occurred in order to ascertain the basis of the violation. The report ultimately chronicles only those violations that can at least in part be attributed to SOGIE based on the facts of each case and the circumstances in which the violation occurred, although it recognises the existence of other violations against LGBTIQ persons that cannot be reasonably attributed to their SOGIE.

All the data included in this report has been independently verified through reference to the case files in which the violations were reported, interviews with lawyers, community paralegals and peer educators who intervened in the cases as well as re-interviewing clients in some cases in order to ensure that only those violations that can be proven to have occurred are included in the report.

Key Findings

- 1 There were 3 cases in which LGBTIQ persons were protected from violence and/ or violations, or given appropriate redress by state authorities in case of violations.
- 2 A total of 149 violations were verified as having been perpetrated against individuals purely or primarily on the basis of their SOGIE, arising out of 57 cases (out of a total of 599 cases handled by HRAPF in the year). This represents a reduction of 57% in the number of violations reported in 2021 (253 violations).
- 3 The state was responsible for a total of 85 human rights violations; 57% of all violations of which 49 were perpetrated by members of the Uganda Police Force, 34 by leaders of local councils and 2 by military officials.

- 4 Non-state actors were responsible for 64 cases of violence and violations of human dignity; 48.1% of all violations of which 39 were perpetrated by members of the general community, 11 by landlords; 11 by families of LGBTIQ persons, 2 by intimate partners/ spouses of LGBTQ persons and 1 by private security guards.
- 5 The highest number of human rights violations recorded were of the right to liberty with 40 incidents documented (47%). The others were: the right to equality and freedom from discrimination with 22 incidents (26%); the right to dignity with 12 incidents (14%); the right to privacy with 6 incidents (7%); the right to freedom of association with 4 incidents (4.7%); and the right to property with 1 incident. (1.2%).
- 6 The highest number of violations by non state actors were incidents of violence or threats of violence at 39 including 4 cases of sexual violence (61%); 11 were eviction incidents (17.2%); 11 were cases of banishment from family homes (17.2%); 4 were incidents of denial of care to intersex children (6.25%); 2 were incidents of denial of access to children (3.1%); and one incident of denial of liberty (1.6%).
- 7 There was a significant reduction in the number of violations, particularly in the first part of the year, that is primarily attributable to the lifting of the 2-year COVID-19 restrictions, but the human rights situation for LGBTIQ persons in Uganda remains worrying.

Key Recommendations

To the President of the Republic of Uganda

- Publicly reject proposed legislation, which discriminates on the basis of sexual orientation and gender identity.
- Make clear statements that acts of violence and discrimination against vulnerable minorities, including LGBTIQ persons, will not go unpunished.

To Parliament

- Ensure that government fulfils its international and regional human rights obligations to all without discrimination.
- Repeal laws which create the offence of 'having carnal knowledge against the order of nature', which is interpreted to criminalise LGBTIQ persons and are used to justify denying them equal protection of the law.
- Repeal sections of the Penal Code Act which create broad and vague petty offences such as 'being a common nuisance', which are used to arbitrarily arrest and punish persons who are poor and undesirable, including LGBTIQ persons.

To the Uganda Police Force

Thoroughly and conclusively investigate cases of violence against LGBTIQ persons by members of the public.

- Continue training Police officers on the human rights of key populations as well as the limits of the laws which they are mandated to enforce.
- Strengthen mechanisms which exist to redress human rights violations committed by members of the UPF. In particular, improve the responsiveness of the Police Professional Standards Unit in handling matters of alleged violations committed by Police Officers.

To the Uganda Law Reform Commission

- Develop a proposal for the amendment of the Penal Code Act to repeal the sections that criminalise consensual sexual relations between persons of the same sex.
- Develop a proposal for constitutionally compliant alternatives to laws creating petty offences that will protect the rights of all while ensuring order in society.

To the Uganda Human Rights Commission

- Demand accountability from the state for all human rights violations reported, especially those that go unaddressed.
- Hear and dispose of cases involving violations of rights of LGBTIQ persons some of which have been pending before the Commission's Complaints and Investigations Directorate since 2016.
- Develop proposals to amend laws that are discriminatory and which do not align with the Constitution of the Republic of Uganda.

To the Equal Opportunities Commission

- Investigate systemic discrimination of individuals based on their sexual orientation and gender identity and report findings.
- Include cases of discrimination based on sexual orientation and gender identity in the annual reports to Parliament.
- Continue to train the staff of the EOC in order to build their capacity in handling matters of discrimination and marginalisation on the basis of sexual orientation and gender identity.

To civil society organisations

- Make use of the Human Rights (Enforcement) Act, 2019 by supporting LGBTIQ persons who have suffered human rights violations to institute cases to hold individual perpetrators of these violations liable.
- Ensure that the Police fully and effectively investigates cases of violations committed against LGBTIQ persons.
- Advocate for the adoption of a law that would categorise crimes committed against LGBTIQ persons on the basis of their sexual orientation or gender identity as hate crimes.
- Develop the capacity of staff to document violations based on sexual orientation and gender identity. This could include adopting uniform guidelines for recording information on cases and violations.

1. INTRODUCTION

1.1 Introduction and Background

The Uganda Report of Human Rights Violations based on Sexual Orientation and Gender Identity, 2022 focuses on analysing the human rights situation for LGBTQ persons in Uganda as far as can be ascertained from violations (and protections) reported by members of the community in the period from January to December 2022. The report takes a critical look at the events of the year 2022 in so far as they affected LGBTQ people, focusing on understanding the trends in protection as well as violations of the rights of LGBTQ persons in Uganda.

1.2 Methodology

The data for the violations report was compiled using both quantitative and qualitative methods of research. Quantitative data was collected through a review of physical files to establish the number of verified violations reported to HRAPF and contributing partners documenting human rights violations on the basis of SOGIE during the course of 2022. All case files recorded at HRAPF and at the contributing organisations was subjected to a thorough review to ascertain the number of cases in which violations had been identified, and the number of violations identified in each case as aggregated by category of right violated and perpetrator.

Qualitative data was collected by further reviewing all documentation on the case files in which violations had been identified in order to ascertain the circumstances under which the violations occurred. In this way, we were able to ascertain that only those incidents in which the violations were based wholly or primarily on SOGIE are included in the report. The document review encompassed client statements, notes from the lawyers/ paralegals, police forms (medical, bond release, caution, etc.); court documents, medical records, photographs and other documentary proof.

In cases where violations could not be verified through review of the documents on file, efforts were made to find corroborating evidence by directly interviewing persons that were involved in the cases, including the clients/ victims themselves, the witnesses, officers, lawyers and community paralegals that were involved in the handling of the cases.

All the cases were subjected to independent verification with the aim of finding as much corroborative evidence as possible to prove each violation that was included in the report. The violations reported that could not be independently verified were not included in this report.

1.3 Limitations

While all efforts have been made to present a comprehensive and thorough picture of the human rights situation for LGBTQ persons across the country, the report is nevertheless subject to the limitations detailed below:

Coverage: Although HRAPF maintains a countrywide legal aid network that relies on community paralegals as well as operating four field offices across the country, it is necessary to point out that this network may not always necessarily catch all cases of violence and violations against LGBTQ persons in the country. It is quite probable that there are still areas of the country in which such incidents are not reported at all or are reported elsewhere. This report therefore, while certainly representative, does not provide a complete picture of the human rights situation for all LGBTQ people across the country for the year 2022.

Reporting standards: Uniform and consistent documentation remains a challenge for the majority of the community paralegals documenting cases. As such, in the compilation of this report, a number of instances were noted where neither the case nor the human rights violation noted could be verified due to insufficient information available on file, which would inevitably result in such a violation being excluded from the report entirely. There is still need to work on a uniform system of documentation and reporting of violations across the network of individuals and organisations documenting violations for purposes of ensuring that all violations are verifiable.

2. THE SOCIAL, LEGAL AND POLITICAL DEVELOPMENTS THAT IMPACTED ON THE RIGHTS OF LGBT PERSONS DURING 2022

LGBTIQ persons in Uganda, or indeed anywhere else in the world, do not exist in a vacuum, and are therefore deeply impacted by events within the social, legal and political sphere, much like the rest of Ugandans. Over the past few years, several events have critically shaped the landscape for protection, or violation, of the rights of LGBTIQ persons, including the COVID 19 crisis of 2020 and 2023.¹

Similarly, during 2022, there were a number of significant developments that impacted on the lives and rights of LGBTIQ people in Uganda, and this section examines those occurrences.

2.1 Developments in the legal and policy environment

a) Closure of Sexual Minorities Uganda

In August 2022, the NGO Bureau issued a letter to the directors of SMUG, notifying them of the Bureau's decision to halt the activities of SMUG, citing the fact that the organisation was not registered with the URSB.² This decision was taken despite the fact that the URSB had itself rejected SMUG's application to register on the grounds that the name 'Sexual Minorities Uganda' was offensive to public interest/ morality, and that the proposed objectives of SMUG would amount to aiding and abetting a crime. The High Court agreed with this reasoning and upheld the refusal to register SMUG, and the matter is currently pending before the Court of Appeal.³

The formal closure of SMUG by the NGO Bureau shortly after videos on YouTube had made rounds with one 'ex-gay' claiming that they had been 'recruited' into homosexuality by SMUG, and naming several other LGBTIQ organisations as also being involved in the promotion of homosexuality,⁴ sent a chilling message for LGBTIQ civil society organising across the country as it established the precedent that simply working with LGBTIQ persons without any proof of wrong doing can in fact lead to closure, despite not being the reason formally given by the Bureau.

b) Adoption of the Computer Misuse (Amendment) Act, 2022

The Computer Misuse (Amendment) Bill, 2022 was tabled in February 2022 and in a span of eight (8) months, it was passed into law by the President's assent on 14th October, 2022.

¹ See generally Human Rights Awareness and Promotion Forum, *The impact of COVID-19 related restrictions on access to justice for Key Populations in Uganda: A case study of LGBT persons and sex workers in Kampala and Wakiso districts*, June 2021.

² Human Rights Watch, *Uganda bans prominent LGBTQ rights group*, 12th August 2022. Available at <https://www.hrw.org/news/2022/08/12/uganda-bans-prominent-lgbtq-rights-group>, accessed December 18th, 2023..

³ Frank Mugisha and others Vs Uganda Registration Services Bureau, Civil Appeal No. 223 of 2018.

⁴ See Foreign Policy, *How U.S. Evangelicals Helped Homophobia Flourish in Africa*, 19 March 2023, available at <https://foreignpolicy.com/2023/03/19/africa-uganda-evangelicals-homophobia-antigay-bill/>, accessed December 18th, 2023 and See Open Democracy, *'Christian fundamentalism lies behind harsh new anti-LGBTIQ bill in Uganda'*, March 23rd, 2023. Available at <https://www.opendemocracy.net/en/5050/uganda-anti-homosexuality-bill-church-us-england-odoi-oywelowo/>.

The Computer Misuse Act 2011, penalised cyber harassment and offensive communication, both defined as computer misuse offences, and also deals with the use of computer programs, references to programs, data content modification, authorised access, investigative measures and procedures. While the law itself had several problematic provisions for LGBTIQ persons,⁵ the amendment introduced a new section 26(d) on misuse of social media, which criminalises using social media to publish, distribute or share information prohibited under the laws of Uganda under a disguised or false identity, an offence that, in light of the established system of policing sexuality, might very easily be used to target LGBTIQ persons, especially when read together with provisions of Uganda's Anti-Homosexuality Act,⁶ particularly in light of the fact that this provision is so vaguely couched as to easily encompass a wide array of actions/ communications, including any LGBTIQ rights advocacy.

c) Nullification of some provisions of the offence of being rogue and vagabond.

On a more positive note, the Constitutional Court of Uganda, declared as null and void sections 168(1)(c) and 168(1)(d) of the Penal Code, which are part of the broader range of legal provisions creating the offences of being a 'rogue and vagabond'.⁷ This judgment is a welcome development in the struggle for the decriminalisation and declassification of petty offences that have traditionally been used by law enforcement to target and harass marginalised persons on the basis of status in Uganda, and is a step towards the decriminalisation of poverty and status.

This was in the case of Francis Tumwesige Atenyi v Attorney General, which was supported by Human Rights Awareness and Promotion Forum and the Coalition to Decriminalise Petty Offences in Uganda in 2018 challenging the constitutionality of section 168(1)(c) of the Penal Code Act, which defines as a rogue and vagabond any 'suspected person or reputed thief who has no visible means of subsistence and cannot give a good account of himself or herself', and section 168(1)(d), which defines as a rogue and vagabond 'any person found wandering in or upon or near any premises or in any road or highway or any place adjacent thereto or in any public place at such time and under such circumstances as to lead to the conclusion that such person is there for an illegal or disorderly purpose.'

The Court found that the provisions 'fail to provide a precise definition for the offences they create,' thereby violating article 28(12) on the principle of legality; were contrary to the presumption of innocence in article 28 (3) (a); violated the right to liberty under article 23 (1) (c) and 4 (1) (b); as well as the right to freedom of movement under article 29 (2) (a) of the Constitution.

HRAPF together with partners under the Coalition to Decriminalise Petty Offences in Uganda sought to challenge this environment by challenging status crimes such as this, and these efforts are in line with the African Commission on Human and Peoples' Rights efforts towards the decriminalisation and declassification of petty offences. These vague provisions of the law had in the past been used to harass and violate the right to liberty for LGBTIQ people in Uganda, and the court judgment was therefore a welcome development.

⁵ See generally Human Rights Awareness and Promotion Forum, *The Human Rights Advocate*, 'The Computer Misuse Act, 2011: Yet Another Legal Fetter to the Basic Rights and Freedoms of Marginalised Persons', Issue 4, November 2017. Available at <https://hrapf.org/human-rights-advocate-magazine/>.

⁶ Anti-Homosexuality Act, 2023, section 11.

⁷ *Francis Atenyi Tumwesige v Attorney General*, Constitutional Petition No. 36 of 2018.

2.2 Developments on the socio-cultural front

a) The rise of the ex-gay movement

In the first half of 2022, the anti-gay movement in Uganda, which gained considerable force in the latter part of the year and through the year 2023, gained a surprising boost when an individual claiming to be an ‘ex-gay’ person publicly came out to report that he had been recruited into homosexuality and lured into acting in gay porn videos by various persons and entities within the LGBTQ movement.⁸ This person served as a rallying point for the anti-LGBTQ movement, and became the central point of a moral panic that resulted in several public calls for a law that would conclusively deal with the problem of homosexuality in Uganda. The matter gained such traction in a short period of time following the stories of this ‘victim’ of homosexuality that Uganda was called out on the international stage on the matter, with the Deputy Speaker of Parliament publicly responding and reiterating strong anti-LGBTQ sentiments even at that stage.⁹

It was from this series of events, and the accompanying heavily sensationalised and televised videos, that the matter snowballed, resulting in the closure of SMUG and eventually, the tabling and enactment of the Anti-Homosexuality Act, 2023.

The public discourse sparked by this event placed LGBTIQ persons in the crosshairs for several members of the general community as well as state functionaries, and LGBTIQ persons and organisations were thereafter repeatedly targeted for harassment, arrests and random acts of violence in a bid to satisfy the moral panic around the ‘spread of homosexuality’ in various parts of the country,¹⁰ and protect the ‘cherished culture of the people of Uganda.’¹¹

1.3 Developments on the executive front

a) Increase in anti-LGBTIQ rhetoric by state officials

In the last quarter of 2022, following the closure of SMUG, public discourse around the issue of LGBTIQ rights started to take centre stage in Uganda, with prominent state officials making very clear statements in support of persecution of LGBTIQ persons, and some going so far as to suggest the need for a law to curb homosexuality. The most outstanding at this time were the statements by the Deputy Speaker of Parliament, Hon. Thomas Tayebwa, to the delegates at the African-Caribbean and Pacific-European Union Summit,¹² where he emphasised that Uganda would not tolerate homosexuals, and that there would be no room for homosexuality in Uganda. This speech was lauded by the vast majority of Ugandans as nationalistic and protective of the culture and religion of the people of Uganda, and contributed to the rising tide of anti-LGBTIQ sentiment at the time.

⁸ -----

⁹ See Parliament, ‘We oppose the ACP-EU agreement on homosexuality- Tayebwa’, November 1st, 2022. Available at <https://www.parliament.go.ug/news/6240/we-oppose-acp-eu-agreement-homosexuality-tayebwa>.

¹⁰ Francis Ateniyi Tumwesige v Attorney General, Constitutional Petition No. 36 of 2018.

¹¹ Memorandum to the Anti-Homosexuality Bill, 2023.

¹²

1.4 Conclusion

Throughout the year 2022, there were very few notable developments that contributed to a better socio-legal environment for LGBTIQ persons. In fact, only one such event can be noted, in the form of the decriminalisation of some status crimes that had previously affected the lives of LGBTIQ persons in much the same way they affected other marginalised persons across the country.¹³ Conversely, there was a rising tide of homophobic hate and violence during the year that negatively influenced the lives of LGBTIQ persons across the country, affecting not only their private lives and rights but also stretching into the civic space for LGBTIQ organising. These developments contributed greatly to the various incidents of violence and other human rights violations discussed in this report.



¹³ See generally, Human Rights Awareness and Promotion Forum 'The implications of the enforcement of 'idle and disorderly' laws on the human rights of marginalised groups in Uganda, 2016.

3. PROTECTION OF PERSONS AT RISK OF VIOLENCE DUE TO THEIR REAL OR PRESUMED SEXUAL ORIENTATION OR GENDER IDENTITY IN 2022

The Constitution of the Republic of Uganda imposes a duty on all persons and authorities to protect, uphold and respect the rights guaranteed in Chapter 4,¹⁴ and the primary duty to protect the rights of all persons and offer effective redress in case of violations lies squarely on the state.¹⁵ In fulfilment of this obligation, state agencies took action in three recorded cases to offer protection to individuals who were at risk of violence and abuse on the basis of their sexuality in the year 2022.

In one case, 6 LBQ/T women who were residents at a crisis shelter were accused by the local council authorities of being homosexuals, and recruiting young women into homosexuality in the area. In this case, the local council leadership went into the premises with some local area residents and started haranguing the residents, verbally abusing them and referring to them in derogatory terms. One of the area leaders, the vice chairperson, was asked to take them into the bathroom and check to confirm their gender, and all of them reported being forced to undress and show her their genitalia, after which she fondled their genitalia to confirm 'if it works in the same way'. When the police were called to the scene, they noted that the victims had in fact done nothing wrong, and asked all the people who had entered their premises to leave, but after the area defence secretary had threatened that the residents of the village would harm the victims, the police took them into protective custody before releasing them later that same night, thus providing protection from further abuse and potential harm.¹⁶

In another case, a transgender woman who had previously been arrested in a widely publicised event faced harassment in the area to which she had relocated. She was threatened by several young men in the area and, when she reported the threats to the police authorities, she was taken into protective custody briefly while the matter was discussed with the area leadership. In the end, however, the police ordered the area leadership to talk to the identified assailants and warn them to stop harassing the client, although both the LC leadership and police insisted that the client find a way to relocate from that area, for her own safety.¹⁷

In the third case, the local area leadership intervened in the case of two intersex children who had been denied support by their father for several months merely because they were intersex. In this case, the father of the two minors had chased them and their mother from the family home after months of denying them medical care and education support, insisting that they were bringing him bad luck because their mother had bad luck. The area leadership intervened to mediate the dispute and to compel him to uphold his responsibilities to the family by paying for school fees and medical care, and also forced him to let the children and their mother stay in the family home (he left instead).¹⁸

In all these cases, state authorities used their protective mandate to ensure the safety and wellbeing of LGBTIQ persons within their own locales and to the extent that they could. It is of course worth noting that, even in some of these cases, the actions taken by the authorities, particularly the police, could in and of themselves amount to violations, although they did in the end offer protection against possibly greater harm.

¹⁴ 1995 Constitution of the Republic of Uganda, Article 20(2).

¹⁵ Article 2 of the International Covenant on Civil and Political Rights.

¹⁶ HRAPE/VR/005/2022.

¹⁷ HRAPE/VR/008/2022.

¹⁸ HRAPE/VR/009/2022.

4. VIOLATIONS OF HUMAN RIGHTS ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY DURING 2022

The Constitution of the Republic of Uganda of 1995 (as amended) in its chapter 4 sets out the rights and freedoms to be enjoyed by individuals and groups in Uganda. Article 20(2) of the Constitution provides that the rights and freedoms set out in that chapter are to be respected, upheld and promoted by all organs and agencies of government and by all persons. The Constitution therefore places a duty on all persons as well as all organs of government not to violate the rights of others, but also places particular obligations on the state to not only refrain from actions that violate the rights of individuals but also to offer effective redress in the event that other persons' actions violate these rights. This obligation on the state to protect and uphold the human rights of all persons is also reiterated by several regional and international human rights instruments to which Uganda is a party.

Nevertheless, the year 2022 was fraught with violence and violations against LGBTIQ persons on the basis of their real or presumed sexual orientation/ gender identity, both by state and non-state actors, as well as incidents of violence and abuse by non-state actors that were reported but not addressed at all.

During the year 2022, a total of 599 cases were recorded by HRAPF and the contributing organisations, and were all reviewed for this report. Out of these 599 cases, violations that were based primarily or wholly on the real or presumed SOGIE of the victims were identified and verified in 57 cases.

These 57 cases contained 133 separate incidents of violations. Of these, 69 (51.9% of all violations) were violations of human rights perpetrated by state actors while 64 (48.1%) were abuses of human rights perpetrated by non-state actors.

This section of the report considers reported violations of human rights of individuals on the basis of their real or presumed sexual orientation or gender identity in the year 2022.

4.1 Number of human rights violations

There were 69 incidents of human rights violations directly committed by state actors. The state was responsible for a total of 69 human rights violations.

Out of these, the right to liberty was the most violated right with 40 incidents documented (47%). The others were: the right to equality and freedom from discrimination with 22 incidents (26%); the right to dignity with 12 incidents (14%); the right to privacy with 6 incidents (7%); the right to freedom of association with 4 incidents (4.7%); and the right to property with 1 incident. (1.2%).

4.2 Nature of violations

This section of the report considers in detail the violations of the rights of persons on the basis of SOGIE as disaggregated by the specific right violated. The section focuses on a qualitative analysis of the reported violations in order to give a clearer picture of the rights that were violated, as well as the circumstances under which the reported violations occurred.

4.2.1 The right to liberty

The right to liberty is guaranteed in Article 23 of the Constitution of the Republic of Uganda. Article 23(1) sets out the specific, limited circumstances under which a person's liberty may be limited through lawful arrest or detention. Safeguards are also put in place for persons arrested or detained for the purposes of bringing them before a court of law or in pursuit of a court order, and these safeguards include: freedom from prolonged detention without a trial; the right to be supported by a lawyer of your choice; the right against self-incrimination and the right to be presumed innocent, among others.

During the year 2022, there were 40 recorded incidents in which the right to liberty was violated for LGBTIQ persons, with a primary reason for the violation being the SOGIE of the victims. In 31 of these incidents, the victims were arbitrarily arrested and detained while in 9 incidents, they were detained for longer than 48 hours. This section discusses these incidents in detail.

a) Freedom from arbitrary arrest

The Constitution of the Republic of Uganda, under Article 23(1) sets out nine particular circumstances under which a person may be lawfully deprived of their liberty. Arrests must be justifiable under one of these nine grounds, otherwise they will be considered arbitrary.

For LGBTIQ persons, however, arrests are generally often based on mere appearance, with the police arresting individuals, not on the reasonable suspicion that they have committed the offence of having carnal knowledge against the order of nature, but on suspicion that they are not heterosexual or cisgender.¹⁹ In such cases, individuals are often charged with non-existent offences, not charged at all, or charged with offences completely unrelated to the reason for which they were arrested in the first place.

In one case, for instance, a transgender woman was arrested and detained for several hours, although she was not charged with any offence. This happened when she went to report that she was being harassed and threatened by some men in her neighbourhood and, when the police officers found out that the threats were on the basis of their suspicion that she is a 'homosexual', they instead arrested her, 'for her own protection', and then proceeded to interrogate her for several hours before asking her to leave the village altogether.²⁰

In another case, the client, who was with friends in a bar, bought a few rounds of drinks for some patrons in the bar, but after they had finished the drinks they turned on him, demanded for money from him and insisted that he must have more 'homosexual money' which he had used to buy them drinks. They then proceeded to beat him up before throwing him physically out of the bar and taking him to the police station. He was held at the station for two days on charges of having carnal knowledge against the order of nature simply because the people who took him to the station informed the officers that he was gay.²¹ In a somewhat similar incident, the victim, a transgender woman, was beaten up by patrons in a bar, who accused her of looking like a homosexual. The bar owner called the police, who were informed that she was a homosexual, and they accordingly arrested her, even though she had visible injuries on her face and upper body. She was charged with homosexuality and held for 4 days.²²

¹⁹ See generally, Human Rights Awareness and Promotion Forum, 'Protecting "morals" by dehumanising suspected LGBTI persons: A critique of the enforcement of the laws criminalising same-sex conduct in Uganda, Kampala, 2013.

²⁰ HRAPE/VR/008/2022.

²¹ HRAPE/VR/010/2022.

²² HRAPE/VR/044/2022.

In another case, two individuals were arrested as they walked to their home hand in hand from a bar in the neighbourhood. They ran into a police officer who asked them questions about themselves before asking why they were holding hands. He then arrested them and took them to Nabweru Police Station, where they were held for 16 days (from 10th to 26th October) before being arraigned on charges of loitering.²³ In another case, the victim was arrested and detained for 3 days at Kawempe Police Station on charges of having carnal knowledge against the order of nature.²⁴ In this case, the victim had gone to the station to visit a friend of his who had been arrested on charges of defilement of a male minor and when he got to the station, he was accused of looking like the boyfriend of the suspect, and arrested as well. He was later released unconditionally. In another case at the same station, a suspected gay man was arrested and held overnight at the station on accusations that he had been persuading other young men in the area to be gay. He was never formally charged or even entered in the lockup register, even though he spent a full night in custody, but he reported that the police officers demanded that he give them money so that they could release him.²⁵

In another case, a transgender woman who had gone to visit a friend of hers in custody at Kasese Police Station was identified as a cross-dresser by a police officer, who insisted that she was a homosexual. She was told that she was under arrest for being a homosexual, and then held for several hours at the station (she was never put inside the cell but was rather made to sit outside the women's cells, where she was loudly harangued throughout the ordeal by police officers). She was told to leave after several hours without formal charges.²⁶

In another case, two individuals were arrested from the offices of an organisation in the Nakivale Refugee Settlement by the LC chairperson, who had come looking for the leader of the organisation on allegations that he was practising homosexuality and encouraging others to also practise homosexuality.²⁷ He took them to the police station, where they were held for 3 days and asked to produce their leader. They were later released without charge.

In another case, the victims, a transgender man and his partner, were taken to Kyebando Police Post by the brother of one of them, who asked the police to 'discipline them' in order to stop them from being homosexuals.²⁸ In a somewhat similar incident, the victim was arrested by the family of a friend of his and taken to the police station, where he was held for a day on charges of trespass, for allegedly going to their home to try and recruit their son into homosexuality.²⁹ This happened when, while he was visiting his friend, one of the friend's siblings eavesdropped on their conversation, heard them speaking about their friends from the LGBTQ community and reported to the parents that he was a homosexual.

In another case, the victims, a group of 6 gay men, were arrested while returning from a birthday party on the 8th of October 2022. They were all residing together in the same house and had previously been reported by their neighbours several times, with the claim that they 'did not understand them'. On the occasion of their arrest, this was brought up again by the arresting officer, and they were charged with being 'suspected wrong people'. They were released on police bond the following day.³⁰ In another somewhat similar incident, three individuals were arrested from their home by their area defence secretary and taken to the police station, where

²³ [HRAPE/VR/011/2022.](#)

²⁴ [HRAPE/VR/012/2022.](#)

²⁵ [HRAPE/VR/013/2022.](#)

²⁶ [HRAPE/VR/016/2022.](#)

²⁷ [HRAPE/VR/017/2022.](#)

²⁸ [HRAPE/VR/020/2022.](#)

²⁹ [HRAPE/VR/029/2022.](#)

³⁰ [HRAPE/VR/021/2022.](#)

the defence secretary informed the police that he 'did not understand their behaviour', and that he thought they were homosexuals. When this information was given to the police, the three were promptly charged with having carnal knowledge against the order of nature and held for 2 days.³¹

In another case, 6 individuals were arrested when the police raided the offices of an organisation in Munyonyo, accusing the organisation of promoting homosexuality. The individuals, who were found holding a staff meeting at the offices, were accused of being homosexuals and running a homosexuals' organisation, and taken to Nateete Police Station, where they were formally charged with electronic fraud – a charge that had nothing at all to do with the initial reason for the arrest.³²

In one case, which forms part of a growing and somewhat worrying trend, the victim was contacted through social media by a person unknown to them, with whom they began a flirtation, until the other person started demanding that the two meet up. Unbeknownst to the victim, the other person was a police officer, and when they met, he took him to a police post where he was held for 5 days while the police officer demanded payment 100,000/- as compensation for the 'trauma' of being hit on by a fellow man, despite the fact that the police officer in fact started the conversation.³³

b) Freedom from prolonged detention

One of the safeguards of the right to liberty that is enshrined within the Constitution is the 48-hour rule, which in essence requires that no one is held for more than 48 hours at the police station when they are arrested on suspicion of having committed a crime. The right to liberty is violated if a person is detained beyond the time period of 48 hours without being produced before a court or released on police bond.³⁴ There is however an unfortunate tendency on the part of the police authorities to treat homosexuality-related offences as extremely serious, and to therefore deny suspected LGBTIQ people police bond even when there is no evidence of an actual crime having been committed so as to justify arraigning the person before court.

In 2022, there were 9 incidents recorded in which LGBTIQ persons were detained for longer than 48 hours when arrested in connection with their sexuality, and this section discusses the cases from which they arise in detail.

In one case, a man was arrested and detained at Jinja Central Police Station for 8 days on suspicion that he was sexually abusing minors. He operated a dance troupe for children, with about 15 members, and on the day of his arrest, they were traveling from a concert in Kampala when it got too dark for them to make it all the way to Mbale, and he booked them into rooms at a motel. In the morning, the area chairperson came to the place where they were and arrested him, accusing him of trafficking the children and sexually abusing them, despite the fact that there had been no complaint. He was held until the parents of each of the children were able to come to the station to pick them up.³⁵

In a different case, two individuals were arrested from the office of an organisation on suspicion that their employer, the organisation's Executive Director, was promoting homosexuality. When

³¹ [HRAPE/VR/055/2022.](#)

³² [HRAPE/VR/042/2022.](#)

³³ [HRAPE/VR/048/2022.](#)

³⁴ [HRAPE/T/35/12/2022](#)

³⁵ [HRAPE/VR/014/2022.](#)

they were unable to tell the police officers where the person they were looking for was, they were held for three days, before being released on 13th December with no charges preferred.³⁶ In a similar case, the victim was arrested and held at CPS Kampala for 3 days for questioning about 'suspected homosexual activity', following an incident in which 6 of his friends had been arrested on allegations that they were promoting homosexuality.³⁷

In another case, the victim was arrested on the 30th of April 2022 on the allegation that he was engaged in homosexuality. He was charged with homosexuality, which was not an offence at the time, and held in custody until the 13th of May 2022, when he was released on police bond.³⁸ In another case, a transgender woman was assaulted in a bar by patrons, who accused her of 'looking gay', before being taken to the local police station. Although she was visibly hurt and bleeding, she was arrested and held from 4th to 8th July, and charged with homosexuality.³⁹

In another case of entrapment, a trend that became worryingly common towards the end of 2022, the victim was approached online by a person unknown to him, with whom they carried on a prolonged flirtation until they agreed to meet. Upon meeting, however, he found a police officer, who arrested him and took him to Kikoni Police Post, where he was held from 23rd December to 27th December 2022. The police officer claimed that he had been traumatised by the chat, which he initiated, and demanded 100,000/- as compensation before the client could be released.⁴⁰

In a rather disturbing case in December 2022, the victim was arrested on undisclosed grounds by military officers who were not in uniform on the 2nd of December and held variously at the CMI headquarters, SIU and the CI headquarters until 23rd December, when he was released. During his incarceration, he was severally questioned about his sexuality, and accused of running an organisation that promotes homosexuality.⁴¹

4.2.2 Violation of the right to equality and freedom from discrimination

Article 21 of the Constitution of Uganda provides for the right of everyone to equal treatment at law, and protects all individuals against discrimination on any grounds, including sex, age, race, disability, social, economic or other status, political or religious affiliation, etc. The right to equality and freedom from discrimination has been defined as a basic and general protection that covers all other rights, and is therefore central to the enjoyment of all human rights without distinction.⁴² This right is reiterated in several international instruments to which Uganda is a state party, starting with Article 1 of the Universal Declaration of Human Rights, which recognises that all human beings are born free and equal in dignity and rights.

Life for LGBTIQ persons in Uganda is generally determined by their SOGIE, and the mere suspicion of one's SOGIE is often sufficient grounds for several other violations of their rights. As such, all violations on the basis of SOGIE are rooted in the inherent discrimination against persons who are not cisgender or heterosexual, although substantive violations of other rights, even where they convey discrimination, will be discussed in other sections, while this particular

³⁶ HRAPE/VR/017/2022.

³⁷ HRAPE/VR/041/2022.

³⁸ HRAPE/VR/022/2022.

³⁹ HRAPE/VR/044/2022.

⁴⁰ HRAPE/VR/048/2022.

⁴¹ HRAPE/VR/018/2022.

⁴² Human Rights Committee, General Comment 18: Non-discrimination (adopted at the thirty-seventh session, 1989), U.N. Doc. HRI/GEN/1/Rev.1 at 26 (1994).

section focuses on cases in which the substantive right violated was the right to equality before the law.

There were a total of 22 incidents of discrimination against persons based on their SOGIE and some of the cases are discussed below:

In one case, an LBQ/T crisis shelter hosting 6 individuals was evicted from the premises they used to rent after the local area leadership reached out to the landlady and informed her that the organisation was harbouring homosexuals. The landlady proceeded to demand that they leave the premises immediately, while the area leadership also demanded that they leave the village because they were unwilling to 'tolerate homosexuality' in their area.⁴³ A similar case targeted an LGBTIQ organisation located in Masaka that was operating a crisis shelter for GBQ men and transgender women when they were asked to leave the village by the area chairperson on accusations of spreading homosexuality in the area.⁴⁴

In a different case, a gay man was attacked at his home by the area chairperson and three other people he did not know. The chairperson asked him why he was a homosexual and while the two were talking, the other three people started beating the victim up before taking his properties from the house while the chairperson watched and reminded him that they would not hesitate to teach him a further lesson if he did not leave.⁴⁵ In this case, not only did the chairperson participate in the violation of several other rights of the victim but also stood by and watched other individuals violating his rights, thus denying him his right to equal protection before the law.

In another case, a transgender woman was subjected to harassment by several youths in her general neighbourhood and, when she approached the police for assistance, they merely warned off her assailants and then they, together with the local area leadership, advised quite insistently that she leave the village, stating that they could not protect her if the residents attacked her because of her gender expression.⁴⁶ In another case, a transgender woman was verbally harassed by police officers and made to sit on the ground outside the police cells for several hours merely because she went to the police station to visit a friend in custody while she was cross-dressing, which the police officers found objectionable. They therefore denied her access to her friend and instead detained her for several hours while verbally assaulting her.⁴⁷

In another case, the livelihood of a transgender woman was impacted when her neighbours learned that she was a transgender person. She owned a small shop selling women's clothes in her town, which neighboured other small shops doing the same business. Her business competitors informed their customers that she was a lesbian, and as a result, they all stopped buying from her and would not even speak to her at all, which eventually forced her out of business.⁴⁸

In a separate incident, a transgender woman was denied identity documents as an asylum seeker on the basis of her gender identity. When she was repeatedly denied a recommendation letter from the police, which was a prerequisite to being granted asylum seeker status, purely because of her gender identity, with the officers repeatedly telling her to behave more like a man because homosexuals and men who look like women cannot be tolerated in Uganda.⁴⁹

In another case, a transgender asylum seeker was denied identity documents by the police at

⁴³ [HRAPE/VR/005/2022.](#)

⁴⁴ [HRAPE/VR/006/2022.](#)

⁴⁵ [HRAPE/VR/007/2022.](#)

⁴⁶ [HRAPE/VR/008/2022.](#)

⁴⁷ [HRAPE/VR/016/2022.](#)

⁴⁸ [HRAPE/VR/036/2022.](#)

⁴⁹ [HRAPE/VR/034/2022.](#)

Old Kampala on the grounds that Uganda does not accept homosexuals. The victim in this case was asked by the Office of the Prime Minister to get a recommendation letter from Old Kampala Police Station before she could be issued with an asylum seeker identification note. Unfortunately, when she went to the station, she was verbally informed that they could not recommend a homosexual for asylum seeker status, and thus denied her access to identity and travel documents.⁵⁰

In all these and more cases, the victims were accorded detrimental treatment by neighbours, family and even state functionaries merely on the basis of their perceived sexual orientation, gender identity or sex characteristics.

4.2.3 Violations of the right to freedom from torture and cruel, inhuman and degrading treatment or punishment

Inhuman or degrading treatment has been defined as ‘treatment that humiliates or debases an individual, showing a lack of respect for, or diminishing, their human dignity, or when it arouses feelings of fear, anguish or inferiority capable of breaking an individual’s moral and physical resistance’.⁵¹ The UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines torture to mean:

‘...any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.’⁵²

Freedom from torture, cruel, inhuman and degrading treatment or punishment is a protected right under Article 24 of the Constitution of the Republic of Uganda, which also provides in Article 44 that this right is non-derogable.

In the year 2022, there were 12 violations of the right to freedom from torture and other cruel, inhuman and degrading treatment perpetrated against individuals on the basis of their real or presumed sexual orientation or gender identity by state actors.

In the first incident, a transgender woman was arrested on 11th September and held briefly in police custody on allegations of homosexuality before she was released unconditionally. During the period of her incarceration, however, her chest and genitalia were fondled by two different police officers who were allegedly trying to ascertain her gender.⁵³

In another case, a group of 6 individuals (4 lesbian women, 1 transgender man and 1 transgender woman) were found at a crisis shelter where they were residing when it was raided by the

⁵⁰ HRAPE/VR/034/2022.

⁵¹ European Union, *Migration and Home affairs*. Accessed at https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/degrading-treatment-or-punishment_en.

⁵² Article 1(1) of the CAT.

⁵³ HRAPE/VR/001/2022.

local area leadership on 7th May 2023.⁵⁴ They were detained at the shelter for several hours, forced to sit on the ground and harangued by the local area leaders and residents for being homosexuals. The vice chairperson was later persuaded to take them to the bathroom to 'check if they were real women', and she did this by forcing them to undress, touching their chests and genitalia, inserting her fingers into the genitalia of at least two of them before announcing to the waiting public that they 'were real women', or the 'breasts were real', or the 'vagina works', and other such terms. This went on for at least three hours until the lawyers and the police arrived to put a stop to it.

In a slightly similar case, a gay man was attacked at his home by the area LC chairperson and three other men. The chairperson brought the three men to his home, pointed him out as a homosexual and then proceeded to watch while the three brutally assaulted him, destroyed his property and took some of his properties away while the chairperson harangued him for being a homosexual and referred to him with derogatory terms.⁵⁵

In the case of a man who was arrested and detained for more than 20 days by security agencies on allegations that he was involved in terrorist activity and working with homosexuals, the victim was beaten brutally several times while in detention, both at the point of arrest and in one of the holding facilities where he was kept, and he sustained significant injuries all over his body.⁵⁶

In another incident involving law enforcement, the brother of a lesbian woman had her and her partner arrested and taken to Kyebando Police Post, where he reported that the two were involved in homosexuality and asked that they be 'disciplined'. On top of detaining them for two days without formal charge, both victims were caned several times by different police officers at the station, who repeatedly told them they were teaching them better ways to behave as women.⁵⁷

4.2.4 Violation of the right to privacy

The right to privacy of the person, home and correspondence, and specifically provides for protection of individuals against unlawful searches of their person, home or other property.⁵⁸ The UN Human Rights Committee has expressly stated the obligation of the state in relation to this right, emphasising the duty of the state to protect the privacy of individuals from infringement by state actors and by other natural or legal persons.⁵⁹ In particular regard to necessary and lawful limitations to the right to privacy, the Committee noted:

*"As all persons live in society, the protection of privacy is necessarily relative. However, the competent public authorities should only be able to call for such information relating to an individual's private life the knowledge of which is essential in the interests of society as understood under the Covenant."*⁶⁰

⁵⁴ HRAPE/VR/005/2022.

⁵⁵ HRAPE/VR/07/2022.

⁵⁶ n 66 above.

⁵⁷ HRAPE/VR/020/2022.

⁵⁸ Article 27(1)(a) 1995 Constitution of Uganda.

⁵⁹ CCPR General Comment No. 16: Article 17 (Right to Privacy) *The Right to Respect of Privacy, Family, Home and Correspondence, and Protection of Honour and Reputation*, para 2.

⁶⁰ Above, para 7.

Unfortunately, curiosity about the private lives of LGBTIQ persons, has continued to drive violations of this right, particularly by state actors who disguise their curiosity as the enforcement of a lawful duty. This happened once again in 6 incidents in 2022 when the privacy of 6 individuals in the same case was violated by local council authorities. In that case, 6 individuals who were found at a crisis shelter for LBQ/T persons in Kampala were forced to strip before the vice chairperson of their area, who was tasked to 'check if they were real women' and she did this by forcing them to undress, touching their chests and genitalia, inserting her fingers into the genitalia of at least two of them before announcing to the waiting public that they 'were real women', or the 'breasts were real', or the 'vagina works', and other such terms.⁶¹ In addition, they were forced to sit outside for several hours and curious members of the community outside their gate were allowed to come in to 'see the homosexuals', some of whom were also allowed to take photos and videos of them while commenting about their appearance and dress, mannerisms, etc. The authorities also repeatedly asked them invasive questions relating to their sex lives throughout the ordeal.

4.2.5 Violation of the right to freedom of conscience, expression, movement, religion, assembly and association

This right is protected under Article 29 of the Ugandan Constitution, which protects a broad collection of rights, that is, the right to freedom of expression and speech, which includes freedom of press and the media;⁶² freedom of thought, conscience and belief, which includes academic freedom in institutions of learning;⁶³ freedom to practice (or not) a religion of one's choice;⁶⁴ freedom to assemble and demonstrate, peacefully and unarmed;⁶⁵ the right to belong to and participate in the practices of any religious body or organisation;⁶⁶ the right to move freely throughout Uganda and to reside and settle in any part of Uganda;⁶⁷ to enter, leave and return to, Uganda;⁶⁸ and the right to a passport or other travel document.⁶⁹

One of the most common forms of violation of this right for LGBTIQ persons in Uganda is eviction from villages of residence by their local area leaders. In 2022, there were 4 recorded incidents of violations of this right by state authorities, of which 3 involved eviction of suspected LGBTIQ persons from their villages of residence by their local area leadership.

In the first case, the leaders of an LGBTIQ support organisation in Masaka were summoned by the village leadership to a meeting and asked to explain their work and the people they work with. At the end of the meeting, the leadership of the area asked that they relocate their offices as the residents were concerned about the promotion of homosexuality in the village. They asked that the organisation and the people who were living at the crisis shelter they operated move to a different LC area.⁷⁰

In another case, a transgender woman was evicted from the village where she was residing by

⁶¹ n 70 above.

⁶² Article 29(1)(a).

⁶³ Article 29(1)(b).

⁶⁴ Article 29(1)(c).

⁶⁵ Article 29(1)(d).

⁶⁶ Article 29(1)(e).

⁶⁷ Article 29(2)(a).

⁶⁸ Article 29(2)(b).

⁶⁹ Article 29(2)(c).

⁷⁰ HRAPE/VR/006/2022.

the LC leadership.⁷¹ In this case, the client had previously been arrested in a highly publicised incident as a result of which she had been outed. This incident, occurring more than two years later, arose after the local area leadership came across a video clip detailing her prior arrest, even though they had had no issues with her in the time she had lived in the area.

In A similar incident, a transgender man was evicted from the village where he was living by the local area leadership.⁷² This happened after the client got into a fight with a neighbour over a disagreement they had, and in the course of the argument, the neighbour repeatedly said the client was a homosexual. The neighbour then went and reported the incident to the LC Chairperson, who gave the client a notice to vacate the village immediately without explanation.

4.2.6 Violation of the right to property/ protection from deprivation of property

The Constitution of Uganda protects the right to property in Article 26, which protects the right of every person to own property either individually or in association with others, and prohibits arbitrary deprivation of property in Article 26(2), which lays out the conditions under which a person's right to property may be limited:

(2) No person shall be compulsorily deprived of property or any interest in or right over property of any description except where the following conditions are satisfied—

- a) ***the taking of possession or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health; and***
- b) ***the compulsory taking of possession or acquisition of property is made under a law which makes provision for; prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property; and a right of access to a court of law by any person who has an interest or right over the property.***

During the year 2022, there was one recorded case in which this right was breached for a suspected gay man. In that case, the local area chairperson personally led an expedition to the home of the victim where the young men he went with descended on the victim's house, destroyed many of his personal properties and then took other household items forcibly while the chairperson watched, and encouraged or otherwise condoned this.⁷³

⁷¹ HRAPE/VR/008/2022.

⁷² HRAPE/VR/032/2022.

⁷³ n 71 above.

5. CASES OF VIOLENCE AND OTHER VIOLATIONS OF HUMAN DIGNITY ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY DURING 2022

Article 20(2) of the Constitution provides that the human rights and freedoms protected in chapter 4 of the Constitution are to be respected, upheld and promoted by all persons and all organs and agencies of government. This article in effect imposes a duty on non-state actors to refrain from inflicting violence and other human rights violations on others. The state is further enjoined at international law to provide protection for the rights of all persons,⁷⁴ and ensure appropriate redress in case of violations of these rights.⁷⁵ With respect to LGBTIQ persons in Particular, the African Commission on Human and Peoples' Rights has specifically laid out the obligations of the state in Resolution 275 of the African Commission on Human and Peoples' Rights on protection against violence and other human rights violations against persons on the basis of their real or imputed sexual orientation or gender identity.⁷⁶ The African Commission in this resolution called on all states to

'end all acts of violence and abuse, whether committed by State or non-state actors, including by enacting and effectively applying appropriate laws prohibiting and punishing all forms of violence including those targeting persons on the basis of their imputed or real sexual orientation or gender identities, ensuring proper investigation and diligent prosecution of perpetrators, and establishing judicial procedures responsive to the needs of victims.'

This section of the report examines incidents in which violations of human dignity were visited on LGBTIQ persons by non-state actors on account of their real or imputed sexual orientation and gender identity. While relief was offered to the victims in some of these matters, many of these cases remained unreported and unresolved due to fear on the part of the victim to pursue the matter and risk further loss or violation.

5.2 Violations of human dignity on the basis of sexual orientation and gender identity

During 2022, a total of 64 violations of human dignity on the basis of sexual orientation and gender identity were recorded arising out of 35 cases. This section sets out the specific violations of human dignity suffered by LGBTIQ persons on the basis of their sexual orientation and gender identity. The violations of human dignity are classified as acts or threats of violence; evictions; verbal abuse; denial of care; sexual exploitation, abuse and harassment; intimate partner violence; denial of contact with children; invasion of privacy and violations of freedom of expression and association. Out of the 64 violations of human dignity on the basis of SOGIE that were reported in 2022, 39 were incidences of violence or threats of violence including 4 cases of sexual violence; 11 were eviction cases; 7 incidents of banishment from family homes; 4 incidents involved denial of care to intersex children; 2 incidents of denial of access to children; and one incident of denial of liberty. This section discusses these incidents in detail.

⁷⁴ Article 2(1), *International Covenant on Civil and Political Rights*.

⁷⁵ Article 2(3)(a) ICCPR.

⁷⁶ ACHPR/Res. 275(LV) 2014.

5.2.1 Acts or threats of violence

Acts of violence or threats of violence against known or suspected LGBTIQ persons in Uganda is a fairly common phenomenon for which there is rarely any redress. In 2022, a total of 39 incidents were verified as having been perpetrated against persons purely or primarily on the basis of their real or imputed SOGIE, some of which are discussed in detail below.

In one particularly horrifying incident in July 2022, a transgender woman was walking along the road to buy foodstuffs with her roommate when the two were set upon by a group of men unknown to them and beaten brutally for being homosexuals. The transgender woman in particular was stripped naked before her assailants held her down and made several cuts across her scrotum and perineum in a bid to ‘make her a woman’. The two were saved from the attack by a passing motorist.⁷⁷ In another incident, a transgender woman was attacked and beaten up by men she recognised from her neighbourhood, who warned her to stop being a homosexual. She was afraid to report the matter, even if she could identify the assailants, because they had vowed to out her to the police and get her arrested if she reported.⁷⁸

In another incident, a transgender man and his partner were walking in the middle of downtown Kampala when people started heckling them and asking if they were homosexuals. A man who was standing nearby walked up to them, spit in the face of the transgender man and threatened to beat them both up if they did not immediately leave the place.⁷⁹ In a similar incident, a transgender woman was set upon by patrons at a bar where she used to frequent, and brutally beaten. She lost consciousness briefly and awoke to find that they had called the police to arrest her.⁸⁰ In another similar incident, a gay man was attacked and beaten by four people he found in a bar. The four had come to his table and asked for drinks, which he bought, and when they all got drunk, they attacked him and beat him up, stating that they knew he could afford to buy the drinks only because he was gay and because gay people have a lot of money.⁸¹

In a disturbing trend of the families of LGBTIQ persons turning on them, a transgender woman was forced to come out to her mother after her mother heard rumours about her and confronted her. When she came out, however, the mother got very upset, beat her up, burned her clothes and forcefully cut off her hair before forcibly taking her to their village home so that she could learn how to ‘work like a man’.⁸² In a related incident, the family of a young rights activist, who already knew that he was gay, found out that he had an active online presence, that he used his actual names, and that he was out as gay to his online audience. They got upset, accused him of soiling the family reputation, and then threatened to have him killed if he did not desist from making posts about his sexuality.⁸³ In another case, the uncle of a transgender man beat him up to the point of fracturing his arm because he suspected that his wife was having an affair with the victim. The incident arose after the uncle had a violent disagreement with his wife, who then sought refuge at the home of the victim.⁸⁴

In another equally disturbing case, the father of two intersex children who needed extensive genital construction surgeries to enable basic bodily functions reported being repeatedly battered and abused by their father. The father insisted that he could not have intersex children, and that

⁷⁷ [HRAPE/VR/058/22.](#)

⁷⁸ [HRAPE/VR/026/22.](#)

⁷⁹ [HRAPE/VR/040/22.](#)

⁸⁰ [HRAPE/VR/044/22.](#)

⁸¹ [HRAPE/VR/010/22.](#)

⁸² [HRAPE/VR/043/22/](#)

⁸³ [HRAPE/VR/27/22.](#)

⁸⁴ [HRAPE/VR/039/22.](#)

their condition was because their mother was cursed.⁸⁵

In another incident, the victim was attacked on his way from office by a group of men whom he found waiting for him near the gate of the organisation he used to work for. They did not speak to him at all, and did not take anything from him either.⁸⁶ In another incident, a transgender woman met a man on a popular gay dating app and they made an appointment to meet in person but when they met, the assailant started attacking the victim, shouting for the village to come and see a homosexual before taking off with the victim's phone and wallet.⁸⁷

In another case, a suspected gay man was attacked at his home by the area chairperson who came with 3 other men from the neighbourhood. The three men beat him up and destroyed some of his household properties while the chairperson looked on, haranguing the victim for being a homosexual and encouraging homosexuality in the area.⁸⁸ In another case, a transgender woman who had previously been arrested on suspicion of having been in an intimate relationship with a cisgender man was threatened repeatedly with violence and death by people in the village where she had relocated to after they found a video detailing her prior arrest. She was however able to go to the police, which offered some protection although they also demanded that she leave the village.⁸⁹ In a slightly similar incident, a transgender woman was forced to relocate to another village after her neighbour started threatening to harm her or mobilise people to harm her if she did not stop being a homosexual. The neighbour would routinely say these threats in public, in the presence of other neighbours, who also started heckling and harassing the victim.⁹⁰

In another case, a transgender woman was beaten up by men who were working at a construction site near her house. The men first asked her why she dresses and behaves like a female yet she is a man, before descending on her and beating her brutally. She reported the matter to the police, but no arrests were made, even if the construction site was close to the station and the assailants known. She then grew afraid of following up on the case and resorted to leaving the village for her own safety.⁹¹

In one case, two gay men were in a bar that they own jointly when two of the patrons, who had insisted on staying in the bar long past closing time, turned on them and beat them up, accusing them of spreading homosexuality in Sironko.⁹² In a similar incident, two men broke into the victim's shop while she was asleep and beat her up, stole her merchandise and then cut up her national ID, threatening to return and harm her more if she did not stop being a homosexual. The victim was a transgender woman.⁹³

In a different case, the victims resided together in the same house (four individuals). One of their neighbours kept constantly complaining to their landlord and the area LC chairperson that they were homosexuals, and asking that they evict them because they made her uncomfortable, but they both ignored her, which upset her. She mobilised other people in the neighbourhood to harass the victims by throwing stones on the roof of their house whenever they went in or shut the door, particularly if it was during the day.⁹⁴

⁸⁵ [HRAPE/VR/009/22.](#)

⁸⁶ [HRAPE/VR/002/22.](#)

⁸⁷ [HRAPE/VR/004/22.](#)

⁸⁸ [HRAPE/VR/007/22.](#)

⁸⁹ [HRAPE/VR/008/22.](#)

⁹⁰ [HRAPE/VR/015/22.](#)

⁹¹ [HRAPE/VR/046/22.](#)

⁹² [HRAPE/VR/050/22.](#)

⁹³ [HRAPE/VR/049/22.](#)

⁹⁴ [HRAPE/VR/031/2022.](#)

5.2.2 Evictions

In the year 2022, 11 cases of evictions were verified wherein persons were evicted from their homes/ residences purely on the basis of their SOGIE. These evictions were perpetrated by property owners as well as families of the victims in some cases. Some of the incidents are:

In one of these cases, 6 LBT persons were evicted en mass from a house they were all staying in as a crisis shelter after the landlord was summoned by the village leadership and told that they were lesbians.⁹⁵ In another case, two lesbian women were evicted by the landlord from their rented accommodation. The landlord informed then that he was not interested in harbouring lesbians in his house.⁹⁶ In another case, a transgender woman who had been repeatedly harassed by a neighbour was evicted from home by the landlord after the neighbour made an alarm to the other neighbours.⁹⁷

In another case that follows the trend of eviction of individuals purely because of their SOGIE, a lesbian couple were evicted from their rented accommodation by their landlord, who informed them that he was uncomfortable with having homosexuals in his houses because of his beliefs.⁹⁸

5.2.3 Banishment from family homes and places of worship

There were 7 incidents of banishments with 6 being banishment from family homes and 1 being an eviction from a place of worship. The victims were evicted from their homes by family members upon discovery of their sexuality.

In a one case, a gay man was evicted from his home after his mother found out that he was gay. She burnt all his academic documents, lamenting that money spent on educating a homosexual had been wasted, before physically throwing his personal properties out of the house.⁹⁹ In a somewhat similar case, a transgender woman reported that she was constantly verbally harassed by her mother and her brothers, who routinely told her that they were ashamed of her and wished that she would die so that she could stop bringing shame on the entire family. The harassment got so bad that she was later forced to start presenting as a male whenever she visited the family home.¹⁰⁰

In the another case, the victim's mother heard about her sexuality and confronted her about it. When she acknowledged and came out to her mother, however, the mother threw her personal belongings out of the house and warned her never to return.¹⁰¹ In another case, the victim's sister asked her for money, which she did not have. However, her sister did not believe her and started yelling that she knew the victim to be a homosexual who therefore must have lots of money. When their other siblings came over to question the dispute, she informed them that the victim is a lesbian, and the person she walks around with as a guide (the victim is visually impaired) is in fact her sexual partner. All the siblings immediately turned on the victim and demanded that she leave the family home immediately and never return.¹⁰²

⁹⁵ HRAPE/VR/005/22.

⁹⁶ HRAPE/VR/028/22.

⁹⁷ HRAPE/VR/047/22.

⁹⁸ HRAPE/VR/028/2022.

⁹⁹ HRAPE/VR/019/2022.

¹⁰⁰ HRAPE/VR/024/2022.

¹⁰¹ HRAPE/VR/053/22.

¹⁰² HRAPE/VR/052/22.

In the case where two intersex children were physically and verbally abused by their father over a period of several months and denied treatment, education and food support, with the father claiming that they were cursed because of their mother's bad luck, it was verified that he later threw both the children and their mother out of the family home in a bid to 'cleanse the home of the curse', thus rendering them homeless.¹⁰³

For the case involving eviction from a place of worship, the client, was questioned by the police following a case in which an associate of his was accused of inappropriately touching another man. After this outing, he was chased away from the mosque from where he used to pray.¹⁰⁴

5.2.4 Denial of care

In a disturbing trend, HRAPF verified a total of 4 incidents of parents denying their children care purely on the basis of the fact that the children happened to be intersex. Intersexphobia has remained a deeply engrained part of the social landscape in Uganda, with children generally bearing the brunt of it. In the case in which a father of two intersex children with extensive medical needs routinely physically and emotionally abused them, it was verified that he later threw both the children and their mother out of the family home in a bid to 'cleanse the home of the curse', thus rendering them homeless. He also refused to have anything to do with them, and declined to provide basic necessities for the children.¹⁰⁵ In another case, the father of an intersex child found out when she was 5 that she was intersex because the mother had been hiding the fact from him. As soon as he found out, he banished the mother and child from the family home and refused to offer any kind of support or assistance to them, thus rendering the child homeless and destitute.¹⁰⁶

In another case, the victim's father found out that he was intersex when the child started to develop secondary sexual characteristics that atypical. The father lost his temper and immediately assaulted the mother before throwing both the victim and his mother out of the house, warning them never to return or seek any support from him.¹⁰⁷

5.2.5 Denial of access to children

There were two verified cases in which LGBT persons were denied access to their children on the basis of their sexual orientation. In the one case, the father of the children of a lesbian woman denied him access to the children on the basis of the fact that she has sexual relations with women.¹⁰⁸ Similarly, a lesbian woman was also prevented from seeing her children by their father on the basis of her sexual orientation.¹⁰⁹

5.2.6 Deprivation of liberty

In one incident, private security guards arrested a medical officer after a person had come to the hospital and accused him of having 'sodomised' him and demanded payment from the hospital. Based on this allegation alone, the private security guards guarding the hospital immediately arrested the person and handed him over to police.¹¹⁰

¹⁰³ HRAPF/VR/009/2022.

¹⁰⁴ HRAPF/VR/023/2022.

¹⁰⁵ n 102 above.

¹⁰⁶ HRAPF/VR/038/22.

¹⁰⁷ HRAPF/VR/045/22.

¹⁰⁸ HRAPF/VR/003/2022.

¹⁰⁹ HRAPF/VR/035/2022.

¹¹⁰ HRAPF/VR/056/2022.

6. PERPETRATORS OF VIOLATIONS ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY DURING 2022

6.1 Introduction

During 2022, the human rights of LGBTIQ persons were violated on the basis of their real or presumed sexual orientation and/or gender identity by state actors. Non-state actors also committed violations of the human dignity of LGBTIQ persons on the basis of their sexual orientation and gender identity, which included the commission of severe acts of violence.

6.2 Human rights violations by state actors

During 2022, three state actors were responsible for human rights violations against LGBT persons namely the Uganda Police Force, the Local Council Leaders and the Uganda People's Defence Forces (UPDF).

6.2.1 The Uganda Police Force

The Uganda Police Force was the leading violator of the rights of the LGBTIQ people in 49 incidents. These are mainly cases of violence.

6.2.2 Local Council leaders

Local council authorities were the second biggest violators of human rights accounting for 34 incidents. They were mainly involved in evictions and banishments.

6.2.3 Uganda Peoples' Defence Forces (UPDF)

Members of the UPDF were responsible for 2 violations arising out of one case. The responsible unit is the Chieftaincy of Military Intelligence (CMI).

6.3 Violations of human dignity perpetrated by non-state actors

During 2022, non-state actors committed 64 incidents of violence and violations of human dignity against LGBT persons.

48.1% of all violations of which 39 were perpetrated by members of the general community, 11 by landlords; 11 by families of LGBTIQ persons, 2 by intimate partners/ spouses of LGBTIQ persons and 1 by private security guards.

6.3.1 Violations of human dignity by the general community

The Ugandan society is decidedly homophobic. A survey conducted by the Pew Research Centre in 2013 found that 96% of Ugandans do not believe that society should accept homosexuality. A 2016 Afrobarometer study also found that 95% of Ugandans would not tolerate having a homosexual neighbour. Although the exactness of these estimates may be questioned, the statistics indicate a societal set-up where it can almost be expected that violations against LGBT persons will occur and that they will furthermore be condoned by the majority of society.

During 2022, members of the general community committed 39 violations of dignity against LGBTIQ persons.

6.3.2 Violations of human dignity by family members

There were 11 verified violations of dignity committed against LGBT persons by their family members on the basis of their sexual orientation and gender identity during 2022. Seven of these violations took place where family members of LGBT persons evicted them from the family home on the basis of their sexual orientation and/or gender identity. There were 4 cases in which parents refused to take care of their intersex children.

6.3.3 Violations by intimate partner

There were two incidents of intimate partners denying the other partner access to children due to the other partner's sexual orientation and gender identity.

6.3.4 Violation by private security agencies

There was one case in which a person's liberty was violated by private security agencies through an arbitrary arrest.



7. GENERAL ANALYSIS OF REPORTED VIOLATIONS OF HUMAN RIGHTS BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY

Over the past five years, there had been a steady decline of human rights violations committed against LGBTIQ persons. Police officers increasingly refrained from taking the law into their own hands when confronted with LGBT persons up to the end of 2018. However, considering the figures from 2022, there has been a marked increase in the number of violations committed against LGBTIQ persons by state actors. The number of violations of human dignity, and particularly acts of violence, committed against LGBT persons by members of the public has increased and includes murder, which has not been the case in previous years.

7.1 Analysis of trends 2022

This section analyses and summarises the violations committed against LGBT persons during 2022 in comparison to preceding years.

7.2 Trends in number of rights violations

A total of 149 incidents of human rights violations were committed against LGBTIQ persons on the basis of their sexual orientation and gender identity during 2022. This continues the trend of reduction violations from 398 in 2020 to 253 in 2021.

7.3 Trends in nature of rights violations

While the right to dignity and freedom from cruel, inhuman and degrading treatment and punishment was the most violated right in 2016, and the right to equality in 2017, the right to liberty is recorded as the most violated right in 2018. In 2022, the right to liberty was by far the most violated right.



Table 1: Categories of rights most commonly violated in 2022, 2021 and 2020

Category of right	2022	2021	2020
	Number of violations per year		
Right to liberty	40	74	67
Right to privacy	6	33	12
Right to dignity and freedom from torture	12	93	133
Right to equality and freedom from discrimination	22	46	87
Right to life	-	0	0
Right to property	1	–	–
Freedom of expression, association and assembly	4	3	37

The increase in the number of violations of the right to liberty may be attributed to rumours and talk that Parliament intends to reintroduce the Anti-Homosexuality Bill. The mere possibility that the hateful legislation may be reintroduced was enough to spark a scourge of violations and acts of violence against LGBT persons by both state and non- state actors.

As was the case in the two preceding years, a considerable number of violations of the right to freedom from torture and cruel, inhuman and degrading treatment or punishment were committed by mainly the Police, during and after the process of arresting LGBT persons.

7.3.1 General overview of trends in the violation of the rights of LGBT persons over the years

Table 2: Comparative overview of human rights violations over five years

Categories of rights	Number of violations per period under review				
	2022	2021	2020	2019	2018
The right to equality and freedom from discrimination	22	46	114	18	13
The right to liberty	40	74	67	163	25
The right to freedom from cruel and inhuman treatment	12	93	54	18	12
The right to property	1	0	5	0	4
The right to privacy	6	33	12	1	10
The right to freedom of expression, association and assembly	4	3	37	34	5
The right to life	0	0	0	2	0
	85	249	289	236	69

In comparing the numbers of violations over the past years, it is clear that there is a no clear trend as political winds sway the number of violations in whatever direction they are blowing at the time. downward trend in violations on the basis of sexual orientation and gender identity including in 2022.

7.3.2 Trends in violations of human dignity

During 2022, non-state actors committed 64 violations of human dignity against LGBTIQ persons on the basis of their sexual orientation and / or gender identity. These violations included 39 cases of violence or threatened violence; 11 evictions; 11 violations by family members; 4 cases of denial of support to children; two instances of denial of access to children; and finally one instance of deprivation of liberty.

Table 3: Violations of human dignity committed against LGBT persons in 2022

Violations committed by members of the public against LGBT persons have become more frequent and more violent than it had been in previous years. In 2021 a total of 64 violations were committed by members of the public. This number was 64 in 2022.

Some of these matters were settled through mediation. Many, however, remained unreported and unresolved due to fear on the part of the victim to pursue the matter and risk further loss or violation. By and large, these violations went without redress by the state, thus the state also failed in its obligation to provide an effective remedy for acts of violence and violations of human dignity.

7.3.3 Trends in perpetrators of human rights violations

State actors were responsible for 85 human rights violations committed during 2022. Previous reports considered acts of violations as well as violations of human dignity committed by non-state actors to be classified as human rights violations. A ratio of violations committed by state actors as opposed to non-state actors could thus be determined and compared from year to year. This report does not consider such acts committed by non-state actors to qualify as human rights violations, but does consider the state's responsibility to prevent and address such acts.

In terms of sheer numbers, human rights violations committed by state actors have drastically increased in 2022. In 2018, state actors committed only 30 verified violations against LGBT persons.

Table 4: Perpetrators of human rights violations against LGBTIQ persons

Perpetrator	Number of violations occasioned
The Uganda Police Force	49
Local Council Officials	34
Members of the the UPDF	2
TOTAL	85

The Uganda Police Force perpetrated the highest number of violations against LGBTIQ persons, followed by the Local council leaders. Up to 2018, the number of violations committed by the Uganda Police Force were on a seeming downward trend. In the whole of 2018, only 29 violations against LGBT persons were verified and in 2017 there were only 26 violations by the Police. The statistics of 2022 indicate a spike in the number of violations committed by the Police.

During 2022, 64 violations of human dignity were committed by non-state actors, with little or no attempt at bringing violators to book.

7.3.4 Trends in perpetrators of violations of human dignity

Table 5: Perpetrators of violations of human dignity against LGBT persons in 2022

Perpetrator	Number of violations of human dignity
Members of the general public	39
Family members	11
Property owners	11
Parents	2
Intimate partners	2
Private security guards	1
TOTAL	64

There is need for drastic intervention at both state and community level to sensitise the country about the rights of LGBT persons and to demystify sexualities and gender identities which deviate from the norm. There is need for the government to send a very clear message to the citizenry that crimes and other human rights violations committed against LGBT persons shall not go unpunished.

8. CONCLUSIONS AND RECOMMENDATIONS

8.1 General conclusion

In 2022, there was a reduction in the number of violations based on SOGI. Private actors however are now almost at par with the state on committing violations against LGBTIQ persons.

8.2 Recommendations

To the President of the Republic of Uganda

The Office of the President is key to the law-making process and the President has the authority to address laws that are not compliant with the Constitution and initiate processes to have such laws amended. The President also has the power to issue Directives that are to be followed by all state and non-state actors within the country. It is recommended that the President does the following:

1. Make clear statements that acts of violence and discrimination against vulnerable minorities, including LGBT persons will not go unpunished.
2. Publicly reject proposed legislation which discriminates on the basis of sexual orientation and gender identity.

To Parliament

The Parliament of Uganda has the authority to legislate and thereby influence the levels of protection or violation experienced by LGBT persons in Uganda. They are recommended to do the following:

1. Repeal laws which create the offence of 'having carnal knowledge against the order of nature', which is interpreted to criminalise LGBT persons and are used to justify denying them equal protection of the law.
2. Repeal sections of the Penal Code Act which create broad and vague petty offences such as 'being a common nuisance', which are used to arbitrarily arrest and punish persons who are poor and undesirable, including LGBT persons.
3. Ensure that government fulfils its international and regional human rights obligations to all without discrimination.

To the Uganda Police Force

The Uganda Police Force is a critical actor in terms of protecting and violating the rights of LGBT persons. The Police can either protect the rights of LGBT persons when they face abuse and discrimination from the general public or condone and thereby exacerbate such homophobic and transphobic behavior. The Police also determine whether or not LGBT persons will be arrested and prosecuted on the basis of their real or presumed sexual orientation and/or gender identity. In this regard, the following recommendations are made to the Police:

1. Thoroughly and conclusively investigate cases of violence against LGBT persons by members of the public.
2. Continue training Police officers on the human rights of MSM and transgender persons as well as the limits of the laws which they are mandated to enforce.
3. Strengthen mechanisms which exist to redress human rights violations committed by members of the UPF. In particular, improve the responsiveness of the Police Professional Standards Unit in handling matters of alleged violations committed by Police Officers.

To the Uganda Law Reform Commission

The Uganda Law Reform Commission is authorised to advise the state on needed reforms to the law in order to bring them in line with the Constitution and principles of good governance, human rights and social justice. It is recommended that the Law Reform Commission:

1. Develop a proposal for constitutionally compliant alternatives to laws creating petty offences that will protect the rights of all while ensuring order in society.
2. Develop a proposal for the amendment of the Penal Code Act to repeal the sections that criminalise consensual sexual relations between persons of the same sex.

To the Uganda Human Rights Commission

The Uganda Human Rights Commission is mandated to ensure the preservation and protection of the basic human rights of all, both in law and in practice. It is recommended that the UHRC does the following:

1. Demand accountability from the state for all human rights violations reported, especially those that go unaddressed.
2. Hear and dispose of cases involving violations of rights of LGBT persons, some of which have been pending before the Commission's Complaints and Investigations Directorate since 2016.
3. Develop proposals to amend laws that are discriminatory and which do not align with the Constitution of the Republic of Uganda.

To the Equal Opportunities Commission

The Equal Opportunities Commission is an institution mandated to address marginalisation and discrimination in Uganda. The EOC provides a platform for addressing violations suffered by marginalised persons, including LGBT persons who suffer discrimination on the grounds of sexual orientation and gender identity. The Commission is recommended to use its mandate to do the following:

1. Investigate systemic discrimination of individuals based on their sexual orientation and gender identity and report findings.
2. Include cases of discrimination based on sexual orientation and gender identity in the annual reports to Parliament.
3. Continue to train the staff of the EOC in order to build their capacity in handling matters of discrimination and marginalisation on the basis of sexual orientation and gender identity.

To the media

The media has an important part to play in either promoting or combating stigma against LGBT persons, depending on how they choose to frame stories which concern members of this group. The media is also in a position to 'out' LGBT persons to the public, which can be extremely dangerous to their life, security and well-being. The media is recommended to do the following:

1. Report cases of violations against LGBT persons as such, rather than maintaining silence amidst such violations.

To civil society organisations

Organisations which exist to promote human rights, including the rights of LGBT persons, are equipped to raise awareness about the discrimination and challenges which KPs face within the Ugandan society. These organisations can advocate for an improved legal and policy environment through various means. It is recommended that civil society does the following:

1. Make use of the Human Rights (Enforcement) Act, 2022 by supporting LGBT persons who have suffered human rights violations to institute cases to hold individual perpetrators of these violations liable.
2. Ensure that the Police fully and effectively investigates cases of violations committed against LGBT persons.
3. Advocate for the adoption of a law that would categorise crimes committed against LGBT persons on the basis of their sexual orientation or gender identity as hate crimes.
4. Develop the capacity of staff to document violations based on sexual orientation and gender identity. This could include adopting uniform guidelines for recording information on cases and violations.

ABOUT HRAPF

Background

Human Rights Awareness and Promotion Forum is a voluntary, not for profit, and non-partisan Non-Governmental Organisation. HRAPF works for the promotion, realisation, protection and enforcement of human rights through human rights awareness, research, advocacy and legal aid service provision, with a particular focus on minorities and disadvantaged groups. It was established in 2008 with a vision of improving the observance of human rights of marginalised persons in Uganda.

Legal Status

HRAPF is incorporated under the laws of Uganda as a company limited by guarantee.



HRAPF's Objectives

1. To create awareness on the national, regional and international human rights regime.
2. To promote access to justice for marginalised persons and Most at Risk Population groups.
3. To undertake research and legal advocacy for the rights of marginalised persons and Most at Risk Population groups.
4. To network and collaborate with key strategic partners, government, communities and individuals at national, regional and international level.
5. To enhance the capacity of marginalised groups, Most at Risk Populations and key stakeholders to participate effectively in the promotion and respect of the rights of marginalised persons.
6. To maintain a strong and vibrant human rights organisation.

Our target constituencies

Our core target constituencies are marginalised persons and key populations.

1. LGBTQ+ persons: HRAPF works with LGBT persons to challenge discriminatory laws, policies and social norms that normalise exclusion, discrimination and violence against sexual and gender minorities. HRAPF believes that LGBT persons have a right to speak for themselves as well as live a life free of stigma, criminalising and violence. HRAPF respects LGBT persons' agency to speak out and make choices over their lives.
2. Intersex persons: HRAPF works with Intersex persons because they are often invisible and left out even within the sexual rights movements and organising. HRAPF believes that Intersex persons have a right to speak for themselves as well as live a life free of stigma, exclusion, criminalising and violence. HRAPF respects Intersex persons' agency to speak out and make choices over their lives.
3. Sex workers: HRAPF works with Sex Workers to challenge exclusionary gender norms, laws and policies that penalise, criminalise, violate and curtail their exercise of choice and agency over their occupation, bodies and mobility. HRAPF respects sex workers' agency to speak out and make choices over their lives.
4. Persons who use and inject drugs (PWUIDs): HRAPF works with people who inject and use drugs to challenge laws and policies that penalise, criminalise, and violate them. HRAPF respects people who inject and use drugs' agency to speak out and challenge stigma, discrimination, criminalisation and violence
5. Refugees facing gender-based violence issues: HRAPF works with refugees and host communities to challenge gender-based violence in refugee settlements by addressing the violations and empowering refugee women with legal and human rights knowledge to speak against GBV and working with duty bearers to uproot the structural causes of gender-based violence among refugees.

6. Women and health workers in conflict with the laws on abortion: To address the increasing rates of maternal mortality due to unsafe abortion, HRAPF provides legal support to women and health workers in conflict with the laws on abortion through the creation of awareness on laws and policies governing abortion in Uganda, legal aid service provision and advocacy for a conducive legal environment for access to safe abortion services.
7. Vulnerable women, girls and the elderly facing land justice concerns: HRAPF works with poor women, children and the elderly with land justice issues because they hold a legitimate claim to land as a key productive resource. HRAPF believes that they are often systemically discriminated against and/or dispossessed of their land which often limits the exercise of their agency.
8. People living with HIV/AIDS: HRAPF works with PLHIV/TB especially women and girls because often their human rights are violated. HRAPF believes that PLHIV/TB are individual rights-bearers that should live lives free from stigma, discrimination, criminalisation and violence. HRAPF works with PLHIV/TB to realise their human rights to access health services, and control their bodies by challenging social norms and HIV/TB-related stigma and discrimination.

HRAPF Values

- Equality, Justice and Non-Discrimination
- Transparency, Integrity and Accountability
- Learning and Reflection
- Quality and Excellence
- Teamwork and Oneness
- Passion and Drive
- Networking and Collaboration

Slogan

Taking Human Rights to all



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