

Uganda Report of Violations Based on Sex Determination, Gender Identity, and Sexual Orientation

October 2014

Produced by:

Civil Society Coalition on Human Rights and Constitutional Law
(CSCHRCL)

Human Rights Awareness and Promotion Forum (HRAPF)

Rainbow Health Foundation (RHF)

Sexual Minorities Uganda (SMUG)

Support Initiative for Persons with Congenital Disorders (SIPD)



Civil Society Coalition
On Human Rights
And Constitutional Law



Table of Contents

Glossary	3
List of Acronyms	5
Introduction	6
Key Findings	8
Methodology	9
Data Collection: Methods and Process.....	9
Verification of Cases: Methods and Process.....	11
Methodological Challenges.....	13
Analysis: The Entrenchment and Persistence of Violations in Uganda on the basis of Sex Determination, Gender Identity, and Sexual Orientation	16
Violations of Human Rights by State Actors.....	19
Police Abuses.....	19
Unlawful Arrest and Detention.....	22
Violations of Freedom of Speech, Assembly, and Association.....	24
Forced Evictions.....	27
Human Rights Violations in the Community Context.....	28
Right to Work.....	28
Right to Education.....	30
Right to Health.....	32
Discriminatory Practices based on Sex Determination, Gender Identity, and Sexual Orientation.....	33
Family and Community Discrimination and Abuse.....	34
Uganda’s Homophobic Media.....	37
Recommendations	39

Glossary

Best Guess Surgical Strategy: A surgery performed on an intersex child's external sex organs to make the organs look physically either "male" or "female." The surgery is informed by prior genetic testing and studying of historical case studies in order to determine what gender the intersex child will most likely feel most comfortable living as.

Bisexual: A person romantically and/or sexually attracted to men and women.

Cisgender: Someone whose deeply held sense of gender is the same as their biological sex assigned at birth.

Gay: A man romantically and/or sexually attracted to men.

Gender Identity: A person's conception of oneself as male or female or both or neither.

Homosexual: A person attracted to 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, or a person who may be born with genitals that seem to be in between male and female.

Lesbian: A woman romantically and/or sexually attracted to women.

LGBTI Community: Refers to self-identified LGBTI individuals who participate in social and professional activities with other self-identified LGBTI and LGBTI allies. These individuals do not have to be but are often members of one or multiple LGBTI organisations.

Outing: The act of disclosing a lesbian, gay, bisexual, transgender, and/or intersex person's true sexual orientation or gender identity without that person's

consent.

Sex: The genitals; the physical distinction between male and female.

Sex Determination: The way by which the sex of an individual is determined. It may be based on the person's gametes or sex chromosomes.

Sexual Minorities: A group whose sexual identity, orientation and/or practice differs from the majority of the surrounding society.

Sexual Orientation: A person's romantic and sexual attractions to individuals of a different gender or the same gender or more than one gender.

Transgender: Someone whose deeply held sense of gender is different from their biological sex assigned at birth.

List of Acronyms

CSCHRCL:	Civil Society Coalition on Human Rights and Constitutional Law
FARUG:	Freedom and Roam Uganda
HRAPF:	Human Rights Awareness and Promotion Forum
HRW:	Human Rights Watch
LGBTI:	Lesbian, Gay, Bisexual, Transgender, and Intersex
RHF:	Rainbow Health Foundation
RLP:	Refugee Law Project
SD/GI/SO:	Sex Determination/Gender Identity/Sexual Orientation
SMUG:	Sexual Minorities Uganda
SIPD:	Support Initiative for People with Congenital Disorders Uganda

Introduction

The impetus behind the Uganda Report on Violations Based on Sex Determination, Gender Identity, and Sexual Orientation is the conviction that no violation of rights or dignity based upon an individual's actual or perceived sex, gender identity, and sexual orientation should go undocumented or unacknowledged¹. The collective experiences of violations of LGBTI Ugandans that form the basis of this report will be used to educate the public, religious leaders, civil society, and the international community, as well as to inform policies and policy makers in Uganda of the pervasiveness and the consequences of discrimination faced by LGBTI Ugandans.

Another driving force behind the publication of this report is the need to respond to a series of false, misleading, or unsubstantiated reports of violations related to sex determination, gender identity, or sexual orientation that have surfaced and circulated in Uganda in recent years. The possible consequences of false or shoddy reporting on rights violations are a serious concern in that they run the risk of undermining the credibility of LGBTI rights organisations as well as that of the victims themselves. By setting stringent evidentiary standards, and by erring on the side of caution when considering cases for inclusion in this report, the research team has been able to demonstrate conclusively that human rights violations against sexual minority groups are in fact taking place in Uganda.

The violation of the rights of persons based on their sex determination, gender identity, and/or sexual orientation can lead to spiritual and emotional shame

¹ This report moves away from the acronym SOGI (sexual orientation and gender identity) to include sex determination in order to address the complex realities of intersex individuals.

and embarrassment. Self-worth, familial love and support, and societal respect are lost as individuals are harassed, beaten, thrown out of their homes, forced to endure mob justice, fired from their places of employment, and abandoned by family and friends. This report challenges the pervasive impunity surrounding violations based on sex determination, gender identity, and sexual orientation and provides verified evidence of violations experienced by LGBTI Ugandans and non-LGBTI Ugandans alike due to prejudice, a lack of knowledge or understanding, and/or discrimination.

LGBTI organisations and some mainstream human rights organisations in Uganda have long striven to defend the rights of the LGBTI community, including by way of representing the lived experiences of victims of abuse, but not enough of this work has been conducted in the context of rigorous processes of evidence collection, documentation, and verification. This report seeks to fill that void, but it does not pretend to offer a comprehensive list of all the cases of violations occurring in Uganda on the basis of sex determination, gender identity, or sexual orientation; rather the authors of this report offer initial and important tools for readers to begin to understand – through the presentation of verified evidence over time – the pervasiveness, nature, pattern, and extent of violations of LGBTI rights in Uganda.

Key Findings

- Violations of rights and/or dignity based on sex determination, gender identity, and sexual orientation have been documented and shown to be occurring regularly in Uganda;
- Lesbian, gay, bisexual, and transgender Ugandans are subject to arrest solely due to their sexual orientation or gender identity;
- The Ugandan police are responsible for abuses including arbitrary arrest, and prolonged and incommunicado pre-trial detention;
- Landlords work in concert with local government officials to evict people from their homes explicitly due to their sexual orientation or gender identity;
- Ugandan government officials impede and deny LGBTI-focused organisations the legal status required to operate;
- The government of Uganda has failed to combat discrimination and uphold access to health, education, and employment for members of sexual minority groups;
- Discrimination, harassment, and physical violence against Ugandans based on sex determination, gender identity, and sexual orientation are prevalent on the community level and within families; and
- The portrayal of sexual minorities in Uganda's newspaper, radio, television and online media outlets perpetuates repellent stereotypes.

Methodology

Data Collection: Methods and Process

This report is the result of a collaborative data collection and verification process undertaken over an eight-month period by this report's authors, which are: the Civil Society Coalition on Human Rights and Constitutional Law (CSCHRCL), the Human Rights Awareness and Promotion Forum (HRAPF), Rainbow Health Foundation (RHF), Support Initiative for Persons with Congenital Disorders (SIPD), and Sexual Minorities Uganda (SMUG).

Case documentation and data collection was carried out between October 2013 and April 2014 using a standardised system for documentation. The centralisation of data, review for data quality and accuracy, and initial report compilation were conducted by CSCHRCL, under the leadership of the Documentation Officer. Data analysis and further report drafting were conducted by HRAPF, with support from Benetech. Systematic and secure data collection was facilitated by Martus, an open-source secure documentation platform, with the technical support of its developer, Benetech.²

One hundred and six (106) individuals were interviewed for this report. Interviews were informal and largely unstructured and typically conducted as one-on-one meetings. Interviews often yielded information about several cases, which were then cross-referenced with other information already obtained or by means of additional in-depth interviews, using the snowball method to reach respondents.

² Martus, an open-source software platform, is used by human rights workers, attorneys, journalists and others worldwide to standardise, securely share, and/or secure information from theft, loss, destruction, and/or unauthorised access. Benetech is a non-profit technology company that develops and supports Martus (www.martus.org).

During the reporting period, CSCHRCL collected a total of 25 cases of LGBTI rights violations, while the four other Ugandan organisations that comprised the group of authors of this report (HRAPF, RHF, SMUG and SIPD), collected an additional 40 cases. Organisations that are not part of the group of authors, including Refugee Law Project, Human Rights Watch, National LGBTI Security Committee, and Spectrum Uganda, submitted a total of 51 additional reports of violations during that time frame. Seven cases were the product of one-on-one fact-finding interviews; 15 came from group fact-finding interviews; and five were the product of follow-up group meetings conducted by CSCHRCL.

A total of 153 reports of cases of human rights violations against the LGBTI community in Uganda were collected by these means, and a series of steps were then taken to verify each of these reports to the extent possible.

Verification of Cases: Methods and Process

The 153 unverified cases of human rights violations collected during the reporting period were subjected to a verification process led by the Documentation Officer from CSCHRCL. Two methods were employed to verify cases.

The first method of the verification process determined whether or not a given case had been documented by a credible entity and was backed up with direct or prima facie evidence, or, alternately, with documentary evidence such as police records, medical records, newspaper reports, and/or video materials.

The second method involved witness corroboration: At least three individuals who were in a position to know details of the case were required to corroborate the accuracy of the facts compiled in order for reported cases to be considered to have been substantiated. Focus group discussions were convened, made up of three to six individuals who were witnesses to the violations or who were active in the community during the period that the incidents occurred and/or who were likely to help others to remember specific events. These corroborating witnesses were able to clarify or correct inaccuracies in the reports presented. The presence of other witnesses in the focus group facilitated the process of cross-referencing and verifying information.

Cases subsequently determined to be in need of further corroboration were identified and follow-up actions were undertaken by team members. These actions included: obtaining additional testimony from witnesses; returning to police posts to further investigate details of the cases; and soliciting additional information from the case officers at organisations responsible for the initial

investigation of reported abuses. CSCHRCL conducted in-depth interviews and follow up investigations on a case-by-case basis to generate and verify data; HRAPF provided further in-depth analysis.

Once cases were verified, the research team coded each case based on the date, location, and type of violation and assigned it a case reference number consisting of a four-digit date field separated by a dash from a three-digit field that expresses the chronological order in which violations on file occurred. Detailed case information is maintained on file by author organisations and can be availed upon request; cases included in this report are referred to according to this case reference number in footnotes.

Of the 153 cases of reported violations collected using these methods, the research team was able to meet the stringent verification criteria established for inclusion in this report for 78 cases. Many unverified cases of human rights violations that were reported to the research team were ultimately not included in the analysis in this report – not due to any doubt that the abuses took place, but because the research team failed to complete one of the verification methods outlined above to substantiate the victim’s claims and meet the research team’s rigorous standards for evidence for these cases.

Of the 78 verified cases that are included in this report, 29 involved multiple violations or abuses. In one instance, a 2013 case of unlawful arrest and detention, a gay man was subjected to no less than six distinct human rights violations by members of the police. In total, the research team documented 116 distinct violations or abuses.

Methodological Challenges

While a high standard of evidence is one of the strengths of this report, it has also generated a set of significant challenges. A high burden of supporting evidence, along with underreporting, leads to a bias in the data collection process marked by the underrepresentation of certain types of cases and the overrepresentation of cases reported more frequently by certain subsectors of the LGBTI community.

Of the 78 verified cases of human rights violations that inform this report, 30 occurred in 2013, 21 in 2012, nine in 2011, and ten in 2010. There were five or fewer cases from every year between 1995 and 2009. The paucity of reported cases of human rights violations before 2010 is attributable in part to the small number of LGBTI organisations that were focused on documentation prior to that point. Further, violations that took place prior to 2010 were difficult to verify due to a lack of corroborating evidence and witnesses available for cases beyond the most recent past.

The publicity that came with the introduction of the Anti-Homosexuality Bill in 2009 drew attention to LGBTI rights violations in Uganda and highlighted the need for documentation. That same year, CSCHRCL was established and in 2010, HRAPF opened the first legal aid clinic for LGBTI persons in Uganda. As a result, monitoring and documentation of issues affecting the LGBTI community began to become more regular. The spike in reported violations subsequent to 2009 is no doubt due in part to increased and more effective and proactive documentation efforts – which, in turn, may possibly have stirred up homophobia and contributed to an increase in the very violations being investigated. Though underreporting remains a significant issue, this increase is also partially due to growing rates of reporting violations among the community due to the increased infrastructure for receiving and documenting such reports, an increasing

awareness of and ability to identify violations among the community, and perhaps a greater confidence in the efficacy and safety of reporting violations. Because of the non-representative sampling, overall small sample size, and strict verification requirements of the cases documented, statistical issues of cause and effect are beyond the scope of this report.

Until recently, few LGBTI organisations in Uganda have regularly documented violations as they occur, and those that do may not reach the broader population of LGBTI persons, particularly those outside of Kampala or those living in slum areas. Most organisations that document cases operate primarily in Kampala, and the police in Kampala are also more likely to keep records. Both of these factors have led to increased reporting as well as greater access to corroborative materials in the capital city. Not surprisingly, this report includes more cases from Kampala than from anywhere else in the country. Violations occurring in rural areas are underrepresented in this report. In most rural districts, community organising for LGBTI rights is not as vibrant as it is in Kampala, and many cases of abuse go unreported. On the other hand, the fact that most rural areas in Uganda do not have many “out” LGBTI persons suggest that violations may be less likely to occur outside of Kampala.

Thus, the data in this report does not accurately represent the true geographic variance of violations occurring across Uganda but rather reflects the current status of the reach of documentation and verification efforts that these organisations could conduct. As with the number of violations occurring over time, the geographic scope of the sample of data gathered for this report does not allow the authors to make statistical inferences about geographic trends.

Of the 106 victims of human rights abuses who were interviewed for this

report,³⁷ self-identified as gay men; 32 declined to identify their sex, gender, or sexual orientation status; 15 self-identified as lesbians; nine as intersex; seven as transwomen; and six as transmen. No individuals self-identified as bisexual.³ While there were no indications of specific targeting of gay men as compared to others among the LGBTI group, research showed that they are the most likely to be reached by researchers to report cases to organisations that document them, while other populations were more difficult to reach or did not come forward to report violations as frequently. Among the cases reviewed by the research team, a non-conforming outward appearance proved to be a common factor in violations, particularly public ones. This includes many transgender persons, who appear to be more at risk of being brutalized because of presumptions based upon their appearance. Among violations and abuses documented by the research team, sexual violence, including rape and corrective rape affecting lesbians and trans individuals in particular, is dramatically underreported due to the extreme social stigma cast on survivors and the fear of being subjected to further violence and abuse.

While there are indications like these that the type of violations experienced, who perpetrates them, and where they occur (i.e. public, private, etc.) vary according to different LGBTI identities, the small, non-representative sample size of violations per group included in this report is not designed to provide statistical conclusions about trends by identity. However, what the data do establish beyond doubt is that all members of this group of Ugandans experience violations and/or discrimination based upon their sex determination, gender identity, and sexual orientation.

The research team documented the identity of individuals based on how the individuals would define themselves. Nevertheless, these identities are fluid and it is impossible to accurately map people onto a chart. The absence of self-identified bisexuals could reflect the continued invisibility of bisexuality within the LGBTI community and among civil society organisations, service providers, and the government. In a society with high levels of homophobia, bisexuals may also be more likely to remain closeted and less likely to report violations to the police, service providers, or LGBTI organisations.

Analysis: The Entrenchment and Persistence of Violations in Uganda on the basis of Sex Determination, Gender Identity, and Sexual Orientation

This report demonstrates in conclusive fashion that virulent forms of discrimination are an unfortunate fact of life for many members of the LGBTI community in Uganda. LGBTI individuals in Uganda are at increased risk of human rights abuses ranging from unlawful pre-trial detention to violations of the right to form a family. They are exposed to situations that threaten their physical security; they are denied their rights to freedom of assembly, expression and association.

Unless otherwise specified, the abuses detailed in this report violate the Constitution of Uganda as well as international human rights instruments. Chapter Four of Uganda's Constitution spells out fundamental rights and freedoms of the individual that are inherent, and which the state is enjoined to respect, uphold and promote. The same is true of international human rights instruments to which Uganda is a signatory. The existence of statutes in Uganda that criminalize consensual same-sex relations stand in violation of both domestic and international protections. Arrests that are made solely due to a person's actual or perceived sexual orientation or gender identity are considered arbitrary under international law – notwithstanding domestic laws that criminalize homosexuality.

The sections of Uganda's Penal Code that follow contribute to an atmosphere of intolerance that extends beyond the reach of agents of the state such as the police

and the courts into communities across Uganda, and from there into the families of LGBTI individuals:⁴

Section 145: Unnatural offences:

“Any person who –

- a) has carnal knowledge of any person against the order of nature;
- b) has carnal knowledge of an animal; or
- c) permits a male person to have carnal knowledge of him or her against the order of nature, commits an offence and is liable to imprisonment for life.”

Section 146: Attempt to commit unnatural offences:

“Any person who attempts to commit any of the offences specified in section 145 commits a felony and is liable to imprisonment for seven years.”

Section 148: Indecent practices:

“Any person who, whether in public or in private, commits any act of gross indecency with another person or procures another person to commit any act of gross indecency with him or her or attempts to procure the commission of any such act by any person with himself or herself or with another person, whether in public or in private, commits an offence and is liable to imprisonment for seven years.”

A recent publication issued by the HRAPF and the CSCHRCL, “Protecting Morals by Dehumanising Suspected LGBTI Persons?” is a critique of the enforcement of the laws criminalising same-sex conduct and provides a framework for understanding the constitutional rights of LGBTI individuals in Uganda.⁵ These rights are protected by specific articles under Chapter Four of Uganda’s Constitution

⁴ *The Penal Code Act of 1950 (as amended).*

(the Bill of Rights) and include: The right to equality and non-discrimination (Article 21); the right to life (Article 22); the right to liberty (Article 23); the right to freedom from torture, inhuman and degrading treatment (Article 24); the right to privacy (Article 27); and the right to a fair hearing (Article 28).

The largest area of human rights abuses in this study involved violations of due process rights (43 cases) by members of the police forces, often involving arbitrary arrest and unlawful detention. Also significant were violations of the security of person (27 cases), which included threats and physical and sexual assault. Other prominent categories of violations included violations of the right to privacy (15 cases), including public outings and medical examinations without consent; and the right to property (14 cases), often involving eviction from rented premises.

Even though the Constitution guarantees rights to everyone equally, and even though the Penal Code in principle criminalizes specific sexual acts rather than LGBTI identities, in practice the Code is used as an excuse for harassment of actual and presumed LGBTI persons, regardless of whether they have or have not committed the acts stipulated in the Penal Code Act. The Anti-Homosexuality Act of 2014 was declared null and void by the Constitutional Court of Uganda in August 2014, six months after being assented to by the President; but politicians have already threatened to bring it back. As homophobia continues to escalate, there is also a possibility of mob violence and public attacks on LGBTI persons. This report condemns such violence and urges the re-evaluation of the recent history of persecution of Ugandans based on their sex determination, gender identity, and sexual orientation.

⁵ *Human Rights Awareness and Promotion Forum and Civil Society Coalition on Human Rights and Constitutional Law. "Protecting 'Morals' By Dehumanising Suspected LGBTI Persons? A critique of the enforcement of the laws criminalising same-sex conduct in Uganda," 2013.*

Violations of Human Rights by State Actors

Police Abuses

Of the 116 documented rights violations that inform this report, 43 involve abuses by members of the Uganda Police Force. The data collected and verified by the research team found that arrests are often made based on assumption that people are gay, lesbian, or transgender. Police officers routinely violate people's right to privacy and "out" suspected LGBTI people to the media and other Ugandans. Members of the police have arrested LGBTI persons without following due process and without giving them the details of their arrests. In many cases, those arrested are subjected to lengthy pre-trial detention.

Further, police officers in Uganda are responsible for the widespread application of public order laws (including charges such as "rogue and vagabond") in a discriminatory and selective fashion against LGBTI individuals.

When faced with threatening situations, many LGBTI persons opt to relocate in order to avoid confrontation with the police and others in their communities. The fear of being outed has led to members of the LGBTI community to distrust the police and refuse to report to them when their rights are violated. This puts many LGBTI people at risk and denies them access to justice.⁶

Notwithstanding its significant failures to protect and promote the rights of sexual minorities, Uganda's police forces must be credited for doing the important work of defending the rights and interests of Ugandan citizens, including members of the LGBTI community, as demonstrated by the following examples:

⁶ One trend that seems to accompany violations committed by the Ugandan Police Force is the frequency with which members of the LGBTI community are asked to pay bribes. Information related to bribery was not documented by this report since it is difficult to prove as no evidence is left, but it is one issue that interview subjects repeatedly mentioned.

On January 17, 2013, officers at the Jinja Road Police Station in Kampala opened an investigation after a woman came to them complaining about threatening text messages that accused her of promoting homosexuality.⁷

In August 2012, police in the Ntinda neighbourhood of Kampala arrested one of three men accused of the corrective rape of a lesbian woman.⁸

When a LGBTI organisation's offices were broken into on December 26, 2012 and a number of items were stolen, including computers, Uganda Police Force officers visited the crime scene and took statements from three individuals associated with the organisation.⁹

In all too many instances, however, Uganda's police forces have failed to uphold the rights of sexual minorities. In several documented cases, police officers have failed to protect LGBTI individuals or have proved unwilling or unable to investigate and prosecute violations.

In one example, five men who were visiting a friend's home in Kampala on April 19, 2013 were surrounded by unknown individuals who threatened to burn the men the death in the house for supposedly promoting homosexuality. The incident was reported to the police, who failed to investigate the matter.¹⁰

Of greatest concern from a human rights standpoint is the fact that police officials have been responsible for committing direct abuses against members of the LGBTI community. A December 6, 2013 arrest that took place in Kampala exemplifies the serial rights violations that may stem from a single instance of unlawful arrest:

⁷ Officers attempted to call the phone number from which the threats emanated, but to no avail.

⁸ The woman's brother, having seen her in a bar with women he suspected to be lesbians, organized three men to gang rape her in the bathroom of the bar. The suspect was released after the victim decided to drop the case. Case Number: 2012-018.

⁹ Case Number: 2012-021.

¹⁰ Case Number: 2013-021.

- A gay man was summoned to a Kampala police station where he was arrested without being informed of the reasons for the arrest – in violation of his constitutional right to be informed of the reasons for his detention.¹¹
- Police officers then placed the man in handcuffs and drove him to his home, which they searched without a warrant – in breach of international protections against arbitrary interference with the home.¹²
- At the man's house, police arrested three men whom they found at the home on allegations of being involved in carnal knowledge against the order of nature – arrests that are considered arbitrary under international law.¹³
- When the man and his companions were brought back to the police station, he was medically examined and given an HIV test without his consent – in contravention of international and national prohibitions on non-consensual medical experimentation.¹⁴
- While in detention, all four men were paraded before the media – an infringement of both privacy rights and the right to be presumed innocent until proven guilty.¹⁵

¹⁰ Case Number: 2013-021.

¹¹ Constitution of Uganda, Article 23(3).

¹² As a component of privacy rights, Article 17 of the ICCPR proscribes arbitrary or unlawful interference with the home. ICCPR, Article 17(1); Though the Constitution of the Republic of Uganda, Article 27(1)(a) provides that: "No person shall be subjected to – (a) unlawful search of the person, home or other property of that person", Section 69 of the Magistrates Courts Act Cap 16 allows any police officer to conduct searches of the home of a person who has been arrested without a warrant if the police officer "has reason to believe that material evidence can be obtained in connection with an offence for which an arrest has been made or authorised." This power may be too broad and may not be in line with the international standards and even it may be unconstitutional in light of Article 27 of the Constitution.

¹³ See Article 17 of the ICCPR along with the 1994 decision of the UN Human Rights Committee, *Toonen v. Australia*, which held that Articles 17 and 26 of the ICCPR prohibit discrimination on the grounds of sexual orientation. The Working Group on Arbitrary Detention found detention on the basis of sexual orientation to be in breach of article 9 of the ICCPR protections against arbitrary arrest. See opinions No. 22/2006 on Cameroon (A/HRC/4/40/Add.1), and No. 42/2008 on Egypt (A/HRC/13/30/Add.1). See also A/HRC/16/47, annex, para. 8 (e).

¹⁴ Involuntary HIV tests constitute a violation of the rights to bodily integrity and privacy, protected under articles 7 and 17 of the International Covenant on Civil and Political Rights, and Article 24 and 27 of the Constitution of the Republic of Uganda. This prohibition has been found to include the subjection of men suspected of homosexual conduct to non-consensual anal examinations to prove their homosexuality by the UN Committee against Torture and the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. See OHCHR, *Report on Sexual Orientation and Gender Identity*, para. 37. Article 23(1) of the Constitution protects liberty of the person and prohibits its deprivation except under the exceptions listed there one of which is "For the purpose of bringing that person before a court in execution of the order of a court or upon reasonable suspicion that that person has committed or is about to commit a criminal offence under the laws of Uganda."

¹⁵ The police practice of allowing detainees to be photographed prior to being brought to court violates the right to be presumed innocent and the right to a fair trial, as well as the UN Standard Minimum Rules for the Treatment of Prisoners requirement that prisoners be protected from insult, curiosity and publicity in any form. *Standard Minimum Rules for the Treatment of Prisoners*, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of July 31, 1957 and 2076 (LXII) of May 13, 1977, Rule 45(1).

- For four days, police refused to allow the man access to his lawyer—a violation of national and international protections against incommunicado detention.¹⁶

Having been subjected to this panoply of indignities and violations, the man was charged with having “carnal knowledge against the order of nature,” taken to Kasangati Chief Magistrates Court and remanded to Luzira Prison pending trial.¹⁷

Unlawful Arrest and Detention

International law provides substantive safeguards against unlawful arrest and detention, including the principle that police or judicial actions that are not carried out in accordance with national law are unlawful.¹⁸ Consistent with its international obligations, Uganda’s Constitution circumscribes the powers of arrest and detention, but it appears that significant gaps exist between law and practice. Arrest warrants, for example, are a constitutional requirement except where someone is being arrested upon a “reasonable suspicion that the person has committed or is about to commit a criminal offence under the laws of Uganda;”¹⁹ but in only one of 26 cases of arbitrary arrest documented in this report were those arrested presented with a warrant.

Uganda’s Constitution also provides that arrested or detained persons “shall, if not earlier released, be brought to court as soon as possible but in any case not later than forty-eight hours from the time of his or her arrest.”²⁰ Victims of arbitrary

¹⁶ The right to access a lawyer is protected under art. 14(3)d of the ICCPR and Article 23(5)(b) of the Constitution of the Republic of Uganda.

¹⁷ Case Number: 2013-029

¹⁸ Article 9(1) of the ICCPR provides that: “No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.” Arbitrariness is understood to be interpreted broadly to include not only unlawfulness but also inappropriateness, injustice and lack of predictability. *Van Alphen v. The Netherlands*, Human Rights Council, Comm. No. 305/1988, 23 July 1990, para. 5.8.

¹⁹ Constitution of the Republic of Uganda, art. 23(1)(c).

²⁰ Constitution of the Republic of Uganda, art. 23(2), (4).

arrest, however, complained of lengthy periods in detention before they were brought before a magistrate. Of the 26 victims of arbitrary arrest and detention whose testimony informed this report, nine were held in pre-trial detention in excess of the 48 hours prescribed by the constitution.

Among the documented cases of unlawful pre-trial detention are the following cases:

One individual who was charged with indecent practices was denied police bond and detained for nine days until a production warrant was processed.²¹

Three individuals arrested on December 30, 2012 in Kampala were accused of promoting homosexuality in their village and detained at Kawempe Police Station for five days without charge.²²

In several documented cases, detainees whose due process rights had already been violated were subjected to physical abuse while in detention.

A 31-year-old lesbian woman who was arrested in June 2010 at the insistence of her mother, who accused her of recruiting young girls into homosexuality, was held for a week without charge at Mukono Police Station, where she reported that she had been denied food, beaten, and sexually assaulted by police officers.²³

The failure of police officers to protect detainees extends in at least one instance to the failure to provide urgently needed medical treatment:

²¹ Case Number: 2013-001.

²² Case Number: 2012-022.

²³ Case Number: 2011-003.

A man beaten by a mob in Mbale in September 2009 was arrested and detained at the local police station on charges of taking part in homosexual sex. The man was not provided medical treatment for his injuries while in detention, and he died a few days after being released on bond. A post-mortem was not carried out to establish the cause of death, and the case was never disposed of by the court in Mbale.²⁴

Violations of Freedom of Speech, Assembly, and Association

In order to register as a legal entity with the National Board for Nongovernmental Organisations, non-governmental organisations (NGOs) in Uganda must navigate a bureaucratic labyrinth involving numerous government agencies. NGOs are required to submit a completed application including a copy of the organisation's constitution; a yearly work plan; a detailed operating budget; letters of recommendation from two sureties approved by the NGO Board; and recommendations from both the chairperson of the executive committee of the sub-county council in which the organisation operates and the Resident District Commissioner.²⁵ The application must also be signed by two promoters. Even when these steps are fulfilled, approval of the registration is at the sole discretion of the NGO Board.²⁶

The dizzying array of state actors involved, and a lack of oversight and accountability, add layers of potential interference to the process, and as a result, LGBTI groups have had applications rejected. For other organisations, harassment and interference from state entities impedes programs and operations.

²⁴ Case Number: 2009-005.

²⁵ The Resident District Commissioner is the President's representative in the district.

²⁶ NGOs are regulated under the Nongovernmental Organisations Registration Act (NGO Act), enacted in 1989 and amended in 2006; the NGO Registration Regulations of 2009; and the 2010 National NGO Policy. See *Curtailing Criticism: Intimidation and Obstruction of Civil Society in Uganda*, Human Rights Watch, August 2012.

The research team documented and verified six such cases, all of which violate international guarantees of the freedom of speech, freedom of association, and freedom of assembly.²⁷

Local Councils, the Uganda Registration Services Bureau and the NGO Board are prominent among the state actors that have been involved in either impeding or refusing LGBTI-focused organisations the legal status required to operate.²⁸

In March 2013, the Local Council I Chairperson of a village in Kawempe refused to write a recommendation letter in support of renewing the CSO Association/Club/Group Certificate of a LGBTI organisation they accused of recruiting homosexuals.²⁹

In May 2011, the Uganda Registration Services Bureau refused an LGBTI organisation's request to reserve its name because the name made reference to sexual minorities.³⁰

In the case of an arts-focused organisation whose mission statement explicitly mentioned LGBTI-focused programming, it was the Registrar of the NGO Board who turned down its application submitted in 2007, on the grounds that advocating for gay rights is illegal in Uganda.³¹

Organisations that do manage to secure incorporation and registration documents may find government entities standing in the way of their day-to-day operations, including by means of unlawful raids that expose members of LGBTI organisations

²⁷ *International Covenant on Civil and Political Rights, articles 21 and 22.*

²⁸ *Under the Local Government Structures in Uganda, Local Councils represent the state at the village level, with a nine-member executive headed by a Chairperson.*

²⁹ *Case Number: 2013-016.*

³⁰ *The organisation's request was denied on May 18, 2011. Case Number: 2011-006.*

³¹ *Case Number: 2011-001*

to risks of harassment or violence:

On January 10, 2012, officers from the Mbarara Police Station's Criminal Investigations Department searched the offices of an LGBTI organisation under the pretext that the group was recruiting homosexuals in Mbarara.³²

In addition to being singled out for outsize scrutiny by police and other authorities, LGBTI organisations in Uganda have had their operations and programs closed down with little or no warning, seemingly at the whim of powerful government officials – most notably the Hon. Rev. Fr. Simon Lokodo, Minister of State for Ethics and Integrity:

On February 14, 2012, Lokodo, along with a police escort, personally shut down a workshop organized by LGBTI activists in Entebbe that he characterized as a gathering of homosexuals.³³

On June 26, 2012, more than two dozen police officers operating on Lokodo's orders shut down another workshop organized for LGBTI human rights defenders, this one in Kampala. Police officers detained two organisational staff members along with two workshop participants in a police bus and ordered workshop organizers to deliver a copy of their registration and incorporation documents to the Criminal Investigations Department to seek approval from the police before staging future gatherings.³⁴

³² Case Number: 2012-006.

³³ A lawsuit filed against the minister by workshop organizers was turned down at the magistrate level, but an appeal is currently being heard before Uganda's High Court. Case Number: 2012-007.

³⁴ Case Number: 2012-013.

In the context of such blatant violations of fundamental principles of civil and political rights, upholding guarantees of freedom of speech appear not to be foremost among the Ugandan government's priorities:

On February 7, 2013 a British national was arrested for staging a play about a gay man who was killed by employees despite orders from Uganda's Media Council to shut down the production.³⁵ Though the criminal case against him was dismissed, he was re-arrested two months later on orders from the Ministry of Internal Affairs and served with a deportation order. The man's lawyers sought to appeal the decision but he was deported before the appeal could be filed.³⁶

Forced Evictions

Discrimination, transphobia and homophobia reach deeply into personal lives, right to the doorstep of their home in the form of evictions. In six verified cases, members of sexual minority groups were evicted from their homes in Kampala explicitly due to their sexual orientation or gender identify. In the cases that follow, landlords have worked in concert with Local Council officials to execute eviction orders based on a person's sexual orientation:

On May 15, 2013 a refugee suspected of homosexuality was served an eviction letter signed by the Local Council 1 in 2012.³⁷

On February 9, 2013, a gay man in Mbarara was called to the office of his Local Council 1 and informed that members of his church accused him of

³⁵ Case Number: 2012-011.

³⁶ Case Number: 2013-012.

³⁷ Case Number: 2013-024.

promoting homosexuality in the district. The LC1 delivered a letter of village banishment to the man, ordering him to leave the village with immediate effect.³⁸

Local Council 1 officials of Zone 12 acted in similar fashion on July 11, 2012, when they gave a Congolese refugee two days to move out of her house due to her sexual orientation.³⁹

Human Rights Violations in the Community Context

Violations of human rights presented up to this point have mostly come at the hands of state agents, but a significant number of the violations that inform this report primarily or exclusively involve non-state actors such as family members, neighbours, and members of the broader community. The research team documented and verified six cases of violations of a LGBTI person's right to health, three cases pertaining to the right to work, and seven cases pertaining to access to education. Such cases demonstrate the ways in which the government of Uganda has failed to meet its international obligations to combat discrimination and uphold the rights and freedoms of its citizens, particularly members of sexual minority groups.⁴⁰

Right to Work

The human right to engage in productive employment is guaranteed by Uganda's Constitution.⁴¹ It is also enshrined in international human rights law,⁴² which impose obligations on governments to foster workplace environments that are

³⁸ Case Number: 2013-011.

³⁹ Case Number: 2012-016

⁴⁰ The state's duty to curb discrimination in the private sphere arises from Articles 2(1) and 26 of the ICCPR.

⁴¹ Constitution of Uganda, Article 40.

⁴² UDHR Article 23.1; ICESCR Part III, Article 6.

free from discrimination, including employment discrimination on the basis of sexual orientation.⁴³ This report is informed by four verified cases of individuals who were terminated from their place of employment explicitly due to their sexual orientation or gender identity.

In one case of employment discrimination from 2012, a man who put copies of the Ugandan Human Rights Commission Report on the Anti-Homosexuality Bill in the library at his workplace, an international Christian charity organisation, was summoned by his supervisor and told that he was rumoured to be a homosexual and that he had been videotaped distributing homosexual materials in the office.⁴⁴ The man's supervisor gave him an ultimatum that he must marry a woman by December of 2013 or be fired. The organisation investigated the employee and suspended him from work for a month. He returned to work only to be fired a few months later. The charity asked the man's bank to freeze his account, which prevented him from accessing past salaries and benefits. Only after retaining a lawyer was he able to access his account once again.⁴⁵

In at least one other case, a victim of workplace discrimination sought some form of redress through legal channels:

On March 15, 2013 in Kampala, a non-Ugandan national was accused of promoting homosexuality and was summarily terminated from her place of work. She later found another job; but her former employer threatened to report her to the police and she in turn proceeded to report her former

⁴³ Committee on Economic, Social and Cultural Rights general comment No. 18 (E/C.12/GC/18), para. 12 (b)(i).

⁴⁴ The Anti-Homosexuality Act was a bill passed by Uganda's parliament on December 20th 2013 and signed into law by the President in February 2014. It came into effect on March 10, 2014 and was nullified by the Constitutional Court of Uganda on August 1, 2014. It had expanded the reach of consensual same sex offences beyond the colonial framing of laws on carnal knowledge against the order of nature, and allowed for penalties for the "promotion of homosexuality."

⁴⁵ Case Number: 2012-001.

⁴⁶ Case Number: 2013-018.

employer to the police.⁴⁶

Right to Education

The right to education, which is enshrined in international human rights law as well as Uganda's Constitution, entitles every individual to freedom from discrimination in all areas and levels of education.⁴⁷ It is the responsibility of governments to foster an environment conducive to the free exercise of this right.

Ugandan school officials have discriminated against students because of their sexual orientation or gender expression, sometimes leading to their being expelled, while LGBT students report that they are bullied and harassed by their classmates. In both cases, the internationally recognized right to education has been infringed upon. In six verified instances, the right to education of a member of a sexual minority group was curtailed or denied.

In the first of two cases documented at Makerere University, two students were accused of being gay by a crowd of fellow students and attacked on October 23, 2010. The police response to the attack was to further violate the rights of the victims, as the two students were arrested and detained at Makerere University Police Post, then transferred to Wandegeya Police Station, where a charge of indecency contrary to section 148 of the Penal Code was proffered against them. Both were later released on police bond.⁴⁸

In the second instance, a student was attacked on November 13, 2011 by hall-mates in Lumumba Hall at Makerere University. The hall-mates took the student, his mattress, and his suitcase to the Hall warden complaining that

⁴⁷ UDHR Article 26; Constitution of Uganda, Articles 30 to 32.

⁴⁸ Case Number: 2011-009.

he was homosexual and they did not want him in the Hall. The Hall warden told the student to quit the hall of residence.⁴⁹

Denial of access to education is by no means restricted to university students; in four documented cases, discrimination involved secondary school students.

One such case dates to January 4, 2012, when school officials in Ntungamo dismissed a student from the secondary school under allegations that he was homosexual. This case demonstrates how rights violations can lead to increased marginalization, as the student's caretaker, upon learning the reasons for his dismissal, forced him to leave the home. The student currently lives with a friend in the trading center of the city and travels 5 kilometers daily to attend a different school – where he is bullied and humiliated by his schoolmates due to rumors regarding his sexuality.⁵⁰

In the case of some intersex students, surgical interventions gone wrong have had cascading consequences that have led to rights violations, including interference with the right to education.

In the case of a child born on March 3, 2009 in Tororo who was operated on by doctors without receiving consent from the family, surgery resulted in uncontrollable oozing that eventually compelled the child to stop attending school.⁵¹

A 24-year-old who was born in Jinja with ovaries and a uterus, and who

⁴⁹ Case Number: 2011-009.

⁵⁰ Case Number: 2012-004.

⁵¹ Case Number: 2009-002.

experienced menses upon reaching puberty, was raised as a girl for the first ten years of life. However, the child's body gradually took on male gender attributes with the onset of adolescence and he was abandoned by his family. He built himself a grass thatched house to live in and was able to pay for his upkeep and his school fees, but when he began menstruating his classmates began bullying him because they had thought he was a boy, he decided to drop out of school.⁵²

Right to Health

International human rights law affirms the right of everyone to enjoy the highest attainable standard of physical and mental health⁵³ and proscribes discrimination in access to health care on the grounds of sexual orientation and gender identity.⁵⁴ However, homophobic, sexist and transphobic practices and attitudes on the part of health-care providers deter LGBTI persons in Uganda from seeking services out of concerns around breaches of confidentiality, stigma, and potentially violent reprisals.

Gay men, lesbians, and particularly transgender individuals expressed fear of going to a hospital or clinic following previous attempts where they have been laughed at or where doctors and nurses have called people into the patient's room for reasons having nothing to do with the medical profession, as in this instance:

On January 23, 2013, a gay man who went to a medical clinic in Mbarara for treatment found himself being called derogatory names by staff at the clinic,

⁵³ *International Covenant on Economic, Social and Cultural Rights, Article 12(1)*.

⁵⁴ *General comment No. 14 (E/C.12/2000/4), para. 18*.

who gossiped about him being homosexual and infected with HIV/AIDS. The man left the clinic without receiving treatment.⁵⁵

Intersex children are subjected to discrimination and medically unnecessary surgery, performed without their informed consent, or that of their parents, in an attempt to fix their sex.

A child born on May 3, 2011 in Masaka was cut badly during a surgery to make his external genitalia “match” his presumed gender. The child’s family abandoned him claiming he is too expensive and that they cannot provide him with housing and food. Staff members at the hospital where the boy has been seen now say they are tired of him and his problems and have refused to continue medical treatment.⁵⁶

Discriminatory Practices based on Sex Determination, Gender Identity, and Sexual Orientation

As non-state actors, family members, neighbours, and members of the broader community who may be involved in intimidation, harassment, domestic violence, or other forms of physical, psychological, or sexual violence cannot be held responsible for violations of international law – which redound exclusively to states and state actors. Accordingly, many of the experiences of abuse, discrimination, and exclusion reported by Ugandan LGBTI persons do not meet a strict definition of human rights violations under national and international law.

The research team documented and verified 25 distinct abuses involving

⁵⁵ Case Number: 2013-007.

⁵⁶ Case Number: 2011-005.

discrimination and harassment, three instances in which an LGBTI individual was denied custody of their children, eight instances of banishment, and seven instances of physical and sexual abuse. The abuses detailed below can be understood as pointing to ways in which the government of Uganda has proved unable or unwilling to provide effective protection to members of sexual minority groups. Each case constitutes a violation of human dignity, with negative emotional and material consequences for the individuals who experience them and, by extension, the community of LGBTI Ugandans as a whole. For this reason, the authors believe it important to include them in this report.

Family and Community Discrimination and Abuse

While Ugandan families and communities in some cases provide an important source of support for members of sexual minority groups, they may also take it upon themselves to enforce gender norms and punish transgressions. As a result, many LGBTI individuals find themselves excluded from family homes, obligated to relinquish custody of their children, and subjected to both physical and reputational attacks. It is an unfortunate reflection of the virulence of homophobia, transphobia, and intersexphobia that exists in Uganda that many of the reported abuses against LGBTI individuals were carried out by members of their immediate family.

On the evening of January 10, 2012 in Kampala, a gay man was detained and assaulted by his parents, who believed him to be a homosexual. The house assistant helped the man's parents tie him to a bed, whereupon the mother and father beat him with shoes and a length of rope. The man's brother was locked in a separate room so that he could not intervene to release him until 6 am the next morning.⁵⁷

⁵⁷ Case Number: 2012-005.

Human rights law upholds the right to found different types of families encompassing varying social arrangements around the world, and the African Charter on the Rights and Welfare of the Child places an obligation on states to ensure that children are not separated from their parents except as a result of judicial decision.⁵⁸ However, discrimination within families has resulted in social exclusion of LGBTI individuals that includes the denial of custodial rights:

In February 2012 in Kampala a man wanted to get a divorce from his wife because he realized he wanted to be with men, upon which she denied him access to their child.⁵⁹

On September 17, 2012 in Kampala a woman was deprived of her right to live with her four year-old-son after the father of the child learned that she was a lesbian and took the child from the mother and then took her to court to formally revoke custody of her son.⁶⁰

Immediate family members in many cases are responsible for putting members of sexual minority groups out of their homes:

On June 3, 2013 in Kampala, a lesbian was forced to leave the family home after her father found out she is lesbian.⁶¹

On January 24, 2013, a man's neighbors told his family and friends that was HIV positive and a homosexual and that they would not tolerate him in the village. He later relocated from the area due to hostility.⁶²

⁵⁸ *African Charter, Article 25.*

⁵⁹ *Case Number: 2012-003.*

⁶⁰ *Case Number: 2012-019.*

⁶¹ *Case Number: 2013-026.*

⁶² *Case Number: 2013-008.*

The privacy rights violations that may accompany eviction can lead to physical assault:

On February 1, 2012 in Kampala, two lesbians were evicted from their home after their neighbors reported to the landlord that they were homosexual. While one of the women moved her belongings out of the house, a group of people attacked and beat her.⁶³

In June 2013 in Kampala, a transwoman was living with a man whose wife started harassing the complainant. After the wife threatened to set fire to the house they shared, the landlord sent her a letter ordering the transwoman to leave the house.⁶⁴

For many intersex persons in Uganda, social exclusion begins at birth, as exemplified by the story of a child who was born with ambiguous genitalia on July 8, 2013 in Rakai:

The child's mother was forced to leave the family home because family members thought the child was an omen and would bring bad luck to the family. Before telling the mother to take her child and leave, some relatives physically attacked her for giving birth to an intersex child. Having been forced from her home, the mother now has no land to grow food and has no financial means to afford food.⁶⁵

⁶³ Case Number: 2012-008.

⁶⁴ Case Number: 2013-025.

⁶⁵ Case Number: 2013-027.

When a child was born on June 29, 2011 in Jinja with ambiguous genitals, doctors refused to assign a specific gender. Four months later, the father blamed the child's intersexuality on the mother, and he abandoned the family, leaving the mother to raise their children by herself. The mother eventually stopped breastfeeding her child in an apparent effort to starve her to death. Neighbors reported that they became concerned because they no longer saw the child and they confronted the mother and took the child to the hospital, where the child died of malnutrition a week later.⁶⁶

Uganda's Homophobic Media

The portrayal of sexual minorities in Uganda's newspaper, radio, television and online media outlets routinely perpetuates repellent stereotypes, is typically sensational, and at times appears to be utterly devoid of facts. At the same time, there are numerous instances where Ugandan periodicals have published the names, photographs, and contact details for individuals who are reported to be LGBTI with dangerous consequences for the persons named:

In one example of the impact such lurid and irresponsible journalism has on people's lives, The Kamunye newspaper published the name of a gay man, as well as his contact information, on May 29, 2012, alleging that he had been recruiting university students into homosexuality. The man was subsequently threatened by his neighbors and evicted by his landlord.⁶⁷

In similar fashion, The Rolling Stone tabloid published photos and addresses of more than 20 gay rights campaigners under a headline that read "Hang

⁶⁶ Case Number: 2011-007.

⁶⁷ Case Number: 2012-012.

Them” on October 2, 2010. The front-page article featured calls from an evangelical pastor for homosexuals to be executed, and claimed that Uganda’s homosexual community aimed to recruit 1,000,000 children to homosexuality by 2012.⁶⁸

A recurrent theme in reporting on LGBTI individuals in the Ugandan media is the erroneous idea that transgender sex workers hide their true identities in order to swindle their clients:

On November 1, 2012, The New Vision newspaper published the name of a transwoman and reported that she was a man masquerading as a woman in order to steal from clients.⁶⁹

In other cases, non-journalists have turned to media outlets in order to expose the identities of LGBTI individuals:

In March 2010, during a lunch-hour radio program broadcast on Impact FM, a well-known pastor accused a lesbian woman who was a member of the congregation of having given 300,000 shillings to another woman in order to recruit girls into homosexuality.⁷⁰

In June 2013, a woman used The Late Show on WBS as a platform to broadcast the name and telephone number of a transwoman who was living with her husband. The transwoman received numerous threatening phone calls as a result.⁷¹

⁶⁸ Case Number: 2010-005.

⁶⁹ Case Number: 2012-020.

⁷⁰ Case Number: 2010-003.

⁷¹ Case Number: 2013-025.

Recommendations

To the Uganda Police Force

The Uganda Police Force was cited as the entity responsible for most of the reported violations. Further, reports on corruption have repeatedly ranked the Uganda Police Force as the most bribery prone institution in the country. Accordingly, the Uganda Police Force should:

- Introduce appropriate police training on human rights and violence based on sexual orientation and gender identity or expression in order to reduce unnecessary arrests, detentions and other violations of the rights of LGBTI persons.
- Investigate all credible allegations of physical or verbal abuse against individuals on the basis of gender identity or expression and sexual orientation.
- Establish monitoring systems to evaluate police stations' capacity to handle matters relating to gender-based violence in a non-judgmental and efficient manner.
- Establish separate areas for the detention of transgender people to avoid the violence that occurs to them as a result of being detained with people of a different gender.
- Increase police salaries and police conditions in order to reduce incentives to arrest people for the purpose of extortion.
- Put in place mechanisms to fight bribery and extortion by the police.

To The Uganda Human Rights Commission (UHRC)

The Uganda Human Rights Commission is constitutionally mandated to promote and protect human rights in the country. It thus has powers to investigate and redress cases of violations. The UHRC should:

- Investigate and document reports of violence and abuse against individuals based on sexual orientation, sex determination, and gender identity or expression.
- Reach out to LGBTI organisations and individuals in order to enhance collection of cases of violations of the rights of LGBTI persons.
- Work with civil society organisations to monitor, document, expose, and address incitement to violence, homophobia, violence, and abuse on the basis of sexual orientation, sex determination, and gender identity or expression.
- Include violations of LGBTI rights in annual reports to Parliament and include recommendations for policy changes.
- Advise parliament on laws and bills that may increase stigma and discrimination against LGBTI persons.

To Members of Parliament

Parliament plays a vital role in promoting the wellbeing of all Ugandans. It also has a mandate to make laws that conform to national and international standards of human rights and dignity. Members of Parliament should:

- End legal discrimination against lesbian, gay, bisexual, transgender, and intersex people by repealing all existing laws criminalising same-sex conduct, and reject adoption of new discriminatory legislation.

- Amend Uganda's Constitution to include explicitly prohibit discrimination based on sexual orientation, gender identity, and sex determination.
- Publicly condemn attacks or incitement to violence against individuals or groups on the basis of sexual orientation and gender identity or expression.
- Call upon the Uganda Human Rights Commission to monitor violations affecting LGBTI Ugandans.
- Use its Standing Committee on Human Rights to engage with LGBTI persons and organisations regarding laws that may have an adverse impact on LGBTI persons

To The Uganda Law Reform Commission (ULRC)

The Uganda Law Reform Commission has the Constitutional duty to suggest areas of law reform, and it is in the process of reviewing the Penal Code Act. This is the right time to end legal discrimination of people based on their sexual orientation or gender identity. The ULRC should:

- Recommend that the Penal Code sections that explicitly discriminate on the basis of sexual orientation or gender identity be repealed, including Section 145 on carnal knowledge against the order of nature.
- Recommend the restriction of Penal Code sections that are used by the police and private parties to harass people based on their sex determination, sexual orientation, and/or gender identity, including Section 160 (common nuisance), Section 167 (idle and disorderly), and Section 168 (rogue and vagabond).

To The President of Uganda

The president has a constitutional mandate to assent to or reject laws passed by Parliament. The office of the president is therefore key to the law-making process and to ensuring that the laws enacted respect and observe the rights of all people without discrimination. The President should:

- Veto legislation that is discriminatory on the basis of sexual orientation or gender identity.
- Publically condemn human rights violations based on sexual orientation or gender identity.

To The Ministry Of Health

The Ministry of Health has the mandate to ensure access to health services. As such the Ministry of Health should:

- Institute training for healthcare service providers on sexual orientation, sex determination, and gender identity.
- Institute proper guidelines for providing medical care to all people without discrimination.

To The Uganda Prisons Service

The Uganda Prisons Service is responsible for conditions and environment with which prisoners are detained. The Uganda Prisons Service should:

- Establish separate areas for the detention of transgender people to avoid the violence that occurs to them as a result of being detained with people

of a different gender.

- Protect all prisoners including LGBTI prisoners from violence perpetrated by fellow prisoners or prison warders.

To Foreign Governments

- Call on the government of Uganda to improve and expand rights for LGBTI individuals.
- Use quiet diplomacy to sensitise Ugandan leaders to LGBTI issues domestically and abroad.

To Local Organisations

- Support public education and awareness-creation programs on sexuality, sexual and health rights, and violence and discrimination by targeting law enforcement agencies, health services, and educational institutions.
- Support the Uganda Human Rights Commissions' mandate to monitor and document reports of violence, abuse, and discrimination based on sexual orientation and gender identity or expression.
- Strengthen reporting systems, evidence collection and data storage to facilitate easy verification of violations against people based on their sexual orientation and gender identity or expression.
- Create information sharing systems so that reports of violations can be used simultaneously by multiple parties.
- Hold awareness sessions with staff members to sensitize them to issues affecting LGBTI Ugandans.
- Create partnerships with other organisations to monitor and document abuses of LGBTI rights.

To Members of the Media

The media plays an important role of informing society and has power which must be used responsibly. Members of the media should:

- Treat all people with respect and dignity, regardless of sex determination, gender identity, or sexual orientation.
- Learn about, monitor, and report on abuses of human rights and dignity that LGBTI Ugandans face.
- Protect the privacy of LGBTI individuals who may be threatened, assaulted, or even killed as a result of being “outed” by the media.