



UGANDA MINORITY SHELTERS CONSORTIUM (UMSC)

An Independent LGBT+ Community

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Introduction:

The Uganda Minority Shelters Consortium (UMSC) is a network of Ugandan LGBT+ shelters working collaboratively to provide safe havens, support services, and advocacy for LGBT+ Victims of Violence and Homelessness.

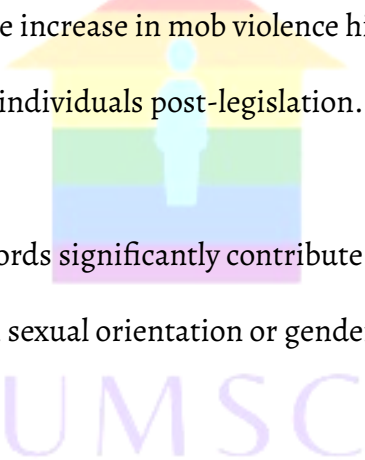
The UMSC's Consortium aims are:

- To advocate for the human rights and dignity of LGBT+ Victims of Violence and Homelessness in Uganda and to challenge the legal and social barriers that prevent them from accessing housing, justice, health, and economic opportunities.
- To provide holistic and quality services to LGBT+ Victims of Violence and Homelessness that seek shelter or assistance from the member shelters, such as counseling, legal aid, medical care, psychosocial support, livelihood skills training, and referral to other resources.
- To enhance the capacity and sustainability of the member LGBT+ shelter organizations through training, mentoring, networking, and resource mobilization.

Discrimination and Violence Against LGBT+ Individuals in Uganda: An LGBT+ Violations Report by UMSC's Strategic Response Team.

This report highlights the ongoing challenges faced by LGBT+ individuals in Uganda, particularly regarding discrimination and violence that limit their access to public services and force many into homelessness. The report also proposes a coordinated response mechanism to effectively monitor and address these human rights violations.

Prevalent Issues

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- Societal Hostility: A notable increase in mob violence highlights the escalated societal hostility towards LGBTQ+ individuals post-legislation. 191 freedom from torture violations noted.
 - Housing Insecurity: Landlords significantly contribute to the violations, with numerous cases of evictions based on sexual orientation or gender identity. 242 access to housing violations noted.
 - Family Rejection: A major source of abuse stems from family members, indicating deep-rooted stigma and rejection within familial settings. 54 right to family violations noted.
 - Public Service Access: Discrimination in public services is evident, particularly in justice, privacy, and employment, severely impacting the rights and freedoms of LGBTQ+ individuals. 22 access to work violations noted. 32 access to justice violations noted. 233 access to privacy violations noted. 61 freedom from discrimination violations noted. 167 right to liberty violations noted.

These points reflect the pervasive discrimination and violence faced by the LGBTQ+ community in Uganda, leading to a precarious living situation and limited access to essential services.

- LGBT+ individuals in Uganda face significant discrimination and violence, leading to homelessness and challenges in accessing public services.
- Societal hostility: This includes prejudice, bias, and social exclusion based on sexual orientation or gender identity.
- Evictions by landlords: LGBT+ individuals are often evicted from their homes due to their sexual orientation or gender identity.
- Abuse from family members: Many LGBT+ individuals experience violence and rejection from their own families.

The report identifies several prevalent issues faced by the LGBT+ community in Uganda. Societal hostility creates a climate of fear and discrimination. LGBT+ individuals are ostracized and face violence, making it difficult to find safe housing. Even within their families, many experience rejection and abuse. These challenges create a ripple effect, making it difficult for LGBT+ individuals to access essential public services and often leading to homelessness.

Government Response

- Need for a coordinated response mechanism: The report emphasizes the need for a more systematic approach from the Ugandan government to monitor and address violations against LGBT+ individuals.
- Prompt investigations: There is a need for swift investigations into reported incidents of violence and discrimination.

- Legal remedies: The report calls for ensuring effective legal remedies for victims of violence and discrimination.
- Public statements: Public statements condemning discrimination and violence from government officials are crucial to deter future violations.

The report underscores the need for a more proactive response from the Ugandan government. Currently, there seems to be a lack of a coordinated approach to address the challenges faced by the LGBT+ community. This includes the need for prompt investigations into reported incidents, ensuring perpetrators are held accountable, and providing legal remedies for victims. Strong public statements condemning discrimination and violence from government officials would also send a powerful message of support for LGBT+ rights.

Creating Awareness and Advocacy

- Awareness campaigns: Raising public awareness about the plight of LGBT+ victims of violence and homelessness is crucial to fostering empathy and understanding.
- Advocacy for human rights and dignity: Advocacy efforts should focus on promoting the human rights and dignity of all Ugandans, irrespective of sexual orientation or gender identity.
- Challenging discriminatory laws: Efforts to repeal discriminatory laws and enact legal protections for LGBT+ individuals are essential for long-term progress.
- Fostering dialogue around mental health issues: Addressing the mental health challenges faced by many LGBT+ individuals due to discrimination and violence is also important.

- Engagement with stakeholders: Collaborating with the government, civil society organizations, and international bodies is essential to create a more inclusive society.

The report suggests a multi-pronged approach to create awareness and advocate for the rights of LGBT+ individuals. Raising public awareness through campaigns can help challenge societal stigma and discrimination. Advocacy efforts should emphasize the human rights of all Ugandans and the need to repeal discriminatory laws. Addressing mental health issues faced by the LGBT+ community is also crucial. Collaboration with various stakeholders, including the government, civil society, and international bodies, is essential to enact legal reforms and build a more inclusive society.



Recommendations for Action

- Legal reforms: The report recommends the repeal of discriminatory laws and the enactment of legal protections for LGBT+ individuals.
- Appealing to the Supreme Court: The report suggests appealing to the Supreme Court to uphold the constitutional rights of all Ugandans, irrespective of sexual orientation or gender identity.
- Support services: Establishing safe havens and support services, including mental health services and alternative dispute resolution mechanisms, is crucial for LGBT+ individuals facing homelessness and violence.

References:

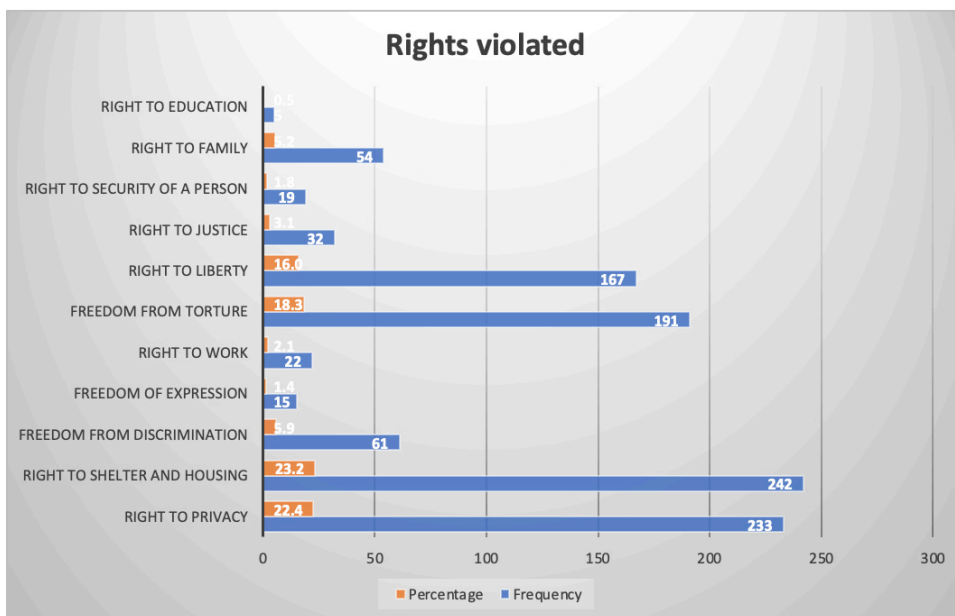
[UMSC SRT LGBT+ Violations Report June 2024.pdf](#)

[UMSC SRT LGBT+ Violations Report October 2023.pdf](#)

Key Insights:

- **Mob violence** emerges as the most frequent form of violation, underscoring the heightened societal hostility and discrimination faced by LGBTQ individuals since the law's passing.
- **Landlords** also contribute significantly to violations, highlighting the precarious housing situation for many LGBTQ individuals who may face eviction and homelessness due to their sexual orientation or gender identity.
- **Family members and relatives** represent another major source of abuse, reflecting the deeply rooted societal stigma and rejection that many LGBTQ individuals experience within their own families.
- While the frequency of violations by **unknown individuals** is relatively lower, their contribution to the overall percentage indicates the prevalence of anonymous attacks and harassment.
- **Police** and **Local Council System (LCS)** officials, though less frequent perpetrators compared to others, still play a role in the violations, suggesting a lack of protection and potential complicity by some state actors.

Most violated rights



Key insights from the chart include:

- **Most violated rights:** The right to shelter and housing (242 violations, 23.2%), the right to privacy (233 violations, 22.4%), and the right to work (191 violations, 18.3%) are the most frequently violated rights. This suggests that LGBTQ+ individuals face significant discrimination in accessing housing, maintaining personal privacy, and securing employment due to the law.
- **Significant violations:** The right to liberty (167 violations, 16.0%) and the right to freedom from discrimination (61 violations, 5.9%) also experience a considerable number of violations. This highlights the impact of the law on personal freedoms and the increased discrimination faced by the LGBTQ+ community.
- **Least violated rights:** The right to education (3 violations, 0.3%), freedom of expression (15 violations, 1.4%), and the right to family (54 violations, 5.2%) are the

least violated rights, although their violation still indicates the pervasive impact of the law on various aspects of life.

Recommendations

To the Supreme Court of Uganda

1. Immediately hear the appeal of the constitutionality of the Anti-Homosexuality Act 2023 and issue a decision that protects and upholds the constitutional rights of individuals in Ugandans irrespective of their sexual orientation or gender identity.

To the President of Uganda

1. Publicly condemn acts of discrimination and violence committed against LGBTQ+ persons and their allies by state and non-state actors and call for accountability to ensure perpetrators are held accountable.

To the Parliament of Uganda

1. Desist from uttering discriminatory rhetoric, which inflames homophobia and emboldens other public officials to make further inflammatory remarks that promote mob violence, attacks, online harassment and discrimination against LGBTQ+ persons.
2. Repeal laws that codify discrimination and violence against LGBTQ+ persons and deny them the constitutional right to equal protection of the law.

To the Minister of Internal Affairs and the Uganda Police Force

Develop and release a National Action Plan to Reduce Mob Justice. Such a plan should include:

- Issuing public statements that acts of mob justice, including of real or perceived LGBTQ+ people, are illegal and will be prosecuted to the fullest extent of the law, resulting in prompt, thorough and impartial investigations and arrest of perpetrators, particularly “ringleaders.”
- Issuing a public statement to local administrative officials that the police will be monitoring the role of local administrative officials in instances of mob justice, including of real or perceived LGBTQ+ people, and it will arrest those who are complicit in encouraging citizen violence or witch hunts or those who attempt to cover up acts of mob justice against anyone including anyone arrested under the Anti-Homosexuality Act of 2023.

To the Uganda Police Force

1. Conduct prompt, impartial, and thorough investigations of complaints from LGBTQ+ persons where their rights have been violated and ensure the perpetrators are held accountable.
2. Investigate all reports of misconduct by the Uganda Police Force and ensure the Professional Standards Unit (PPSU) of the Police is strengthened in both manpower

and training to address these reports, including complaints filed by LGBTQ+ people and their allies.

3. Prohibit any law enforcement officials from ordering forced anal examinations on anyone at any time, including persons charged with consensual same-sex conduct and ensure that medical personnel who refuse to conduct the exams do not face any legal consequences. Ensure all police and medical personnel understand that such examinations without consent has been deemed cruel, inhumane and degrading treatment and may rise to the level of torture and that such acts can be prosecuted under the law.

To the DPP and Courts of Law

1. Issue a moratorium on any prosecutions under the AHA until the appeal process is concluded and issue guidance to all state attorneys and judicial officers to desist from holding or prosecuting any individuals under the Anti-Homosexuality Act or any other law due to their real or perceived status as an LGBTQ+ person.
2. Enforce the constitutional standards and other rights standards such as dismissing cases brought before them where the victims have been tortured in line with Ugandan law.
3. Immediately drop the charges against anyone prosecuted under the Anti-Homosexuality Act or section 145 of the Penal Code.

To Uganda Law Reform Commission

The Law Reform Commission was established under Article 248 of the Constitution of Uganda and mandated under Section 10 of the Uganda Law Reform Commission Act cap 25 to review Uganda laws to recommend law reform constantly. As such, under Article 248(2) of the Constitution, the Uganda Law Reform Commission is required to submit periodic reports to Parliament with recommendations for improvement, development, and reform of the law. Therefore, we recommend that the Uganda Law Reform Commission to:

1. Research the practical and financial implications of the Anti-Homosexuality Act as well as the implications for the constitutional rights and public health implications LGBTQ+ persons.
2. Prepare and submit a report to Parliament detailing its findings on the human rights and public health implications of the Anti-Homosexuality Act and other penal laws that criminalise LGBTQ+ persons such as stated in Section 145, 146, and 148, and recommend their repeal.
3. Recommend repeal of the Anti-Homosexuality Act 2023 based on its adverse impact on the human rights of LGBTQ+ persons.
4. Recommend to Parliament and develop a proposal for a comprehensive law on hate speech against minorities beyond the Computer Misuse (Amendment) Act, 2022.

To the Uganda Human Rights Commission

Article 51 of the Constitution establishes the Uganda Human Rights Commission, whose mandate is stipulated in Article 52 as investigating at its initiative or on a complaint by any person or group of persons against the violation of any human right'. The Commission has the power to provide a legal remedy where human rights have been infringed. Therefore, it is recommended that UHRC:

1. Proactively investigate complaints of human rights violations experienced by LGBTQ+ persons and their allies, and all victims of human rights abuse, and provide remedies such as compensation to the victims and any other appropriate legal remedy in a timely fashion.

2. Document human rights violations against LGBTQ+ persons and their allies and include these statistics in UHRC's annual report on the state of human rights in the country, when presented to Parliament.
3. Conduct investigations into the use of forced anal examinations and should call on relevant authorities to end the practice, noting that it has been deemed cruel, inhumane and degrading treatment and may rise to the level of torture.
4. Strengthen collaboration with Civil Society Organisations, particularly LGBTQ+ aligned and focused on documenting violations, providing redress, and collectively advocating for legal reform and practice change.

To the Equal Opportunities Commission (EOC)

The EOC is established under Article 32(3) of the Constitution of the Republic of Uganda and mandated in the Equal Opportunities Commission Act, 2007, to monitor and investigate acts and omissions that constitute discrimination and marginalisation and provide effective remedies, monitor compliance with laws and policies with equal opportunities and affirmative action as well as consider proposals for the promotion of equal opportunities. In line with this mandate, it is recommended that the EOC:

1. Investigates institutionalised and systemic discrimination against LGBTQ+ persons on the basis of their sexual orientation and gender identity, particularly within state agencies and organs such as the Police and other security agencies, as well as within courts of law and health care settings.
2. Document acts, activities, and omissions that amount to discrimination and marginalisation of LGBTQ+ persons and recommend rectification by the relevant authority and report on these issues in the State of Equal Opportunities report presented to Parliament annually.
3. Continually train EOC staff on human rights issues, including equality and non-discrimination towards LGBTQ+ persons, to capacitate them to address discrimination and persecution of LGBTQ persons.
4. Collaborate closely with Civil Society Organisations working with and/or led by LGBTQ+ persons to promote respect for the rights of LGBTQ+ persons in Uganda.

To the NGO Bureau

The National Bureau for NGOs (NGO Bureau) is a semi-autonomous body under the Ministry of Internal Affairs. It is mandated to provide an enabling environment for the empowerment of the NGO sector. It envisions a vibrant and accountable NGO sector enabling citizens' advancement and self-transformation. The Bureau's mission is to "Register, regulate, monitor, inspect, coordinate and oversee all NGO operations in the country". In line with this mandate, it is recommended that the Bureau:

1. Strictly ensure that any administrative obligations imposed on NGOs have a proper legal basis, are strictly necessary and proportionate to a legitimate purpose, and that they are compatible with safeguarding an environment in which civil society can operate freely.
2. Allow Sexual Minorities Uganda (SMUG) to reopen and operate.
3. Recognize and support the registration of NGOs working on the rights of LGBTQ+ people as a routine part of legitimate human rights work.
4. Publicly acknowledge that NGOs are legally permitted to work in coalitions and advocate for the rights of LGBTQ+ people without threat of deregistration.

To Ugandan and International Civil Society Organisations

1. Remain steadfast in demanding the protection of human rights for all persons and sensitise the public and state actors on human rights, gender identity, sexual orientation, and social inclusion to foster acceptance and address discrimination and marginalisation.
2. Support overturning the Anti-Homosexuality Act in the appeal before the Supreme Court in work and public messaging.
3. Condemn laws that curtail the rights of LGBTQ+ persons before Courts of Judicature and rally the community to follow and support such petitions.
4. Engage Parliament, the Uganda Law Reform Commission, the Equal Opportunities Commission, and the Uganda Human Rights Commission on the impact of laws such as The Anti-Homosexuality Act to push for law reform and prevent the passing of laws that further marginalised the LGBTQ+ community in Uganda.
5. Consistently include documentation of human rights violations experienced by LGBTQ+ persons on the basis of their sexual orientation and gender identity and allies and press the state to hold both state and non-state perpetrators accountable for these violations; Make documentation public nationally and internationally. Share such documentation with regional and international human rights mechanisms, for example at the East African Community, the African Commission, and UN bodies.
6. Engage with regional and international human rights bodies to share documentation about Uganda's many ongoing human rights challenges and speak publicly on behalf of survivors of violations.
7. Continue to advocate for a law that criminalises explicitly hate speech to protect LGBTQ+ people from hate crimes not covered within the Computer Misuse (Amendment) Act, 2022.
8. Continue advocacy for the legal recognition of transgender identity to address rampant transphobia in community settings and within the state.
9. As permitted under Ugandan law, considering supporting or instituting private prosecutions of persons who promote hate speech and homophobia.
10. Increase investment in the safety, security and psychosocial well-being of LGBTQ+ persons in Uganda as well as the safety, security and psychosocial well-being of NGO workers and defenders documenting human rights abuses in Uganda.
11. Consider establishing alternative dispute resolution between LGBTQ+ persons and other groups and within the LGBTI persons, particularly for family level disputes or conflict with landlords or employers.

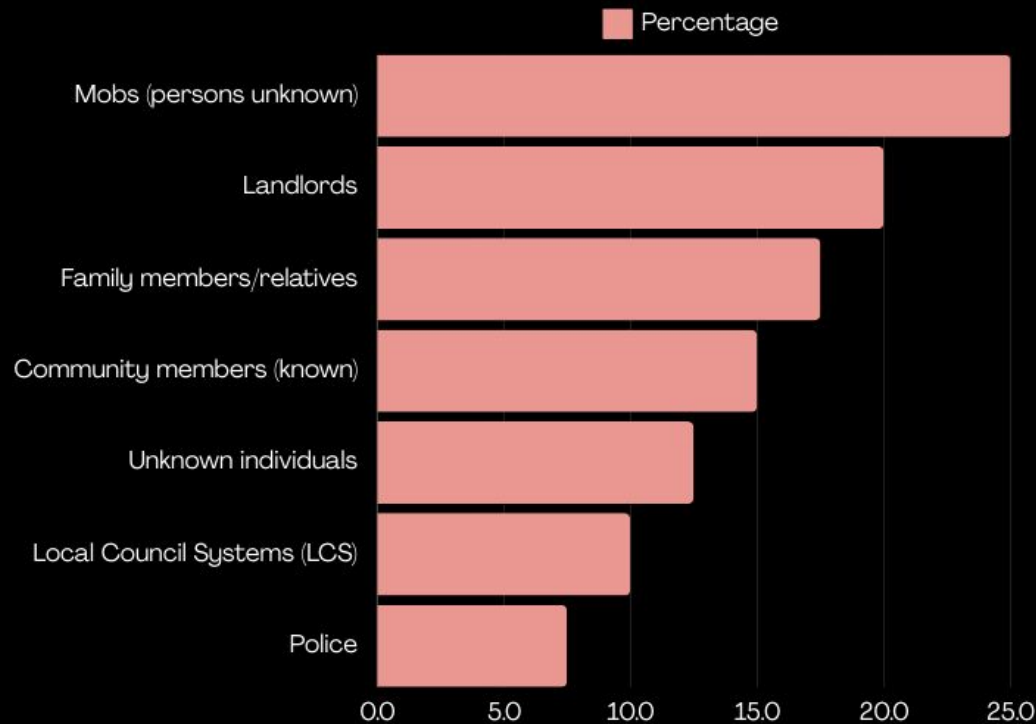
Recommendations to LGBTQ+ persons in Uganda

1. Share instances of violence and discrimination with like-minded non-governmental organisations and trusted allies so that such incidents can be documented and supported in demands for justice, and/or to access physical and mental health services if needed.

The **right to shelter and housing** (242 violations, 23.2%), **the right to privacy** (233 violations, 22.4%), and **the right to work** (191 violations, 18.3%) are the most frequently violated rights.

LGBTQ+ individuals face significant discrimination in accessing housing, maintaining personal privacy, and securing employment due to the Anti Homosexuality Act 2023.

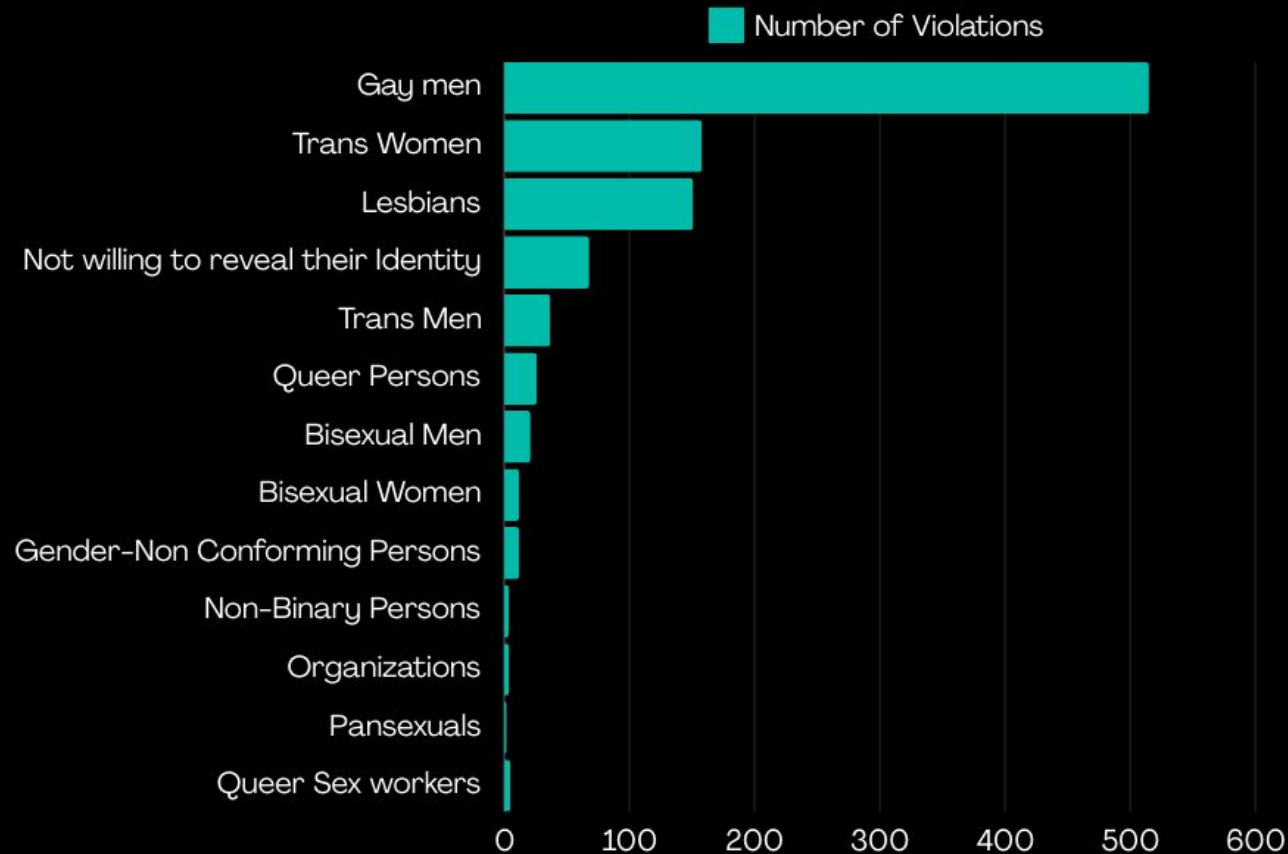




Mob violence has emerged as the most frequent form of violation against LGBTQ persons, this is often coupled with blackmail, and extortion. Since the law's passing, **landlords** have also contributed significantly to violations, highlighting the precarious housing situation for many LGBTQ individuals who face eviction and homelessness due to their sexual orientation or gender identity.

The overall number of LGBTQ individuals in Uganda affected by human rights violations **almost tripled** when the Anti-Homosexuality Act came into force. Key inflection points included times when LGBTQ persons and the law was covered extensively in the media.

Right Violated	Jan-Aug 2023	Sept 2023 - April 2024	Change
Overall number of persons involved	306	889	+191%
Right to shelter and decent housing	180	242	+34%
Right to privacy	-	233	New
Freedom from torture, inhuman and degrading treatment	179	191	+7%
Freedom of movement	-	167	New
Freedom from discrimination	159	67	-58%
Right to health (mental & SRHR)	102	131	+28%
Freedom of expression	-	15	New
Right to work	70	22	-69%



Gay men experienced the highest number of human rights violations (515), followed by **trans women** (158) and **lesbians** (151) in the period between September 2023 to April 2024

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1,253 VIOLATIONS

reported between September 2023 and April 2024

There were 1,253 Verified Cases of **Human Rights Violations** reported against **LGBTQ Ugandans** between September 2023 and April 2024

The cases of violations have risen from 306 documented in the January-August 2023 period



434 LGBTQ UGANDANS EVICTED

between September 2023 and April 2024

434 cases of evictions from premises and banishment were recorded in the period. Landlords and Local Council (LC) leaders continue to be the most frequent perpetrators of the violation and abuse of the right to housing of LGBTQ+ persons.

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69 LGBTQ PERSONS ARRESTED

between September 2023 and April 2024

A total **69 arrests** were documented. **47 of these are arrests and charges were under the AHA** while **22 were with no charges**. Of those charged under the AHA 31 were charged with homosexuality, 11 with aggravated homosexuality, 3 attempted homosexuality and 2 promotion of homosexuality.

19 REPORTED CASES OF SEXUAL ASSAULT

between September 2023 and April 2024

19 cases of sexual assault such as **corrective rape, forced marriages and reproductive coercion** though child bearing were documented in the period.

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92 LGBTQ PERSONS' MENTAL AND PHYSICAL HEALTH AFFECTED

between September 2023 and April 2024

92 cases of mental and physical health challenges were documented including **conversion practices, denial and or failure to access health services, suicide attempts, self infliction of harm, abuse of harmful drugs, anxiety and panick attacks.** These are directly linked with violations, violence and abuses and the general climate of fear propagated by the Anti-Homosexuality Act, 2023.

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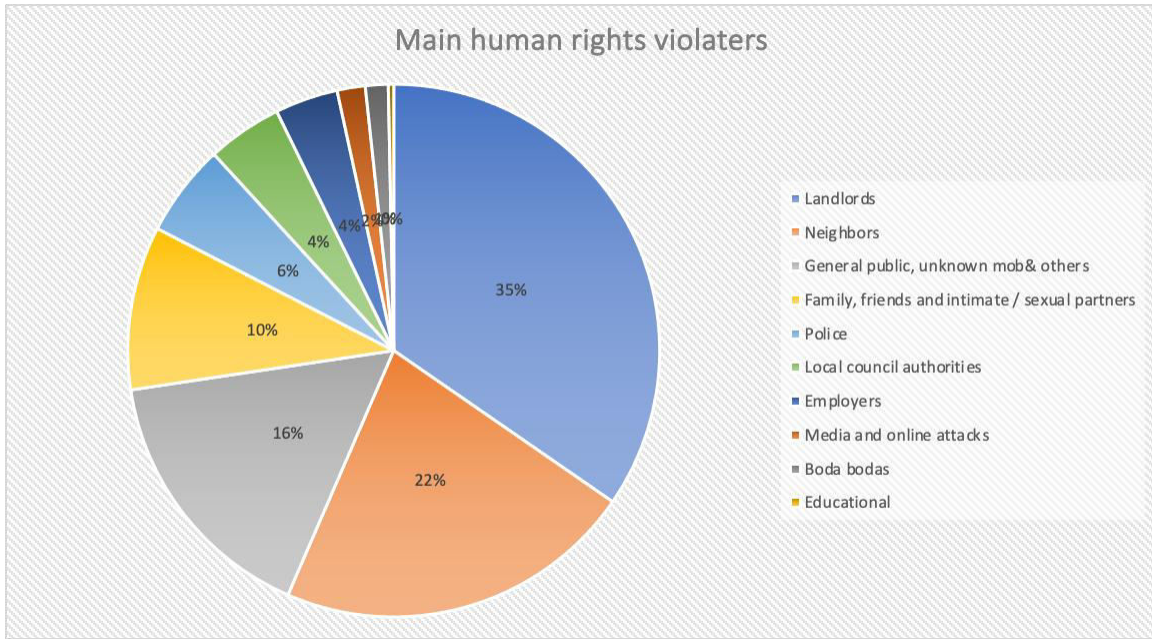
108 REPORTED CASES OF DISCRIMINATION

between September 2023 and April 2024

108 cases of discrimination were documented. 51 cases of **family rejection**, 35 cases of **termination and loss of employment**, 21 cases of **exclusion from social services** and one case of **denial of a passport**.

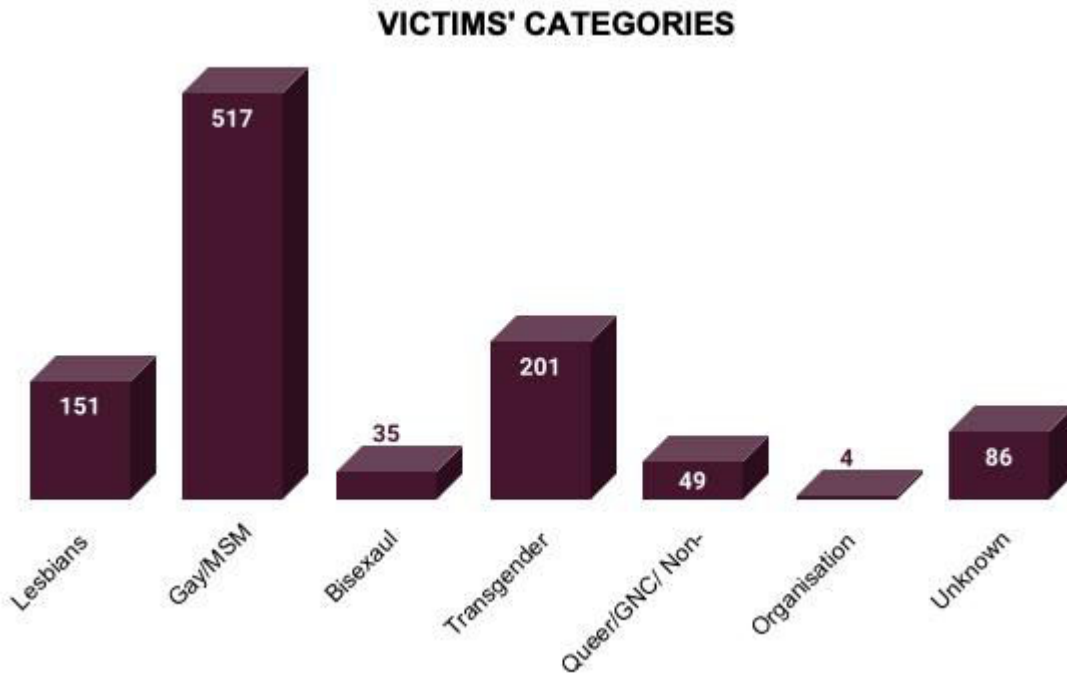
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Victims

The most affected persons were gay men, followed by transgender women and lesbians. The graph below shows the most affected persons in the number of cases documented.



It is evident that the most affected category in the LGBTQ+ community are gay/MSM persons. These are followed by transgender persons, Lesbians and those whose orientation and or gender identity was not revealed.

the threats are still high and the potential to enforce AHA is one major factor that can see the cases escalate overnight.

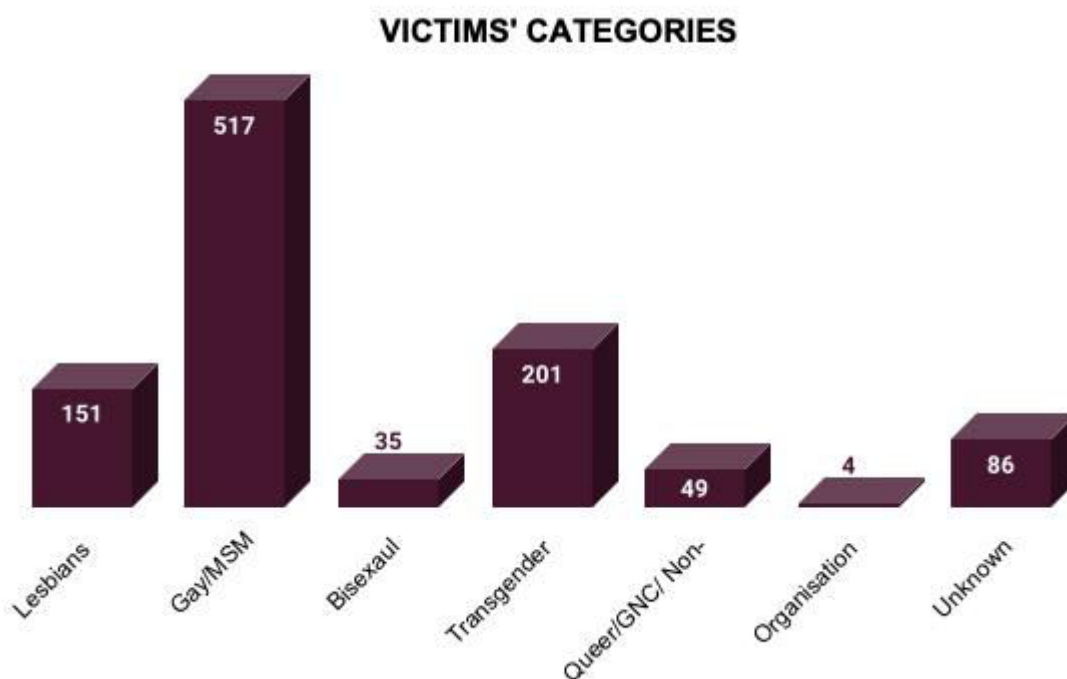
Respondent background information

Nature and number of victims

The majority of the persons who faced violation of rights identified as gay men (517 cases), this was followed by Tran women (201 cases), Lesbian women (151 cases), while bisexuals were the least attacked in this category. This could be because there tends to be a bias and homosexuality is associated with men more than it is with women. This is not to take away the fact that women have fallen victim of this law, while women may not directly report these attacks for fear of being stigmatised and but will find other coping mechanisms.

The Graph below shows the different sexual orientations attacked.

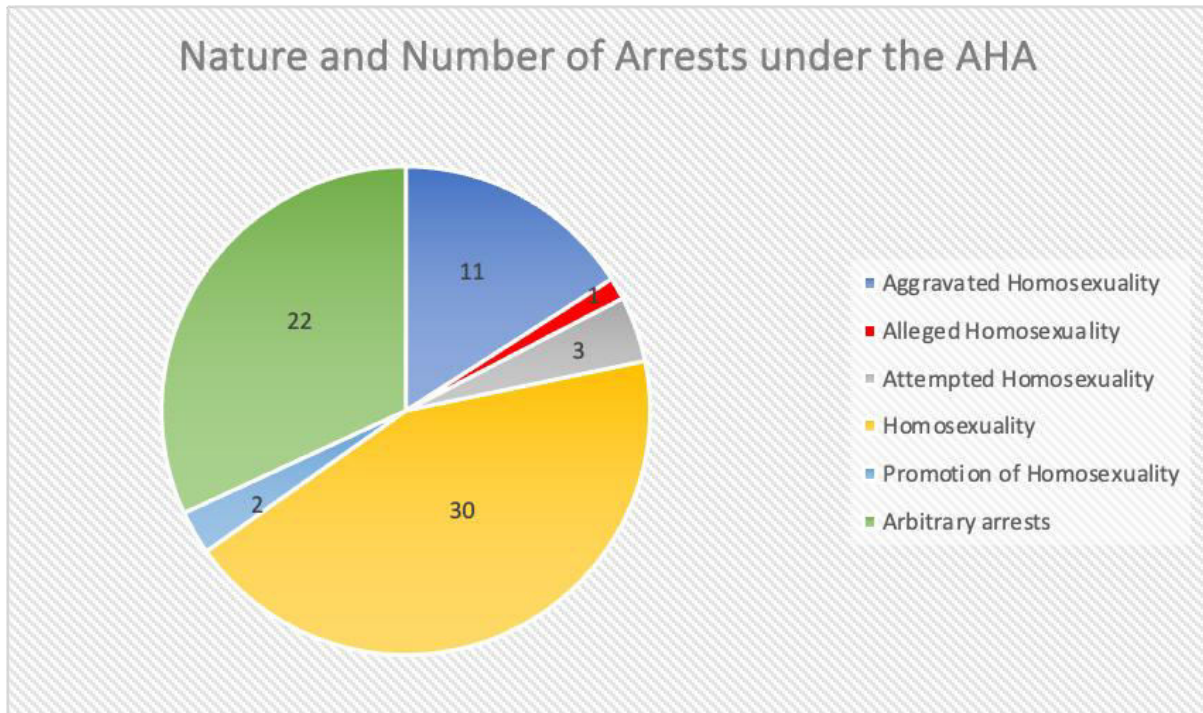
Figure 2: The most affected category within the LGBTQ+



The above data is correlated with data on gender identity where the majority of those attacked were gay men, followed by transwomen and Cis gender women. The data suggest that gay men and trans women are more likely to be attacked compared to any other category of LGBTQ+ persons.

Leading perpetrators of rights violation

Landlords (425 cases) were the biggest violators of LGBTQ+ rights, these were followed by neighbours (269 cases) followed by the general public (198 cases). Overall we see an increased number of private citizens attacking LGBTQ+ persons, these are helped and



From the above, it is clear that not only was the AHA enforced in the previous period but also there was a high number of cases of arrests and release with no charges which violated the right to liberty of those involved. It should be noted that there are several cases preferred under other existing laws such as the Penal Code Act cap 120 and under Control of Narcotics and Psychotropic Substances Act, to mention Computer Misuse Act that were not included in this report since the focus of this was the AHA.

Anal examinations

33 forced anal examinations were recorded by police and in most cases, suspects were also subjected to mandatory HIV tests. These violate the right to health and other multiple human rights enshrined in the Constitution including right to liberty, freedom from discrimination, freedom from torture inhuman and degrading treatment.

The Constitutional Court nullified S.9 of AHA, the section made it a crime for a person to allow his or her premises to be used for acts of homosexuality. It also nullified S. 14 which made it mandatory for every person to report cases of homosexuality if they suspected that these were happening. However, the nullification of these provisions did not stop members of the community, landlords, police, and workmates from taking the law in their own hands to carry out searches, arrests, and at times through a mob to violate the rights of LGBTQ+persons.

The state has also done little to prevent such violations from happening.

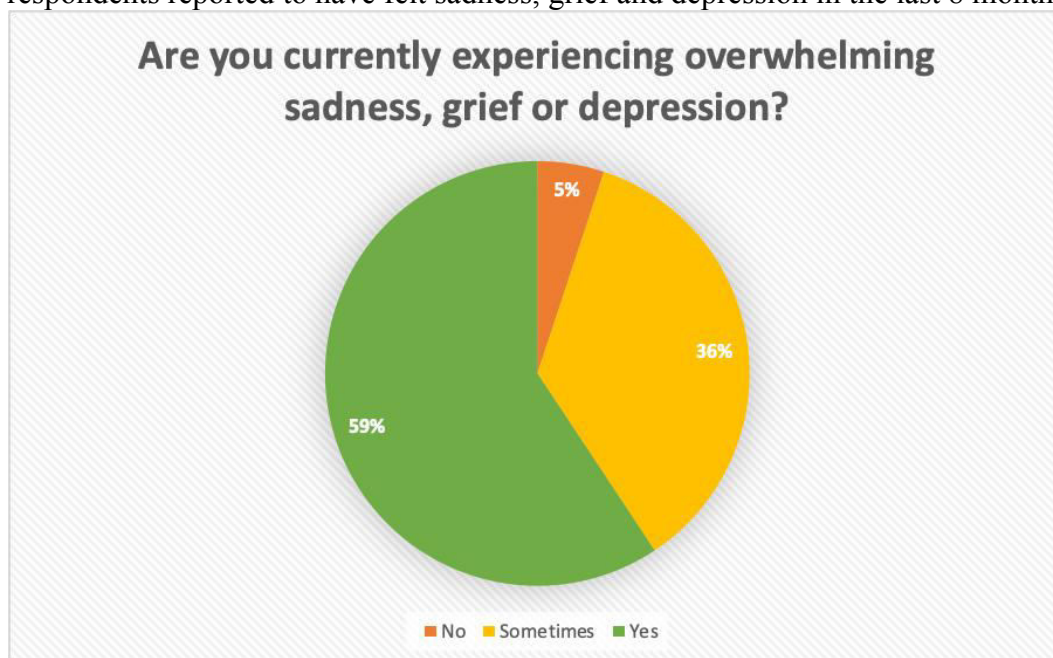
One of the victims of mental torture

Another victim testified how the parents used to lay hands on him and pray for him. This was done whether he liked it or not and it lasted several years until the time when he decided to leave. He was often told that if he was not willing to pray and change, he should find another place to stay. He eventually left the home, an act that resulted in him being excommunicated.

In some cases, the victims are denied food in the name of fasting and this lasts for days. One of the victims narrated how he was denied food so they could have days of dry fasting (going for several days or hours without food or water). This went on for days and when he did not change, he was sent away from home and was described as an outcast since he was not conforming to what the family wanted.

Right to health, Mental stress and depression

There has been an increase in cases of mental stress and potential for depression among LGBTQ+ persons in Uganda. This is mainly due to the fear and general threatening environment they live in and the discrimination they face regularly, up to 56% of the respondents reported to have felt sadness, grief and depression in the last 8 months.



The existence of the AHA and persons ready to attack LGBTQ+ persons in disguise of enforcing the AHA greatly contributed to the stress and mental issues faced by LGBTQ+ persons. The AHA, the Court of Appeal Decision and the fear of being attacked has resulted in a number of LGBTQ+ persons living in isolation, fear of attack, and other factors have led to increased anxiety, suicidal thoughts and general mental stress.

Other aspects of the right to health include situations where LGBTQ+ people would shun health facilities because of the way they are treated at the facility. Some respondents informed the team that they had to move long distances to find facilities where they were not known and where they would be treated well. Most times they avoided facilities within their neighbourhood because they are known there. There were also situations where

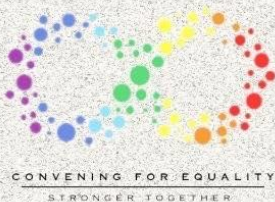
180

Evictions Displacements Banishments

The most violated right was the **right to housing** and shelter. **One hundred eighty (180) cases** of evictions, displacement and banishment were reported between January 2023 and August 2023. House owners and Local Council Heads continue to be the most frequent perpetrators of the violation and abuse of the right to housing of LGBTIQ+ persons.

LIVES AT RISK:

A REPORT ON DOCUMENTED HUMAN RIGHTS VIOLATIONS AND ABUSES OF LESBIAN, GAY, BISEXUAL, TRANSGENDER, INTERSEX AND QUEER PLUS PERSONS (LGBTIQ+) PERSONS IN UGANDA





176

Violations of the right to freedom from Torture

One hundred seventy-six (176) cases of violating and abusing the right to freedom from torture, cruel, inhuman, and degrading treatment or punishment have been meted out to LGBTIQ+ persons in Uganda between January 2023 and August 2023, committed by state and non-state actors. The team documented that Police conducted **18 instances of horrific forced anal examinations** on the arrested persons.

LIVES AT RISK:

A REPORT ON DOCUMENTED HUMAN RIGHTS VIOLATIONS AND ABUSES OF LESBIAN, GAY, BISEXUAL, TRANSGENDER, INTERSEX AND QUEER PLUS PERSONS (LGBTIQ+) PERSONS IN UGANDA



159

Violations of the right to equality and freedom from discrimination

One hundred fifty-nine (159) cases of violation and abuse of the right to equality and freedom from discrimination were recorded in the first half of 2023 till August. **State actors perpetrated breaches of this right twenty-five (25) times**, while **non-state actors were behind one hundred twenty-four (124) abuses of this right.**

LIVES AT RISK:

A REPORT ON DOCUMENTED HUMAN RIGHTS VIOLATIONS AND ABUSES OF LESBIAN, GAY, BISEXUAL, TRANSGENDER, INTERSEX AND QUEER PLUS PERSONS (LGBTIQ+) PERSONS IN UGANDA

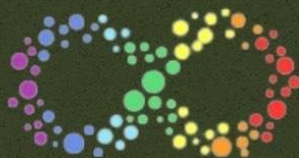
102

Mental Health Conditions linked to Violations

One hundred and two cases (102) were documented of mental health conditions directly linked with violations, abuse and the general climate of fear propagated by the Anti-Homosexuality Act, 2023. Most of these presented with **anxiety and panic attacks, suicidal ideation, and depression.**

LIVES AT RISK:

A REPORT ON DOCUMENTED HUMAN RIGHTS VIOLATIONS AND ABUSES OF LESBIAN, GAY, BISEXUAL, TRANSGENDER, INTERSEX AND QUEER PLUS PERSONS (LGBTIQ+) PERSONS IN UGANDA



CONVENING FOR EQUALITY
STRONGER TOGETHER



STRATEGIC RESPONSE TEAM

real or presumed sexual orientation, with 20 cases affecting 22 individuals. There was a reduction in the eviction cases from 19 evictions affecting 23 persons in April to 16 evictions affecting 17 persons in May 2024. The cases of violence and threats of violence increased from 17 cases affecting 20 people in April to 20 cases affecting 22 persons in May. Cases of arrests for sexuality-related reasons reduced from 8 cases affecting 18 persons to 5 cases affecting 11 persons.

5. Comparison with the period from 1st May 2023 to 31st May 2023

In May 2023, a total of 82 cases were handled involving LGBTIQ persons, of which 50 cases involved actions that directly targeted persons on the basis of their real or presumed SOGIE (60.9% of all cases handled). The actions in these cases affected a total of 98 people and included 20 cases of real or threatened violence, 24 eviction cases and 6 arrests on sexuality-related charges.

In contrast, 83 cases involving LGBTIQ persons were handled in May 2024, of which 41 cases involved actions of targeted/ deliberate homophobia (49.4% of all cases handled) and 50 persons were affected. It is worth noting that, although the AHA was passed by Parliament on 2nd May, assented to on 26th May and gazetted on 30th May, the cases of violence and other violations on the basis of SOGIE were more in that month than in May 2024 when the law is fully in force. This can in large part be attributed to the mass hysteria accompanying the public debate surrounding the enactment of the AHA 2023, while such discourse has been significantly reduced in May 2024, with the public focus shifting more and more towards issues of governance and misuse of public funds.

6. The first twelve months of the AHA 2023 in Uganda

In the first twelve months of the AHA 2023, a total of 1085 cases involving LGBTIQ persons were handled across the legal aid network, of which 600 (55.3%) targeted LGBTIQ people on the basis of their sexuality, affecting a total of 772 persons. The breakdown of cases so far is as follows:

Nature of violation	June 2023	July 2023	Aug 2023	Sept 2023	Oct 2023	Nov 2023	Dec 2023	January 2024	February 2024	March 2024	April 2024	May 2024	Total number of cases
Evictions	19	26	22	22	28	20	27	30	32	23	19	16	284
Violence	23	21	19	24	27	9	14	25	24	20	17	20	243
Arrests	4	6	6	3	6	7	6	4	3	9	8	5	67
Other forms of discrimination	0	0	0	0	3	3	0	0	0	0	0	0	6
Total	46	53	47	49	64	39	47	59	59	52	44	41	600

The victims in these cases are:

Nature of violation	June 2023	July 2023	Aug 2023	Sept 2023	Oct 2023	Nov 2023	Dec 2023	January 2024	February 2024	March 2024	April 2024	May 2024	Total number of victims
Evictions	20	33	26	31	37	24	33	35	47	26	23	17	352
Violence	23	24	22	37	35	10	20	32	32	20	20	22	296
Arrests	7	10	11	5	10	7	9	6	3	20	18	11	117
Other forms of discrimination	0	0	0	0	3	3	0	0	0	0	0	0	6
Total	50	67	59	73	85	44	62	73	82	66	61	47	771

In the same 12 months' period from June 2022 to May 2023, a total of 530 LGBTIQ cases were handled, of which 226 cases (35.9%) contained actions that deliberately targeted LGBTIQ persons for detrimental treatment. This translates to an increase of 555 cases in the overall total number of cases handled from the period of June 2022 to May 2023 as compared to the same 12-month period following the enactment of the AHA. Similarly, the number of cases of deliberate homophobia have increased by 374 from 226 cases in the period from June 2022 to April 2023, to 600 in the period from June 2023 to May 2024. It should be noted that the period June 2022 to May 2023 was characterised by radicalised and polarised homophobic hysteria, starting from February 2023 when the AHB was tabled until May 2023 when the AHA was enacted, which accounts for the increase in numbers of cases.

7. Impact of the litigation efforts against the AHA 2023 on the number of cases

On 2nd April 2024, the Constitutional Court of Uganda delivered the long-awaited judgment in the case of *Fox Odoi-Oyvelowo and 21 others v Attorney General and 3 Others* (Consolidated Petitions 14, 15, 16 and 85 of 2023). Notable changes brought about by the judgment was the repeal of section 9 of the Act which prohibited renting premises to any individual for purposes of homosexuality; section 11(2)(d), which prohibited renting or leasing of premises to anyone or using any premises for purposes of encouraging homosexuality; and section 14, which contained the duty to report persons suspected of engaging in homosexuality.

Following this judgment, a noticeable reduction in cases of eviction of persons from homes/ rented premises on the basis of their SOGIE has been observed. From January 2024 to April 2024, cases of evictions remained consistently higher than any other form of violence or violation. In January, for instance, 30 cases of evictions were reported as compared to 25 cases of violence and threats of violence; in February 2024, 32 evictions were recorded against 24 cases of violence and threats of violence; in March 2024, 23 evictions