INDEX TO DOCUMENTATION OF COUNTRY CONDITIONS REGARDING PERSECUTION OF LGBT INDIVIDUALS IN UGANDA

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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.” (p. 69)
• “146. Attempt to commit unnatural offences. |
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<td>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.” (p. 69)</td>
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- “Significant human rights issues included . . . significant acts of corruption; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, or intersex persons (LGBTI); and the existence of laws criminalizing consensual same-sex sexual conduct between adults.” (p. 1)
- “LGBTI persons faced discrimination, legal restrictions, harassment, violence, and intimidation. Authorities perpetrated violence against LGBTI individuals and blocked some meetings organized by LGBTI persons and activists.” (p. 31)
- “Consensual same-sex sexual conduct is illegal according to a colonial-era law that criminalizes ‘carnal knowledge of any person against the order of nature’ and provides for a penalty of up to life imprisonment.” (p. 30)
- “On October 23, the [Uganda Police Force] subjected 16 homosexual and transgender people to forced medical examinations in an effort to ‘gather evidence’ to support criminal charges against them for having participated in activities ‘against the order of nature.’” (p. 31)
- “Local civil society organizations reported that public and private health-care services turned away LGBTI persons who sought medication and some led community members to beat LGBTI persons who sought health care. Local civil society organizations reported that some LGBTI persons needed to pay bribes to public health-care providers before they received treatment.” (p. 31)
- “[The law] did not prohibit discrimination based on sexual orientation or gender identity and LGBTI persons faced social and legal discrimination.” (p. 35)


- “Some LGBTI persons have been rejected by their families. Some have also experienced physical and sexual attacks, including ‘corrective rape…” (p. 8-9)
- “There have been human rights violations against LGBTI persons including acts by the police and other state agencies. LGBTI persons who have been arrested and/or detained reported being subjected to ill-treatment, including humiliation, physical and sexual assault and being subjected to forced anal examinations.” (p. 8)
- “A person who is open about their sexual orientation and/or gender identity and expression may face harassment and discrimination from the state and is likely to experience societal discrimination, including harassment and violence. The accumulation
of such treatment by state and non-state actors is likely to be sufficiently serious by its nature and repetition to amount to persecution or serious harm.” (p. 9)

- “LGBTI persons suffer discrimination in accessing services such as healthcare, including access to HIV / AIDS treatment and services, and a LGBTI advocacy group had a health event closed by police on government orders. There have been reports of healthcare workers calling state actors to arrest LGBTI persons when they attended clinics for assistance.” (p. 8)

- “The UN Committee on Economic, Social and Cultural Rights expressed its concern in August 2016 that ‘… lesbian, gay, bisexual, transgender and intersex persons [were] being denied access to health care and, in particular, same-sex partners facing serious difficulties in accessing HIV/AIDS-related prevention and treatment.” (p. 23)

- “Ugandan lesbians, gays, bisexuals and intersex persons face exceptionally high levels of HIV infection because Ugandan society and institutions frequently deny them their economic, social, and cultural rights and exclude them from access to public health care, treatment and support.” (p. 24)

- “The increased HIV prevalence among members of Uganda’s LGBTI community has to be placed into context: Uganda is consistently pursuing aggressive, dangerous and discriminatory HIV/AIDS laws against LGBTI people. Those include the recent HIV/AIDS Prevention and Control Act of 2015, which requires disclosure of HIV status and declares the spread of HIV infection a crime, and the Non-Governmental Organizations Act of 2015, which limits civil society organizations’ work in reaching out with health services for criminalized groups.” (p. 24)

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- “Human rights issues included criminalization of same-sex consensual sexual conduct; and security force harassment and detention of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. The government was reluctant to investigate, prosecute, or punish officials who committed human rights violations, whether in the security services or elsewhere in government, and impunity was a problem.” (p. 1)

- “LGBTI persons faced discrimination, legal restrictions, societal harassment, violence, and intimidation. Authorities perpetrated violence against LGBTI individuals and blocked some meetings organized by LGBTI persons and activists.” (p. 29)

- “Consensual same-sex sexual conduct is illegal according to a colonial-era law that criminalized ‘carnal knowledge of any person against the order of nature’ and provided for a penalty of up to life imprisonment.” (p. 29)

- “Local [civil society organizations (CSOs)] reported that public and private health-care services turned away LGBTI persons who sought medication and some led community members to beat LGBTI persons who sought health care. Local CSOs reported that some LGBTI persons needed to pay bribes to public health-care providers before they received treatment. According to local media, during the year authorities canceled a conference organized by local LGBTI activists to advocate for equal access to health-care services for LGBTI persons living with HIV.” (p. 29-30)
Local CSOs also reported that realtors denied housing to and evicted LGBTI persons and LGBTI organizations.” (p. 30)

Authorities denied LGBTI-related organizations official status due to discriminatory laws preventing their registration.” (p. 20)

[The law] did not prohibit discrimination on the basis of sexual orientations or gender identity and LGBTI persons faced social and legal discrimination.” (p. 33)

The HRAPF\(^1\) reported numerous incidents of societal and government-led harassment and violence against LGBTI persons. Between February and April, the HRAPF reported 11 cases in which attackers physically assaulted persons because of suspicions they were LGBTI individuals. In one case a mob doused a suspected LGBTI person with gasoline and set him on fire before police rescued him. The HRAPF also reported 14 cases of police arresting persons on suspicion of being LGBTI. In five of these cases, police officers conducted forced anal examinations on the detainees.” (p. 35)

The most significant human rights issues included . . . criminalization of same-sex consensual sexual conduct, including security force harassment and detention of lesbian, gay, bisexual, transgender, and intersex persons. The government was reluctant to investigate, prosecute, or punish officials who committed human rights violations, whether in the security services or elsewhere in government, and impunity was a problem.” (p. 1)

LGBTI persons faced discrimination, legal restrictions, societal harassment, violence, and intimidation.” (p. 35)

Consensual same-sex sexual conduct is illegal according to a colonial-era law that criminalized ‘carnal knowledge of any person against the order of nature’ and provided for a penalty of up to life imprisonment.” (p. 35)

There were reports, however, that police officers at the asylum registration office in Kampala turned away two lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals who sought asylum due to discrimination in their home countries (Kenya and Afghanistan), in violation of the country’s asylum policy.” (p. 19)

Authorities denied LGBTI-related organizations official status due to discriminatory laws preventing their registration . . . ” (p. 25)

1 “HRAPF” refers to the Human Rights Awareness and Promotion Forum.
• “UN experts are alarmed that Uganda could be using COVID-19 emergency laws to target gay, lesbian, bisexual and transgender people and urged the government to strictly limit the use of emergency power to public health issues.

‘We are deeply concerned about a raid on an LGBT shelter in Kyengera on 29 March and the arrest and detention of 19 people perceived to be LGBT persons,’ the UN human rights experts said.

The group of experts said they had been told local authorities raided the shelter based on the perceived sexual orientation or gender identity of the residents, who were then charged for allegedly disobeying coronavirus regulations on physical distancing. It is feared the authorities are not using COVID-19 measures solely for the protection of public health.

‘Emergency powers to combat crises, such as COVID-19, derive their strength and legitimacy from strict adherence to their object and purpose,’ said the experts. Any emergency response linked to COVID-19 must be proportionate, necessary and non-discriminatory. ‘When authorities use emergency powers for different purposes, they are acting arbitrarily. In this case, we are concerned about a possible violation of the prohibition of arbitrary detention.’

Using COVID-19 emergency powers for other purposes, such as targeting particular groups under the guise of protecting health, jeopardises the whole response system.

The experts also highlighted concerns that the detainees in this case allegedly have no access to their lawyer due to the COVID-19 measures, and are being exposed to a greater risk of violence and discrimination because of their actual or perceived sexual orientation or gender identity.” (p. 1)


• “[W]hereas according to human rights groups, Uganda has suffered an alarming rise in attacks against LGBTI people; whereas according to Sexual Minorities Uganda, an alliance of LGBTI organisations, three gay men and one transgender woman were killed this year, the latest being LGBTI activist Brian Wasswa, who was attacked in his home on 4 October 2019...” (p. 2)

• “[W]hereas in recent weeks, Uganda has experienced a rise in extremely homophobic rhetoric from the authorities, in particular from Simon Lokodo, Ugandan State Minister in charge of Ethics and Integrity, who on 10 October 2019 announced plans to reintroduce the anti-homosexuality bill, which would include the death penalty...” (p. 2)

NON-GOVERNMENTAL SOURCES


• “At the root of the arrests is homophobia. According to the legal aid group Human Rights Awareness and Promotion Forum (HRAPF), neighbors complained to local
leaders about the presumed sexuality of shelter residents, prompting the mayor, Hajj Abdul Kiyimba, to lead a raid on the home. A video viewed by Human Rights Watch shows Kiyimba berating residents for ‘homosexuality’ and beating them with a stick.” (p. 2)

- “Living in a shelter for homeless people shouldn’t be illegal. But according to Ugandan police, 23 people arrested on March 29 living at a shelter serving lesbian, gay, bisexual, and transgender (LGBT) people in Kampala are guilty of ‘a negligent act likely to spread infection of disease,’ as well as ‘disobedience of lawful orders.’

Police were presumably enforcing presidential directives to combat the spread of COVID-19, including one prohibiting public gatherings of more than 10 people. The homeless youth were indoors at a shelter in Nsangi, near Kampala, run by the nongovernmental organization Children of the Sun Foundation. No order limits the number of residents in a private home or shelter.

Two were released from police custody for medical reasons, as was a nurse who worked at the shelter’s clinic. But 20 were remanded to prison, a disastrous move when civil society leaders have been pleading with officials to decongest Uganda’s teeming prisons…

HRAPF said police searched the shelter for evidence of homosexuality, which is punishable by up to life in prison. Police confiscated HIV medication, self-testing kits, and condoms. At least three of those arrested were undergoing HIV treatment at the shelter. Police eventually settled on COVID-19-related charges.

The arrests echo an October 2019 raid on another LGBT shelter, where police arrested 16 people after they were attacked by a mob, detained them, and subjected them to forced anal examinations . . .

The Children of the Sun detainees may be less fortunate. Their lawyers can’t visit them in prison – Uganda’s latest COVID-19 guidelines only allow movement for ‘essential services,’ which do not include legal services. Indeed, HRAPF’s application to visit them was rejected by the Ministry of Works and Transport. In the meantime, the detainees may be exposed to COVID-19 in prison. If any become ill or die, the Ugandan authorities will bear responsibility.” (p. 2)


- “Men and transgender women accused of consensual same-sex conduct are sometimes forced to undergo an anal exam that Human Rights Watch says could amount to torture.” (p. 14)

- “In October 2019, LGBT+ activist Brian Wasswa was fatally attacked at his home in Jinja. In October and November, police carried out two groups of mass arrests of members of the LGBT+ community in Kampala.” (p. 14)

- “The LGBT+ community continues to face overt hostility from the government and much of society. Same-sex sexual activity is criminalized under a colonial-era law.” (p. 14)

- “Due to severe legal and societal discrimination, the interests of LGBT+ people are not represented in politics.” (p. 7)
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<td>• “In October, Brian Wasswa, a young gay man who worked as a paralegal with the Human Rights Awareness and Promotion Forum and as an HIV peer educator with TASO, an HIV/AIDS NGO, was beaten to death with a hoe at his home in Jinja. The following week, Ethics and Integrity Minister Simon Lokodo announced government plans to reintroduce an anti-homosexuality bill in parliament, under which people convicted for consensual same-sex acts would face the death penalty.” (p. 595)</td>
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<td>• “Crackdowns on lesbian, gay, bisexual, transgender, and intersex activists continued and same-sex relations remained illegal in Uganda. In May, police shut down celebrations marking the International Day Against Homophobia, Biphobia, Intersexism, and Transphobia event in Kampala, accusing the nongovernmental organization Sexual Minorities Uganda of planning an illegal gathering, forcing the organization to move the event to a private residence.” (p. 595)</td>
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<td>• “The two raids follow several months of violent incidents against LGBT Ugandans. On August 1, a group of motorcycle taxi drivers beat to death a young transgender woman, Fahad Ssemugooma Kawere, in Wakiso District, near Kampala. On October 4, unidentified people attacked Brian Wasswa, an openly gay and gender nonconforming activist in Jinja, with a hoe. He died the following day.” (p. 2)</td>
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<td>• “The following day, police searched the house, confiscated condoms, lubricant, and antiretroviral medicines and charged the occupants with ‘carnal knowledge against the order of nature.’ On October 23, a police doctor at Nsambya Police Barracks performed forced anal examinations on the 16 detainees, Ndawula said.” (p. 1-2)</td>
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<td>• “On November 10, police raided Ram Bar, a known LGBT-friendly bar in Kampala, and rounded up 125 people. The Ugandan media outlet Kuchu Times reported that victims were dragged and thrown onto police trucks. Victims were initially told they were being detained under Uganda’s Anti-Tobacco Law (2015) for illegal use of shisha (water pipes), but one person caught up in the sweep told Human Rights Watch that police arrested everyone in the bar indiscriminately, though only a few clients were using shisha. She said a woman in her cell at Kampala’s Central Police Station was able to phone her brother, a police officer, who told her the bar had been targeted to arrest homosexuals. One of those arrested, Joan Amek, an activist and director of Rella Women’s Foundation, said police made homophobic comments during the raid and at the police station.” (p. 2)</td>
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|     | • “Uganda’s colonial-era law continues to prohibit ‘carnal knowledge’ among people of the same sex and crackdowns on LGBTI activists continued. On May 17, police and the
Minister of Ethics and Integrity, Simon Lokodo shut down a celebration of the International Day Against Homophobia, Biphobia and Transphobia organized by the NGO Sexual Minorities Uganda. In May, Lokodo vowed to block the health ministry’s first Annual Conference on Key and Priority Populations, arguing it would promote ‘homosexuality and other dirty things.’ The conference did not take place.” *(p. 604)*


- “Ugandan authorities should thoroughly investigate the fatal attack on October 4, 2019 on an activist for the rights of lesbian, gay, bisexual, and transgender (LGBT) people, Human Rights Watch said today. The death of the activist, Brian Wasswa, comes as the Ugandan government calls for reintroducing an anti-homosexuality bill that would provide the death penalty for consensual same-sex acts. Wasswa, 28, was attacked at his home in Jinja, a city in eastern Uganda. Wasswa had worked since 2017 as a paralegal trained by Human Rights Awareness and Promotion Forum (HRAPF), a legal aid organization that supports vulnerable communities, including LGBT people. Wasswa also worked as a peer educator with The AIDS Support Organization (TASO), a Ugandan nongovernmental organization dedicated to HIV/AIDS prevention, treatment, and care, where he conducted HIV outreach to LGBT people.” *(p. 2)*

- “Mwebaza said that three other gay and transgender people had been killed in Uganda in recent months, amid the climate of increasingly hostile statements by politicians around LGBT rights. On August 1, a group of motorcycle taxi drivers beat a young transgender woman, Fahad Ssemugooma Kawere, to death in Wakiso District, near Kampala, HRAPF and other Ugandan activists reported.” *(p. 3)*

- “HRAPF itself has also experienced previous violent attacks. In February 2018, two security guards were seriously injured during a violent break-in at the organization’s Kampala offices, and in 2016, a HRAPF security guard was beaten to death. No one was brought to justice for either attack.” *(p. 3)*

- “[The Uganda 2014 Anti-Homosexuality Act’s] passage contributed to violence, discrimination, evictions, and arbitrary arrests of LGBT people, as Human Rights Watch and Amnesty International documented.” *(p. 2)*

- “‘In the wake of the horrific murder of Brian Wasswa, the Ugandan government should be making it crystal clear that violence is never acceptable, regardless of one’s sexual orientation or gender identity,’ said Oryem Nyeko, Africa researcher at Human Rights Watch. ‘Instead, a government minister charged with ethics and integrity is threatening to have gay people killed at the hands of the state.’” *(p. 2)*

- “Uganda has experienced a rise in homophobic rhetoric from the government at high levels in recent weeks. In addition to Minister Lokodo’s threat to revive the anti-homosexuality bill, Security Minister Elly Tumwine claimed in an October 3 television interview that LGBT people were linked to an alleged terrorist group.” *(p. 2)*


- “Between July and October four LGBTI people were killed in the wake of heightened anti-LGBTI sentiments being expressed by political leaders.
### SUMMARY

Those killed included Brian Wassa, a gay paralegal who died on 5 October of a brain hemorrhage as a result of head injuries from an attack by unknown assailants the previous day at his home in Jinja town in the Eastern region. Uganda investigative authorities have not publicly commented on the killing. A transwoman from Gomba district, and a gay man from Kayunga district (both in the Central region) were also killed in attacks by unidentified assailants.

In October, the police arrested 16 LGBTI activists and subjected them to forced anal examinations after the Ethics and Integrity Minister announced plans to introduce the death penalty for consensual same-sex sexual activity which is already punishable by life imprisonment.” (p. 4)

- “In November, the police charged 67 out of 125 people, arrested at a bar popular with LGBTI people, with ‘common nuisance’, punishable by imprisonment of up to one year.” (p. 4)

### HUMAN DIGNITY TRUST, UGANDA COUNTRY PROFILE (2019), available at: https://www.humandignitytrust.org/country-profile/uganda/

- “In the aftermath of the Minister for Ethics & Integrity, Simon Lokodo’s statement indicating a revived ‘Kill the Gays’ Bill, LGBT activists have reported a surge in hate crimes . . . On 20 October, unidentified assailants attacked a gay Rwandan refugee, inflicting blows to the head. On 13 October, two transgender women were beaten when they were leaving a nightclub. Also in October, gay rights activist, Wasswa John (known as Brian), was brutally beaten and stabbed to death by locals. In August, a doctor (Dr Ben Kiwanuka Mukwaya) reportedly cracked a lesbian woman’s skull with an iron bar and inflicted other serious injuries . . . Also in August, group of motorcycle taxi drivers beat to death a young trans woman, Fahad Ssemugooma Kawere.” (p. 7-8)

- “A report released in July by the Consortium on Monitoring Violations Based on Sex Determination, Gender Identity and Sexual Orientation documented 89 cases of LGBT rights violations in Uganda in 2014. Of these, 47 were carried out by state actors and 42 by non-state actors.” (p. 8)

- “Police reportedly arrested nine men under Uganda’s anti-gay laws. Reports indicate the men were subject to forced anal examinations while in police custody.” (p. 3)

- “Police raided the premises of Steven Dhont, a Belgian national, and his Kenyan friend at midnight while they were watching television in January. Both were charged and compelled to undergo anal examinations. The following day, they were paraded in public before the media.” (p. 3)

- “A Channel 4 documentary covered the story of two gay men who were arrested in January 2014 after they were thrown out of their house and beaten by the local residents. They were subjected to forced HIV examinations and one of them had an anal examination performed on him. Both were paraded before the media. Although the charges against them were dismissed in October 2014, they suffered homophobic attacks from fellow inmates and are now struggling to make a living.” (p. 8)

- “On 21 October, 16 LGBT activists were arrested on suspicion of engaging in same sex sexual activity in what fellow activists called an escalating campaign against sexual minorities. The 16 men, believed to be aged between 22 and 35, were taken into custody late on Monday at the office of a sexual health charity (Let’s Walk Uganda) where they
all worked and lived. On 24 October, police spokesperson Patrick Onyango indicated that officers had found lubricants, condoms and antiretroviral drugs at the charity, and had conducted medical examinations on all 16. ‘Based on the medical examination report, it was established that the suspects were involved in sexual acts punishable under the penal code,’ he said . . . He added ‘The 16 activists have been held by police for over 48 hours, forced to undergo anal examinations . . .’” (p. 2)

- “On 10 November, police raided LGBT-friendly ‘RAM Bar’ in Kampala, arresting 127 people. Local media reported that they were dragged out of the venue and thrown into police police vehicles. One of those detained by the police was able to call her brother, who works for the police and indicated that the raid had been to target LGBT people, despite police claims that it related to their use of shisha. Local LGBT rights organisations similarly suggested that this raid was targeting the LGBT” (p. 1)

- “Members of Uganda’s ruling party circulated a draft of the Prohibition of Promotion of Unnatural Sexual Practices Bill, which is intended to replace the annulled Act by criminalizing same-sex acts even further.” (p. 11)

- “New Anglican Archbishop, Dr. Stephen Kazimba Mugalu, re-affirmed the Church of Uganda’s anti-LGBT stance: ‘The trend in the Western world and some Anglican churches in those contexts are being pressured into doing this (same-sex tolerance), including our mother Church of England. But for us in Uganda, as for me and my house, we will serve the Lord.’” (p. 4)


- “Police failed to end the practice of forced anal examinations of men and transgender women accused of consensual same-sex conduct. These examinations lack evidentiary value and are a form of cruel, inhuman, and degrading treatment that may constitute torture.” (p. 577)


- “Similarly, because of the social and political climate in Uganda, there has been a history of disruption of access to health services, including harassment by police at health facilities. Perhaps the most notable case occurred when the Ugandan Police Force raided the Walter Reed Project, a project funded by USAID [United States Agency for International Development], which offered services to all Ugandans with a specific focus on LGBTI individuals. Consequently, the US Embassy decided to shut down the project, and 30 of the clinic’s HIV-positive clients, were evicted from their homes and were left (at least temporarily) without access to anti-retroviral medication.” (p. 9)

- “Although it is not required for Ugandans to disclose their sexual orientation when seeking health care services, doing so is essentially a non-option for LGBTI clients, although sexual orientation or gender identity is integral to receiving adequate services and treatment. For example, sexual and gender minorities who seek HIV testing as a
Couple are often unable to do so without discrimination. This was true for Kamya, a gay man living in Kampala, who went to get an HIV test with his partner. Kamya and his partner were never able to get the results to their HIV test.” (p. 23-24)

- “We have been losing people over minor diseases because of discrimination at the hospitals. Where someone has HIV but then they don’t know that they have HIV. The LGBT people I see are saying, for example, ‘I can’t go to that hospital because it has my Auntie working there, and then they will know I am gay. If they get to know that it is one of their sons, that they will kill me.’ So then they don’t go to treatment.” (p. 30)

- “As we have learned from HIV positive clients in Uganda, stigma will only perpetuate the disease and make people less willing to seek treatment or testing.” (p. 25)


- “The ruling party [in Uganda], the National Resistance Movement (NRM), retains power through the manipulation of state resources, intimidation by security forces, and politicized prosecutions of opposition leaders. The LGBT (lesbian, gay, bisexual, and transgender) community remains under threat.” (p. 2)

- “Although the controversial Anti-Homosexuality Act (AHA) was struck down on a technicality in 2014, a 2016 report showed that the LGBT community continued to experience human rights abuses.” (p. 3)

- “In addition to the threat of state surveillance, free and open private discussion is limited by a climate of intimidation pertaining to sexual orientation and gender identity. For example, LGBT individuals and others face the fear of being ‘outed’ by tabloid newspapers that publicly identify real or perceived gay men and lesbians, along with personal details and photos.” (p. 7)

- “The AHA, which criminalized homosexuality, was struck down in 2014, but the LGBT community continues to face overt hostility from the government and much of society. According to an April 2016 report by Sexual Minorities Uganda, LGBT people suffered 264 verified cases of human rights abuses between May 2014 and the end of 2015; 84 involved loss of property or employment and other forms of intimidation, while 48 involved violence, including ‘torture by the state.’ In August, police raided an event during Ugandan LGBT Pride celebrations and beat participants, arresting 16 people and holding them temporarily under abusive conditions.” (p. 9)


- “Human rights defenders faced new restrictions on their activities and some organizations were harassed. The rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people continued to be violated.” (p. 373)

- “On 4 August, police broke up an LGBTI beauty pageant in Kampala, part of Uganda Pride. They arrested 16 people – most of them Ugandan LGBTI rights activists – who were released after about an hour. A man was seriously injured after he jumped from a sixth-floor window fearing police abuse.” (p. 374)


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<td>“On 24 September, the police prevented more than 100 people from joining a Pride parade on a beach in Entebbe. They ordered people back onto minibuses and told them to leave the area. The participants tried to go to another beach, but police prevented them from holding the parade there too.” (p. 374)</td>
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**MEDIA SOURCES**


- “The arrests were initially around homophobia and transphobia because neighbours reported them and so the security forces came and raided them. These people were at home and they all know each other,” Mugisha said. ‘Now they are putting them in prison where they will be more at risk.’ Activists in Uganda said the pandemic had contributed to a rise in homophobic rhetoric in Uganda, with the LGBT community being blamed by some for the disease.” (p. 2)


- “A gay rights leader in Uganda says 20 members of the local LGBT community have been detained after police raided their shelter and accused them of violating coronavirus-related social distancing measures.

‘It is evident that they were arrested because of their homosexuality,’ Frank Mugisha said Wednesday, expressing concern for their safety as “some of them are on AIDS medication.” Gay sex is criminalized in Uganda.

Mugisha said the 20 were among 23 people accused of violating the president’s orders during a police raid on Sunday. Three were freed because of ill health, he said.

Mugisha said the house in Kyengera, a town near Kampala, is a known shelter for LGBT people seeking community as well as treatment for AIDS. He said the house has previously been targeted by the police.” (p. 1)


- “Numerous LGBT residents say violence is a common occurrence. Nantale herself says she was thrown into the path of a truck by a man hired by a group of village elders. ‘They paid a boda guy [motorcycle taxi driver] to kill me,’ she says.” (p. 5)

- “Verbal abuse has forced some of Nantale’s friends to leave [their hometowns] for Uganda’s more metropolitan capital.” (p. 6)

- “[Uganda is] one of the most homophobic countries in the world. Earlier this month an LGBT advocate was killed in the eastern Ugandan town of Jinja . . . Last week,
lawmakers said they would introduce legislation to bring in tougher punishments for homosexual acts, conjuring memories of the so-called ‘kill the gays’ bill that was proposed in 2013 . . . As the law stands, homosexual acts can lead to sentences of up to 14 years in prison. LGBT people routinely face human and legal rights abuses by employers and police, or violence and harassment in their communities.” (p. 2)


- “But the morning after the festival, as she was leaving Margaret was dragged off the road, blindfolded, beaten, raped, and left in the bush to die. ‘I tried to call for help, but I couldn’t,’ she says. She was bleeding badly and could barely move. The men who attacked Margaret were in plain clothes, and although she doesn’t know if her attackers were police or soldiers, they had made clear that they had targeted her because they believed she was a lesbian.” (p. 7)


- “Homosexuality is not natural to Ugandans, but there has been a massive recruitment by gay people in schools, and especially among the youth, where they are promoting the falsehood that people are born like that,” Ethics and Integrity Minister Simon Lokodo told the Thomson Reuters Foundation. ‘Our current penal law is limited. It only criminalises the act. We want it made clear that anyone who is even involved in promotion and recruitment has to be criminalised. Those that do grave acts will be given the death sentence.” (p. 1)


- “It wasn’t an easy decision to leave my home and come to Kenya. No one wants to leave their family and become a refugee,” said Sharon, 21, who fled Uganda to Kenya in November 2016, and did not wish to give her real name.

Thrown out of her home by her mother for being a lesbian, she was then raped by the uncle she sought refuge with - and ended up pregnant with his child.” (p. 3-4)

- “It wasn’t long after Joe’s father was shot dead for being gay that the 24-year-old Ugandan college student realized the men from his church would be coming for him next.

First came the anonymous phone calls in the dead of night. Then the chilling text messages detailing how he would be ‘hunted down’. It was only after he was attacked and lay bruised and bleeding in a public toilet that Joe fled to Kenya…”
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<td>“Activists are outraged over the Ugandan government’s decision to cancel a week of gay pride celebrations in the country for a second consecutive year, describing the move as a violation of fundamental human rights of minority groups.” <em>(p. 2)</em></td>
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<td>“The state minister of ethics and integrity, Simon Lokodo [said] ‘It’s true I ordered the police to stop and shut down all the gay pride events. No gay gathering and promotion can be allowed in Uganda. We can’t tolerate it at all. […]We know they are trying to recruit and promote homosexuality secretly. But it’s worse to attempt to stand and exhibit it in public arena. This is totally unacceptable. Never in Uganda. […] I couldn’t allow them to do that. The next time they do it they will face the full wrath of the law’.” <em>(p. 2)</em></td>
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<td>“[…]In spite of the nullification of the Anti-Homosexuality Act in 2014, the LGBT community still faces government-inspired and community-led safety concerns, many of which usually go unreported.” <em>(p. 3)</em></td>
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<td>“Gay men and women face frequent harassment and threats of violence in Uganda. Many people live secretive lives, afraid of being openly gay, due to stigma and hostility from family and friends, and fearing the loss of a job or a rented apartment.” <em>(p. 3)</em></td>
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<td>“Homosexuality has been a criminal offense in Uganda since 1952. Like much of sub-Saharan Africa, the country is socially conservative and deeply religious. That reality makes it difficult for minority rights groups like SMUG to operate, particularly if they can't register as an organization.” <em>(p. 2)</em></td>
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<td>“In recent years, Ugandan President Yoweri Museveni […] signed a law that punished same sex relations with long prison terms. He has gone on record several times condemning homosexuality and accusing groups of ‘deliberately recruiting people who are not homosexual into homosexuality’ by offering them money. His anti-gay legislation sparked an international outcry, leading some countries to withhold aid funding.” <em>(p. 2)</em></td>
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<td>“Homosexuality remains illegal in Uganda, and assaults on lesbian, gay bisexual and transgender (LGBT) people in the country are on the rise.” <em>(p. 2)</em></td>
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<td>TAB</td>
<td>SUMMARY</td>
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<td>• “Ugandan lesbians, gays, bisexuals and intersex persons face exceptionally high levels of HIV infection because Ugandan society and institutions frequently deny them their economic, social, and cultural rights and exclude them from access to public health care, treatment and support.” (p. 2)</td>
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<td>• “Because of intolerance, discrimination, fear and lack of prioritization of LGBTI health needs, HIV prevention and treatment services in these communities are almost non-existent.” (p. 2)</td>
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<td>• “The increased HIV prevalence among members of Uganda’s LGBTI community has to be placed into context: Uganda is consistently pursuing aggressive, dangerous and discriminatory HIV/AIDS laws against LGBTI people. Those include the recent HIV/AIDS Prevention and Control Act of 2015, which requires disclosure of HIV status and declares the spread of HIV infection a crime, and the Non-Governmental Organizations Act of 2015, which limits civil society organizations’ work in reaching out with health services for criminalized groups.” (p. 2-3)</td>
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<td>• “The Sexual Minorities Uganda (SMUG) report documents 264 ‘verified cases of human rights abuses against LGBTI Ugandans’ between May 2014 and Dec. 31, 2015.” (p. 1)</td>
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<td>• “84 of these cases were loss of property and employment and other forms of intimidation. Forty-eight of the 264 cases of anti-LGBT persecution involved violence, which included ‘torture by the state.’” (p. 1)</td>
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<td>• “Uganda is among the dozens of countries in which consensual same-sex sexual relations remain criminalized. The report notes Section 145 of the Ugandan penal code, which dates back to the British colonial period, states that anyone who ‘has carnal knowledge of any person against the order of nature’ or ‘permits a male person to have carnal knowledge of him or her against the order of nature’ could face life in prison.” (p. 2)</td>
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<td>• “The U.S. cut aid to Uganda and imposed a travel ban against officials responsible for anti-LGBT and other human rights abuses in the country in the wake of Museveni’s decision to sign the Anti-Homosexuality Act.” (p. 2)</td>
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Dated: [DATE] Respecfully submitted,  
[CITY, STATE]  

[FIRM]  
*Pro Bono* Counsel for Respondent__________  

By: _________________________  
[NAME]
[FIRM]
[ADDRESS]
[PHONE NUMBER]
[FAX NUMBER]
TAB 1
THE PENAL CODE ACT. Arrangement of Sections.

Chapter I—Preliminary.

1. General rule of construction.

2. Interpretation.

3. Saving of certain laws.
any poison or other noxious thing, or uses any force of any kind, or uses any other means, commits a felony and is liable to imprisonment for fourteen years.

142. **Procuring miscarriage.**

Any woman who, being with child, with intent to procure her own miscarriage, unlawfully administers to herself any poison or other noxious thing, or uses any force of any kind, or uses any other means, or permits any such things or means to be administered to or used on her, commits a felony and is liable to imprisonment for seven years.

143. **Supplying drugs, etc. to procure abortion.**

Any person who unlawfully supplies to or procures for any person any thing, knowing that it is intended to be unlawfully used to procure the miscarriage of a woman, whether she is or is not with child, commits a felony and is liable to imprisonment for three years.

144. **Knowledge of age of female immaterial.**

Except as otherwise expressly stated, it is immaterial in the case of any of the offences committed with respect to a woman or girl under a specified age that the accused person did not know that the woman or girl was under that age, or believed that she was not under that age.

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.

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.

147. **Indecent assaults on boys under eighteen.**

Any person who unlawfully and indecently assaults a boy under the age of eighteen years commits a felony and is liable to imprisonment for fourteen years, with or without corporal punishment.

148. **Indecent practices.**
TAB 2
UGANDA 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Uganda is a constitutional republic led since 1986 by President Yoweri Museveni of the National Resistance Movement (NRM) party. In 2016 voters re-elected Museveni to a fifth five-year term and returned an NRM majority to the unicameral parliament. Allegations of disenfranchisement and voter intimidation, harassment of the opposition, closure of social media websites, and lack of transparency and independence in the Electoral Commission (EC), marred the elections that also fell short of international standards. The periods before, during, and after the elections were marked by a closing of political space, intimidation of journalists, and widespread use of torture by the security agencies.

The national police maintain internal security. While the army is responsible for external security, the president detailed army officials to leadership roles within the police. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings; forced disappearance; torture; and arbitrary detention by government agencies. The government was also responsible for harsh and life-threatening prison conditions; detention of political prisoners; arbitrary or unlawful interference with privacy; lack of independence of the judiciary; the worst forms of restrictions on free expression, the press, and the internet, including violence, threats of violence, and unjustified arrests or prosecutions of journalists, censorship, and site blocking; substantial interference with the rights of peaceful assembly and freedom of association; restrictions on political participation; significant acts of corruption; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, or intersex persons (LGBTI); and the existence of laws criminalizing consensual same-sex sexual conduct between adults.

The government was reluctant to investigate, prosecute, or punish officials who committed human rights abuses, whether in the security services or elsewhere in government, and impunity was a problem.

Section 1. Respect for the Integrity of the Person, Including Freedom from:
a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports the government or its agents committed arbitrary or unlawful killings, including due to torture.

On August 5, opposition Member of Parliament (MP) and presidential hopeful Robert Kyagulanyi, also known as Bobi Wine, announced that his supporter, fellow musician Michael Kalinda also known as Zigy Wyne, died at Mulago Hospital due to injuries sustained from severe torture. Kyagulanyi said that Kalinda went missing on July 21 after receiving multiple messages warning him “to be careful.” Unidentified individuals dropped Kalinda’s body at the hospital with an eye plucked out, two fingers cut off, and with burns on his torso. According to the Uganda Police Force (UPF), a hospital postmortem concluded that Kalinda succumbed to brain injuries caused by “blunt force trauma to the head.” The postmortem report added, “Kalinda’s right hand had cuts on two fingers, classified as defense injuries arising out of a struggle.” On August 5, the UPF concluded “the injuries point to a straightforward case of murder.” On August 6, however, the UPF reversed its initial finding and said that further investigations had revealed that Kalinda sustained his injuries in a motorcycle accident and closed all investigations into murder. Kyagulanyi refuted the UPF account and said he would continue to assert that the state murdered Kalinda unless the UPF presented evidence to show Kalinda died in an accident. At year’s end the UPF had not presented any closed-circuit video evidence (see section 1.f.) of the incident.

On March 24, UPF officers attached to the Field Force Unit subunit charged with protection of high-profile individuals at the Naggalama Police Post arrested and later shot and killed 40-year-old motorcycle taxi driver Ronald Ssebulime. The UPF suspected that Ssebulime planned to harm Minister of State for Information and Communications Technology Ida Nantaba. The minister had earlier called the UPF for help after noticing a motorcycle she thought was trailing her. A UPF patrol chased Ssebulime, arrested him, placed him in handcuffs, and asked him to make a will before they shot him. Ssebulime’s family alleged that he had been on his way to visit his daughter in boarding school. The UPF initially reported the incident as an attempt on the minister’s life but later said it was investigating three of its officers for the killing. In September the prosecution dropped the murder charges against the three officers and the minister but charged another police officer with murder. No trial date had been set by year’s end.
The authorities did not report any new findings related to the 2018 killing of Kyagulanyi’s driver, Yasin Kawuma.

b. Disappearance

Local media reported several disappearances, particularly of individuals identified as supporters of Kyagulanyi. On August 5, local media reported that accountant and supporter of Kyagulanyi’s People Power movement John Bosco Kibalama had been missing since June 3 after the UPF found Kibalama’s car abandoned on the roadside outside Kampala, with his effects intact inside. The UPF said it initiated investigations into the disappearance but reported no findings by year’s end. Kibalama remained missing.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices. The law stipulates that any person convicted of an act of torture may receive a sentence of 15 years’ imprisonment, a fine of 7.2 million shillings ($1,920), or both. The penalty for conviction of aggravated torture is life imprisonment. Nevertheless, there were credible reports security forces tortured and physically abused suspects.

In June the government’s human rights agency, the Uganda Human Rights Commission (UHRC), said in its annual report that allegations of security agencies’ use of torture was the most common complaint it registered. It reported that lengthy pretrial detention and detention beyond the legally mandated duration often led to the torture of suspects as security agencies sought to coerce a confession or incriminating statements from the detained persons. Local civil society organizations and the UHRC reported that the Chieftaincy of Military Intelligence (CMI), the domestic intelligence agency Internal Security Organization (ISO), and the UPF were most notorious for torture. In a separate report, the Human Rights and Peace Center at the Makerere University School of Law noted that security forces used over 70 different types of torture techniques, both physical and psychological, including electric shocks, exposure to hot furnaces smoldering with red pepper, submersion in water, and beatings on the limbs and joints, among other torture methods. On June 30, local media reported that on June 23 unidentified individuals had dumped Makerere University student and Kyagulanyi supporter Joshua William Mukisa at a fuel station in Jinja outside Kampala, with scars on his limbs incurred from torture while in detention. Local media reported that unidentified individuals kidnapped Mukisa at the university on
May 17, blindfolded him, and drove him to an undisclosed unofficial detention facility. According to the media, unidentified security officers tied him upside down, beat him with sticks and batons on the legs and hands, and demanded that he renounce his affiliation with Kyagulanyi. The UPF said it was investigating the circumstances surrounding Mukisa’s kidnapping but released no details from the investigation by year’s end.

Local civil society activists, media, and opposition politicians reported that the CMI and ISO operated unofficial detention facilities called “safe houses” in the Mbuya, Nakasero, and Kololo neighborhoods of Kampala, Kyengera in central Uganda, and the Kalangala Islands in Lake Victoria near Entebbe. They allegedly held suspects without trial and exposed them to torture and inhumane treatment. Responding to media reports that ISO detained a lawyer in its Kyengera “safe house,” the Speaker of Parliament on August 15 instructed parliament’s Committee on Human Rights to investigate the government’s operations in “safe house.” Numerous former detainees told the committee on September 4 that ISO held them in “safe houses” where ISO officers beat them, denied them bedding, fed them only once a day, and denied them access to their families and lawyers. One former detainee said ISO operatives used chains to hang him by the arms for several days, damaging tissue in his abdomen. Another former detainee said ISO officials plucked out his toenails with a pair of pliers and tied heavy weights on his genitals. Former detainees and relatives of detainees in “safe houses” said some detainees spent upwards of six months in detention without arraignment in court, and without contact with the outside world. The former detainees also said ISO worked with an alleged burglar and killer called Soobi to inflict harm on detainees in “safe houses,” while pressuring them to confess to crimes. When asked to respond to allegations of detentions in “safe houses,” Minister for Security Elly Tumwine told the committee on August 28 that it was standard international practice for intelligence agencies to operate “safe houses” and that the country was no exception. Tumwine said “safe houses” help the government “to manage hard-core criminals, who require a long time to reform, especially those who have rescinded to criminality after serving long prison sentences and now need observation and surveillance.” He confirmed that the government worked with Soobi, who was “fundamental in helping security agencies trace the violent criminals he used to operate with, who have not reformed.” Tumwine denied the allegation that ISO officers torture detainees, but within the same hearing, said ISO suspended some officers for “illegal” activities. He refused to grant the committee permission to visit the “safe houses.” On September 10, committee members travelled to one of the “safe house” locations, but armed officers denied them entry. The committee hearings continued at year’s end.
Prison and Detention Center Conditions

Conditions in detention centers remained harsh and in some cases life-threatening. Serious problems included overcrowding, physical abuse of detainees by security staff and fellow inmates, inadequate food, and understaffing. Local human rights groups received numerous reports of torture committed by security forces and prison personnel. Reports of forced labor continued. Most prisons did not have accommodations for persons with disabilities. The government operated unofficial detention facilities where it detained suspects for months without charge.

Physical Conditions: Gross overcrowding remained a problem. The UHRC maintained “some prisons housed twice or up to three times their designated capacities,” especially prisons holding male detainees. The Uganda Prison Service (UPS) reported that its prison population was nearly three times its capacity. Local civil society organizations Foundation for Human Rights Initiative (FHRI) and the UHRC reported that delays in the judicial process also caused overcrowding in police cells. The UHRC reported that overcrowding had increased the spread of communicable diseases, especially multi-drug-resistant tuberculosis. In January during her court hearing, dissident and academic Stella Nyanzi said that she suffered a miscarriage while in detention in Luzira Prison and that authorities had denied her access to her medical records and to private medical care. She also told the court in August that female detainees suffered urinary tract infections because of using pit latrines emptied only infrequently. In September, Nyanzi reported that prison guards inflicted harsh physical abuse on her while she was in solitary confinement (see section 2.a).

The FHRI reported that the criminalization of vagrancy had contributed significantly to overcrowding in police cells. It reported that the UPF carried out sweeping exercises, arresting many unemployed youths at the same time on charges of vagrancy. Local media reported in March that the UPF arrested more than 1,350 unemployed youths in a single round up, and detained 300 of them in one police cell, leaving three to die of suffocation. The UPF disputed the report and insisted that only one suspect died after collapsing during the arrest. On October 1, the UPF reported that, in response to a presidential directive, it would cease arresting and prosecuting citizens under the vagrancy law and would begin releasing all suspects previously arrested under this law. It was unclear how the release of suspects would be carried out. Police, however, continued to make sweeping arrests of “suspected criminals.” Opposition politicians said the government used videoconference court sessions to deny political prisoners an
opportunity to appear in public court. The state held bail hearings for Kyagulanyi on May 2 and sentencing sessions for Nyanzi on August 3 via videoconference. According to the UHRC, authorities continued to violate the law by holding juveniles and adult detainees together in police stations and prisons it visited, due to an absence of specialized holding cells for children, UPF personnel’s ignorance of the law, and failure to ascertain the juveniles’ ages.

The UHRC reported that there were reports of food shortages for prisoners held in police cells, and “most detainees had at most one meal a day provided by authorities.” It reported that most detainees relied on family members to bring them food.

Administration: Authorities did not always carry out investigations into credible allegations of mistreatment. Local media reported on June 28 that the UPS did not investigate allegations that one of its staffers tortured to death inmate Stephen Ochieng at Masafu government prison. Local civil society organizations, media, and politicians reported that ISO and CMI detained numerous suspects at unofficial detention facilities, where they denied them access to visitors.

Independent Monitoring: The UPS allowed the local civil society organizations African Center for Treatment and Rehabilitation of Torture Victims to conduct prison visits with advance notification; however, no independent monitors received access to any unofficial detention facilities or pretrial detention cells. The International Committee of the Red Cross declined to comment on whether it conducted prison visits during the year.

Improvements: The UPS reported that it constructed new prison facilities in the country that added space for an extra 4,000 prisoners. The new facilities included a modern health facility, recreational facilities such as sports fields, and a school. The judiciary also reported that plea bargaining sessions had significantly reduced the number of inmates on pretrial detention.

d. Arbitrary Arrest or Detention

Although the law prohibits arbitrary arrest and detention, security forces often arbitrarily arrested and detained persons, especially opposition leaders, politicians, activists, demonstrators, and journalists. The law provides for the right of persons to challenge the lawfulness of their arrest or detention in court, but this mechanism was seldom employed and rarely successful.
Arrest Procedures and Treatment of Detainees

The law requires that judges or prosecutors issue a warrant before authorities make an arrest, unless the arrest occurs during commission of a crime or while in pursuit of a perpetrator. Nevertheless, authorities often arrested suspects without warrants. The law requires authorities to arraign suspects within 48 hours of arrest, but they frequently held suspects longer without charge. Authorities must try suspects arrested for capital offenses within 360 days (120 days if charged with an offense triable by subordinate courts) or release them on bail; however, if prosecutors present the case to the court before the expiration of this period, there is no limit on further pretrial detention. While the law requires authorities to inform detainees immediately of the reasons for detention, at times they did not do so. The law provides for bail at the judge’s discretion, but many suspects were unaware of the law or lacked the financial means to cover the bond. Judges generally granted requests for bail. The law provides detainees the right to legal representation and access to a lawyer, but authorities did not always respect this right. The law requires the government to provide an attorney for indigent defendants charged with capital offenses, but there are significant delays in the process. Security forces often held opposition political members and other suspects incommunicado and under house arrest.

Arbitrary Arrest: Arbitrary arrests and unlawful detention, particularly of dissidents, remained problems. The UPF and the Uganda People’s Defense Force (UPDF) on numerous occasions arrested and harassed opposition politicians, their supporters, and private citizens who engaged in peaceful protests and held public rallies. On October 22, the military police and the UPF arrested 20 female Makerere University students who were protesting planned tuition fee increases. The police released the students on October 23 and the university administration then suspended them indefinitely. According to local media, on the evening of October 23, unidentified individuals kidnapped one of the student protestors, Siperia “Mollie” Ssasiraabo, detained her at an unknown facility, beat her, and dropped her off at a Kampala hospital the next morning. Between October 23 and October 30, the student protests at Makerere continued and local media showed videos of military police officers beating journalists and students with sticks, ransacking university residence halls, firing teargas into the university library, residence halls, and classrooms, as well as sounds of explosions in residence halls. On October 29, President Museveni directed the military police to vacate the university campus and to leave law enforcement operations to the UPF. On October 30, unidentified individuals kidnapped university student leader and Kyagulanyi supporter Julius Kateregga, beat him, tranquilized him, and left him at
the university gate early the next morning after warning him that they would kill him if he protested again. Kateregga said that on the same day unidentified men had kidnapped another female student protest leader, raped her, and dumped her at the university gate.

**Pretrial Detention:** Case backlogs due to an inefficient judiciary that lacks adequate funding and staff, inadequate police investigations, the absence of plea-bargaining prior to 2015, insufficient use of bail, and the absence of a time limit for the detention of detainees awaiting trial contributed to frequent prolonged pretrial detentions. The UPS reported 48 percent of the country’s nearly 60,000 inmates were pretrial detainees. The UHRC reported that the UPF was mostly responsible for lengthy pretrial detention because it held many suspects beyond the 48-hour limit without arraigning them in court. The UHRC also said that it encountered numerous suspects whom the UPF held for longer than eight months without arraignment.

**Detainee’s Ability to Challenge Lawfulness of Detention before a Court:** Citizens detained without charge have the right to sue the Attorney General’s Office for compensation for unlawful detention; however, citizens rarely exercised this right.

### e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the government did not always respect this provision. Corruption, understaffing, inefficiency, and executive-branch interference with judicial rulings often undermined the courts’ independence. The FHRI reported that in the Gulu judicial district alone, it would take the High Court 10 years to resolve a backlog of 800 cases at the current rate of 80 per year. The executive, especially security agencies, did not always respect court orders. On September 11, Local media aired images of CMI officers in plain clothes storming court premises and arresting a lawyer and four suspects in the 2017 murder of senior police official Andrew Felix Kavweesi, after the court granted them bail. The officers drove in unmarked vehicles, blocked the entrance to the International Crimes Division of the High Court, pulled the suspects out of their vehicles into a waiting van and drove off. The Deputy Chief Justice, Alphonse Owiny-Dollo, released a statement the same day and noted with concern “persistent cases of interference in the administration of justice by security agencies” and “wanton disregard of the independence of the judiciary.” Owiny-Dollo called upon the security agencies to investigate and bring the officers responsible to account. On September 12, the UPDF released a statement noting that a team of officers from various security agencies rearrested the suspects on
allegations that they were “peace violators.” The UPF released a statement on September 13 asserting that it had the authority to enter any premise and effect arrests, including courtrooms.

The president appoints Supreme Court, Court of Appeal, High Court judges, and members of the Judicial Service Commission (which makes recommendations on appointments to the judiciary) with the approval of parliament.

Due to vacancies on the Supreme Court, Constitutional Court, High Court, and the lower courts, the judiciary did not deliver justice in a timely manner. At times the lack of judicial quorum precluded cases from proceeding.

Judicial corruption was a problem, and local media reported numerous cases where judicial officers in lower courts solicited and accepted bribes from the parties involved. On May 21, local media reported the UPF had arrested a public attorney for allegedly soliciting a six-million-shilling ($1,600) bribe to influence a court case.

**Trial Procedures**

Although the law provides for a presumption of innocence, authorities did not always respect this right. Defendants have the right to prompt, detailed notification of the charges against them and are entitled to free assistance of an interpreter. An inadequate system of judicial administration resulted in a serious backlog of cases, undermining suspects’ right to a timely trial. Defendants have the right to be present at their trial and to consult with an attorney of their choice. The law requires the government to provide an attorney for indigent defendants charged with capital offenses. Defendants have the right to adequate time and facilities to prepare a defense and appeal. The law allows defendants to confront or question witnesses testifying against them and present witnesses and evidence on their own behalf, but authorities did not always respect this right. On August 22, the government appealed the judicial decision dismissing “offensive communication” charges against Nyanzi because the aggrieved party--the president--did not appear to testify against her. Defendants may not be compelled to testify or confess guilt, and they have the right to appeal.

All nonmilitary trials are public. A single judge decides cases in the High Court, while a panel of at least five judges decides cases in the Constitutional and Supreme Courts. The law allows military courts to try civilians who assist
members of the military in committing offenses or are found possessing arms, ammunition, or other equipment reserved for the armed forces.

In September 2018 the International Crimes Division (ICD) of the High Court began the trial of Thomas Kwoyelo, a former commander in the Lord’s Resistance Army (LRA). Kwoyelo remained in detention since the UPDF captured him in 2008. Kwoyelo faced 93 charges of war crimes and crimes against humanity; his was the first war crimes trial in the country’s history. Civil society and cultural leaders from LRA-affected areas criticized the slow pace of the trial and stated that the ICD did not adequately consider cultural practices of mediation and forgiveness in trying Kwoyelo.

Political Prisoners and Detainees

Authorities detained numerous opposition politicians and activists on politically motivated grounds. Authorities released many without charge but charged others with crimes including treason, annoying the president, cyber-harassment, inciting violence, holding illegal meetings, and abuse of office. No reliable statistics on the total number of political detainees or prisoners were available.

On April 29, the UPF arrested Kyagulanyi on charges of holding an illegal assembly in relation to a 2018 protest he held in Kampala against a proposed tax. The court remanded Kyagulanyi later that day until May 2, when it released him on bail upon condition that he not participate in “unlawful assemblies.” The trial continued at year’s end.

On August 2, a court sentenced dissident Stella Nyanzi to 18 months in prison for cyber-harassment of the president (see sections 1.c. and 2.a). On August 15, Nyanzi and the state filed counterappeals, and on September 25, the court attempted to hear the proceedings in the judge’s chambers, in an effort to prevent public viewing of the procedures. Nyanzi’s attorney’s objection to the private hearing led the judge to defer the matter to the court’s administrative head, who issued no ruling by year’s end.

The state on August 6 amended the charge sheet in Kyagulanyi and his fellow politicians’ 2018 treason trial to add five new charges, including annoying the president, inciting violence, and disobeying lawful orders. The trial continued at year’s end. Three years after the 2016 raid on the Rwenzururu kingdom, the High Court still had not set a trial date for the Rwenzururu king, Charles Wesley Mumbere, and his bodyguards whom the state arrested and charged with murder,
terrorism, and treason after a raid on the king’s palace in Kasese. At year’s end the state continued to hold the bodyguards on remand at Luzira prison and to limit the king’s movements to the Kampala, Wakiso, and Jinja districts. The court did grant the king permission to seek healthcare abroad but denied his request to travel to the Kasese area. On July 24, local media reported two bodyguards died in detention at Kirinya and Luzira prisons.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights violations through the regular court system or the UHRC, which has judicial powers under the constitution. A law passed in March, the Human Rights Enforcement Act, allows a court to halt any judicial proceedings and grant bail to the accused while questions pertaining to human rights violations remain outstanding. The law also empowers the courts to grant restitution, rehabilitation, or compensation to victims of human rights abuses as well as to hold public officials involved in human rights violations personally liable, including contributing to compensation or restitution costs. Finally, it gives courts powers to order the release of persons whose rights the authorities violated while in detention. The UHRC’s powers include the authority to order the release of detainees, pay compensation to victims, and pursue other legal and administrative remedies, such as mediation. Victims may appeal their cases to the Court of Appeal, and thereafter to the Supreme Court. Civil courts and the UHRC have no ability to hold perpetrators of human rights abuses criminally liable, and bureaucratic delays hampered enforcement of judgments that granted financial compensation. The government rarely complied with judicial decisions related to human rights. On June 18, the UHRC chairperson said the Ministry of Finance repeatedly refused to pay out compensation and restitution to victims of torture. The Ministry of Finance replied that it was not aware of any compensation claims.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, but there were reports the government failed to respect these prohibitions. Police did not always obtain search warrants to enter private homes and offices. On August 15, media reported the government hired Huawei technicians to hack into Kyagulanyi’s private WhatsApp communications to gather political intelligence against him. The Ugandan and Chinese governments both denied spying on Kyagulanyi. The UPF, however, noted in an August 16 statement that Huawei had supplied it with closed-
circuit television cameras with facial recognition technology, which it installed across the country. According to media reports, the government used Huawei surveillance technology to monitor the whereabouts of Kyagulanyi and other political opponents.

The law authorizes government security agencies to tap private conversations to combat terrorism-related offenses. The government invoked the law to monitor telephone and internet communications.

The government continued to encourage university students and government officials, including members of the judiciary, to attend NRM political education and military science courses known as *chaka mchaka*.

**Section 2. Respect for Civil Liberties, Including:**

**a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of speech, including for the press, but the government often restricted this right.

**Freedom of Expression:** The government restricted citizens’ ability to criticize its actions. It also restricted some political symbols, musical lyrics, and theatrical performances.

On September 18, the government published guidelines that banned the public from wearing red berets, saying that the berets would henceforth be considered a military uniform and therefore the exclusive property of the state. Red berets had been the symbol worn by supporters of Kyagulanyi’s People Power movement. On October 1, Kyagulanyi reported that the UPF and UPDF had started arresting People Power supporters whom they found wearing the red berets. The UPF on numerous occasions also confiscated People Power movement insignia, especially red berets and T-shirts with pro-Kyagulanyi messages. On August 13, the UPF raided the Democratic Party’s (DP) offices, arrested four supporters, and confiscated 300 T-shirts with pro-Kyagulanyi messages commemorating the one-year anniversary of Kyagulanyi’s arrest and torture. The UPF said the T-shirts bore messages inciting violence. The UPF released the four DP supporters later that day and said it only called them in for interrogation.

**Press and Media, Including Online Media:** The country had an active media environment with numerous privately owned newspapers and television and radio
stations. These media outlets regularly covered stories and often provided commentary critical of the government and officials. The UPF’s Media and Political Crimes Unit, however, closely monitored all radio, television, and print media, and security forces subjected numerous journalists to harassment, intimidation, and arrest. Government officials and ruling party members owned many of the private rural radio stations and imposed reporting restrictions. Media practitioners said government and security agents occasionally called editors and instructed them not to publish stories that negatively portrayed the government. On April 30, the communications regulator Uganda Communications Commission (UCC) wrote to broadcast houses ordering the suspension of 39 journalists holding producer and editing positions for violating minimum broadcast standards when they aired live images of a Kyagulanyi procession through Kampala on April 29. The UCC also ordered the media houses to submit all footage aired that day for investigation. On May 8, the Uganda Journalists Association and two private attorneys filed an application in court to block the UCC action, which a court granted May 23, indicating that the UCC had overstepped its mandate.

Violence and Harassment: Security forces subjected journalists and media houses to violence, harassment, and intimidation. On February 7, the UPF arrested five local and international journalists who were working undercover to report on the theft of drugs in public hospitals. The UPF stated that it arrested the five on charges of “illegal possession of classified drugs.” On February 8, the UPF released the journalists on police bond but said investigations into the case continued. Civil society contacts also reported that in October the president expelled a journalist from a press conference after the reporter asked a question about the country’s fiscal debt.

Censorship or Content Restrictions: The government penalized those who published items counter to its guidelines, and directly and indirectly censored the media, including by controlling licensing and advertising, instructing editors to suspend critical journalists, arresting and beating journalists, and disrupting and ransacking photojournalistic exhibitions. The media, under government pressure, practiced self-censorship. On July 24, NBS TV aired live footage as Kyagulanyi launched his presidential bid in his home but edited out parts of his speech that were critical of the regime and of the president. In early August the UCC announced that it required online publishers, bloggers, and influencers to register with them for a $20 annual license. The UPF on several occasions switched off and broke into FM radio station studios that hosted opposition politician Kizza Besigye for talk shows. On April 18, the UPF switched off the Mubende FM radio
transmission, and then forced its way into the studios where Besigye was attending a talk show and arrested him.

**Libel/Slander Laws:** Authorities used libel and slander laws to suppress criticism of government officials. On June 14, local media reported that on June 12 the authorities arrested journalist Pidson Kareire for offensive communication and criminal libel in relation to stories he published about labor recruitment companies with ties to the president’s family.

**National Security:** Authorities cited laws protecting national security to restrict criticism of government policies. Security agencies arrested numerous dissidents on charges of incitement of violence. UPF and UPDF officials on June 15 arrested events manager and Kyagulanyi supporter Andrew Mukasa as he held a press conference to announce a marathon in Kyagulanyi’s honor, on charges of inciting violence and disturbing the president’s peace. The UPF arraigned him in court on June 19 and released him on bail July 11. The case continued at year’s end.

**Internet Freedom**

The government restricted and disrupted access to the internet, censored online content, monitored internet communications without appropriate legal authority, and punished internet users who expressed divergent political views. On July 12, the UPF arrested pastor and former journalist Joseph Kabuleta on the accusation that he wrote “grossly offensive” posts on Facebook that referred to the president as “a gambler, thief, and liar.” The UPF said it would use “its acquired abilities to monitor comments on social media,” and punish offenders. Kabuleta told local media July 16 that UPF officers beat him until he bled in the face and took photos of his bruised face, before demanding that he promise never to insult the president’s son. Police released Kabuleta on July 16 without charge.

**Academic Freedom and Cultural Events**

The government restricted some artistic presentations. The government throughout the year blocked Kyagulanyi from holding concerts at various locations across the country, allegedly because his previous concerts fell short of security guidelines, easily “turned into a public nuisance, violated traffic rules and regulations and caused other misconducts.” The government in June blocked concert performances by musician Joseph Mayanja, also known as Jose Chameleone, after he announced that he had joined the opposition DP. The government in November
published new regulations on the performing arts that required all artists to seek government clearance before recording any material or staging performances.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

**Freedom of Peaceful Assembly**

While the constitution provides for freedom of assembly, the government did not respect this right. The government continued to use the Public Order Management Act to limit the right to assemble and disrupted opposition and civil society-led public meetings and rallies. The law placed a significant bureaucratic burden on those wishing to organize or host gatherings and afforded the UPF wide discretion to prevent an event. While the law only requires individuals to “notify” police of their intention to hold a public meeting, it also gives the police the power to block meetings they deem “unsuitable.” Typically, the UPF simply fails to respond to “notifications” from opposition groups, thereby creating a legal justification for disrupting almost any gathering. On May 30, the UPF fired teargas and bullets into the air to disperse opposition Forum for Democratic Change (FDC) party officials and supporters as they held a public rally at their offices in Iganga town. The UPF said the rally was an illegal assembly, since the police had not approved it.

**Freedom of Association**

While the constitution and law provide for freedom of association, the government did not respect this right. The government restricted the operations of local nongovernmental organizations (NGOs), especially those that work on civil and political rights (see section 5). Government regulations require NGOs to disclose sources of funding and personal information about their employees and impose onerous registration and reporting requirements. They enable the NGO Bureau and its local level structures to deny registration to any organization focused on issues deemed “undesirable” or “prejudicial” to the “dignity of the people of Uganda.” The regulations also provide the NGO Bureau broad powers to inspect NGO offices and records and to suspend their activities without due process. They increased registration fees for local NGOs from 20,000 shillings ($5.33) to 100,000 ($26.67), and annual permit renewal fees from 20,000 shillings ($5.33) to 60,000 shillings ($16), respectively. They also introduced new fees, including for the
NGO Bureau to review permit applications (60,000 shillings, or $16) and for NGOs to file annual reports (50,000 shillings, or $13.33). On August 8, the Ministry of Internal Affairs started a one-month validation and verification exercise that required all unregistered NGOs to register and all registered NGOs to validate and verify their registration and operation details with the NGO Bureau (see Section 5). The Ministry of Internal Affairs said the exercise would weed out thousands of NGOs that operated illegally. Civil society activists worried that this exercise would assist the authorities to limit their operations, especially the operations of NGOs engaged in civil and political rights. The same day, the government’s anti-money-laundering agency, the Financial Intelligence Authority (FIA), sent a letter to local banks asking for financial information and three years of bank statements from 13 accountability and good governance focused NGOs (see section 5).

The government also restricted the operations of opposition political parties (see section 3).

**c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [https://www.state.gov/religiousfreedomreport/](https://www.state.gov/religiousfreedomreport/).

**d. Freedom of Movement**

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

**e. Internally Displaced Persons**

Not applicable.

**f. Protection of Refugees**

*Abuse of Migrants, Refugees, and Stateless Persons:* The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern. The government continued to uphold its enabling asylum policies and practices towards refugees and asylum seekers from various
countries, mainly from South Sudan, the Democratic Republic of the Congo (DRC), Burundi, and Somalia. Most refugees enjoyed unhindered access to asylum, freedom of movement, freedom of residence, right to registration and documentation, and access to justice, education, health care, and employment.

UNHCR and NGOs received reports that some government officials demanded bribes from refugees to process or issue paperwork, especially at Old Kampala Police Station, where urban refugees and other migrants registered.

**Refoulement:** Although there were no credible reports of refoulement during the year, Rwandan and Burundian refugee groups continued to express fear that authorities were either complicit in or unable to stop extrajudicial actions by neighboring governments. South Sudanese human rights defenders resident in the country also feared forcible return because of threats from government officials.

**Access to Asylum:** The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Individuals fleeing South Sudan and the Democratic Republic of the Congo (as long as Congolese are from eastern DRC) who enter the country through a designated border point have automatic “prima facie” refugee status (status without determination of individual refugee status). The local Refugee Eligibility Committee, however, determines whether individuals fleeing from Rwanda, Somalia, and Burundi and other countries are eligible for refugee status. The committee was functional, but administrative issues and the continued influx of asylum seekers from Somalia, Eritrea, and Burundi created a backlog of more than 26,000 asylum seeker cases as of June.

**Safe Country of Origin/Transit:** The country does not have a policy of presumptive denials of asylum to applicants. Numerous sources, however, reported that for several years the country clandestinely received migrants expelled from Israel. According to official reports, the government was unaware of Israeli government plans--later challenged and halted in Israeli courts--to remove approximately 39,000 migrants to unnamed African countries. Sources reported many Eritrean, Ethiopian, and Sudanese migrants crossed through the country. Some of these migrants eventually made their way to Libya and attempted to cross to Europe. There are no credible reports of official acquiescence or complicity in such crossings. There were no further reports received during the year.

**Durable Solutions:** The government did not accept third-country refugees for resettlement, but it assisted in the safe and voluntary return of refugees to their
homes and supported the resettlement of third-country refugees to other countries by providing birth certificates and travel documents. A 2015 constitutional court ruling confirmed that certain long-term refugees have the right to naturalize, and in 2016, the government committed to begin processing naturalization cases for an estimated 15,000 refugees who had resided in the country for approximately 20 years. During the year there were no known cases of a refugee having naturalized.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government through free and fair periodic elections held by secret ballot and based on universal and equal suffrage. The law also allows authorities to carry out elections for the lowest-level local government officials by having voters line up behind their preferred candidate or the candidate’s representative, portrait, or symbol. Serious irregularities marred the 2016 presidential and parliamentary elections and several special parliament elections since.

Elections and Political Participation

Recent Elections: In 2016 the country held its fifth presidential and legislative elections since President Museveni came to power in 1986. The Electoral Commission (EC) announced the president was re-elected with 61 percent of the vote, and FDC candidate Besigye finished second with 36 percent. The ruling NRM party captured approximately 70 percent of the seats in the 431-member unicameral parliament. Domestic and international election observers stated that the elections fell short of international standards for credible democratic elections. The Commonwealth Observer Mission’s report noted flawed processes, and the EU’s report noted an atmosphere of intimidation and police use of excessive force against opposition supporters, media workers, and the public. Domestic and international election observers noted biased media coverage and the EC’s lack of transparency and independence. Media reported voter bribery, multiple voting, ballot box stuffing, and the alteration of precinct and district results. Due to election disputes stemming from the elections, in August 2016 the Supreme Court recommended changes to electoral laws to increase fairness, including campaign finance reform and equal access for all candidates to state-owned media. The Supreme Court instructed the attorney general to report in two years (2018) on the government’s implementation of the reforms. On July 25, the attorney-general tabled in parliament the government’s first effort to comply with the court order.
During the year the EC held several local elections, which civil society organizations and local media reported featured incidents of intimidation of election observers by security forces, arrest of dissidents, and voter fraud. On February 21, the EC lifted the 2018 suspension of the accreditation of the Citizens Coalition for Electoral Democracy in Uganda (CCEDU) after the two institutions agreed on “mutually binding commitments.” The CCEDU is the main civil society election watchdog organization in the country.

Political Parties and Political Participation: Security forces arbitrarily arrested and detained opposition leaders and intimidated and beat their supporters. The law prohibits candidates from holding official campaign events more than four months prior to an election, although the ruling NRM party operated without restriction, regularly holding rallies and conducting political activities. Authorities restricted civil society organizations from observing electoral processes. On July 9, local civil society organization Alliance for Finance Monitoring reported that the UPF had arrested five of its observers on the eve of an election after a ruling party supporter accused them of bias because one wore a T-shirt with the words “we are tired of corrupt leaders.” The UPF released the five without charge on July 10. According to local media and the Assistant Inspector General of Police who is in charge of political affairs, Asan Kasingye, members of Local Defense Units (LDUs) confiscated and destroyed national identity cards belonging to youth. Since national identity cards are required to qualify as a voter, opposition politicians complained that the government was intentionally disenfranchising urban youth who are likely to support the opposition. The UPF said it would investigate and punish all LDU personnel it caught destroying the cards but did not report details of any such actions by year’s end.

Participation of Women and Minorities: No laws limit the participation of women or members of minorities in the political process, although cultural factors, high costs, and sexual harassment limited women’s ability to run for political office. Female activists reported that the official fees required to secure a nomination to run for elected office were prohibitively high and prevented most women from running for election. They also reported that male politicians sexually harassed female politicians or those who aspired to enter political office. On June 10, a group of female personal assistants to MPs accused their bosses of sexual harassment and petitioned the speaker of parliament for redress. They reported that male MPs regularly pressured them into exchanging sex in return for keeping their jobs. The speaker instituted a committee to investigate the allegations, but the committee did not report its findings by year’s end.
Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties of up to 12 years’ imprisonment and confiscation of the convicted persons’ property for official corruption. Nevertheless, transparency civil society organizations stated the government did not implement the law effectively, officials frequently engaged in corrupt practices with impunity, and, many corruption cases remained pending for years.

Corruption: Media reported numerous cases of government corruption, including a July 7 investigation that revealed members of the judiciary, police, and prisons, some caught on camera, soliciting bribes from the public to secure noncash bail. According to media reports, officials—including judges and state attorneys—collaborated to keep individuals detained until their families paid a bribe. The Kampala City High Court was one of the major epicenters of these activities. In response to this and other allegations of corruption, the chief justice established a taskforce to investigate malpractice in the judiciary; it was due to report findings in late October but did not do so by year’s end. On February 18, the Parliament Committee on Commissions, Statutory Authorities, and State Enterprises (COSASE) published its findings from the 2018 inquiry into “irregular conduct” by the central bank in the process of taking over defunct banks and noted that the central bank acted irregularly in the process. It recommended that central bank officials responsible should account for their actions. Local media reported that MPs across political lines faulted the COSASE for not naming individuals responsible or recommending any arrests. On February 19, the Inspector General of Government (IGG) asked ISO to investigate allegations that members of the COSASE had received bribes from officials in the central bank. In March media reported that the speaker of parliament rejected this request and wrote that it was an attempt to attack parliamentary investigations and “blackmail” and “intimidate” parliamentarians. By year’s end there were no criminal proceedings or resignations resulting from the COSASE report.

On June 9, domestic media reported that the Democratic Governance Facility (DGF), a governance program in the country established by European nations, was withdrawing support from four domestic NGOs due to allegations of significant corruption. The report also stated that the DGF had identified widespread corruption among its own staff members, whom they later reprimanded.

Financial Disclosure: The law requires public officials to disclose their income, assets, and liabilities, and those of their spouses, children, and dependents, within three months of assuming office, and every two years thereafter. The requirement
applies to 42 position classifications, totaling approximately 25,000 officials, including ministers, MPs, political party leaders, judicial officers, permanent secretaries, and government department heads, among others. Public officials who leave office six or more months after their most recent financial declaration are required to refile. The IGG is responsible for monitoring compliance with the declaration requirements, and penalties include a warning, demotion, and dismissal.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups operated with government restrictions. The government restricted and failed to cooperate with most domestic and international NGOs, especially those focused on governance and human rights (see section 2.b.). The president repeatedly accused civil society of accepting funding from foreign donors interested in destabilizing the country.

On February 13, 19 NGOs received hand-delivered letters from the UPF asking for information about their services, details of their staff members, sources of funding, and immigration status of foreign workers. Under current law the government requires all NGOs to provide this information to the government-run NGO Bureau when they register. On February 23, the NGO Forum, an organization that represents NGOs in the country, wrote a letter to the Minister of Internal Affairs objecting to this new directive. At year’s end the ministry had not responded to the letter, and the 19 NGOs had not submitted the requested information. On August 7, the Ministry of Internal Affairs started a month-long national exercise to reverify all NGOs in the country. According to the ministry, there were more than 10,000 NGOs with expired permits in the country. On September 7, the NGO Forum wrote to the Ministry of Internal Affairs asking for an extension of the reverification deadline, noting that many rural NGOs had limited internet access and found it difficult to complete the requirements in such a limited time but the Ministry of Internal Affairs refused to extend the deadline. On November 16, the Ministry of Internal Affairs announced that it had shut 12,000 NGOs that missed the reverification exercise, requiring them to restart the lengthy registration process if they wished to continue to operate. The ministry said that only the 2,200 NGOs that completed the reverification exercise would be permitted to operate.

On August 8, the government’s anti-money-laundering agency, the FIA, sent a letter to banks asking for financial information and three years of bank statements for 13 NGOs. All the NGOs targeted were governance, anticorruption, or
environmental activism NGOs and were vocal critics of government activities. Among the NGOs was the DGF, the largest pool of donor funding for governance-related activities in the country. Civil society leaders and opposition politicians claimed that the request amounted to “blackmail” and was an attempt to stall the organizations’ activities, an allegation that the government denied.

The government was often hostile to concerns of local and international human rights organizations, and government officials dismissed NGO claims of human rights abuses by security forces. On June 28, media reported that 149 civil society organizations under the umbrella body, the National Coalition of Human Rights Defenders in Uganda, had petitioned the government to release reports on and prosecute culprits of 35 unsolved break-ins in their offices since 2014. Civil society leaders also noted that, in addition to electronic equipment and cash, thieves sometimes stole documents that had no financial values. In the second break-in during the year, on August 12, Rainbow Mirrors, a civil society organization advocating for the rights of transgender sex workers, reported on social media that unidentified persons broke into their offices. The organization filed a complaint with the police, which did not report details of investigations by year’s end.

**Government Human Rights Bodies:** The UHRC is the constitutionally mandated institution with quasi-judicial powers authorized to investigate allegations of human rights abuses, direct the release of detainees, and award compensation to abuse victims. The president appoints its board, consisting of a chairperson and five commissioners.

The UHRC pursues suspected human rights abusers, including in the military and police forces. It visits and inspects places of detention and holds private conferences with detainees on their conditions in custody. It investigates reports of human rights abuses, reports to parliament its annual findings, and recommends measures to improve the executive’s respect of human rights. The UHRC reported that the executive did not always implement its recommendations. On August 16, the UHRC Chair stated that security agencies had not yet paid more than 8.2 billion shillings ($2.2 million) that the UHRC had awarded to victims of torture since 2001. According to local media, the chair said the delay occurred because the Ministry of Finance had not released 5 billion shillings ($1.3 million) to the attorney general for compensation fees and had not responded to letters from the president requesting the release of these funds. According to the UHRC 2018 annual report, a 2016 policy change that made each institution, rather than the attorney-general, responsible for compensating victims had caused delays, since
the various institutions, particularly the UPF and the UPDF, had not budgeted for these large awards. On March 30, President Museveni signed the Human Rights (Enforcement) Act 2019, which changes the existing policy and makes individual perpetrators responsible for compensating victims. By year’s end courts had not yet convicted any individual or institution under this law. Some human rights activists and complainants said the UHRC lacked the courage to stand up to the executive in politically sensitive cases. According to local media, opposition politicians said the UHRC limited its actions pertaining to human rights violations to public statements and reports.

The Committee on Human Rights is the legislative team mandated to monitor and report on human rights concerns in all parliamentary business, monitor government’s compliance with national and international human rights instruments, study UHRC recommendations, and hold the executive accountable for the respect of human rights. On August 15, the committee opened an investigation into allegations that ISO kidnapped and tortured detainees at safe houses. Local media reported that, following reports from witnesses that security agents followed and intimidated them, the speaker of parliament asked the government to respect the rule of law and cooperate with the Committee. On September 4, Minister of Security Tumwine confirmed there were “several safe houses,” but said he would not permit the committee to visit them. On September 6, families of individuals detained in safe houses told the committee about difficulties obtaining information about or seeing their relatives, including a number who held for over two years. The following day ISO released to the police 60 detainees from custody in safe houses. On September 10, media reported that ISO barred members of the committee from accessing potential safe houses at four locations. Powers of the committee were limited to producing a report with recommendations, and tabling it to parliament, which would decide how to move forward.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape of women, which is punishable by life imprisonment or death. The law does not address spousal rape. The penal code defines rape as “unlawful carnal knowledge of a woman or a girl without her consent.” Men accused of raping men are tried under a section of the penal code that prohibits “carnal knowledge of any person against the order of
nature.” The law also criminalizes domestic violence and provides up to two-years’ imprisonment for conviction.

Rape remained a common problem throughout the country, and the government did not effectively enforce the law. Local media reported numerous incidents of rape, often involving kidnap and killings of women, but the authorities were often unable to investigate and hold perpetrators accountable. Local media often reported that perpetrators of rape included persons in authority, such as religious leaders, local government officials, UPF and UPDF officers, teachers, and university staff. According to local media and local civil society organizations, rape victims often felt powerless to report their abusers, in part to avoid stigmatization. Civil society organizations and local media reported that, even when women reported cases of rape to the police, UPF officers blamed the women for causing the rape by dressing indecently, took bribes from the alleged perpetrators to stop the investigation and to pressure the victims into withdrawing the cases, or simply dismissed the accusations and refused to record them. According to civil society organizations, UPF personnel lacked the required skills for collection, preservation, and management of forensic evidence in sexual violence cases. On February 18, local media reported that a male UPF officer attached to Kirinya Police Station raped a female suspect. According to local media, the officer on the night of February 9 pulled the suspect out of the cell and into the open yard used to store impounded vehicles, where he threatened her with death if she resisted and then raped her. Afterward he ordered her back to the cell. Local media reported that, after the UPF released the victim on police bond, she attempted for three days to report the rape to the same police station, but the officers at Kirinya Police Station refused to record the case. The victim then reported the matter to Kira Police Station, where the officers recorded the matter and had the errant officer arrested. The UPF said it was conducting investigations in order to charge its officer with rape in court but did not do so by year’s end.

Gender-based violence was also common according to local media and civil society organizations. On August 12, local media reported that a UPDF officer beat an 18-year-old pregnant woman after she declined his sexual advances. The UPDF said it had arrested the officer as it carried out its investigations but did not reveal any findings by year’s end. The local civil society organizations Action Aid, MIFUMI, and the Center for Domestic Violence Prevention operated shelters in regions across the country where victims of gender-based violence could receive counseling and legal advice.
Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C and establishes a maximum penalty of 10 years’ imprisonment for convicted perpetrators, or life imprisonment if the victim dies. According to the 2016 Demographics and Health Survey (DHS), the latest DHS, 0.3 percent of the female population under age 50 have undergone FGM/C. On January 21, local media reported that large “gangs” of at least 100 persons, armed with machetes and sticks, marched through Kween district, forcibly dragged girls out of their houses, and subjected them to FGM/C. Local media reported that the gangs beat up UPF officers who attempted to intervene. Deputy Minister for Gender, Labor, and Social Development Peace Mutuuzo said persons who aspired to political office in the 2021 local elections in Kween, Kapchorwa, and Bukwo regions, where FGM/C was prevalent, were funding FGM/C as a strategy for winning hearts and minds. The UPF said it had arrested 16 men and three women it suspected of involvement in forceful FGM/C. The speaker of parliament noted that the government allocated 200 million shillings ($53,333) annually to fight FGM/C, and Mutuuzo said her ministry used this money to sensitize communities against the practice.

Other Harmful Traditional Practices: According to local media and NGOs, ritual child killings, violence against widows, and acid attacks were prevalent. Local media reported that traditional healers (witch doctors) kidnapped and killed children to use their organs for ancestral worship. Local NGOs reported cases in which wealthy entrepreneurs and politicians paid traditional healers to sacrifice children to ensure their continued wealth and then bribed police officers to stop the investigations. On August 23, local media reported that the UPF had started a manhunt for a man who attempted to kill his daughter as sacrifice in ancestral worship. Emmanuel Bwana reportedly blindfolded his 13-year-old daughter and drove her to an animist’s shrine, where they stripped her naked and started to perform traditional rituals. The animist, however, rejected the girl as sacrifice because she was menstruating. The UPF did not arrest the man by year’s end.

Sexual Harassment: The law criminalizes sexual harassment and provides for penalties of up to 14 years’ imprisonment, but authorities did not effectively enforce the law. Sexual harassment was a widespread problem in homes, schools, universities, workplaces, and in public spaces. Local media reported numerous incidents of male senior public servants in the legislature and judiciary who demanded sexual favors from female subordinates in exchange for job retention, promotion, and nomination for official trips. Local media reported that public attorney Samantha Mwesigye on March 10 petitioned the Office of the Prime Minister seeking action against her superior, Deputy Solicitor General Christopher Gashirabake, who, she said, sexually harassed her for 10 years. Mwesigye noted
that she had received no assistance despite having written to the Solicitor General several times over the years and had instead been advised to “use peaceful means” to resolve the issue instead of instituting a sexual harassment committee to carry out investigations as mandated by law. On May 20, the Solicitor General said he had finally formed a committee to investigate Mwesigye’s allegations. The committee concluded on August 21 that it had cleared Gashirabake of the sexual harassment allegations having found no evidence to prove that he had victimized Mwesigye. On September 2, local media reported that Mwesigye missed her August salary after the judiciary took her off its payroll. According to local media, the judiciary said Mwesigye went off the payroll automatically after she absconded from work for 30 days.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides women the same legal status and rights as men, but the government did not enforce the law effectively. Local NGOs reported numerous cases of discrimination against women, including in divorce, employment, education, and owning or managing businesses and property. Many customary laws discriminate against women in adoption, marriage, divorce, and inheritance. Under customary laws in many areas, widowed women cannot own or inherit property or retain custody of their children. Local NGOs reported that the government occasionally paid significantly less compensation to women than men in exchange for land it repossessed, while in some cases, it forcefully evicted women without compensation. Traditional divorce law in many areas requires women to meet stricter evidentiary standards than men to prove adultery. In some ethnic groups, men can “inherit” the widows of their deceased brothers. The law does not recognize cohabiting relationships, and women involved in such relationships have no judicial recourse to protect their rights.

Children

Birth Registration: The law accords citizenship to children born inside or outside the country if at least one parent or grandparent is a citizen at the time of birth. Abandoned children younger than age 18 with no known parents are considered citizens, as are children younger than 18 adopted by citizens. The law requires citizens to register a birth within three months. Lack of birth registration generally did not result in denial of public services although some primary schools, especially those in urban centers, required birth certificates for
enrollment. Enrollment in public secondary schools, universities, and other tertiary institutions required birth certificates. For additional information, see Appendix C.

**Education:** The law provides for compulsory education through the completion of primary school by age 13, and the government provided tuition-free education in select public primary and secondary schools (ages six to 18 years). Parents, however, were required to provide lunch and schooling materials for their children, expenses that many parents could not afford. Local media and civil society organizations reported that early and forced marriages and teenage pregnancy led to a higher rate of school dropouts for girls than for boys.

**Child Abuse:** The law prohibits numerous forms of child abuse and provides penalties of 2,400,000 shillings ($640) or five-year imprisonment or both for persons convicted of abusing children’s rights. The law defines “statutory rape” as any sexual contact outside marriage with a child younger than the age of 18, regardless of consent or age of the perpetrator, carrying a maximum penalty of death. Victims’ parents, however, often opted to settle cases out of court for a cash or in-kind payment. Corporal punishment in schools is illegal and punishable by up to three-year’s imprisonment. The law also provides for protection of children from hazardous employment and harmful traditional practices, including child marriage and FGM/C. Despite the law a pattern of child abuse existed in sexual assault, physical abuse, ritual killings, early marriage, FGM/C, child trafficking, infanticide, and child labor, among other abuses. Local media reported that in the vast majority of schools beating with a cane was the preferred method of discipline. A 2018 UNICEF report stated that three in four children had experienced physical violence both at home and in school. Government statistics also showed that more than one in three girls experienced sexual violence during her childhood, and that most did not report the incidents because they feared they would be shamed or embarrassed. Local media reported in February that traffickers at Arapai market in Soroti district auctioned off children, whose purchasers thereafter often forced them into sexual exploitation and begging (see section 7.c.).

**Early and Forced Marriage:** The legal minimum age for marriage is 18, but authorities generally did not enforce this law. The DHS 2016 reported that 34 percent of women ages 20-24 married before age 18. Local media and civil society organizations reported that some parents in rural areas forced their teenage daughters into marriage after they got pregnant while others did so to earn dowries. Several local governments passed ordinances to outlaw early marriages. The Buyende District local government requires local government leaders to see birth
certificates for the couple before registering marriages in order to confirm that the couple had reached the age of consent.

**Sexual Exploitation of Children:** The law prohibits commercial sexual exploitation, the sale and procurement of sexual services, and practices related to child pornography. It sets the minimum age for consensual sex at 18 years. The government did not enforce the law effectively, however, and the problem was pervasive. On February 29, local media reported that the UPF arrested a 71-year-old German philanthropist, Bernhard Bery Glaser, on allegations that he sexually abused girls at his gender-based-violence shelter in Kalangala district. The UPF reported that Glaser kept 30 girls at the shelter and forced them to take turns sleeping in his bedroom. Local UPF personnel told local media that they approved transfer of the girls to the shelter despite having received prior reports from the community over a five-year period suggesting wrongdoing at the shelter. The government charged Glaser with aggravated defilement and trafficking on April 2. The trial continued at year’s end.

**Child Soldiers:** The LRA, an armed group of Ugandan origin operating in the DRC, South Sudan, and the Central African Republic, continued to hold children against their will.

**Infanticide or Infanticide of Children with Disabilities:** Local media and civil society organizations reported numerous incidents where animists killed children as sacrifice in ancestral worship.

**Displaced Children:** Local civil society organizations and media reported that poverty and famine drove families in the remote northeast Karamoja region to send many children to Kampala to find work and beg on the streets. Civil society organizations reported that traffickers often manipulated families in Karamoja to sell their children to traffickers with promises that the children would obtain a good education or a profitable job. Instead, traffickers forced the children to beg on the streets of Kampala or other major cities and gave them almost none of what they earned. Kampala City authorities worked with civil society organizations to return Karamojong street children to their families, but often the families soon returned the children to the streets because they partly depended on their collections to maintain their households.

**Institutionalized Children:** Local NGOs and the UHRC reported that the UPF often detained child and adult suspects in the same cells and held them beyond the legal limit of 48 hours prior to arraignment. The UHRC attributed this to the
absence of juvenile cells at police stations and the continued failure to ascertain the
correct age of suspects. According to local media, the UPF also raided several
shelters for vulnerable and homeless children where it accused the management of
sexually abusing the children.

International Child Abductions: The country is not a party to the 1980 Hague
Convention on the Civil Aspects of International Child Abduction. See the
Department of State’s Annual Report on International Parental Child Abduction at
https://travel.state.gov/content/travel/en/International-Parental-Child-
Abduction/for-providers/legal-reports-and-data/reported-cases.html.

Anti-Semitism

The Jewish community had approximately 2,000 members centered in Mbale
District, in the eastern part of the country. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State’s Trafficking in Persons Report at

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory,
intellectual, or mental disabilities. It provides for access to education,
employment, health services, information, communications, buildings,
transportation, and the judicial system for persons with disabilities, but the
government did not effectively enforce the law. Local media and activists for
persons with disabilities reported that persons with disabilities experienced social
prejudice and discrimination in social service delivery and in access to public
spaces. According to local media, persons with disabilities said that taxes
hampered their access to telecommunication technology. NGOs for persons with
disabilities reported that a 2018 tax that levied a daily 200 shillings ($0.05) fee on
social media use made communication expensive for deaf people, who used video
online apps to communicate. Local media reported that some parents with children
with disabilities hid them from the public out of shame, while some physically
restrain them from moving by tethering them to tree trunks. Local civil society
organizations reported that the government neither ran any support programming
for persons with albinism, nor made an effort to establish the number of those with albinism or their concerns.

National/Racial/Ethnic Minorities

There were reports that the authorities used violence to displace an ethnic community from disputed land. According to local media and opposition politicians, authorities continued to evict members of the Acholi community from the disputed village of Apaa as they had in prior years. Media reports noted that at least 2,100 Acholi whom the UPDF and the Ugandan Wildlife Authority had evicted since 2017 remained displaced, with no access to farming land. On several occasions the government announced that all residents should vacate Apaa village to make way for a wildlife reserve but reversed the decision after uproar from the community’s leaders. The president then instituted a committee to devise a peaceful solution to the issue, but the committee did not report its findings by year’s end.

Indigenous People

Indigenous minorities continued to accuse the government of marginalization that disabled them from participating in decisions affecting their livelihood. The UHRC reported that the government denied recognition to several ethnic minorities, leading them to “experience a sense of exclusion and marginalization.” The UHRC also reported that the government denied ethnic minorities access to adequate social services, particularly healthcare and education. The UHRC reported that the government continued in its refusal to compensate the Benet and Batwa people, whom it displaced from lands it designated as forest reserves. It noted that primary schools in the western part of the country forced pupils from minority ethnicities to study in the languages spoken by the dominant ethnicity in the region.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Consensual same-sex sexual conduct is illegal according to a colonial-era law that criminalizes “carnal knowledge of any person against the order of nature” and provides for a penalty of up to life imprisonment. Although the law does not restrict freedoms of expression or peaceful assembly for those speaking out about the human rights of LGBTI persons, in practice the government severely restricted
such rights. The law does not prohibit discrimination against LGBTI persons in housing, employment, nationality laws, or access to government services.

LGBTI persons faced discrimination, legal restrictions, harassment, violence, and intimidation. Authorities perpetrated violence against LGBTI individuals and blocked some meetings organized by LGBTI persons and activists. Local civil society organizations reported that public and private health-care services turned away LGBTI persons who sought medication and some led community members to beat LGBTI persons who sought health care. Local civil society organizations reported that some LGBTI persons needed to pay bribes to public health-care providers before they received treatment. On October 23, the UPF subjected 16 homosexual and transgender people to forced medical examinations in an effort to “gather evidence” to support criminal charges against them for having participated in activities “against the order of nature.” On May 17, the UPF blocked a public meeting by LGBTI activists and persons to mark the International Day against Homophobia and Transphobia. UPF officers arrived at the designated venue an hour in advance and turned away guests, saying it was “an illegal assembly.” According to local civil society organizations, the UPF on August 20 arrested 33 transgender persons who were attending a training on sustainable development goals. On August 21, the government charged the 33 with holding an illegal assembly but later released them on bail. The case continued at year’s end.

HIV and AIDS Social Stigma

Although the law prohibits discrimination against persons with HIV/AIDS, discrimination and stigma were common and inhibited these persons from obtaining treatment and support. Local civil society organizations reported the stigma resulted from limited public knowledge about the methods of HIV transmission as well as “the belief that having HIV is shameful.” Civil society organizations reported that stigma pushed persons living with HIV to exclude themselves from social services and employment opportunities, including care programs. Local media and civil society organizations reported numerous incidents of parents who abandoned children living with HIV; and of persons, particularly men, who abandoned spouses who were living with HIV. The UPF, the UPS, and the UPDF regularly refused to recruit persons who tested positive for HIV, claiming their bodies would be too weak for the rigorous training and subsequent deployment.

In cooperation with the government, international and local NGOs sponsored public awareness campaigns to eliminate the stigma of HIV/AIDS. Government
and HIV/AIDS counselors encouraged the population to test for and share information about HIV/AIDS with their partners and family. Persons with HIV/AIDS formed support groups to promote awareness in their communities.

Other Societal Violence or Discrimination

Mob violence remained a problem. Communities often resorted to mob violence due to a lack of confidence in the UPF and the judiciary to deliver justice. They attacked and killed persons suspected of robbery, murder, rape, theft, ritual sacrifice, and witchcraft, among other crimes. Mobs often beat, lynched, burned, and otherwise brutalized their victims. On June 26, local media reported motorcycle taxi drivers in Kampala attacked two men they suspected of attempting to steal a motorcycle. According to media reports, the motorcycle taxi drivers took turns driving over one of the suspects while others beat the second with sticks and stoned him. The UPF said they managed to disperse the mob and take the suspected thieves to the hospital, but one died soon after admission.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for workers, except members of the armed forces, to form and join independent unions, bargain collectively, and conduct legal strikes. The Ministry of Gender, Labor, and Social Development must register unions before they may engage in collective bargaining.

The law allows unions to conduct activities without interference, prohibits antiunion discrimination by employers, and provides for reinstatement of workers dismissed for union activity. The law also empowers the Minister of Gender, Labor, and Social Development and labor officers to refer disputes to the Industrial Court if initial mediation and arbitration attempts fail.

The government did not effectively enforce applicable labor laws. Civil society organizations said the Ministry of Gender, Labor, and Social Development did not allocate sufficient funds to hire, train, and equip labor inspectors to enforce labor laws effectively. Employers who violated a worker’s right to form and join a trade union or bargain collectively faced penalties that were generally insufficient to deter violations.
The government generally did not protect the constitutionally guaranteed rights to freedom of association and collective bargaining. Antiunion discrimination occurred, and labor activists accused several private companies of deterring employees from joining unions. On May 24, the leadership of the Uganda National Teachers Union claimed that resident district commissioners and other local officials were threatening teachers to stop their industrial action or face repercussions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, but does not prohibit prison labor. The law states that prison labor constitutes forced labor only if a worker is “hired out to, or placed at the disposal of, a private individual, company, or association.” Those convicted of using forced labor are subject to penalties that are ineffective to deter violations.

Local civil society organizations and media reported that many citizens working overseas, particularly in the Gulf States, became victims of forced labor. Civil society organizations reported that traffickers and legitimate recruitment companies continued to send mainly female jobseekers to Gulf countries where many employers treated workers as indentured servants, withheld pay, and subjected them to other harsh conditions. Media reported on several local women trafficked to the Middle East, some of whom suffered serious injury or death.

Also see the Department of State’s Trafficking in Persons Report at https://www.state.gov/trafficking-in-persons-report/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor but allows children as young as 12 years of age to do some types of hazardous work under adult supervision. Children are required to attend school until age 13. This standard makes children ages 13 to 15 vulnerable to child labor because they are not required to attend school but are not legally permitted to do most types of work. The law places limitations on working hours and provides for occupational safety and health restrictions for children. The government did not effectively enforce the law and penalties were insufficient to deter violations.

Child labor was common, especially in the informal sector. Local civil society organizations and the UHRC reported that children worked in fishing, gold and
sand mining, cattle herding, grasshopper collecting, truck loading, street vending, begging, scrap collecting, street hawking, stone quarrying, brick making, road construction and repair, car washing, domestic services, service work (restaurants, bars, shops), cross-border smuggling, and commercial farming (including the production of tea, coffee, sugarcane, vanilla, tobacco, rice, cotton, charcoal, and palm oil). Local civil society organizations and media reported that poverty led children to drop out of school to work on commercial farms while some parents took their children along to work in artisanal mines to supplement family incomes. According to government statistics, children from nearly half of all families living on less than $1 a day dropped out of school to work. Local civil society organizations reported that orphaned children sought work due to the absence of parental authority. Local civil society organizations and local media also reported commercial sexual exploitation of children (see section 6).

Local NGOs reported that children who worked as artisanal gold miners were exposed to mercury, and many were unaware of the medium- to long-term effects of the exposure. They felt compelled to continue working due to poverty and a lack of employment alternatives. Children also suffered injuries in poorly dug mine shafts that often collapsed.

On June 18, a group of government officials, journalists, and civil society organization staff traveled to the eastern portion of the country to verify media reports of a market where traffickers sold children. The group reported they found girls ages 12-16, usually from Karamoja, who had been sold for 20,000-50,000 shillings ($5.33-$13.33) and been taken to Kampala where they worked as beggars, domestic workers, or prostitutes in the commercial sex trade.

Also see the Department of Labor’s Findings on the Worst Forms of Child Labor at https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings, and the Department of Labor’s List of Goods Produced by Child Labor or Forced Labor at https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods.

d. Discrimination with Respect to Employment and Occupation

While the law prohibits discrimination in respect of employment and occupation, the government did not effectively enforce the law, and penalties were insufficient to deter violations. Although the law prohibits discrimination based on race, sex, religion, political opinion, national origin or citizenship, social origin, refugee or stateless status, disability, age, language, and HIV or communicable disease status, it did not prohibit discrimination based on sexual orientation or gender identity and
LGBTI persons faced social and legal discrimination. From March 2018 to June, Pius Bigirimana, the Permanent Secretary of the Ministry of Gender, Labor, and Social Development, led the African delegation in negotiating the standards of the International Labor Organization for violence and harassment in the world of work. Bigirimana led the Africa delegation in a walk out in 2018 in protest to the inclusion of LGBTI people as a vulnerable group. In June, Bigirimana successfully negotiated to remove the broader definition of vulnerable groups that included LGBTI people among others, arguing that the list was not exhaustive, and each member state would be free to determine what it considered vulnerable groups.

**e. Acceptable Conditions of Work**

The law technically provides for a national minimum wage much lower than the government’s official poverty income level. This minimum wage standard was never implemented, and the level has not changed since 1984. On February 19, parliament passed the Minimum Wage Bill of 2015, which included provision for a board to establish minimum wages for different sectors. Official parliamentary communications reported that on August 21 President Museveni declined to sign the bill, arguing that existing law was sufficient. The government did not enforce existing wage laws effectively and as a result, penalties were insufficient to deter violations.

The maximum legal workweek is 48 hours, and the maximum workday is 10 hours. The law provides that the workweek may be extended to 56 hours per week, including overtime, with the employee’s consent. An employee may work more than 10 hours in a single day if the average number of hours over a period of three weeks does not exceed 10 hours per day, or 56 hours per week. For employees who work beyond 48 hours in a single week, the law requires employers to pay a minimum of 1.5 times the employee’s normal hourly rate for the overtime hours, and twice the employee’s normal hourly rate for work on public holidays. For every four months of continuous employment, an employee is entitled to seven days of paid annual leave. Nonetheless, local civil society organizations reported that most domestic employees worked all year round without leave.

The law establishes occupational safety and health standards and regulations for all workers, but according to local civil society organizations, the Ministry of Labor’s Department of Occupational Safety and Health did not fully enforce them. The law authorizes labor inspectors to access and examine any workplace, issue fines,
and mediate some labor disputes. While the law allows workers to remove themselves from situations that endanger their health or safety without jeopardizing their employment, legal protection for such workers was ineffective.

Authorities did not effectively enforce labor laws due to insufficient resources for monitoring. The number of inspectors was insufficient to enforce the law. The labor officers often depended on complainants and local civil society organizations to pay for their travel to inspection sites. Platform for Labor Action (PLA) reported that many of the 73 labor officers were in fact dual-hatted as social workers and only did labor-related work when a complainant reported an abuse.

According to PLA and the National Organization of Trade Unions (NOTU), most workers were unaware of their employers’ responsibility to ensure a safe working environment, and many did not challenge unsafe working conditions, for fear of losing their jobs.

Labor officials reported that labor laws did not protect workers in the informal economy, including many domestic and agricultural workers. According to government statistics, the informal sector employed up to 86 percent of the labor force. The formal pension systems covered less than 10 percent of the working population.

PLA reported that violations of standard wages, overtime pay, or safety and health standards were common in the manufacturing sector.
TAB 3
Country Policy and Information Note
Uganda: Sexual orientation and gender identity and expression

Version 4.0
April 2019
Preface

Purpose

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

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

Assessment

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

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

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

Country of origin information

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

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

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

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.
Factors relevant to the assessment of the reliability of sources and information include:

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

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

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

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

Feedback

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

Independent Advisory Group on Country Information

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

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

Independent Advisory Group on Country Information
Independent Chief Inspector of Borders and Immigration
5th Floor
Globe House
89 Eccleston Square
London, SW1V 1PN
Email: chiefinspector@icinspector.gov.uk

Information about the IAGCI’s work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s pages of the gov.uk website.
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1. Introduction

1.1 Basis of claim

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

1.2 Points to note

1.2.1 This note provides analysis on the general situation of gay men, lesbians, bisexuals, trans and intersex persons, as well as those perceived as such. They are referred hereafter collectively as ‘LGBTI persons’, though the experiences of each group may differ.

1.2.2 Decision makers must also refer to the Asylum Instructions on *Sexual Identity Issues in the Asylum Claim* and *Gender identity and expression, including intersex issues in asylum claims*.

2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the *Asylum Instruction on Assessing Credibility and Refugee Status*. Decision makers must also refer to the Asylum Instructions on *Sexual Identity Issues in the Asylum Claim* and *Gender identity and expression, including intersex issues in asylum claims*.

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the Asylum Instruction on *Visa Matches, Asylum Claims from UK Visa Applicants*).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the Asylum Instruction on *Language Analysis*).

2.2 Convention reason(s)

2.2.1 LGBTI persons in Uganda form a particular social group (PSG) within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to their identity or conscience that they should not be forced to renounce it, and have a distinct identity which is perceived as being different by the surrounding society.

2.2.2 Although LGBTI persons in Uganda form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question to be addressed is whether the particular person will face a real risk of persecution on account of their membership of such a group.
2.2.3 For further guidance on particular social groups, see the Asylum Instruction on Assessing Credibility and Refugee Status.

2.3 Exclusion

2.3.1 The Refugee Convention provides a framework for international refugee protection but contains specific provisions to exclude certain persons from those benefits. The circumstances of each case, however, must be considered on its own facts.

2.3.2 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on Exclusion under Articles 1F and 33(2) of the Refugee Convention, Humanitarian Protection and Restricted Leave guidance.

2.4 Assessment of risk

a. General points

2.4.1 Decision makers must establish whether or not an LGBTI person, if returned to their country of origin, will live freely and openly as such. This involves a wide spectrum of conduct which goes beyond merely attracting partners and maintaining relationships with them. Even if LGBTI persons who lived openly would not generally be at risk, decision makers must consider whether there are reasons why the particular person would be at risk.

2.4.2 If it is found that the person will in fact conceal aspects of his or her sexual orientation/identity if returned, decision makers must consider why.

2.4.3 If this will simply be in response to social pressures or for cultural or religious reasons of their own choosing and not because of a fear of persecution, then they may not have a well-founded fear of persecution.

2.4.4 But if a material reason why the person will resort to concealment is that they genuinely fear that otherwise they will be persecuted, it will be necessary to consider whether that fear is well-founded.

2.4.5 Decision makers must also consider if there are individual- or country-specific factors that could put the person at risk even if they choose to live discreetly because of social or religious pressures and/or whether the steps taken by them would be sufficient to avoid the risk of persecution. Some will not be able to avoid being known or perceived to be LGBTI whilst others will take some steps to conceal but would still be at risk.

2.4.6 For further guidance, see the Asylum Instructions on Sexual Identity Issues in the Asylum Claim and Gender identity and expression, including intersex issues in asylum claims.

b. State treatment

2.4.7 Same-sex sexual acts are illegal under the Penal Code and punishable with up to life imprisonment. In practice, although LGBTI persons have been arrested they are rarely successfully prosecuted under the Penal Code. There are no laws that specifically legislate on gender identity and
expression. The constitution bans discrimination on a number of grounds but does not extend to sexual orientation or gender identity and expression, nor does it apply to same-sex marriage, which is prohibited (see Legal rights and State attitudes and treatment).

2.4.8 Some politicians and members of the government, including President Museveni, have publicly denounced sexual minorities (see Public statements by government officials).

2.4.9 Other laws, while not overtly anti-LGBTI, are sometimes used to arrest and harass LGBTI persons or restrict the activities of LGBTI advocacy and support groups. Gay pride events, although having taken place in the past, have been disrupted by the state or banned outright, the last having taken place in 2015 (see Legal rights, Public statements by government officials and LGBTI groups, civil society and human rights NGOs).

2.4.10 There have been human rights violations against LGBTI persons including acts by the police and other state agencies. LGBTI persons who have been arrested and/or detained reported being subjected to ill-treatment, including humiliation, physical and sexual assault and being subjected to forced anal examinations (see Arrests, detention and ill treatment).

2.4.11 LGBTI persons suffer discrimination in accessing services such as healthcare, including access to HIV / AIDS treatment and services, and a LGBTI advocacy group had a health event closed by police on government orders. There have been reports of healthcare workers calling state actors to arrest LGBTI persons when they attended clinics for assistance (see Public statements by government officials and Access to services).

2.4.12 While LGBTI persons may face ill-treatment and discrimination from the state, they are not generally targeted and subjected to ill-treatment that, by its nature and repetition, amounts to persecution or serious harm from the authorities.

2.4.13 Each case must, however, be considered on its facts and the onus is on the person to demonstrate why, in their particular circumstances, they would be at real risk from state actors on the basis of their sexual orientation or gender identity or expression (see State attitudes and treatment).

c. Societal treatment

2.4.14 Uganda is generally a conservative country where sex and sexuality are not openly discussed. Homophobic views are widespread and there is a general lack of acceptance of LGBTI persons, with some people believing being LGBTI is a western concept. A 2016 report noted that 57% of Ugandans surveyed felt that being an LGBTI person should be a crime with 31% disagreeing (see Societal attitudes and treatment).

2.4.15 LGBTI persons have been subjected to violent attacks and societal discrimination and harassment involving intimidation, blackmail, loss of property and eviction, denial of educational opportunities, loss of employment, difficulties in accessing health care, and community discrimination. Some LGBTI persons have been rejected by their families. Some have also experienced physical and sexual attacks, including
‘corrective rape’ and mob violence although documented incidents of mob violence are rare. A 2018 report noted that despite the widespread nature of violent attacks and threats they were less frequent than in the past (see Societal attitudes and treatment and Access to services).

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

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d. Conclusion

2.4.17 In the country guidance case of JM (homosexuality risk) Uganda CG [2008] UKAIT 00065 (11 June 2008), heard 30 November 2007, the Asylum and Immigration Tribunal found that in general the evidence did not establish that there was ‘persecution of homosexuality’ (paragraph 171).

2.4.18 However, since JM the situation for LGBTI persons has changed. The passage of the Anti-Homosexuality Act (AHA) into law in 2014 increased, often negative, public discourse about LGBTI rights and led to an upturn of incidents of violence and discrimination against LGBTI persons. While the AHA is no longer law, same-sex sexual acts remain unlawful and anti-LGBTI rhetoric and discrimination persist.

2.4.19 A person who is open about their sexual orientation and/or gender identity and expression may face harassment and discrimination from the state and is likely to experience societal discrimination, including harassment and violence. The accumulation of such treatment by state and non-state actors is likely to be sufficiently serious by its nature and repetition to amount to persecution or serious harm. Each case, however, will need to be considered on its individual facts, with the onus the person to demonstrate that they face a risk.

2.4.20 For further guidance on assessing risk, see the Asylum Instruction on Assessing Credibility and Refugee Status.

2.4.21 Decision makers must also refer to the Asylum Instructions on Sexual Identity Issues in the Asylum Claim and Gender identity and expression, including intersex issues in asylum claims.

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2.5 Protection

2.5.1 The police do not usually investigate cases of violence against the LGBTI community, instead arresting or detaining the victims. However, a number of civil society sources acknowledge increasing co-operation between the police leadership, including training, and the LGBTI community. Civil society has also documented a few incidents where the police have assisted LGBTI persons, for example protecting individuals from mob violence (though sometimes by arresting and taking them into protective custody) (see Police support to LGBTI persons).
2.4.1 Where the person fears persecution/serious harm at the hands of the state, they will not be able to avail themselves of the protection of the authorities.

2.4.2 Where the person has a well-founded fear of persecution from non-state actors, the state is, generally, able but unwilling to provide effective protection. As same-sex sexual acts are prohibited in Uganda, it would be unreasonable to expect a person identifying as LGBTI, who fears persecution or serious harm by non-state actors, to seek protection from the authorities without themselves facing a risk of prosecution. Decision makers must, however, consider each case on its facts. The onus is on the person to demonstrate why they would not be able to seek and obtain state protection.

2.4.3 For further guidance on assessing the availability of state protection, see the Asylum Instruction on Assessing Credibility and Refugee Status. Decision makers must also refer to the Asylum Instructions on Sexual Identity Issues in the Asylum Claim and Gender identity and expression, including intersex issues in asylum claims.

2.6 Internal relocation

2.6.1 Where the person has a well-founded fear of persecution from the state, internal relocation will not be reasonable.

2.6.2 Where the person has a well-founded fear of persecution from a non-state actor, decision makers should consider each case on its individual circumstances to ascertain if the threat is local and could be removed by internal relocation. However, prejudice against LGBTI persons is prevalent and widespread which may make internal relocation difficult. Each case must be considered on its own facts.

2.6.3 The law provides for freedom of internal movement and the government generally respects these rights (see Freedom of movement).

2.6.4 Internal relocation will not be an option if it depends on the person concealing their sexual orientation and/or gender identity in the proposed new location for fear of persecution.

2.6.5 For further guidance on internal relocation and the factors to be considered, see the Asylum Instruction on Assessing Credibility and Refugee Status. Decision makers must also refer to the Asylum Instructions on Sexual Identity Issues in the Asylum Claim and Gender identity and expression, including intersex issues in asylum claims.

2.7 Certification

2.7.1 Where a claim is refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.7.2 For further guidance on certification, see Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 (clearly unfounded claims).
3. Legal rights

3.1 Overview

3.1.1 Section II of the Uganda LGBTI Violations Report 2016, released in September 2016 by the Human Rights Awareness and Promotion Forum (The HRAPF report 2016) provides a useful, detailed discussion of LGBTI persons’ legal rights, including high profile litigation in the Ugandan courts during 2015.¹

3.2 Constitution

3.2.1 The Constitution prohibits discrimination on a number of grounds, including sex and HIV/communicable disease status. However, it does not address sexual orientation or gender identity or expression other than to state that ‘Marriage between persons of the same sex is prohibited.’²

3.3 Penal Code

3.3.1 Same-sex consensual sex is illegal under sections 145 and 146 of the Penal Code, which, amongst other things criminalises ‘carnal knowledge of any person against the order of nature’ and is punishable with up to life imprisonment³. The Penal Code does not specifically refer to women but The International Lesbian and Gay Association (ILGA) annual survey of laws on sexual orientation and gender identity stated that same-sex relations between women are illegal.⁴

3.3.2 The Sexual Offences Bill (2015) expands criminalisation of same-sex consensual sex to include women⁵. In August 2018, the Bill was still being considered by the Ugandan parliament⁶. In February 2019 the website of the Parliament of the Republic of Uganda announced that ‘The Sexual Offences Bill will be re-tabled following an impasse at the committee stage where it was supposed to be processed clause by clause … The bill seeks to consolidate laws relating to sexual offences and provide procedural and evidential requirements during trial of sexual offences…’.⁷ As at March 2019,

⁷ Parliament of the Republic of Uganda, Sexual offences Bill to be re-tabled, 20 February 2019, url.
in sources consulted (see Bibliography) no information could be found that the Sexual Offences Bill (2015) has been passed into law.

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

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

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

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

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

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

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

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

3.3.6 There is no mention of gender identity or expression in the Penal Code.

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

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3.4 Anti-Homosexuality Act

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

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8 USSD, USSD report 2017 (section 6), 20 April 2018, url.
'The Anti-Homosexuality Act (AHA) became law on 24 February 2014. Its provisions lengthened sentences for adults found guilty of same-sex relationships and extended punishments to people involved in "promoting homosexuality". On 1 August 2014, the Ugandan Constitutional Court declared Uganda’s AHA void on the basis that parliament did not have the constitutionally required quorum of one third of parliament members when the act was passed on 20 December 2013.¹²

3.5 Prohibition of Promotion of Unnatural Sexual Practices Bill

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

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

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

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

3.6 Other legislation affecting LGBTI persons

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

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

¹² Human Dignity Trust, The Criminalisation of Consensual Same-Sex Sexual …, 2015 (p. 15), url.
¹³ Equal Rights Trust, Ugandan Prohibition of Promotion of Unnatural…, 12 December 2014, url.
¹⁴ The Observer (Kampala), Uganda: Museveni’s Assent to NGO Act…., 26 February 2016, url.
and renewing NGO permits... The Bureau has the power to “blacklist” (a term not defined by the Act), suspend, or revoke the permits of an NGO... Although the Bureau is required to “give an organization the opportunity to be heard” before it takes any such action, the Act does not define what that actually entails... However, decisions of the Bureau may be appealed to a body known as the Adjudication Committee and then to the High Court...

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

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

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

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

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

The Non-Governmental Organisations Act 2016 is available here.

See Regulation and treatment of LGBTI civil society groups and Access to services

4. State attitudes and treatment

4.1 The security services in general

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

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

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15 Library of Congress, Uganda: Non-Governmental Organizations Bill..., 17 March 2016, url
16 The Observer (Kampala), Uganda: Museveni's Assent to NGO Act..., 26 February 2016, url
17 76Crimes, Uganda: Anti-LGBT stigma...17 February 2017, url
for external security and may aid civil authorities when responding to riots or other disturbances of the peace. The Chieftaincy of Military Intelligence is legally under UPDF authority and may detain civilians suspected of rebel or terrorist activity. Other agencies with law enforcement powers include the Directorate of Counter Terrorism, Joint Intelligence Committee, and Special Forces Brigade.  

4.1.2 The same report noted: ‘The security services continued to use excessive force, including torture, often failed to prevent societal violence, and at times targeted civilians.’

4.1.3 Human Rights Watch (HRW) noted in their 2018 World Report, covering events of 2017 that: ‘Security officials’ continue to use excessive use of force with impunity…’

4.2 Arrests, detention and ill-treatment of LGBTI persons

4.2.1 Human Rights Watch noted in their 2018 World Report, covering events of 2017 that: ‘Police failed to end the practice of forced anal examinations of men and transgender women accused of consensual same-sex conduct. These examinations lack evidentiary value and are a form of cruel, inhuman, and degrading treatment that may constitute torture.’

4.2.2 Sexual Minorities Uganda (SMUG) in their 2018 report, Even if they spit at you, don’t be surprised, noted: ‘[…] health workers still carry out forced anal examinations when the Uganda police forces individuals who have been arrested for “homosexuality”, “sodomy”, or “carnal knowledge against the order of nature” to be examined.’

4.2.3 The HRAPF report 2018, covering events in 2017 noted in its executive summary:

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

‘The Uganda Police Force accounted for 26 of the violations verified in that year, representing 35.1% of all violations reported. The most violated right was the right to liberty. The state occasioned 15 of these violations, all of which were perpetrated by the Uganda Police Force.’

4.2.4 The same report noted:

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

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18 USSD, USSD report 2017 (section 1.d), 20 April 2018, [url](url).
19 USSD, USSD report 2017 (section 1.d), 20 April 2018, [url](url).
21 HRW, World Report 2018 (Section Sexual Orientation and Gender Identity), 9 January 2018, [url](url).
22 SMUG, Even if they spit at you, don’t be surprised (p28) June 2018 [url](url).
persons, especially when they come into conflict with the law, and the limited levels of knowledge and understanding of LGBT issues among the members of the Police force.

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

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

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

4.3 Prosecutions

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

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

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

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

4.4 Police support to LGBTI persons

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

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

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

‘In all these [30 violations perpetrated by the community] and more cases, the perpetrators were never brought to book….‘

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4.4.2 The same report noted:

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

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

27

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

- 2 cases where the police protected LGBT persons from mob violence (though this included the arrest of 9 men on charges of sodomy, but whom the police then wished to release but would only do so once the NGO HRAPF had found somewhere safe for the men to go)

- Assistance in accessing property following a person’s eviction because of their sexual orientation

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

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

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

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

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

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

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

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

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

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

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

‘For three years now, HRAPF has been actively engaged in training police officers to enable them understand the limits of the laws that they enforce, to appreciate their duty to protect the human rights of all persons and to reduce the violations occasioned by them against real and presumed members of the LGBT community. In the year 2017, a total of 4 trainings reaching out to 134 police officers across the country were conducted by HRAPF20 with the support of the Uganda Human Rights Commission and the Directorate of Human Rights and Legal Services in the Uganda Police Force…This in part accounts for the reduced number of violations of human rights based on sexual orientation and gender identity that were occasioned by the Police in the year 2017.’

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

29 Daily Monitor, Police organise workshop on how to protect gays, 15 November 2017, url.
2017, a number of incidents where the rights of LGBT persons were protected by the Police officers.\textsuperscript{31}

4.5 Public statements by government officials

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

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

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

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

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

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

‘“There is no bill on homosexuality. What we need is a new bill,” she said.’ \textsuperscript{33}

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

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

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

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

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

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

\textsuperscript{31} HRAPF, Uganda LGBTI Violations Report 2018 (p8), October 2018, url
\textsuperscript{32} BBC News, Uganda President Yoweri Museveni block anti-gay law, 17 January 2014, url
\textsuperscript{33} SBS, The Ugandan government wants to bring back harsher anti-gay laws, 29 June 2017, url
a private matter, you leave it. They say no; they want to impose it on you that I should stand up and say; oyee, homosexuals oyee," said Museveni.  

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

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

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

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

See LGBTI groups, civil society and human rights NGOs

5. Societal attitudes and treatment

5.1 Societal norms

A ScienceNordic article, ‘Ugandan anti-gay laws have not curbed homosexuality’ dated 11 April 2016, stated: ‘The [Ugandan] culture is known to be exceptionally prejudiced against lesbians, gay men, bisexuals and transsexuals, attitudes that are also transmitted by the authorities…”

See also Public statements by government officials

5.2 Public opinion

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

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Somewhat agree</th>
<th>Neither</th>
<th>Somewhat disagree</th>
<th>Strongly disagree</th>
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</thead>
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<tr>
<td>Being gay, lesbian, bisexual, trans, or intersex</td>
<td>47%</td>
<td>10%</td>
<td>15%</td>
<td>5%</td>
</tr>
</tbody>
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34 The Observer, Greedy West imposing homosexuality…, 3 August 2018, url
35 The Guardian, Minister condemns plans for Uganda’s first LGBT centre…, 9 October 2018, url
36 ScienceNordic, Ugandan anti-gay laws have not curbed homosexuality, 11 April 2016, url
37 ILGA-RIWI 2016 Global Attitudes Survey (p10), updated to June 2016, url.
should be a crime?

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<tbody>
<tr>
<td>Same-sex desire is a</td>
<td>42%</td>
<td>12%</td>
<td>19%</td>
<td>5%</td>
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<td>Western phenomenon</td>
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<tr>
<td>No concerns</td>
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<tr>
<td>Somewhat uncomfortable</td>
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</tr>
<tr>
<td>Very uncomfortable</td>
<td></td>
<td></td>
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<tr>
<td>How would you feel if</td>
<td>40%</td>
<td>15%</td>
<td>45%</td>
<td></td>
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<tr>
<td>your neighbour is</td>
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<tr>
<td>gay or lesbian?</td>
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5.2.2 In an opinion piece for The Guardian, published in August 2017 Frank Mugisha, the director for Sexual Minorities Uganda (SMUG) noted that some Ugandans viewed being gay as ‘western’.39

5.2.3 The Independent noted in an article published on 17 May 2017, that Uganda’s media council banned a Dutch film from being screened in the country as it ‘glorified homosexuality’.40

5.3 Violence, harassment and discrimination

5.3.1 The Ugandan NGO consortium in the HRAPF report 2016 observed that: ‘Homophobia is still very prevalent in Uganda and therefore there is a prevalent lack of acceptance of LGBTI persons, even by their families. Family members have therefore been documented to perpetrate violations against their actual or perceived LGBTI relatives.’41

5.3.2 The same report noted that the majority of violations against LGBT persons it documented in 2015 were committed by non-state actors (contrast with 2013 and 2014, where the majority were committed by the state):

‘Of the 171 violations, [non-state actors] … were responsible for 93 of these. Most of the perpetrated violations by non-state actors were evictions of suspected LGBTI persons from their homes. Some of these were outright evictions while others were a result of insecurities arising from threats and attacks. This left many LGBTI persons homeless and without means of sustenance. The perpetrators responsible were property owners, families, community members and in a few instances, places of work.’42

5.3.3 The same went on to opine in its conclusion:

38 ILGA-RIWI 2016 Global Attitudes Survey (p10), updated to June 2016, url.
39 The Guardian, Pride Uganda has been crushed. Please don’t look away, 21 August 2017, url.
40 Independent, Uganda bans Dutch Film…17 May 2017, url.
41 HRAPF, Uganda LGBTI Violations Report 2016 (p45), September 2016, url.
42 HRAPF, Uganda LGBTI Violations Report 2016 (p35), September 2016, url.
'For the first time [compared to reports for 2013 and 2014], a report on violations showed that non-state actors perpetrated more violations than state actors. Of the 171 violations documented in this report, state actors perpetrated 93 of these which translate into 54.4% of the violations. This is a unique development, and it is hard to attribute it to anything in particular. It could be that there is more documentation of these violations or that the non-state actors have become more emboldened to carry out these violations. It should be noted that among the non-state actors, property owners ranked as the top most violator (see It would not be so farfetched to presume that the property owners are increasingly violating rights of LGBTI persons because their actions feel justified and in most cases, they are condoned by duty bearers like the Police. Most of the violations perpetrated by property owners are forceful evictions. These are rarely punished or addressed as in most cases, the property owners feel justified to evict actual or perceived LGBTI persons as most of these evictions are pursuant to complaints from the general community. The treating of LGBTI persons as outcasts is the accepted norm and this could be emboldening property owners and other non-state actors to violate rights of LGBTI persons.'

5.3.4 The SMUG report, ‘And That’s How I Survived Being Killed’ stated in April 2016: ‘Sexual and gender minorities are often met with harassment from community members, friends, family, and state actors. Harassment most frequently takes the form of nonphysical homophobic or transphobic threats, …However, LGBTI persons also face harassment in the form of intimidation …blackmail, …house intrusion, and … loss of physical property.’

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

‘According to SIPD Uganda, an organisation that specialises on issues of intersex individuals, “[m]any people with intersex conditions experience significant stigma and discrimination in Uganda such as humiliation, ostracism, exploratory rape, evictions from accommodation facilities due to superstitions, ritualistic murder of intersex infants, lack of access to healthcare, employment, and education to exclusion from community and family life as well as domestic violence for mothers of such children”. Intersex persons face unique circumstances and concerns, but these are often confused with issues concerning gender identity and sexual orientation.’

5.3.6 In respect of societal treatment of trans persons, the Finnish Immigration Service report stated ‘Transgender Ugandans and others who defy gender norms are subjected to the same discrimination as gay men and lesbian women, regardless of their actual sexual orientation. Violating gender norms can create a presumption of homosexuality and lead to harassment and arrest...’

5.3.7 The International Lesbian and Gay Association (ILGA) annual survey of laws on sexual orientation and gender identity stated that ‘In May 2016, the [UN]
Committee overseeing the Convention of the Rights of People with Disabilities noted “the absence of concrete measures to prevent and eradicate discrimination against women and girls with disabilities… especially on the grounds of sexual orientation and gender identity.”

5.3.8 The USSD report 2017 stated: ‘The HRAPF [Human Rights Awareness and Promotion Forum] reported numerous incidents of societal … violence against LGBTI persons. Between February and April [2017], the HRAPF reported 11 cases in which attackers physically assaulted persons because of suspicions they were LGBTI individuals. In one case a mob doused a suspected LGBTI person with gasoline and set him on fire before police rescued him.’

5.3.9 Sexual Minorities Uganda (SMUG) in their 2018 report, Even If They Spit At You, Don’t Be Surprised, noted ‘While less frequent; violent attacks, threats, and forced anal examinations on LGBTI persons are still widespread in Uganda.’

5.3.10 HRAPF in their 2018 report noted in their executive summary ‘The trend of non-state actors perpetuating more violations than state actors continued this year [2017] with non-state actors being responsible for 45 violations out of the 74 recorded, accounting for 60.8% of all violations.’

See Access to services and LGBTI groups, civil society and human rights NGOs

Section 6 updated: 25 March 2019

6. Access to services

6.1 Healthcare

6.1.1 The UN Committee on Economic, Social and Cultural Rights expressed its concern in August 2016 that ‘… lesbian, gay, bisexual, transgender and intersex persons [were] being denied access to health care and, in particular, same-sex partners facing serious difficulties in accessing HIV/AIDS-related prevention and treatment[…] The Committee urged Uganda to investigate and deter acts of discrimination against lesbian, gay, bisexual, transgender and intersex people, bring perpetrators to justice and provide compensation to victims.’

6.1.2 The April 2016 SMUG report ‘And That’s How I Survived Being Killed’ stated: ‘Perhaps one of the most frequent human rights abuses against LGBTI persons relates to accessing non-discriminatory healthcare. Although informal discussion among members of the LGBT community about

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47 ILGA, State-Sponsored Homophobia, … (page 105), 15 May 2017, url
48 USSD, USSD report 2017 (section 6), 20 April 2018, url.
49 SMUG, Even If They Spit At You, Don’t Be Surprised (pages 27-28) June 2018 url
51 UNHRC, Compilation prepared by the Office of the UNHCHR… (para 24) 29 August 2016, url
discrimination at health clinics occurs quite frequently, reported cases are rare. The normalization of this discrimination is extremely problematic. Although, there were only 5 documented cases relating to access to health care, we expect to see this number rise to its more accurate figure with continued documentation.\textsuperscript{52}

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

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

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

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

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

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

6.1.4 A GayTimes report, Ugandan Minister of Ethics shuts down IDAHOBIT Day event, dated 19 May 2018, quoted Christine Stegling, the executive director for the HIV / AIDS Alliance “‘The discrimination and stigma LGBTI people face in Uganda affect all areas of their life, including their right to access health services and is a major driver of the HIV epidemic within this community.’\textsuperscript{54}

6.1.5 Sexual Minorities Uganda (SMUG) in their 2018 report, Even If They Spit At You, Don’t Be Surprised, noted that

\textsuperscript{52} SMUG, And That’s How I Survived Being Killed (p. 37), April 2016, url.
\textsuperscript{53} 76Crimes, Uganda: Anti-LGBT stigma…17 February 2017, url.
\textsuperscript{54} Gay Times, Ugandan Minister of Ethics shuts down IDAHOBIT Day event, 19 May 2018, url.
'LGBTI peer-educators in Uganda have found there is a trend of health workers denying service to LGBTI-identifying persons when seeking services. This discrimination happens most frequently for LGBTI persons who express an outward identity or gender expression which conflicts with conventional understandings of gender in Uganda. Often this means transgender women, transgender men, gender nonconforming persons, ‘butch’ lesbians, and ‘fem’- gay men most frequently experience refusal of services.'

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

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

6.1.6 The same report in its concluding paragraphs noted:

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

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

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

See Arrests, detention and ill-treatment of LGBTI persons and LGBTI groups, civil society and human rights NGOs

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55 SMUG, Even If They Spit At You, Don’t Be Surprised (p. 20/21, 23 and p27-28) June 2018 url
56 SMUG, Even If They Spit At You, Don’t Be Surprised (p32) June 2018 url
57 FARUG, website, undated, url
6.2 Education

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

6.3 Employment

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

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

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

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

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

6.4 Housing

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

58 SMUG, And That’s How I Survived Being Killed (page 9), April 2016, url.
59 SMUG, And That’s How I Survived Being Killed (pages 26-27), April 2016, url.
these authorities were evictions and banishments from villages on the basis of sexual orientation...'.

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

6.4.3 The April 2016 SMUG report 'And That’s How I Survived Being Killed' stated:

‘Ugandan sexual and gender minorities are often forced to leave their homes, either by formal eviction from landlords or informal forced removal by neighbors and community members. These evictions are almost always grounded in fear from landlords and neighbors in hosting a “gay person.” Of the 34 cases of eviction documented in this report almost all detailed the landlord or community members concern for having a “gay person” in the area. This language parallels that outlined in the Anti Homosexuality Act, in which having knowledge of a “homosexual” without reporting to police was a crime.

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

6.4.4 The same report noted:

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

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

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

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

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61 SMUG, And That’s How I Survived Being Killed (page 16), April 2016, url.
62 SMUG, And That’s How I Survived Being Killed (page 15), April 2016, url.
63 SMUG, And That’s How I Survived Being Killed (pages 18-19), April 2016, url.
freedom from discrimination, while two were violations of the privacy of their tenants.\textsuperscript{64}

See \textit{Violence, harassment and discrimination}

\textbf{7. LGBTI groups, civil society and human rights NGOs}

\textbf{7.1 Civil society (NGOs) and activists}

\textbf{7.1.1} The DIS / DRC FFM report, citing a diplomatic source, stated that:

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

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

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

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

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

\textbf{7.1.2} Two diplomatic sources in the same report noted:

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

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

\textsuperscript{64} HRAPF, Uganda LGBTI Violations Report 2018 (p. 20/21), October 2018, \url{url}.

\textsuperscript{65} DIS / DRC fact finding report, Situation of LGBT persons in Uganda (p71) January 2014, \url{url}.
smaller organizations seeking funding in order to support and assist LGBT persons.\footnote{DIS / DRC fact finding report, Situation of LGBT persons in Uganda (p72) January 2014, url.}

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

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

‘These groups have achieved small but significant gains by using the relative autonomy of the Ugandan judiciary to set legal precedents that protect the rights of LGBTI people, such as Kasha Jacqueline, David Kato and Onziema Patience v Rollingstone Publications Limited and Giles Muhame[…]. There are, however, difficulties involved in getting legal recognition for LGBTI organisations in Uganda[…]. Nonetheless, more organisations are being formed and activism is becoming more specialised, with specific groups starting to address their own specific issues […].’\footnote{Finnish Immigration Service, Status of LGBT people…Uganda (section 5.8), 3 December 2015, url.}

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

7.2 Regulation and treatment of LGBTI civil society groups

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

‘The Uganda Registration Services Bureau is established by the Uganda Registration Services Bureau Act to, among other things, carry out all registrations required under the law. Among these registrations is the registration/incorporation of companies…during 2015, the Bureau refused the incorporation of three LGBTI organisations on the grounds that homosexuality is criminalised in Uganda under section 145 of the Penal
Code Act, thereby violating their right to freedom of association. This started with the incorporation of Sexual Minorities Uganda, an umbrella organisation bringing together 18 LGBTI organisations in Uganda. The Registrar General refused to reserve the name Sexual Minorities Uganda saying that it was undesirable.  

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

7.2.3 Pink News reported in June 2016 that:

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

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

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

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

‘In August, activists canceled (sic) Pride celebrations in Kampala and Jinja after the minister of ethnics and integrity threatened organizers with arrest and violence.’

7.2.5 In February 2018 Human Rights Watch reported that:

‘Ugandan rights organization Human Rights Awareness and Promotion Forum (HRAPF) was the target of a violent break-in…HRAPF works to protect the rights of marginalized groups including lesbian, gay, bisexual,
transgender and intersex (LGBTI) people, and sex workers. The group reported that unidentified assailants broke into its office overnight, disabled parts of the security system, and slashed two guards with machetes, severely injuring them.\textsuperscript{74}

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

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

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

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

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

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

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

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

““We should be independent and supplementing the work of government, but government is doing everything possible to hinder the work of civil society, which is a huge violation of our rights.”\textsuperscript{76}

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

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

\textsuperscript{74} HRW, Uganda: Human Rights Group Targeted in Violent Break-In, 9 February 2018, \url{url}
\textsuperscript{75} HRW, World report 2019: Uganda, 17 February 2019, \url{url}
\textsuperscript{76} GayTimes, Ugandan Minister of Ethics shuts down IDAHOBIT Day event, 19 May 2018, \url{url}
vacate his premises. The offices that housed the organization were located in Bunamwaya.

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

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

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

‘Human Rights Awareness and Promotion Forum (HRAPF) has come to the rescue and offered to temporarily host the organization…’

7.3 Activities of LGBTI groups

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

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

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

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

77 Kuchu Times, Rainbow Mirrors Evicted From Bunamwaya Offices, 25 July 2018, url
previously published David’s name and photo under the banner “Hang Them.”

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

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

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

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

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

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

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

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

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

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79 Independent, Gay rights activists defy Ugandan laws..., 4 January 2015, url.
‘On Saturday afternoon, the second day of the festival, three policemen, including one armed with an AK-47 rifle, burst into the festival venue in the capital Kampala…

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

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

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

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

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

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

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

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

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

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

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

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

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80 Reuters, Police raid shuts down Uganda’s only gay film festival, 11 December 2017, url.
81 The Guardian, Minister condemns plans for Uganda’s first LGBT centre…, 9 October 2018, url
7.4 Gay pride

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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82 BBC News, Ugandan police block gay pride parade, 24 September 2016, url.
association. We have a right granted by the Ugandan constitution,” said Frank Mugisha, the executive directive of Sexual Minorities Uganda (Smug), a network of LGBTI organisations in Uganda…

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

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

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

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

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

“‘Our law books are clear. When you engage in gay activities, we prosecute you in courts of law. We can't allow their activities.”’

7.4.3 There has not been a ‘Pride’ event since 2015.84 The Daily Beast (a US news and opinion website) reported, in an interview with Isaac Mugisha, co-ordinator of Pride Uganda that there were plans to hold one in 2018.85 Amongst sources consulted (see bibliography), CPIT could not find any information to confirm that a ‘Pride’ event took place in Uganda in 2018.

8. Freedom of movement

8.1 Demography

8.1.1 The total population for Uganda was estimated in July 2018 to be over 40 million.86

8.1.2 The CIA factbook stated ‘population density is relatively high in comparison to other African nations; most of the population is concentrated in the central and southern parts of the country, particularly along the shores of Lake Victoria and Lake Albert; the northeast is least populated.’87

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83 The Guardian, No gay promotion can be allowed…21 August 2017, [url]
84 Daily Beast, LGBT Ugandans Plan First Pride..., 03 June 2018, [url]
85 Daily Beast, LGBT Ugandans Plan First Pride..., 03 June 2018, [url]
86 CIA, World Factbook, Uganda (people and society), updated 11 March 2019, [url]
87 CIA, World Factbook, Uganda (people and society), updated 11 March 2019, [url]
8.1.3 A western diplomatic source estimated in June 2013 that there were between 30-50 NGOs working on behalf of the LGBT persons in Uganda.\textsuperscript{88} A coalition of Ugandan NGOs observed in a submission made in March 2011 that ‘Ugandan Gay, Lesbian, Bisexual, Transgender and Intersexual associations / organizations comprise of over 500 gay, lesbian, bisexual and trans persons.’\textsuperscript{89}

8.1.4 There are no census data on the size of the LGBT population in Uganda but the NGO Sexual Minorities Uganda (SMUG) in their report published in 2018, compiled from a number of sources, estimated that of the total population, approximately 390,000 are sexual and gender minorities.\textsuperscript{90}

8.2 Legal rights and practice

8.2.1 The USSD report 2017 noted:

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

‘The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.’\textsuperscript{91}

\textsuperscript{88} DIS / DRC fact finding report, Situation of LGBT persons in Uganda (p72) January 2014, url
\textsuperscript{89} Civil Society Coalition on Human Rights and Constitutional Law, Joint submission on LGBTI issues… 11 March 2011, url
\textsuperscript{90} SMUG, Even if they spit at you, don’t be surprised (p8) June 2018 url
\textsuperscript{91} USSD, USSD report 2017 (section 2.d), 20 April 2018, url.
Terms of reference

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

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

- Legal rights
  - Overview
  - Constitution
  - Penal Code
  - Anti-Homosexuality Act
  - Prohibition of Promotion of Unnatural Sexual Practiced Bill
  - Trans persons

- State attitudes and treatment
  - Police disruption of gay pride events
  - Banning of gay film festival and Dutch film
  - Treatment of trans persons
  - Arrests of LGBTI persons
  - Police workshop on rights of sexual minorities
  - Views of the president and government officials

- Societal attitudes and treatment
  - Societal attitudes
  - Violence and discrimination

- LGBTI civil society groups
  - Regulation and treatment of LGBTI civil society groups
  - Activities of LGBTI civil society groups

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Version control

Clearance

Below is information on when this note was cleared:

- version 4.0
- valid from 01 April 2019

Changes from last version of this note

Updated country information and assessment.
TAB 4
EXECUTIVE SUMMARY

Uganda is a constitutional republic led since 1986 by President Yoweri Museveni of the National Resistance Movement (NRM) party. In 2016 voters re-elected Museveni to a fifth five-year term and returned an NRM majority to the unicameral parliament. The elections fell short of international standards and were marred by allegations of disenfranchisement and voter intimidation, harassment of the opposition, closure of social media websites, and lack of transparency and independence in the Electoral Commission (EC). The periods before, during, and after the elections were marked by a closing of political space, intimidation of journalists, and widespread use of torture by the security agencies.

Civilian authorities maintained effective control over the security forces.

Human rights issues included reports of unlawful or arbitrary killings; forced disappearance; torture; arbitrary detention; political prisoners; violence and intimidation against journalists, censorship, criminalization of libel, and restricted access to the internet; substantial interference with the rights of peaceful assembly and freedom of association; restrictions on political participation; corruption; criminalization of same-sex consensual sexual conduct; and security force harassment and detention of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

The government was reluctant to investigate, prosecute, or punish officials who committed human rights violations, whether in the security services or elsewhere in government, and impunity was a problem.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports the government or its agents committed arbitrary or unlawful killings, including due to torture.

On August 13, the presidential guard Special Forces Command (SFC) shot and killed Member of Parliament (MP) Robert Kyagulanyi’s (alias Bobi Wine) driver, Yasin Kawuma, while he was seated in Kyagulanyi’s car (see section 1.e.).
According to local media, between February 2017 and September, the Uganda Peoples Defense Forces (UPDF) killed at least nine men whom it accused of illegal fishing. On January 22, local media reported that the UPDF’s Marine Patrol Unit beat, shot, and drowned unarmed civilians it suspected of illegal fishing practices. Fishing communities told local media that UPDF soldiers tied weights to the legs of the fishermen and threw them into the lake. The UPDF’s head of marine operations James Nuwagaba told local media that UPDF soldiers only used force to defend themselves against those fishermen who fled imminent arrest and used their oars to attack soldiers. In an April 14 statement, the president stated, “Although the UPDF personnel had been accused of some excesses, such as beating people, the lake had been saved. Those who spend time blaming the army for some mistakes should know that the first mistake was bad fishing.”

Local civil society organizations (CSOs) and local media reported that on March 25, UPDF personnel shot and killed unarmed civilian Python Okello, a resident of Apaa village in Adjumani district. The UPDF and the Uganda Wildlife Authority were forcefully evicting local residents from a contested village (see section 6). On May 16, the UPDF spokesperson denied the killing and insisted that the eviction was peaceful.

The Uganda Human Rights Commission (UHRC) noted in its annual report on June 8 that the Uganda Police Force (UPF) at Runga Police post in Kibiro parish, Kigoro bya subcounty, Hoima district, had in 2017 tortured to death a suspect accused of theft. The UHRC was investigating the incident at year’s end.

b. Disappearance

Local media reported several disappearances of Kyagulanyi’s supporters. On October 10 and 23, media reported that families of two Kyagulanyi supporters had reported the father and son missing for more than a week after unidentified men picked them up at their homes. The UPF and UPDF denied knowledge of their detention. On August 2, local media reported that armed men dressed in UPDF uniforms had, on July 9, captured chief of police Kale Kayihura’s aide Enoch Buntu at his house near Kampala and taken him to an unknown destination. His family told local media that they had not seen him since. The UPDF and UPF denied having knowledge of his arrest.
c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices. The Anti-Torture Act stipulates that any person convicted of an act of torture may be sentenced to 15 years’ imprisonment, a fine of 7.2 million shillings ($1,920), or both. The penalty for conviction of aggravated torture is life imprisonment. Nevertheless, there were credible reports security forces tortured and physically abused suspects.

On August 13, the SFC arrested MPs Kyagulanyi and Francis Zaake, among others (see section 1.e.). On August 15, local media published images of Zaake taken at a health facility in Arua where he had been arrested. The images showed wounds and deep cuts on Zaake’s hands and ears, and bruises and swelling on his face, and reported that he had incurred these while in military detention. According to local media, the military later dumped Zaake’s unconscious body at a hospital in Kampala where medics placed him on life support. Kyagulanyi was also reportedly tortured while in detention. On August 16, when the UPDF arraigned him in a military court in the presence of his two lawyers, the lawyers reported that Kyagulanyi had bruises and swelling on his face, and could not stand, sit, see, or hear. Kyagulanyi was carried into the proceedings by two soldiers who placed his slumped body into a seat. Two weeks later Kyagulanyi was able to fly overseas for medical treatment. While abroad Kyagulanyi stated that SFC soldiers hit him on the head with a metal bar, beat, kicked and punched him all over his body including in the eyes, mouth and nose, and pulled and squeezed his genitals. In a letter to the speaker of parliament dated August 31, President Museveni cautioned the house from referring to Kyagulanyi’s treatment as torture because the full facts “had yet to be established.”

The African Center for Treatment and Rehabilitation of Torture Victims (ACTV) reported that through July, it had registered 63 allegations of torture committed by the UPF, seven by the Flying Squad Unit of the UPF, 12 by the UPDF, and three by the Chieftaincy of Military Intelligence (CMI).

On October 10, local television stations aired a video showing an individual wearing a UPDF uniform kicking, slapping, and beating with sticks a detainee. The video footage showed the uniformed individual interrogating the detainee about his association with Kyagulanyi and local CSOs. The UPDF denied its officers were involved in the beating. A UPDF spokesperson told local media that it would launch an investigation, and implied that the soldier in the video was not
an actual member of the UPDF. The UPDF had not released the results of the investigation by year’s end.

The UHRC reported that during 2017, it awarded 800 million shillings ($213,000) in compensation to victims of torture.

Local media and CSOs reported multiple cases of the security agencies torturing detainees to secure confessions or as punishment. On July 12, a lawyer representing 10 men accused of kidnap and murder reported to local media that the UPF and the UPDF had forced his clients to sleep on steep stairs, beat and electrocuted them, and stepped on their stomachs to force them to vomit water they had been compelled to drink during interrogation in an undisclosed detention facility.

**Prison and Detention Center Conditions**

Conditions in detention centers remained poor and, in some cases, life threatening. Serious problems included overcrowding, physical abuse of detainees by security staff and fellow inmates, inadequate food, and understaffing. Local human rights groups, including the ACTV, received numerous reports of torture by security forces and prison personnel. Reports of forced labor continued. Most prisons did not have accommodations for persons with disabilities. The Foundation for Human Rights Initiative (FHRI) reported that the domestic intelligence agency Internal Security Organization (ISO) also maintained unofficial detention facilities in and around Kampala where it detained suspects without charge (see section 2.a.).

Physical Conditions: Gross overcrowding remained a problem. The UHRC reported in June that “some prisons housed twice or up to three times their designated capacities,” especially prisons holding male detainees. The Uganda Prisons Service (UPS) reported that it held 49,322 inmates, yet its capacity was 22,000. The UHRC reported that it found the 250-person-capacity Arua Government Prison holding 840 inmates and the eight-person-capacity Kamwenge Police Station men’s cell holding 30 detainees. The UHRC reported that delays in the judicial process caused overcrowding in police cells. The UPS reported that overcrowding had increased the spread of communicable diseases, especially multi-drug-resistant tuberculosis.

According to the UHRC, authorities violated the law by holding juveniles and adult detainees together in police stations it visited due to absence of specialized
holding cells for children, ignorance of the law by UPF personnel, and failure to ascertain the juvenile’s age. In at least five police stations it visited, the UHRC found juveniles aged 11 to 14 years detained in the same cell as adults. The UHRC also reported that authorities kept pretrial detainees and convicted prisoners together in all but two prisons.

The FHRI and the UPS noted there were reports of prison food shortages, which led some inmates to trade sex in exchange for food from fellow inmates and UPS staff. The UHRC reported that detainees in an unspecified number of police stations spent entire days without receiving a meal while those in the Kasese and the Fort Portal police stations received one meal a day. The UHRC reported that the majority of detainees relied on family members for food.

**Administration:** Authorities did not always carry out investigations into credible allegations of mistreatment and, according to the FHRI, even turned away persons reporting violations. The UPDF did not make efforts to investigate and bring to account alleged perpetrators of beatings of two MPs (see section 1.e.). A lawyer representing six Rwandan nationals whom authorities detained December 20, 2017, and deported to Rwanda on December 29, told local media on January 9 that the UPDF’s CMI blocked their lawyers, family, and friends from accessing them.

**Independent Monitoring:** Authorities allowed the ACTV to conduct prison visits with advance notification. The International Committee of the Red Cross declined to comment on whether it conducted prison visits during the year.

**Improvements:** On January 19, the UPS reported that it recruited 706 new wardens, increasing the number of UPS staff to 9,787. The UPS acknowledged, however, that it still had a staff shortage of 39,683. The UPS also reported that it had completed the construction of wards in three prisons to ease overcrowding.

d. Arbitrary Arrest or Detention

Although the law prohibits arbitrary arrest and detention, security forces often arbitrarily arrested and detained persons, including opposition leaders, politicians, activists, demonstrators, and journalists. The law provides for the right of persons to challenge the lawfulness of their arrest or detention in court, but this mechanism was seldom employed and rarely successful.

**Role of the Police and Security Apparatus**
Under the Ministry of Internal Affairs, the UPF has primary responsibility for law enforcement. The UPDF, under the Ministry of Defense, is responsible for external security and may aid civil authorities when responding to riots or other disturbances of the peace. The CMI is legally under UPDF authority and may detain civilians suspected of rebel or terrorist activity. Other agencies with law enforcement powers include the Directorate of Counter Terrorism, Joint Intelligence Committee, and Special Forces Brigade.

The security services used excessive force, including torture, failed to prevent societal violence, and at times targeted civilians. On August 19, local media reported that in the town of Mityana, UPF personnel who were responding to protests fired on a minivan transporting football supporters, killing two and injuring five. On September 4, the security minister said the UPF was pursuing the two officers responsible for the killing, who had deserted the force after the act. The UPF had not released any further details by year’s end.

Civilian authorities maintained effective control over the UPDF and UPF. Due to corruption, political interests, and weak rule of law, however, the government’s mechanisms to investigate and punish abuse were ineffective, and impunity was pervasive (see sections 1.a. and 1.e.). The state did not pursue a 2016 criminal case against Inspector General of Police (IGP) Kayihura for his supervisory role during public beatings of unarmed supporters of opposition leader Kizza Besigye in Kampala. On January 10, the Director of Public Prosecutions (DPP) dropped murder charges against former Kampala central police station commander Aaron Baguma for his alleged role in a 2015 killing of a businesswoman. Although Baguma pled not guilty, the DPP said Baguma had agreed to testify against his cosuspects.

The UHRC reported it trained 1,104 UPF and 361 UPDF personnel on human rights provisions pertaining to the freedom of assembly, freedom from torture and the rights of detainees.

**Arrest Procedures and Treatment of Detainees**

The law requires that judges or prosecutors issue a warrant before an arrest is made, unless the arrest is made during commission of a crime or while in pursuit of a perpetrator. Nevertheless, authorities often arrested suspects without warrants. The law requires authorities to arraign suspects within 48 hours of arrest, but they frequently held suspects longer without charge. Authorities must try suspects arrested under the Antiterrorism Law within 120 days (360 days if charged with a
capital offense) or release them on bail; if prosecution presents the case to the court before the expiration of this period, there is no limit on further pretrial detention. While the law requires authorities to inform detainees immediately of the reasons for detention, at times they did not do so. The law provides for bail at the judge’s discretion, but many suspects were unaware of the law or lacked the financial means to cover the bond. Judges generally granted requests for bail. The law provides detainees the right to legal representation and access to a lawyer, but authorities did not always respect this right. The law requires the government to provide an attorney for indigent defendants charged with capital offenses. Security forces often held opposition political members and other suspects incommunicado and under house arrest.

**Arbitrary Arrest:** Arbitrary arrests and unlawful detention, particularly of opposition political party members, remained problems (see section 1.e.). On July 24, the UPF arrested at least 11 members of opposition politician Asuman Basalirwa’s campaign team three days before the July 27 election. The UPF said it arrested Basalirwa’s supporters on suspicion that they were planning acts of violence. The police released the supporters on July 28 after the election without charge.

**Pretrial Detention:** Case backlogs due to an inefficient judiciary that lacks adequate funding and staff, the absence of plea-bargaining prior to 2015, insufficient use of bail, and the absence of a time limit for the detention of detainees awaiting trial contributed to frequent prolonged pretrial detentions. The UHRC reported 52 percent of the country’s 49,322 inmates were pretrial detainees. In 2017 the FHRI reported that 20 percent of prisoners had spent at least three years in pretrial detention. According to the UHRC, the average length of time pretrial detainees spent in prison was 10 months for those facing capital charges, and two months for noncapital offenses.

**Detainee’s Ability to Challenge Lawfulness of Detention before a Court:** Citizens detained without charge have the right to sue the Attorney General’s Office for compensation for unlawful detention; however, this right was rarely exercised.

**e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, but the government did not always respect this provision. Corruption, understaffing, inefficiency, and executive branch interference with judicial rulings often undermined the courts’ independence. In response to a Constitutional Court ruling that scrapped a
parliamentary and presidential term extension that parliament had earlier passed, the president on July 30 wrote that “the judges are not in charge of the country,” and that he and his party would effect the legislatives changes they wanted “judges or no judges.”

The president appoints Supreme Court, Court of Appeal, and High Court judges and members of the Judicial Service Commission (which makes recommendations on appointments to the judiciary) with the approval of parliament.

Due to vacancies on the Supreme Court, Constitutional Court, High Court, and the lower courts, the judiciary did not deliver justice in a timely manner. At times the lack of judicial quorum precluded cases from proceeding.

Judicial corruption was a problem, and local media reported numerous cases where judicial officers in lower courts solicited and accepted bribes from the parties involved. On June 26, the chief justice told local media that ministers and local politicians undermined courts by issuing counterorders to court pronouncements. On July 12, magistrate Joseph Angole wrote an open letter in the media to the chief justice noting that because of poor pay, “Judicial officers are living off litigants and in such a situation we can’t pretend that there is justice and fairness.” On September 10, the Judicial Service Commission suspended Angole to enable it to investigate him for corruption.

**Trial Procedures**

Although the law provides for a presumption of innocence, authorities did not always respect this right. Defendants have the right to be informed promptly and in detail of the charges against them and are entitled to free assistance of an interpreter. An inadequate system of judicial administration resulted in a serious backlog of cases, undermining suspects’ right to a timely trial. Defendants have the right to be present at their trial and to consult with an attorney of their choice. The law requires the government to provide an attorney for indigent defendants charged with capital offenses. Defendants have the right to adequate time and facilities to prepare a defense and appeal. The law allows defendants to confront or question witnesses testifying against them and present witnesses and evidence on their own behalf, but authorities did not always respect this right. Defendants may not be compelled to testify or confess guilt, and they have the right to appeal.

All nonmilitary trials are public. A single judge decides cases in the High Court, while a panel of at least five judges decides cases in the Constitutional and
Supreme Courts. The law allows military courts to try civilians who assist members of the military in committing offenses or are found possessing arms, ammunition, or other equipment reserved for the armed forces.

Political Prisoners and Detainees

During the year authorities detained numerous opposition politicians and activists on politically motivated grounds. Authorities released many without charge but charged others with crimes including treason, unlawful possession of firearms, inciting violence, holding illegal meetings, and abuse of office. No statistics on the number of political detainees or prisoners were available.

On August 13, the SFC arrested Robert Kyagulanyi in his hotel room in Arua town, on accusations that he illegally possessed military-grade weapons in the room. Earlier that day, Kyagulanyi had joined a section of other opposition MPs to campaign for opposition candidate Kassiano Wadri in a by-election. Kyagulanyi’s supporters clashed with supporters of rival NRM candidate Nusura Tiperu. Police fired live bullets and teargas to disperse the crowds. President Museveni, who claimed that the crowds had struck his vehicle with projectiles, directed the SFC to join the police to restore order in Arua. The SFC subsequently shot and killed Kyagulanyi’s driver in his car (see section 1.a.). That same evening the UPF also arrested opposition MPs Francis Zaake, Paul Mwiru, Gerald Karuhanga, candidate Wadri and former MP Mike Mabikke on accusation that they incited their supporters to attack the president’s motorcade. On August 16, the UPF arraigned Mwiru, Karuhanga, Mabikke, and Wadri before a magistrate’s court and charged them with treason. The court released them on bail on August 27 and the cases continued at year’s end. On August 16, the UPDF also arraigned Kyagulanyi before a military court and charged him with illegal possession of arms. On August 17, Kyagulanyi’s family and lawyers were allowed to see him and alleged he had been tortured (see section 1.c.). On August 23, the UPDF dropped the arms charges against Kyagulanyi, and the UPF then charged him with treason. On August 30, after being granted bail, Kyagulanyi attempted to depart the country to receive medical treatment. After initially preventing him to leave, the police allowed him to depart on August 31. Kyagulanyi returned to Uganda on September 20, and upon arrival was forcibly escorted by police to his home. The police prevented him from holding the meetings and displays of support that his supporters had planned. Kyagulanyi’s trial continued at year’s end.

On June 13, the UPDF arrested former IGP Kayihura, detained him at Makindye Military Barracks, and said it was questioning him on a matter it could not divulge.
Local media reported that the UPDF held Kayihura on suspicion that he spied for a foreign country and that he was involved in the 2017 killing of Assistant IGP Andrew Felix Kaweesi. Through his lawyers, Kayihura said ISO had forged evidence to link him to Kaweesi’s killing. The government permitted UHRC, a government human rights agency, to visit Kayihura. On August 24, the UPDF charged Kayihura with failure to control war materials, and aiding and abetting kidnap from Uganda. The UPDF on August 28 released Kayihura on bail and his trial continued at year’s end.

The High Court did not fix a trial date for the Rwenzururu king Charles Wesley Mumbere and his bodyguards whom the state arrested and charged with murder, terrorism, and treason in a 2016 raid on the king’s palace in Kasese. At year’s end the state continued to hold the bodyguards on remand at Luzira prison and to limit the king’s movements to the Kampala, Wakiso, and Jinja districts.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights violations through the regular court system or the UHRC, which has judicial powers under the constitution. These powers include the authority to order the release of detainees, pay compensation to victims, and pursue other legal and administrative remedies, such as mediation. Victims may appeal their cases to the Court of Appeal and thereafter to the Supreme Court but not to an international or regional court. Civil courts and the UHRC have no ability to hold perpetrators of human rights abuses criminally liable, and bureaucratic delays hampered enforcement of judgments that granted financial compensation.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, but there were reports the government failed to respect these prohibitions. Police did not always obtain search warrants to enter private homes and offices.

The Antiterrorism Act and the Regulation of Interception of Communications Act authorize government security agencies to tap private conversations to combat terrorism-related offenses. The government utilized both statutes to monitor telephone and internet communications.
The government continued to encourage university students and government officials, including members of the judiciary, to attend NRM political education and military science courses known as “chaka mchaka.”

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of speech, including for the press, but the government often restricted this right.

Freedom of Expression: The government restricted citizens’ ability to criticize its actions. It also restricted some political symbols, musical lyrics, and theatrical performances.

On September 1, local media reported that the ISO had blocked dual citizen Kato Kajubi from flying out of the country, accusing him of offensive communication after he posted videos on social media showing himself participating in a protest abroad against the government’s arrest of Kyagulanyi. The authorities released Kajubi but held him under house arrest without arraigning him in court. In late October, Kajubi was finally allowed to depart the country. His computer and phone had not been returned to him by year’s end.

The cyberharassment trial of Makerere University professor Stella Nyanzi remained pending at year’s end. On November 2, Nyanzi was arrested on new allegations of offending the president, due to social media posts made in September in which she allegedly insulted the president and his mother. On November 7, after being detained for more than 48 hours without charge, Nyanzi was charged under Section 25 of the Computer Misuse Act 2011 on offensive communication. The trial continued at year’s end.

Press and Media Freedom: The country had an active media environment with numerous privately owned newspapers and television and radio stations. These media outlets regularly covered stories and often provided commentary critical of the government and officials. The UPF’s Media Crimes Unit, however, closely monitored all radio, television, and print media, and security forces subjected numerous journalists to harassment, intimidation, and arrest. Government officials and ruling party members owned many of the private rural radio stations and imposed reporting restrictions. Media practitioners said government and security agents occasionally called editors and instructed them not to publish stories that
negatively portrayed the government. In September the Uganda Communications Commission (UCC) directed all radio and television stations to broadcast live the president’s speeches on political and security events. The president repeatedly attacked critical media in his speeches. In at least three speeches between January and June, the president referred to the privately owned *The Daily Monitor* and *Red Pepper* as enemy newspapers and warned that he “would do something” about *The Daily Monitor* if it did not desist from reporting about the country’s growing foreign debt. The government instructed telecommunication companies to pull down internet news agencies that did not register with the UCC.

**Violence and Harassment:** Security forces subjected journalists to violence, harassment, and intimidation.

Local CSO Human Rights Network for Journalists Uganda (HRNJU) reported that the government did not stop its security agencies from denying journalists access to news scenes, damaging and confiscating cameras, and unlawfully arresting journalists. The HRNJU and local media reported that the security forces harassed at least 12 journalists through July. On August 21, local television aired footage of UPDF soldiers beating Reuters journalist James Akena with sticks as he covered youths protesting Kyagulanyi’s detention, even as he knelt down and raised his hands in the air. On September 20, the police and SFC blocked journalists from accessing Entebbe International airport and sections of the Entebbe-Kampala highway, and arrested several journalists, effectively stopping the media from covering Kyagulanyi as he returned from the U.S., where he had gone for medical treatment. The minister of security told local media on September 3 that acts of security personnel beating journalists during protests were “occupational hazards” because “whenever it rains, everyone gets wet.”

**Censorship or Content Restrictions:** The government directly and indirectly restricted media coverage and content. On March 27, local media reported that the UCC had suspended the broadcast licenses of 23 radio stations, accusing them of “abetting electronic fraud” by promoting “witchcraft content.” The UCC told local media that the radio stations hosted “witchdoctors” who conned the public by promising to solve a listener’s problems if the listener sent them money. The UCC reported in August that it had withdrawn the suspension after the radio stations committed themselves to respect broadcasting regulations.

Many print and broadcast journalists practiced self-censorship, particularly when reporting on the president, his inner circle, and powerful business companies.
Libel/Slander Laws: Authorities used libel and slander laws to suppress criticism of government officials. On May 22, the UPF questioned and later released on bond four editors of online publications on criminal libel charges after they published personal bank account details of a former central bank official that the government ombudsman was investigating for corruption.

National Security: Authorities cited laws protecting national security to restrict criticism of government policies. In November 2017 the UPF closed the Red Pepper newspaper, arrested its five directors and three editors, and charged them with treason after the newspaper published a story alleging the president was working to overthrow a neighboring country’s government. The court released the eight on bail in late December 2017, but authorities did not allow the newspaper to reopen until January 24, after a January 22 presidential pardon. On March 27, the DPP dropped the treason charges against the eight.

Internet Freedom

The government restricted and disrupted access to the internet and censored online content. On July 1, the government levied a 200-shilling (five-cent) daily tax on social media that it said was to compensate for revenue losses incurred due to migration of utility preference from conventional voice calls to internet-based messaging and calls. The president, however, in a July 4 statement, said the tax on social media use was justified because social media users abused the internet by taking part in “subversion and malice.”

Academic Freedom and Cultural Events

The government restricted some artistic presentations. The government in October, November, and December blocked Kyagulanyi from holding concerts at various locations across the country. Authorities also blocked other musicians from holding concerts at the Kyagulanyi-owned One Love Beach venue. On August 2, local media reported that UPF had blocked Kyagulanyi from holding five concerts because the UPF said he would use the events to incite the public, even after the UPF had given written assurance to provide security for the events.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.
Freedom of Peaceful Assembly

While the constitution provides for freedom of assembly, the government did not respect this right. The government continued to use the Public Order Management Act to limit the right to assemble and disrupted opposition and civil society-led public meetings and rallies. The act also placed a significant bureaucratic burden on those wishing to organize or host gatherings and afforded the UPF wide discretion to prevent an event by refusing to approve it, or, more commonly, by not responding to the permission request, which then created a legal justification for disrupting almost any gathering.

According to local media, the UPF on July 11 fired teargas and live bullets to disperse a crowd of youth who were marching in Kampala to protest the government’s imposition of a 1-percent tax on all mobile money transactions. The police arrested three protesters and the state charged them in court on July 16 with holding an unlawful assembly. The court released the three on bail on July 23 and the trial continued at year’s end. On July 18, the UPF questioned MP Kyagulanyi, who had led the protest, and released him on police bond.

Freedom of Association

While the constitution and law provide for freedom of association, the government did not respect this right. The government restricted the operations of local nongovernmental organizations (NGOs), especially those that work on civil and political rights (see section 5). Government regulations enacted in 2017 require NGOs to disclose sources of funding and personal information about their employees and impose onerous registration and reporting requirements. Government regulations enable the NGO Bureau and its local level structures to deny registration to any organization focused on issues deemed to be “undesirable” or “prejudicial” to the “dignity of the people of Uganda.” The regulations also provide the NGO Bureau broad powers to inspect NGO offices and records and to suspend their activities without due process. The regulations increased registration fees for local NGOs from 20,000 shillings ($5.33) to 100,000 ($26.67), and annual permit renewal fees from 20,000 shillings ($5.33) to 60,000 shillings ($16), respectively. They also introduced new fees, including for the NGO Bureau to review permit applications (60,000 shillings, or $16) and for NGOs to file annual reports (50,000 shillings, or $13.33). On July 24, local media reported that the minister for internal affairs had instructed the bureau “to tighten accountability oversight” over NGOs to ensure they used their funds for the approved purpose. The bureau in turn vowed “to crack the whip” on NGOs deemed noncompliant.
Local media reported that the minister had voiced suspicion that NGOs used foreign funds to support dissent.

The government also restricted the operations of opposition political parties (see section 3).

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

d. Freedom of Movement

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

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern. The government continued to uphold its enabling asylum policies and practices towards refugees and asylum seekers from various countries, mainly from South Sudan, the Democratic Republic of the Congo (DRC), Burundi, and Somalia. Most refugees enjoyed unhindered access to asylum, freedom of movement, freedom of residence, right to registration and documentation, and access to justice, education, health care, and employment.

**Abuse of Migrants, Refugees, and Stateless Persons:** UNHCR and migrant-support NGOs reported they received credible reports that some military, immigration, customs, and refugee officials at several entry and registration points harassed refugees and confiscated personal items. UNHCR and NGOs also received reports that some government officials demanded bribes from refugees to process or issue paperwork, especially at Old Kampala Police Station, where urban refugees and other migrants register.

UNHCR and NGOs observed South Sudanese armed groups abduct South Sudanese men in refugee settlements, forcibly returning them home to fight in the country’s civil war. UNHCR reported the government deployed additional troops to improve its border surveillance and promised to investigate the alleged abductions.
Protection of Refugees

Refoulement: Although there were no credible reports of refoulement during the year, Rwandan and Burundian refugee groups expressed fear that authorities were either complicit in or unable to stop extrajudicial actions by neighboring governments.

Access to Asylum: The law provides for the granting of asylum or refugee status and the government has established a system for providing protection to refugees. While individuals fleeing South Sudan have prima facie refugee status (status without determination of individual refugee status), the Refugee Eligibility Committee determines whether individuals fleeing from the DRC, Somalia, and Burundi are eligible for refugee status. The committee was functional, but administrative issues and the continued influx of asylum seekers from the DRC and Burundi created a backlog of more than 50,000 cases.

The country does not have a policy of presumptive denials of asylum to applicants. Numerous sources, however, reported that the country had for several years clandestinely received migrants expelled from Israel. According to official reports, the country was unaware of Israeli government plans--later challenged and halted in Israeli courts--to remove approximately 39,000 migrants to unnamed African countries. Sources reported many Eritrean, Ethiopian, and Sudanese migrants crossed through the country. Some of these migrants eventually made their way to Libya and attempted to cross to Europe. There are no credible reports of official acquiescence or complicity in such crossings.

Durable Solutions: The government did not accept third-country refugees for resettlement, but it assisted in the safe and voluntary return of refugees to their homes and supported the resettlement of third-country refugees to other countries by providing birth certificates and travel documents. Following a 2015 constitutional court ruling that confirmed the right to naturalization for certain long-term refugees, however, the government in 2016 committed to begin processing naturalization cases for an estimated 15,000 refugees who had resided in the country for approximately 20 years. By year's end there were no known cases of a refugee having naturalized.

Section 3. Freedom to Participate in the Political Process
The law provides citizens the ability to choose their government through free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Nevertheless, the 2016 presidential and National Assembly elections and several special parliament elections during the year were marred by serious irregularities.

**Elections and Political Participation**

Recent Elections: In 2016 the country held its fifth presidential and legislative elections since President Museveni came to power in 1986. The president was re-elected with 61 percent of the vote, and Forum for Democratic Change (FDC) candidate Besigye finished second with 36 percent. The ruling NRM party captured approximately 70 percent of the seats in the 431-member unicameral National Assembly. Domestic and international election observers stated that the elections fell short of international standards for credible democratic elections. The Commonwealth Observer Mission’s report noted flawed processes, and the EU’s report noted an atmosphere of intimidation and police use of excessive force against opposition supporters, media workers, and the public. Domestic and international election observers noted biased media coverage and the EC’s lack of transparency and independence. Media reported voter bribery, multiple voting, ballot box stuffing, and the alteration of precinct and district results. Due to election disputes stemming from the elections, in August 2016 the Supreme Court recommended changes to electoral laws to increase fairness, including campaign finance reform and equal access for all candidates to state-owned media. The Supreme Court instructed the attorney general to report in two years on the government’s implementation of the reforms. As of year’s end, the attorney general had not yet issued his report.

The law allows authorities to carry out elections for the lowest-level local government officials by having voters line up behind their preferred candidate or the candidate’s representative, portrait, or symbol. On July 10, authorities held the first Local Council I (L.C.I) elections in 17 years by lining up voters behind their candidates. Civil society organizations criticized this legislation, saying it violated citizens’ constitutional right to vote by secret ballot. On July 4, the EC suspended the Citizens Coalition for Electoral Democracy in Uganda’s (CCEDU) accreditation and banned it from any election-related activity, claiming that the organization was partisan due to its opposition to the lining-up voting method for the lowest-level local government elections (see section 5). All subsequent elections during the year took place without domestic or international observers present.
During the year several special elections and local level elections were held, all of which were marred by credible reports of irregularities and voter intimidation.

In special elections in Jinja on March 15, in Bugiri Municipality on July 26 and in Arua on August 15, CCEDU and local media reported incidents of ruling political party members bribing voters. The government deployed UPDF and UPF personnel heavily during the campaigning period and on voting day for these special elections, with NGOs and press reporting that security personnel beat and intimidated opposition supporters. Local media reported that 10 days after the EC set dates for the Rukungiri Woman MP by-election, the president visited the district and made donations worth five billion shillings ($1,300,000) to youth and women’s groups, which the opposition FDC characterized as an attempt to bribe the electorate to vote in favor of the ruling-party candidate. The president denied the bribery allegations and said he was only promoting poverty-eradication projects.

On August 13, the police arrested Kassiano Wadri, an opposition candidate in the August 15 Arua Municipality by-election, and prevented him from casting his ballot in the election. The UPF and UPDF fired teargas and live bullets to disperse Wadri’s supporters on the final campaign day August 13 and killed one person (see section 1.e.).

Political Parties and Political Participation: According to the EC, there were 29 registered political parties. Security forces arbitrarily arrested and detained opposition leaders and intimidated and beat their supporters. While the ruling NRM party operated without restriction, regularly holding rallies and conducting political activities, authorities often prevented opposition parties and critical civil society organizations from organizing meetings, speaking on the radio, or conducting activities. The opposition FDC reported that, during campaigns for the May 30 Rukungiri Woman MP by-election, the government directed local radio stations to cancel purchased opposition advertisements without a refund.

Participation of Women and Minorities: No laws limit the participation of women or members of minorities in the political process.

Cultural factors limited women’s political participation. Local NGOs and the government statistics agency Uganda Bureau of Statistics reported that in rural communities husbands restricted their wives from running for public office. The
FHRI reported that women abstained from lining up behind their favored candidate to vote in the July 10 L.C.I elections because they were afraid of confrontation with family members who supported rival candidates. The president and the ruling NRM party accused opposition supporters of intimidating their female supporters from taking part in electoral activity.

**Section 4. Corruption and Lack of Transparency in Government**

The 2009 Anticorruption Act provides criminal penalties of up to 12 years’ imprisonment for official corruption. A 2015 amendment to the act mandates confiscation of the convicted persons’ property. Nevertheless, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Government up to the highest levels lacked the political will to combat corruption, and many corruption cases remained pending for years. Media reported numerous cases of government corruption during the year, including cases of public officials demanding bribes from foreign investors. There were also many reports of UPDF and UPF corruption. Magistrates and judicial officials were also arrested for soliciting bribes. On July 12, a magistrate wrote an open letter acknowledging that the majority of his colleagues lived off payments from litigants (see section 1.e.). On July 7, the president announced he had created a committee to assist the Inspector General of Government (IGG), whom he accused of incompetence, to report and investigate allegations of corruption. Local CSOs criticized this decision, calling it a duplication of duties that would not achieve much because it is the president himself who prevented the IGG from rooting out corruption by protecting corrupt senior officials from prosecution.

**Corruption:** On September 24, local media reported that the Office of the Auditor General (OAG) had in a confidential report to the speaker of parliament noted that the central bank failed to do due diligence as it disposed of a commercial bank’s assets and liabilities to a rival bank at 80-percent rates below their market value. The auditor general reported that the central bank failed to do an independent appraisal of the failed bank’s assets and liabilities but instead depended on the buyers’ valuation, creating suspicion that central bank officials colluded with the buyers to undervalue the failed bank. The OAG also reported that the central bank evaded procurement rules as it spent 479 billion shillings ($128 million) to dispose of and recapitalize the fallen bank. On October 16, local media reported that the IGG had commenced investigations into the wealth sources of at least 100 central bank officials, on suspicion that many had unexplained wealth. The IGG’s office said it was only validating the officials’ financial declaration forms. Local media reported on November 1 that parliament’s Committee on Commissions, Statutory
Authorities, and State Enterprises had started an inquiry into “irregular conduct” in the central bank and this continued at year’s end.

In response to allegations of corruption, malfeasance, and inflation of the number of refugees in the country, the Office of the Prime Minister and UNHCR led the creation of a Joint Plan of Action (JPA) for Promoting Transparency and Accountability in Uganda’s Refugee Response. The JPA process was ongoing at year’s end.

On December 5, a federal jury in New York City convicted the head of an NGO based in Hong Kong and Virginia on seven counts for his participation in a multi-year, multimillion-dollar scheme to bribe top officials of Chad and Uganda in exchange for business advantages for a Chinese oil and gas company. According to the evidence presented, Chi Ping Patrick Ho caused a $500,000 bribe to be paid via wires transmitted through New York to an account designated by Sam Kutesa, the minister of foreign affairs of Uganda, who had recently completed his term as the president of the UN General Assembly.

Financial Disclosure: The Leadership Code Act requires public officials to disclose their income, assets, and liabilities, and those of their spouses, children, and dependents, within three months of assuming office, and every two years thereafter. The requirement applies to 42 position classifications, totaling approximately 25,000 officials, including ministers, MPs, political party leaders, judicial officers, permanent secretaries, and government department heads, among others. Public officials who leave office six or more months after their most recent financial declaration are required to refile. The IGG is responsible for monitoring compliance with the declaration requirements, and penalties include a warning, demotion, and dismissal.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups operated with government restrictions. The government restricted and failed to cooperate with most domestic and international NGOs, especially those focused on governance and human rights (see section 2.b.). The president repeatedly attacked CSOs in his speeches, labeling them imperialist agents keen on destabilizing the country. Authorities denied LGBTI-related organizations official status due to discriminatory laws preventing their registration.
On July 4, the EC indefinitely suspended the civil and political rights CSO CCEDU accreditation from participating in electoral-related activities including civic education and elections observation. In a letter the EC accused CCEDU of dishonesty and partisan behavior in its criticism of the voting by lining up method in the L.C.I elections (see section 3). CCEDU said the suspension would hurt democracy but affirmed its opposition to the method of voting. It accused the EC of seeking to silence criticism in electoral management by expecting CCEDU to monitor elections but ignore electoral irregularities. The suspension continued at year’s end.

The government was often hostile to concerns of local and international human rights organizations, and government officials dismissed NGO claims of human rights abuses by security forces. CSOs expressed concern that authorities did little to investigate and prevent a continued streak of unsolved break-ins at CSO offices. The CSOs warned that the continued occurrence of break-ins without government investigations leading to arrests and prosecutions, at best signaled government complicity in the acts. Local media and CSOs reported that unidentified individuals on August 6 broke into the offices of women’s rights organization ISIS-Women’s International Cross Cultural Exchange, and stole computer hard drives. Local media also reported that on February 8, unidentified individuals broke into the offices of sexual minorities CSO Human Rights Awareness Forum, injuring two security guards with machetes. In both incidents, police reported they would investigate the crimes but did not release findings by year’s end.

The Great Lakes Institute for Strategic Studies (GLISS) reported that in January authorities had unfrozen its bank accounts and those of its staff, which the government had frozen in 2017 on suspicion that GLISS was funding opposition to the government’s attempt to amend the constitution and allow the president to seek reelection beyond 75 years of age.

**Government Human Rights Bodies:** The UHRC is the constitutionally mandated institution with quasi-judicial powers authorized to investigate allegations of human rights abuses, direct the release of detainees, and award compensation to abuse victims. The president appoints its board, consisting of a chairperson and five commissioners.

The UHRC pursues suspected human rights abusers, including in the military and police forces. It visits and inspects places of detention, and holds private conferences with detainees on their conditions in custody. It investigates reports of human rights abuses and reports to parliament its annual findings as well as makes
recommendations of measures to improve the executive’s respect of human rights. The UHRC reported that the executive did not always implement its recommendations. Some human rights activists and complainants said the UHRC lacked the courage to stand up to the executive in politically sensitive cases. Opposition politicians said the UHRC limited its actions in the face of human rights violations to public statements and lacked the will to direct the release of political prisoners whom authorities had tortured.

The Committee on Human Rights is the legislative team mandated to monitor and report on human rights concerns in all parliamentary business, monitor government’s compliance with national and international human rights instruments, study UHRC recommendations, and hold the executive accountable for the respect of human rights. Civil society activists said the committee lacked political will to challenge the executive on its human rights record. Activists said the committee did not comment on or criticize the executive when it violated its opponents’ freedoms of assembly, expression, and association because ruling party MPs chaired and dominated the committee.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape, which is punishable by life imprisonment or death. The law does not address spousal rape. The penal code defines rape as “unlawful carnal knowledge of a woman or a girl without her consent.” Men accused of raping men are tried under section 145(a) of the penal code that prohibits “carnal knowledge of any person against the order of nature.” The law also criminalizes domestic violence and provides up to two-years’ imprisonment for conviction.

Rape remained a common problem throughout the country, and the government did not effectively enforce the law. Local media reported numerous incidents of rape, often involving kidnap and killings of women, but the authorities were very often unable to investigate and hold perpetrators accountable. Local media often reported that perpetrators of rape included persons in authority, such as government ministers, MPs, judicial officers, police officers, teachers, and university staff. According to local media and local CSOs, rape victims often felt powerless to report their abusers, in part to avoid stigmatization. CSOs reported that, even when women reported cases of rape to the police, UPF officers blamed the women for causing the rape by dressing indecently, or took bribes from the
alleged perpetrators to stop the investigation and pressure the victims into withdrawing the cases. According to CSOs, UPF personnel lacked the required skills for collection, preservation, and management of forensic evidence in sexual violence cases.

On March 10, local media reported that a UPF officer at Sukari Police Booth in Mbale district lured a female detainee away from the police cells to his home on the pretext that he would arrange her release from detention, but then he raped her. A local UPF spokesperson said the force would investigate the incident, but the UPF did not release any findings by year’s end. On April 24, local media reported that a UPF officer at a police station in Abim district raped a woman in UPF detention, allegedly impregnating her. A local UPF commander promised to investigate the matter but did not release any findings from the investigation by year’s end, and the accused officer continued to work at his posting.

Gender-based violence was also common and according to local media and CSOs, the government failed to enforce the law, and some officials actively encouraged it. On March 10, MP Onesmus Twinamatsiko reportedly said, “As a man, you need to discipline your wife. You need to touch her a bit, tackle her, and beat her somehow, to streamline her. If you leave her unpunished, she may become an undisciplined wife and this practice of not beating women has actually made them stubborn.” The MP, under pressure from the NRM leadership, apologized and withdrew his comments on March 14.

Local CSOs Action Aid, MIFUMI, and the Center for Domestic Violence Prevention operated shelters in regions across the country where gender-based violence victims can receive counseling and legal advice.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C and establishes a maximum penalty of 10 years’ imprisonment for convicted perpetrators, or life imprisonment if the victim dies. According to UNICEF statistics from October 2017, 1.4 percent of women younger than age 50 had undergone FGM/C and the United Nations Population Fund (UNFPA) reported that FGM/C was prevalent only in the Karamoja and Sebei regions in the East and North East. Local CSOs reported that, although government efforts have seen a reduction in the practice of cutting girls, married women were increasingly yielding to pressure from their husbands to undergo FGM/C. Local CSO Reproductive Education and Community Health reported that in some communities, members of the husband’s family prevented uncut wives from serving food to the elders or attending traditional meetings.
Local media reported that government and religious institutions operated girls-only boarding schools to provide shelter for girls who fled their homes due to familial pressure to undergo FGM/C, or those who fled after being cut.

**Other Harmful Traditional Practices:** Media and local NGOs reported several cases of ritual child killings, violence against widows, and acid attacks. According to local media, traditional healers kidnapped and killed children to use their organs for ancestral worship. Local NGOs reported cases in which wealthy entrepreneurs and politicians paid traditional healers to sacrifice children to ensure their continued wealth and then bribed police officers to stop the investigations. On August 14, local media reported that the UPF arrested traditional healer Owen Ssebuyungo after it found an infant’s skull buried in his shrine’s compound. The state charged him with murder on August 19, and the case continued at year’s end.

**Sexual Harassment:** The law criminalizes sexual harassment and provides for penalties of up to 14 years’ imprisonment, but authorities did not effectively enforce the law. Sexual harassment was a widespread problem in homes, schools, universities, and workplaces. Local media reported numerous incidents of university staff who demanded sexual favors from students in exchange for high grades or procedural and administrative clearances. An internal investigation concluded in June into allegations of sexual harassment at the leading public institution Makerere University found that “sexual harassment was rampant” and “peaks towards graduation time when lecturers threaten to prevent female students from graduating, especially those with missing grades, unless they offer sex in exchange.” The same investigation reported that lecturers cited “indecently dressed” female students as a reason for sexual harassment at the university, before recommending that the university introduce a strict dress code. “Women loitering around with their open thighs is not okay. These are devils, little temptresses who harass innocent, defenseless lecturers,” the lecturers told the investigation. On April 29, female secretaries working in government offices, under their umbrella body the Association of Secretaries and Administrative Professionals in Uganda, complained to the minister for public service that their supervisors made sexual demands of them and threatened to fire them if they did not accept their advances. The minister encouraged the secretaries to report errant officials to the human resources for disciplinary action.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization.
Discrimination: The law provides women the same legal status and rights as men, but the government did not enforce the law effectively. Local NGOs reported numerous cases of discrimination against women, including in divorce, employment, education, and owning or managing businesses and property. Many customary laws discriminate against women in adoption, marriage, divorce, and inheritance. Under customary laws in many areas, women could not own or inherit property or retain custody of their children if they were widowed. Local NGOs reported that the government occasionally paid significantly less compensation to women than men in exchange for land it repossessed, while in some cases, it forcefully evicted women without compensation. Traditional divorce law in many areas required women to meet stricter evidentiary standards than men to prove adultery. In some ethnic groups, men could “inherit” the widows of their deceased brothers. The law does not recognize cohabiting relationships, and women involved in such relationships had no judicial recourse to protect their rights.

Children

Birth Registration: The law accords citizenship to children born in or outside the country if at least one parent or grandparent is a citizen at the time of birth. Abandoned children younger than the age of 18 with no known parents are considered citizens, as are children younger than 18 adopted by citizens.

The law requires citizens to register a birth within three months. Lack of birth registration generally did not result in denial of public services although some primary schools required birth certificates for enrollment, especially those in urban centers. Enrollment in public secondary schools, university, and tertiary institutions required birth certificates. For additional information, see Appendix C.

Education: The law provides for compulsory education through the completion of primary school at age 12, and the government provided tuition-free education to four children per family in select public primary and secondary schools (ages six to 18 years). Parents, however, were required to provide lunch and schooling materials for their children.

Child Abuse: The law prohibits numerous forms of child abuse and provides penalties of 2,400,000 shillings ($640) or five-year imprisonment or both for persons convicted of abusing children’s rights. The law defines “statutory rape” as any sexual contact outside marriage with a child younger than the age of 18, regardless of consent or age of the perpetrator, carrying a maximum penalty of death. Victims’ parents, however, often opted to settle cases out of court for a cash
or in-kind payment. The Children Amendment Act made corporal punishment in schools illegal and punishable by up to three-years’ imprisonment. The amendment also sought to protect children from hazardous employment and harmful traditional practices, including child marriage and FGM/C.

Despite the law, a pattern of child abuse existed in sexual assault, physical abuse, ritual killings, early marriage, FGM/C, child trafficking, infanticide, child labor, among other abuses. Local media reported that the vast majority of schools used beating with a cane as the preferred method of discipline, and a UNICEF report released in August stated that three in four children had experienced physical violence both at home and in school. Government statistics also showed that more than one in three girls experienced sexual violence during her childhood, and that most did not report the incidents because they feared they would get into trouble or would be shamed or embarrassed. The Ministry of Gender, Labor, and Social Development also noted that corruption in police and health response services discouraged victims from reporting.

The government continued to work with UNICEF and NGOs--including Save the Children, the Child Fund, the Kyampisi Childcare Ministries, and the African Network for the Prevention and Protection against Child Abuse and Neglect--to combat child abuse. The UPF provided free rape and statutory rape medical examination kits to hospitals and medical practitioners throughout the country to assist with investigations.

**Early and Forced Marriage:** The legal minimum age for marriage is 18, but authorities generally did not enforce this law in rural areas. Some parents commonly arranged marriages for their underage daughters. The Ministry of Gender, Labor, and Social Development reported that impoverished families who viewed their daughters as financial assets forced them into early marriage to earn dowries. UNICEF’s 2016 *State of the World’s Children* report estimated that 10 percent of girls married before age 15 and 40 percent before age 18.

**Sexual Exploitation of Children:** The law prohibits commercial sexual exploitation, the sale and procurement of sexual services, and practices related to child pornography; and set the minimum age for consensual sex at 18 years. The government did not enforce the law effectively, however, and the problem was pervasive. The Ministry of Gender, Labor, and Social Development reported that girls in impoverished families were susceptible to sexual exploitation by older men who lured them with the promise of material support.
Child Soldiers: The Lord’s Resistance Army continued to hold children against their will beyond the country’s borders.

Infanticide or Infanticide of Children with Disabilities: According to local media, some parents of children born with disabilities killed them in what the communities referred to as “mercy killings.” Local media reported that some parents who gave birth to children with partially formed limbs and deformed body structures killed them to wash their families of curses. Local police reported no knowledge of these incidents.

Displaced Children: Local media reported that poverty and famine drove families in the remote North East Karamoja region to send many children to Kampala to find work and beg on the streets. Authorities worked with CSOs to return Karamojong street children to their families, but the families soon returned the children to the streets because they partly depended on their collections to maintain their households.

Institutionalized Children: Local NGOs reported that the UPF often detained child and adult suspects in the same cells and held them beyond the legal limit of 48 hours prior to arraignment (see section 1.c). The Ministry of Gender, Labor, and Social Development and local media reported that many orphanages mistreated children under their care by denying them access to education, medication, and adequate nutrition.

The Ministry of Gender, Labor, and Social Development estimated more than 55,000 children were in approximately 1,000 orphanages, of which only 70 were approved by the ministry. More than half of all orphanages did not meet minimal standards and housed children illegally. Nearly 70 percent of orphanages maintained inadequate records.


Anti-Semitism
The Jewish community had approximately 2,000 members centered in Mbale District, in the eastern part of the country. There were no reports of anti-Semitic acts.

**Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

**Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities. The law provides for access to education, employment, health services, information, communications, buildings, transportation, and the judicial system for persons with disabilities, but the government did not effectively enforce the law.

The Equal Opportunities Commission reported that 80 percent of government agencies did not spend any funds on addressing concerns of persons with disabilities while 90 percent did not commit to any interventions targeting disabled persons in the next five years. Local CSOs reported that most buildings in the country were inaccessible to persons with disabilities because they lacked ramps, handrails, tactile markings, and elevators.

Persons with disabilities faced societal discrimination, and limited job and educational opportunities. Most schools did not accommodate persons with disabilities. The UNFPA reported that violence against persons with disabilities was common, especially in school at the hands of staff, but most cases went unreported. The UNFPA also reported that neighbors and family members who knew they were alone with persons with disabilities sometimes sexually abused them. Local media reported that some families killed children born with physical deformities (see section 6, Children) and that employers often denied jobs to persons with disabilities or paid them less than nondisabled persons for the same work.

**National/Racial/Ethnic Minorities**

There were reports that the authorities used violence to displace an ethnic community from disputed land. According to local CSOs, in mid-March the Uganda Wildlife Authority and the UPDF commenced a violent eviction of the
Acholi community living on land in Apaa village, Adjumani district, which the government said formed part of a wildlife reserve. Local media reported that UPDF officers set on fire more than 700 huts and other property, shot and killed one person (see section 1.a.), and beat residents with sticks and guns butts. Local CSOs reported that UPDF officers stole bicycles and food belonging to the Acholi residents, even as the UPDF denied any wrongdoing, saying it carried out the eviction peacefully. On July 12, local media reported that 200 evictees from Apaa had camped at a UN compound in Gulu, where they stayed for four weeks. On August 22, local media reported that the president had appointed a committee to devise a peaceful resolution to the land dispute and that he had instructed the UPDF to cease evictions. On September 3, however, local media reported that forceful evictions continued.

Indigenous People

Indigenous minorities continued to accuse the government of marginalization that disabled them from participating in decisions affecting their livelihood. The UHRC reported that government had denied recognition to the Maragoli community in western Uganda. Such nonrecognition excluded its members from access to social services and political participation. Local CSOs reported that since government displaced the Batwa and Benet communities in 1992, it had not relocated them, forcing them to live in makeshift communities that lacked adequate sanitation facilities.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Consensual same-sex sexual conduct is illegal according to a colonial-era law that criminalized “carnal knowledge of any person against the order of nature” and provided for a penalty of up to life imprisonment. Although the law did not restrict freedoms of expression or peaceful assembly for those speaking out about the human rights of LGBTI persons, the government severely restricted such rights. The law does not prohibit discrimination against LGBTI persons in housing, employment, nationality laws, or access to government services.

LGBTI persons faced discrimination, legal restrictions, societal harassment, violence, and intimidation. Authorities perpetrated violence against LGBTI individuals and blocked some meetings organized by LGBTI persons and activists. Local CSOs reported that public and private health-care services turned away LGBTI persons who sought medication and some led community members to beat
LGBTI persons who sought health care. Local CSOs reported that some LGBTI persons needed to pay bribes to public health-care providers before they received treatment. According to local media, during the year authorities canceled a conference organized by local LGBTI activists to advocate for equal access to health-care services for LGBTI persons living with HIV. Local CSOs also reported that realtors denied housing to and evicted LGBTI persons and LGBTI organizations.

**HIV and AIDS Social Stigma**

Although the law prohibits discrimination against persons with HIV/AIDS, discrimination and stigma were common and inhibited these persons from obtaining treatment and support. Local media reported numerous incidents of parents who abandoned children living with HIV; and of persons, particularly men, who abandoned spouses who were living with HIV. Police and the UPDF regularly refused to recruit persons who tested positive for HIV, claiming their bodies would be too weak for the rigorous training and subsequent deployment.

In cooperation with the government, international and local NGOs sponsored public awareness campaigns to eliminate the stigma of HIV/AIDS. Government and HIV/AIDS counselors encouraged the population to test for and share information about HIV/AIDS with their partners and family. Persons with HIV/AIDS formed support groups to promote awareness in their communities.

**Other Societal Violence or Discrimination**

Mob violence remained a problem. Communities often resorted to mob violence due to a lack of confidence in the UPF and judiciary to deliver justice. They attacked and killed persons suspected of robbery, murder, rape, theft, ritual sacrifice, and witchcraft, among other crimes. Mobs often beat, lynched, burned, and otherwise brutalized their victims. Local media reported on April 6 that police in Mukono district had arrested an L.C.I chairperson for inciting a mob to stone to death a man suspected of stealing. Police said they were investigating the chairperson’s involvement in the crime but did not charge him by year’s end.

**Section 7. Worker Rights**

**a. Freedom of Association and the Right to Collective Bargaining**
The law provides for workers, except members of the armed forces, to form and join independent unions, bargain collectively, and conduct legal strikes. The Ministry of Labor must register unions before they may engage in collective bargaining.

The law allows unions to conduct activities without interference, prohibits antiunion discrimination by employers, and provides for reinstatement of workers dismissed for union activity. The law also empowers the minister of gender, labor, and social development and labor officers to refer disputes to the Industrial Court if initial mediation and arbitration attempts fail.

The government did not effectively enforce applicable labor laws. Civil society organizations said the Ministry of Gender, Labor, and Social Development did not allocate sufficient funds to hire, train, and equip labor inspectors to enforce labor laws effectively. Employers who violate a worker’s right to form and join a trade union or bargain collectively may face up to four years’ imprisonment and a fine of 1.9 million shillings ($507). Penalties were generally insufficient to deter violations.

The government generally did not protect the constitutionally guaranteed rights to freedom of association and collective bargaining. Antiunion discrimination occurred, and labor activists accused several private companies of deterring employees from joining unions. The National Organization of Trade Unions (NOTU) reported that the UPF occasionally deployed its personnel at factories to block unions from meeting workers and to disperse workers attempting to protest working conditions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, but does not prohibit prison labor. The law states that prison labor would be considered forced labor only if a worker is “hired out to, or placed at the disposal of, a private individual, company, or association.” Those convicted of using forced labor may be fined up to 960,000 shillings ($256), sentenced to two years’ imprisonment, or both, and be required to pay a fine of 80,000 shillings ($21) “for each day the compulsory labor continued.” According to local NGOs, the government did not effectively enforce the law, rendering penalties ineffective to deter violations.

CSO Platform for Labor Action (PLA) and local media reported that many citizens working overseas, particularly in the Arab Persian Gulf States, became victims of
forced labor. PLA said traffickers and legitimate recruitment companies continued to send mainly female jobseekers to Gulf countries where many employers treated workers as indentured servants, including withholding pay and leave, and subjecting them to other harsh conditions.

Also see the Department of State’s Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor but allows children as young as 12 years of age to do some types of work. The law places limitations on working hours and provides for occupational safety and health restrictions for children. The de facto compulsory education age is 13, which leaves children vulnerable to engaging in child labor. CSOs and labor unions reported that authorities did not effectively enforce the law and that penalties were insufficient to deter violations.

Child labor was common, especially in the informal sector. Local CSOs and the UHRC reported that children worked in fishing, gold and sand mining, cattle herding, truck loading, street vending, begging, scrap collecting, street hawking, stone quarrying, brick making, road construction and repair, car washing, domestic services, service work (restaurants, bars, shops), cross-border smuggling, and commercial farming (including the production of tea, coffee, sugarcane, vanilla, tobacco, rice, cotton, charcoal, and palm oil). Local CSOs and media reported that poverty led children to drop out of school to work on commercial farms while some parents took their children along to work in artisanal mines to supplement family incomes. According to government statistics, children from nearly half of all families living on less than $1 a day dropped out of school to work. Local CSOs reported that orphaned children sought work due to the absence of parental authority. Local CSOs and local media also reported commercial sexual exploitation of children (see section 6).

Local NGOs reported that children who worked as artisanal gold miners were exposed to mercury, and many were unaware of the medium- to long-term effects of the exposure. They felt compelled to continue working due to poverty and a lack of employment alternatives. Children also suffered injuries in poorly dug mine shafts that often collapsed.

Also see the Department of Labor’s Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/reports/child-labor/findings/.
d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in respect of employment and occupation; however, the government did not effectively enforce the law, and penalties were insufficient to deter violations. Although the law prohibits discrimination based on race, sex, religion, political opinion, national origin or citizenship, social origin, refugee or stateless status, disability, age, language, and HIV or communicable disease status, it did not prohibit discrimination on the basis of sexual orientations or gender identity and LGBTI persons faced social and legal discrimination.

e. Acceptable Conditions of Work

The law provides for a national minimum wage, which, at 6,000 shillings ($1.60) per month, is lower than the government’s official poverty income level ($0.90 per day) and has not changed since 1984. According to CSOs and trade unions, government did not enforce wage laws effectively and as a result, penalties were insufficient to deter violations.

The maximum legal workweek is 48 hours, and the maximum workday is 10 hours. The law provides that the workweek may be extended to 56 hours per week, including overtime, with the employee’s consent. An employee may work more than 10 hours in a single day if the average number of hours over a period of three weeks does not exceed 10 hours per day, or 56 hours per week. For employees who work beyond 48 hours in a single week, the law requires employers to pay a minimum of 1.5 times the employee’s normal hourly rate for the overtime hours, and twice the employee’s normal hourly rate for work on public holidays. For every four months of continuous employment, an employee is entitled to seven days of paid annual leave. Nonetheless, local CSOs reported that most domestic employees worked all year round without leave.

The law establishes occupational safety and health standards and regulations for all workers, but according to local CSOs, the Ministry of Labor’s Department of Occupational Safety and Health did not fully enforce them. The law authorizes labor inspectors to access and examine any workplace, issue fines, and mediate some labor disputes. While the law allows workers to remove themselves from situations that endanger their health or safety without jeopardizing their employment, legal protection for such workers was ineffective.
Authorities did not effectively enforce labor laws, due to insufficient resources for monitoring. Local NGOs reported that the government employed only 48 labor officers across 117 districts. The labor officers often depended on complainants and local CSOs to travel to inspection sites. PLA reported that many of the 48 labor officers were in fact designated as social workers and only did labor-related work when a complainant reported an abuse.

According to PLA and NOTU, most workers were unaware of their employers’ responsibility to ensure a safe working environment, and many did not challenge unsafe working conditions, as they feared losing their job.

Labor officials reported that labor laws did not protect workers in the informal economy, including many domestic and agricultural workers. According to government statistics, the informal sector employed up to 86 percent of the labor force. The formal pension systems covered less than 10 percent of the working population.

PLA reported that violations of standard wages, overtime pay, or safety and health standards were common in the manufacturing sector.
TAB 5
EXECUTIVE SUMMARY

Uganda is a constitutional republic led since 1986 by President Yoweri Museveni of the National Resistance Movement (NRM) party. In February 2016 voters re-elected Museveni to a fifth five-year term and returned an NRM majority to the unicameral parliament. The elections fell short of international standards and were marred by allegations of disenfranchisement and voter intimidation, harassment of the opposition, closure of social media websites, and lack of transparency and independence in the Electoral Commission. The periods before, during, and after the elections were marked by a closing of political space, intimidation of journalists, and widespread use of torture by the security agencies.

Civilian authorities maintained effective control over the security forces.

On December 20, Parliament passed a bill removing presidential age limits from the constitution, and on December 27, President Museveni signed the bill, thereby paving the way for him to run for another term. During the period before passage of the bill, the government limited freedoms of speech and assembly.

The most significant human rights issues included unlawful killings and torture by security forces; harsh prison conditions; arbitrary detention; restrictions on freedoms of press, expression, assembly, and political participation; official corruption; and criminalization of same-sex consensual sexual conduct, including security force harassment and detention of lesbian, gay, bisexual, transgender, and intersex persons.

The government was reluctant to investigate, prosecute, or punish officials who committed human rights violations, whether in the security services or elsewhere in government, and impunity was a problem.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports the government or its agents committed arbitrary or unlawful killings, including due to torture.
On June 23, media reported that, Uganda Peoples Defense Forces (UPDF) and Uganda Police Force (UPF) personnel allegedly shot and killed Erasmus Irumba, a coordinator at local human rights nongovernmental organization (NGO) The Twerwaneho Listener’s Club, and his friend Vide Kanyoro. According to NGO, Irumba had been investigating two high-profile corruption cases involving security officials. According to local media, a police spokesperson claimed the men were suspected arms traders and said that elements of the security forces killed them. The UPF later announced it had arrested Third Mountain Battalion Commander Richard Muhangi, Ntoroko District Police Commander Gerald Atuhairwe, and District Internal Security Officer Elidard Babishanga on charges of murder and robbery and remanded them to Kitojjo Prison, where they awaited trial at year’s end.

According to the local NGO Foundation for Human Rights Initiative (FHRI), the UPF tortured to death a suspect arrested for alleged involvement in the March 17 killing of Assistant Inspector General of Police Andrew Felix Kaweesi. FHRI reported that in the course of investigating Kaweesi’s killing, police arrested and tortured at least 13 suspects, including tying polythene bags over two suspects’ heads while transferring them between detention facilities, asphyxiating one suspect to death.

The Uganda Human Rights Commission (UHRC) had yet to release the findings of its investigation into the security service’s November 2016 raid on Rwenzururu King Charles Wesley Mumbere’s palace, during which, according to local and international media and human rights organizations, UPDF and UPF personnel killed between 60 and 250 persons, including a number of unarmed civilians. Human Rights Watch’s (HRW) March 13 report noted that, as of year’s end, 15 children ages three to 14 years who were last seen in the palace compound the day of the raid remained missing. On March 15, UPDF spokesperson Richard Karemire told a local television station that under the law, the military could not investigate the raid while the court case against Mumbere and some of his guards was pending.

On February 6, the Jinja Magistrate’s Court released Mumbere on bail and confined his movements to Kampala, Wakiso, and Jinja Districts, hence forbidding him from travelling to his kingdom in Western Uganda. Trials of the king and his guards continued at year’s end.

b. Disappearance
There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices. The 2012 Anti-Torture Act stipulates that any person convicted of an act of torture may be sentenced to 15 years’ imprisonment, a fine of 7.2 million shillings ($2,000), or both. The penalty for conviction of aggravated torture is life imprisonment. Nevertheless, there were credible reports security forces tortured and physically abused suspects.

From January through May, of the 289 detainees the African Center for Treatment and Rehabilitation of Torture Victims (ACTV) interviewed, 255 said that UPF or UPDF personnel had tortured them. ACTV provided legal advice to 64 torture victims.

Media reported multiple cases of the UPF torturing detainees suspected of involvement in the Kaweesi killing. On May 12, ACTV reported that UPF and UPDF personnel tortured 13 detainees suspected of involvement in his death. Reportedly, the suspect’s lawyer said police had tortured his clients by flogging them while they hung upside down, inserting red peppers in their noses and mouths, cutting them with knives, burning them with clothes irons, giving them electric shocks, and submerging them in water, among other methods. On October 12, a court awarded 22 individuals, whom police had arrested for alleged involvement in the Kaweesi killing, with 80 million shillings ($22,200) each, as compensation for being tortured by UPF and UPDF personnel.

Of the 22 individuals arrested in May, on November 7, the court granted seven of them bail. Immediately after their release, plain-clothed armed men violently apprehended four of the men in front of the courthouse. Several hours later the UPDF took responsibility for the arrests and stated that the men were suspected of belonging to the Allied Defense Forces, a Democratic Republic of the Congo (DRC)-based militia group, unrelated to Kaweesi’s death. On November 9, local media reported that the UPDF and UPF denied holding the four men and accused each other of doing so.

On May 11, local media reported UPF personnel also arrested and allegedly tortured Kamwenge Town Mayor Geoffrey Byamukama for suspected involvement in Kaweesi’s death. Local media broadcast images of deep wounds on Byamukama’s knees and ankles and reported on May 30 that according to state
prosecutors, UPF officers had beaten him with metal bars. On May 11, UPF spokesperson Asan Kasingye denied that UPF officers tortured Byamukama, claiming that he was injured during a struggle with the arresting officers. After public criticism and calls for accountability, however, local media reported on May 20 that the UPF arrested four police officers, Habib Roma, Ben Odeke, Fred Tumuhairwe, and Patrick Muramira, on charges of torturing Byamukama. The court arraigned them on May 26 and released them on bail on May 30. The case continued at year’s end. Byamukama remained in police custody at the Flying Squad Unit’s (FSU) headquarters, the site of many previous allegations of police torture, until his September 9 release on police bond, without having been charged with any crime.

On May 11, local media reported that UPF officers arrested Ministry of East African Community Affairs’ Principal Assistant Secretary James Okuja on allegations of torture. The UPF said Okuja instructed security guards at his hotel to detain two individuals, including a UPDF soldier whom Okuja accused of trespassing and damaging hotel toilets, and then burn him with a hot metal object. On May 16, the state charged Okuja with torture. The case continued at year’s end.

There were no known updates on the trial of police officers Patrick Katete and Charles Okure concerning the 2016 torture and murder of Twaha Kasaija at Walukuba Police Station. ACTV reported in 2016 that, after police arrested Kasaija on suspicion of theft, unidentified individuals beat him to death while he was in police custody.

The UHRC reported that during 2016, it awarded one billion shillings ($275,000) in compensation to victims of torture.

On May 15, HRW reported that since 2015 UPDF soldiers (deployed as part of an African Union effort to eliminate the Lord’s Resistance Army, a nonstate armed group) had sexually abused and exploited at least 13 women and girls in the Central African Republic. HRW reported that a UPDF soldier raped a 15-year-old girl in Obo village, while other soldiers offered food and money to girls and women in exchange for sex. According to HRW, in 2016 the UPDF investigated certain rape allegations against its soldiers and “found no evidence of wrongdoing.” According to HRW, three of the victims said that UPDF soldiers threatened reprisals if they told Ugandan and UN investigators about the abuse.

Prison and Detention Center Conditions

Country Reports on Human Rights Practices for 2017
United States Department of State • Bureau of Democracy, Human Rights and Labor
Conditions in detention centers remained poor and, in some cases, life threatening. Serious problems included overcrowding, physical abuse of detainees by security staff and fellow inmates, inadequate food, and understaffing. Local human rights groups, including the ACTV, received reports of torture by security forces and prison personnel. Reports of forced labor continued. Most prisons did not have accommodations for persons with disabilities.

Physical Conditions: Gross overcrowding remained a problem. On June 19, Inspector General of Prisons Johnson Byabashaija told local media that the Uganda Prisons Service (UPS) held 55,784 inmates, yet its capacity was 22,000. Luzira Maximum Security Prison, the country’s largest, housed 8,500 inmates, yet its capacity was 3,000. At the three Kampala police stations FHRI visited through May, it found food shortages, overcrowding, and unsanitary living conditions. FHRI reported that at Katwe and Kabalagala police stations, detainees had to remain in a sitting position on the floor at night, because there was insufficient room for them to lie down. FHRI also reported that at the police stations it visited, the UPF fed detainees once daily and prisoners had to rely on family members to bring food for basic nutrition. FHRI also observed that detainees at Katwe, Wandegeya, and Kabalagala police stations did not have access to toilet paper or soap and had to secure these items personally through police officers. On September 12, Byabashaija told local media that the UPS required an additional 1,500 medical personnel to provide adequate medical services to its inmates.

In its 2016 annual report, the UHRC reported it inspected 164 of the country’s 253 prisons and 292 of 296 police stations. The UHRC reported that at 52 of the country’s 70 prison farms--correctional facilities designed to rehabilitate prisoners through agricultural production training--it visited, prisoners had to use water or leaves to clean themselves, as the UPS did not provide inmates with toilet paper. The UHRC also found that the UPS did not provide adequate soap at 78 percent of the prisons it visited. At one prison farm, the UHRC found that the UPS provided one bar of soap for more than 40 inmates to use for three months.

On May 23, the UHRC told the media that the UPF separated a lactating mother detainee at the FSU headquarters from her seven-month-old child and prevented her from breastfeeding for an unspecified period. The UPF denied the accusation. On June 6, the UPS told local media that 284 babies lived in the prisons with their mothers. The UHRC reported the women’s sections at Luzira and Mbarara prisons had day-care centers. A local newspaper reported, however, it did not find any day-care facilities at the seven prisons it visited. Authorities in Kampala separated
pretrial detainees from convicted prisoners, but prison authorities in other parts of the country did not.

The UPS reported 67 inmate deaths in 2016. Causes of death included malaria, cardiac arrest, anemia, pneumonia, and tuberculosis. Media also reported deaths by suicide and police abuse.

FHRI reported that UPF officers at the Kisugu Police Post beat some detainees at night. It also reported that the UPF did not intervene to break up fights between detainees at Katwe Police Station.

Local media reported that at some prisons, inmates walked up to 15 miles to appear at their court hearings. The UPS told local media that inmates had to walk to court because it had insufficient vehicles to transport them and that some UPS staff transported inmates to court in their personal vehicles.

Administration: Although the UPF said its Police Standards Unit duly investigated accusations of improper conduct, its officers mistreated inmates, and the UPF frequently failed to investigate the accusations properly (see section 1.a.). Local television stations and newspapers published images of some of the Kaweesi murder suspects bearing deep wounds at their first court hearing on May 6, which the suspects said resulted from police torture. With no known investigation or evidence, the UPF told local media that the suspects bore those injuries before police arrested them.

Local media and NGOs reported the UPF occasionally prohibited visitors from accessing detainees. On May 15, local media reported that UPF personnel at the FSU headquarters had blocked Byamukama’s family from visiting him since his arrest in late March and also prevented the families of 13 suspects in the Kaweesi case from seeing their incarcerated relatives. On August 18, however, media reported that the UPF had since allowed Byamukama’s wife to visit him.

Independent Monitoring: Although local NGOs such as FHRI and ACTV visited some detention facilities, ACTV reported the UPF and the UPS denied it permission to visit FSU headquarters and Luzira Prisons, where authorities detained individuals suspected of links to Kaweesi’s killing. The International Committee of the Red Cross declined to comment on whether it conducted prison visits during the year.
Improvements: On June 19, the UPS told local media that it had transferred 100 inmates from Luzira Maximum Security prison and distributed them among Jinja, Nakasongola, Kitalya, and Kigo prisons to reduce congestion. The UHRC reported newly constructed and renovated cells, wards, stores, and offices at 12 percent of prisons. It also reported the UPS had phased out the use of buckets for collecting human waste at 38 percent of prisons and 15 percent of police stations.

d. Arbitrary Arrest or Detention

Although the law prohibits such practices, security forces often arbitrarily arrested and detained persons, including opposition leaders, politicians, activists, demonstrators, and journalists. The law provides for the right of persons to challenge the lawfulness of their arrest or detention in court, but this mechanism was seldom employed and rarely successful.

Role of the Police and Security Apparatus

Under the Ministry of Internal Affairs, the UPF has primary responsibility for law enforcement. The UPDF, under the Ministry of Defense, is responsible for external security and may aid civil authorities when responding to riots or other disturbances of the peace. The Chieftaincy of Military Intelligence is legally under UPDF authority and may detain civilians suspected of rebel or terrorist activity. Other agencies with law enforcement powers include the Directorate of Counter Terrorism, Joint Intelligence Committee, and Special Forces Brigade.

The security services continued to use excessive force, including torture, often failed to prevent societal violence, and at times targeted civilians. Local media reported on June 26 that the UPF fired on teenage students of Kacheera High School in Rakai District to disperse a protest, injuring three of them with gunshot wounds. Media reported the UPF shot students Hassan Magara in the groin and Jackie Ahimbisibwe and Boaz Serwanja in the thighs. The UPF said it arrested the officers involved and intended to charge them with “unnatural wounding.” The case was underway at year’s end.

On February 1, a police disciplinary court convicted nine UPF officers of unlawful or unnecessary exercise of authority, and with-discreditable or irregular conduct, related to the 2016 public beatings of unarmed supporters of opposition leader Kizza Besigye in Kampala. The court demoted three senior officers and reprimanded the six others, fining each of the nine officers one-third of their
monthly salary. A case against the inspector general of police (IGP) for his supervisory role during the beatings remained pending at year’s end.

Civilian authorities maintained effective control over the UPDF and UPF. Due to corruption, political interests, and weak rule of law, however, the government’s mechanisms to investigate and punish abuse were ineffective, and impunity was pervasive (see sections 1.a. and 1.c.). Despite the domestic and international controversy surrounding the UPDF’s 2016 raid on a traditional king’s palace in the western region, on January 10, the president promoted the raid commander, Brigadier General Peter Elwelu, to major general and appointed him commander of land forces.

As of year’s end, former Kampala central police station commander Aaron Baguma’s trial for his alleged role in a 2015 murder had yet to begin. The judiciary transferred the assigned trial judge in November 2016 but had yet to reassign the case. Baguma turned himself in to authorities in August 2016 after media reports incited a public outcry for justice and accountability. The court released Baguma on bail nine days after his arraignment, and he remained free while awaiting trial.

The UHRC reported it trained 221 UPDF soldiers on respecting human rights and freedoms in the performance of their duties.

**Arrest Procedures and Treatment of Detainees**

The law requires that judges or prosecutors issue a warrant before an arrest is made, unless the arrest is made during commission of a crime or while in pursuit of a perpetrator. Nevertheless, authorities often arrested suspects without warrants. The law requires authorities to arraign suspects within 48 hours of arrest, but they frequently held suspects longer without charge. Authorities must try suspects arrested under the Antiterrorism Law within 120 days (360 days if charged with a capital offense) or release them on bail; if prosecution presents the case to the court before the expiration of this period, there is no limit on further pretrial detention. While the law requires authorities to inform detainees immediately of the reasons for detention, at times they did not do so. The law provides for bail at the judge’s discretion, but many suspects were unaware of the law or lacked the financial means to cover the bond. Judges generally granted requests for bail. The law provides detainees the right to legal representation and access to a lawyer, but authorities did not always respect this right. The law requires the government to provide an attorney for indigent defendants charged with capital offenses. Citizens
detained without charge have the right to sue the Attorney General’s Office for compensation for unlawful detention; however, this right was rarely exercised. Security forces often held opposition political members and other suspects incommunicado and under house arrest.

**Arbitrary Arrest:** Arbitrary arrests and unlawful detention, particularly of opposition political party members, remained problems. On September 12, the government initiated a process aimed at rescinding Article 102 (b) of the constitution, which prohibits anyone younger than 35 years and older than 75 years from running for president. Opponents of the amendment feared it would enable the president to remain in power indefinitely. Police regularly detained activists protesting the initiative and broke up public meetings and rallies perceived as opposing the amendment. In Rukungiri District, while dispersing an October 19 protest against the initiative, police arrested Besigye and detained him for six days without an arraignment. At his October 25 arraignment, the state charged Besigye with inciting violence, malicious damage to property, and disobeying a statutory authority, and released him on bail. Immediately after his release, however, police rearrested Besigye and detained him at Kampala Central Police Station, 230 miles away, before taking him home later the same day.

Besigye’s trial for treason, related to his taking a mock presidential oath in May 2016, continued at year’s end. Police had not concluded their investigation by year’s end, and Besigye remained free on bail.

According to local media, the UPF detained without charge at least 13 children ages two to 15 years old for 51 days. According to police, the parents of the children were suspects in the killing of Assistant Inspector General Kaweesi. The UPF initially denied holding the children after their mothers made a public outcry for help via local media on May 7. The UPF then told the media on May 8 that it had been holding the children to protect them from their parents, who police claimed intended to traffic them. Local human rights NGOs asserted the police took the children to pressure the parents to confess to the crime or provide information. On May 11, police released the children.

**Pretrial Detention:** Case backlogs due to an inefficient judiciary that lacked adequate funding and staff, the absence of plea bargaining prior to 2015, insufficient use of bail, and the absence of a time limit for the detention of detainees awaiting trial contributed to frequent prolonged pretrial detentions. FHRI and the UPS reported 52 percent of the country’s 55,784 inmates were pretrial detainees. FHRI also reported 20 percent of prisoners had spent at least
three years in pretrial detention. After a successful pilot program in 2014, the judiciary introduced a plea-bargaining mechanism to the High Court in 2015. The UPS reported that between June 2016 and June 2017, the judiciary reached plea bargains with 1,245 defendants. The judiciary’s March-June report stated that the High Court concluded 2,010 capital cases through plea bargaining in 2016, at a third of the cost it would ordinarily take to do so.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the government did not always respect this provision. Corruption, understaffing, inefficiency, and executive branch interference with judicial rulings often undermined the courts’ independence.

The president appoints Supreme Court, Court of Appeal, and High Court judges and members of the Judicial Service Commission (which makes recommendations on appointments to the judiciary) with the approval of parliament.

Due to vacancies on the Supreme Court, Constitutional Court, High Court, and the lower courts, the judiciary did not deliver justice in a timely manner. At times the lack of judicial quorum precluded cases from proceeding.

Judicial corruption was a problem, and local media reported numerous cases where judicial officers in lower courts solicited and accepted bribes from the parties involved. On March 31, the chief justice accused the inspector general of government (IGG) of enabling corruption in the judiciary by refusing to prosecute a number of judicial officers caught accepting bribes. The IGG asserted that her office did not have the resources to prosecute low-level officers for accepting relatively small bribes and advised the judiciary to punish such officials with administrative measures.

Trial Procedures

Although the law provides for a presumption of innocence, authorities did not always respect this right. Defendants have the right to be informed promptly and in detail of the charges against them and are entitled to free assistance of an interpreter. An inadequate system of judicial administration resulted in a serious backlog of cases, undermining suspects’ right to a timely trial. Defendants have the right to be present at their trial and to consult with an attorney of their choice. The law requires the government to provide an attorney for indigent defendants.
charged with capital offenses. Defendants have the right to adequate time and facilities to prepare a defense and appeal. The law allows defendants to confront or question witnesses testifying against them and present witnesses and evidence on their own behalf, but authorities did not always respect this right. Defendants may not be compelled to testify or confess guilt, and they have the right to appeal.

All nonmilitary trials are public. A single judge decides cases in the High Court, while a panel of at least five judges decides cases in the Constitutional and Supreme Courts. The law allows military courts to try civilians that assist members of the military in committing offenses or are found possessing arms, ammunition, or other equipment reserved for the armed forces.

Political Prisoners and Detainees

During the year authorities detained numerous opposition politicians and activists on politically motivated grounds. Authorities released many without charge but charged others with crimes including cyber harassment, inciting violence, holding illegal meetings, and abuse of office. No statistics on the number of political detainees or prisoners were available.

On April 7, the UPF arrested Makerere University lecturer Stella Nyanzi on a charge of cyber harassment for calling the president “a pair of buttocks” in a Facebook post (see section 2.a.). On April 10, the court remanded her to Luzira Prison, where she remained until the court released her on bail on May 10. Nyanzi’s lawyers said the UPS attempted to conduct a medical examination on Nyanzi by force, but she resisted. The UPS stated it was a routine medical examination conducted on all inmates. The state claimed that Nyanzi was mentally ill and requested the court order her to submit to a mental examination. Nyanzi petitioned the Constitutional Court to block the examination, and the case remained pending at year’s end.

On multiple occasions the UPS delayed or blocked visitors from seeing Nyanzi. On April 19, UPS personnel blocked Nyanzi’s children and lawyers from accessing her for four hours, saying the visitors did not have clearance, but later allowed them to see her. On April 22, UPS personnel blocked opposition leader Besigye from visiting Nyanzi, asserting that it was not a visitation day, but allowed him to visit other inmates that day in the same prison. Nyanzi’s family said that to stop Nyanzi from teaching and reading to other inmates, the UPS confiscated her books and writings and instructed other inmates not to speak with her and to avoid her.
There was no available information on whether the government permitted international human rights or humanitarian organizations access to political detainees.

On July 13, the Constitutional Court issued an order to halt opposition politician Michael Kabaziguruka’s military court trial until the court ruled on his application contesting the constitutionality of trying a civilian in a military court. In 2016 the state charged Kabaziguruka with treason in a military court alongside 26 others, allegedly for plotting a violent government takeover.

**Civil Judicial Procedures and Remedies**

There is an independent and impartial judiciary in civil matters. Victims may report cases of human rights violations through the regular court system or the UHRC, which has judicial powers under the constitution. These powers include the authority to order the release of detainees, pay compensation to victims, and pursue other legal and administrative remedies, such as mediation. Victims may appeal their cases to the Court of Appeal and thereafter to the Supreme Court but not to an international or regional court. Civil courts and the UHRC have no ability to hold perpetrators of human rights abuses criminally liable, and bureaucratic delays hampered enforcement of judgments that granted financial compensation.

**f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, but there were reports the government failed to respect these prohibitions. Police did not always obtain search warrants to enter private homes and offices.

The Antiterrorism Act and the Regulation of Interception of Communications Act authorize government security agencies to tap private conversations to combat terrorism-related offenses. The government utilized both statutes to monitor telephone and internet communications.

The government continued to encourage university students and government officials, including members of the judiciary, to attend NRM political education and military science courses known as “chaka mchaka.”
Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of speech, including for the press, but the government often restricted this right.

Freedom of Expression: The government restricted the ability of some individuals to criticize it or to discuss matters of general public interest. It restricted some political buttons and symbols, music lyrics, and theatrical performances.

Local media reported that in response to public opposition to the government’s efforts to rescind Article 102 (b) of the constitution, the Uganda Communications Commission (UCC) issued several veiled warnings aimed at intimidating the public and media organizations from using social media to oppose the change. The UCC’s September 14 statement said, “Social and electronic communication platform users, account managers, and administrators should refrain themselves and group members against authoring, posting, receiving and sharing or forwarding any forms of electronic communications containing and or referring to illegal and/or offensive content to avoid the risk of being investigated and/or prosecuted.”

On October 7, the UPF banned football fans from wearing red ribbons, which had become a symbol for opposition to the government’s plan to rescind Article 102 (b) of the constitution. On October 17, the UPF banned member of parliament (MP) and musician Robert Kyagulanyi from performing concerts pending the police’s investigation into allegations that Kyagulanyi used “words that incite the public” at an October 15 concert. On October 18, a UPF official warned musicians not to politicize their art, saying, “Music is not supposed to be partisan.” On October 19, Kyagulanyi sued the government for 300 million shillings ($82,500) in damages for infringing on his right to employment, freedom of speech, expression, association, and conscience. The case was pending at year’s end.

On April 7, plain-clothed UPF officers arrested Makerere University professor Stella Nyanzi on charges of cyber harassment related to a series of Facebook (FB) posts in which she criticized the government’s failure to fulfill the president’s 2016 campaign pledge to provide sanitary pads for school girls and called the president “a pair of buttocks” (see section 1.e.). According to local media, the UPF interrogated Nyanzi about her posts for six hours on March 7 and told her she had offended the president. On March 18, airport immigration officers prevented
Nyanzi from traveling to the Netherlands for an academic conference. Further, the state-controlled Makerere University suspended Nyanzi on March 31 for “continually insulting the first lady.” On April 10, the state charged Nyanzi with cyber harassment and offensive communication. A court released Nyanzi on bail on May 10, and the case continued at year’s end.

Press and Media Freedom: The country had an active media environment with numerous privately owned newspapers and television and radio stations. These media outlets regularly covered stories and often provided commentary critical of the government and officials. The UPF’s Media Crimes Unit, however, closely monitored all radio, television, and print media, and security forces subjected numerous journalists to harassment, intimidation, and arrest. Government officials and ruling party members owned many of the private rural radio stations and imposed reporting restrictions. Media practitioners said government and security agents occasionally called editors and instructed them not to publish stories that negatively portrayed the government. On September 14, local media reported that the president had warned FM radio stations that his government would not tolerate any that hosted opposition politicians who campaigned against government legislation.

Violence and Harassment: Security forces often harassed journalists. According to local media, on April 7, unidentified individuals kidnapped a local television journalist and held her for eight hours for posting messages on FB that supported Nyanzi’s criticism of the government’s failure to fulfill the president’s campaign promise to distribute sanitary pads to poor girls. The kidnappers interrogated her about her connections with Nyanzi, beat her, cut off her hair, threatened to kill her and her family, and forced her to delete the FB posts. By year’s end there was no known update on the investigation into the reporter’s kidnapping.

On April 1, unidentified individuals broke into the office of local newspaper The Observer, taking at least 20 computers, the computer server, one camera, and a television, as well as the security camera footage covering the burglary. This marked the second time in six months that unidentified individuals had broken into The Observer’s offices (the first break-in occurred in October 2016). The Human Rights Network for Journalists (HRNJ), whose premises were also broken into in 2013 and 2015, criticized police for not taking these break-ins seriously; the HRNJ stated that as of September 19, the police investigation had not made progress on any of the break-ins. On September 19, The Observer stated that police had asked for money to facilitate the investigation and added there had been no updates from
the police. According to *The Observer* and the HRNJ, investigations remained pending as of year’s end.

**Censorship or Content Restrictions:** The government directly and indirectly restricted media coverage and content. On September 26, the UCC prohibited local television stations from live broadcasts of parliamentary proceedings after MPs brawled in the House, claiming that such broadcasts incited public violence and hatred. On October 5, the UCC lifted the ban.

On September 30, Kyagulanyi reported that the UCC had warned radio stations that they could be shut down if they allowed him to participate on their talk shows. The UCC, however, denied making this statement. Local media reported that the UCC also ordered some radio stations to dismiss employees who had criticized government’s plan to rescind Article 102 (b) of the constitution and suspended the broadcasting licenses of those that refused to comply with the directive.

On April 21, after the IGP learned that four media outlets had been publishing leaked internal UPF information concerning Kaweesi’s killing (see sections 1.a. and 1.c.) and the ensuing investigation, the IGP successfully petitioned the Constitutional Court to prohibit these outlets from reporting on these subjects, claiming the publications were “injurious” to the investigation.

Many print and broadcast journalists practiced self-censorship, particularly when reporting on the president and his inner circle.

**Libel/Slander Laws:** Authorities used libel and slander laws to suppress criticism of government officials. On June 20, the UPF detained, questioned, and later released Ben Byarabaha, editor of local newspaper *Red Pepper*, whom it accused of offensive communication, following the newspaper’s report the IGP was ill. The UPF said the report was false.

**National Security:** Local media reported that a UPF disciplinary tribunal charged two officers with breach of confidence for recording and then sharing images from the November 2016 UPDF and UPF raid on the Rwenzururu Kingdom’s palace. This case was pending at year’s end.

**Internet Freedom**

There were allegations that government security agents censored online content by harassing and threatening authors of online statements that criticized the
government or government officials. Although the government did not restrict or disrupt access to the internet during the year, it established the legal authority to do so in the future. An amendment to the Uganda Communications Act, passed by parliament on April 6, authorizes the minister of information to regulate communications, including blocking access to the internet, without parliament’s approval. The amendment also affords parliament the ability to block any communication regulation issued by the minister within 30 days of issuance.

On June 28, local media reported that the government had created the Government Citizen Interaction Center, which would “scrutinize FB profiles and follow up on people who are angry with government, so it could give them solutions.” Several journalists reported that security agents monitored them and threatened to attack them if they continued to criticize the government on social media. Two bloggers reported in April they received threatening messages on FB demanding they stop posting messages in support of Nyanzi.

Citing the Antiterrorism Act, the Regulation of Interception of Communications Act, and the Computer Misuse Act, the government monitored social media. According to local media, the minister for information told a crowd gathered to mark World Communications Day on May 28 that the government was filtering social media content because internet users “have taken advantage of such platforms to terrorize the country.”

According to the International Communication Union, approximately 22 percent of the population used the internet in 2016.

**Academic Freedom and Cultural Events**

The government occasionally restricted academic freedom and cultural events. On May 16, media reported that the Uganda Media Council prohibited the embassy of the Netherlands from screening *The Dinner Club* during the European Film Festival because the film “depicted and glorified homosexuality, which is a criminal offense in Uganda.” In a public statement, the Netherlands embassy stated it “deplores” the government’s decision and would withdraw from the film festival.

**b. Freedoms of Peaceful Assembly and Association**

The government limited freedoms of peaceful assembly and association.
Freedom of Peaceful Assembly

While the constitution provides for freedom of assembly, the government did not respect this right. The government used the 2013 Public Order Management Act to limit the right to assemble and disrupted opposition and civil society-led public meetings and rallies. The act also placed a significant bureaucratic burden on those wishing to organize or host gatherings and afforded the UPF wide discretion to prevent an event by refusing to approve it, or, more commonly, by not responding to the permission request, which then created a legal justification for disrupting almost any gathering.

According to local media, between September 12 and November 9, the UPF dispersed at least 30 rallies protesting the government’s plan to rescind Article 102 (b) of the constitution and arrested at least 170 protesters. On October 19, the UPF shot and killed three persons in Rukungiri District who were protesting against the government’s plan to rescind the article. On July 19, local media reported that the UPF arrested more than 60 persons, at various venues in Kampala, who were protesting against the proposed constitutional amendment. The UPF claimed the assemblies were unlawful and detained participants at FSU headquarters for three days before releasing them without charge. Such arrests of persons peacefully protesting efforts to amend the constitution occurred throughout the fall.

Freedom of Association

While the constitution and law provide for freedom of association, the government did not always respect this right and restricted the operations of local NGOs, especially those that work on civil and political rights (see section 5). On May 5, the government published implementing regulations for the 2015 NGO Act. The regulations require NGOs to disclose sources of funding and personal information about their employees and impose onerous registration and reporting requirements. The regulations enable the NGO Bureau and its local level structures to deny registration to any organization focused on issues deemed to be “undesirable” or “prejudicial” to the “dignity of the people of Uganda.” The regulations also provide the NGO Bureau broad powers to inspect NGO offices and records and to suspend their activities without due process. The regulations increase registration and annual permit renewal fees for local NGOs from 20,000 shillings ($5.50) to 100,000 ($27.50), and from 20,000 shilling ($5.50) to 60,000 shillings ($16.50), respectively. They also introduce new fees, including for the NGO Bureau to review permit applications (60,000 shillings, or$16.50) and for NGOs to file annual reports (50,000 shillings, or$13.80).
The Human Rights Awareness and Promotion Forum (HRAPF) said police concluded the investigation into the 2016 break-in into HRAPF offices, which included the killing of a guard, and that they found it was a normal burglary with no correlation to the organization’s work. The HRAPF stated that police did not provide any evidence to support this conclusion.

c. Freedom of Religion

See the Department of State’s International Religious Freedom Report at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

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

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern. The government continued to uphold its enabling asylum policies and practices towards refugees and asylum seekers from various countries, mainly from South Sudan, the DRC, Burundi, and Somalia. Most refugees enjoyed unhindered access to asylum, freedom of movement, freedom of residence, right to registration and documentation, and access to justice, education, health care, and employment.

Abuse of Migrants, Refugees, and Stateless Persons: Some South Sudanese refugees reported that customs officials at border points confiscated their motorbikes and vehicles. Customs officials said they would release these items when the owners could present documentation establishing their ownership. Some of the affected refugees stated that they were unable to provide such documentation because they had fled their homes due to the conflict in South Sudan, and they asserted that the customs officials were requiring documents as a ploy to steal their possessions. UNHCR and government authorities continued to investigate these incidents at year’s end.

According to UNHCR, the UPF was unable to protect fully refugees in several of the large refugee settlements because of insufficient equipment, transportation, and personnel. As of year’s end, Bidi Bidi refugee settlement, one of 21 refugee
settlements in the country, hosted more refugees than any other settlement in the world. UNHCR received reports that South Sudanese armed groups had infiltrated some refugee settlements near the border with South Sudan and abducted South Sudanese men to force them to fight in the country’s civil war. UNHCR reported the government deployed additional troops to improve its border surveillance and was investigating the alleged abductions.

**Protection of Refugees**

**Access to Asylum:** The law provides for the granting of asylum or refugee status and the government has established a system for providing protection to refugees. While individuals fleeing South Sudan have prima facie refugee status (status without determination of individual refugee status), the Refugee Eligibility Committee determines whether individuals fleeing from the DRC, Somalia, and Burundi are eligible for refugee status. The committee was functional, but administrative issues and the continued influx of asylum seekers from the DRC and Burundi created a case backlog.

**Safe Country of Origin/Transit:** The country does not have a policy of presumptive denials of asylum to applicants. There were reports, however, that police officers at the asylum registration office in Kampala turned away two lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals who sought asylum due to discrimination in their home countries (Kenya and Afghanistan), in violation of the country’s asylum policy.

**Durable Solutions:** The government did not accept third-country refugees for resettlement, but it assisted in the safe and voluntary return of refugees to their homes and supported the resettlement of third-country refugees to other countries by providing birth certificates and travel documents. Following a 2015 constitutional court ruling that confirmed the right to naturalization for certain long-term refugees, however, the government in May 2016 committed to begin processing naturalization cases for an estimated 15,000 refugees who had resided in the country for approximately 20 years. By year’s end there were no known cases of a refugee having naturalized.

**Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government through free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Nevertheless, the February 2016 presidential and National Assembly
elections were marred by serious irregularities. The 2015 amendment to the Local Government Act instructs authorities to carry out elections for the lowest-level local government officials by having voters line up behind their preferred candidate or the candidate’s representative, portrait, or symbol. Civil society organizations criticized this legislation, saying it violated citizens’ constitutional right to vote by secret ballot. On December 20, Parliament passed a bill removing presidential age limits from the constitution, and on December 27, President Museveni signed the bill, thereby paving the way for him to run for another term. During the period before passage of the bill, the government limited freedoms of speech and assembly.

**Elections and Political Participation**

**Recent Elections:** In February 2016 the country held its fifth presidential and legislative elections since President Museveni came to power in 1986. The president was re-elected with 61 percent of the vote, and Forum for Democratic Change (FDC) candidate Besigye finished second with 36 percent. The ruling NRM party captured approximately 70 percent of the seats in the 431-member unicameral National Assembly.

Domestic and international election observers stated that the elections fell short of international standards for credible democratic elections. The Commonwealth Observer Mission’s report noted flawed processes, and the EU’s report noted an atmosphere of intimidation and police use of excessive force against opposition supporters, media workers, and the general public. Domestic and international election observers noted biased media coverage and the Electoral Commission’s (EC) lack of transparency and independence.

Media reported voter bribery, multiple voting, ballot box stuffing, and the alteration of precinct and district results.

Late delivery of voting materials on election day, including ballots, disenfranchised many voters. The most significant delays--up to eight hours--occurred in opposition-affiliated areas, including Kampala and Wakiso Districts. While the EC extended voting from 4 p.m. to 7 p.m. at a number of polling stations that experienced delayed starts, officials at more than 30 of the most delayed stations cancelled voting and postponed it to the following day.

During the 10-day period in which opposition candidates could contest election results, police confined Besigye to his home and limited his access to his lawyers.
and party leadership. Besigye’s lawyers claimed the police actions rendered it impossible for Besigye to file a legal challenge to the election results, although Amama Mbabazi, who came third in the election, did challenge the results. In March 2016 the Supreme Court upheld Museveni’s victory, ruling that any incidents of noncompliance with electoral laws before and during the election process did not substantially affect the results. In August 2016 the Supreme Court recommended changes to electoral laws to increase fairness, including campaign finance reform and equal access for all candidates to state-owned media. The Supreme Court instructed the attorney general to report in two years on the government’s implementation of the reforms.

Domestic election observers reported irregularities during 2017 parliamentary by-elections. The Citizens Coalition for Electoral Democracy in Uganda (CCEDU) reported incidents of ruling political party members bribing voters, and that the government deployed UPDF and UPF personnel on voting day, and during campaigns for the June 29 Kyadondo East by-election, to intimidate opposition supporters. Local media and the FDC also reported the UPF deployed a large number of police to intimidate opposition supporters during the campaign for the May 11 Kagoma County by-election and took no action to stop ruling party supporters who attacked them.

Political Parties and Political Participation: According to the EC, there were 29 registered political parties. Security forces arbitrarily arrested and detained opposition leaders and intimidated and beat their supporters. While the ruling NRM party operated without restriction, regularly holding rallies and conducting political activities, authorities often prevented opposition parties and critical civil society organizations from organizing meetings or conducting activities. According to local media, on September 9, authorities in Kabale District instructed radio stations not to allow opposition supporters to participate on radio or television talk shows.

The CCEDU reported that authorities responsible for the parliamentary by-elections denied its observers access to witness all aspects of the voting process.

Participation of Women and Minorities: No laws limit the participation of women and/or members of minorities in the political process.

Cultural factors limited women’s political participation. Local NGOs reported that in rural communities, husbands restricted their wives from contesting for public office.
Section 4. Corruption and Lack of Transparency in Government

The 2009 Anticorruption Act provides criminal penalties of up to 12 years’ imprisonment for official corruption. A 2015 amendment to the act mandates confiscation of the convicted persons’ property. Nevertheless, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Government up to the highest levels lacked the political will to combat corruption, and many corruption cases remained pending for years. Media reported numerous cases of government corruption during the year. Police arrested and suspended several police officers implicated in bribery, extortion, and corruption cases. Authorities arrested several magistrates and judicial officials for forgery as well as for soliciting and receiving bribes.

During the year a number of reports alleged that ruling party officials bribed MPs to support a constitutional amendment to remove presidential age limits, which would enable President Museveni to run for another term.

On May 8, the minister of state for privatization and investment announced the establishment of the Uganda Investment Authority Anti-Corruption Hotline. The minister of state also noted that army personnel would staff the hotline due to corruption in the civil service.

On March 31, the chief justice criticized the IGG for pardoning magistrates caught in acts of corruption (see section 1.e.).

Corruption: In January the president was widely condemned after local media reported he had approved performance awards totaling six billion shillings ($1.7 million) for 42 high-ranking government officials for their work to secure $400 million in capital gains tax during a protracted court case involving an oil deal. The recipients, including senior officials from the Uganda Revenue Authority, Attorney General’s Office, Ministry of Finance, Planning and Economic Development, and Ministry of Energy and Mineral Development, received payments ranging from 45 million shillings ($12,400) to 267 million shillings ($73,500). Civil society activists and parliamentarians asserted the rewards had violated the 2015 Public Finance Management Act (PFMA). While President Museveni maintained the recipients deserved their awards, during an April 27 meeting with the parliamentary committee investigating the legality of the payments, the president acknowledged he did not follow the appropriate process. On June 22, the investigating committee released a report concluding that the
awards violated the PFMA and Public Service Standing Orders on rewarding public officers and recommended the recipients return the money with interest. Parliament unanimously adopted the report, but it was waiting for approval from the Prime Minister’s Office at year’s end.

On March 28, police arrested Ministry of Finance and Economic Planning Principal Finance Officer Charles Ogol and Senior Economist Geoffrey Turyamuhika for allegedly soliciting bribes from the Guagzhou Dongsongh Energy Group in exchange for expedited documentation processing for the financing and construction of a power substation and transmission line. On March 30, local media reported that the investors had complained about the solicitation to the president, who then ordered the police to conduct a sting operation to catch the two men in the act of receiving the bribe. Police caught Ogol and Turyamuhika receiving 58 million shillings ($16,000) of the 1.1 billion shillings ($303,000) they had requested. Local media reported that civil society activists criticized the arrests for focusing only on lower-level officials. On April 9, the court remanded the two men on charges of corruption and granted them bail on April 20. The case was underway at year’s end.

The 2016 Office of the Auditor General report to parliament found that approximately 168 billion shillings ($46 million) was spent on items unrelated to the intended purpose of the funds and that a number of ministries, departments, and agencies improperly transferred an estimated 2.3 billion shillings ($633,000) to civil servants’ personal accounts. The report also concluded that local-level government officials had become increasingly corrupt.

In February 2016 the Global Fund reported the government failed to account for $21.4 million (equivalent to 78 billion shillings) of donated medicines stored in government-operated warehouses and $2.4 million (equivalent to 8.7 billion shillings) worth of donated HIV/AIDS test kits. On May 15, the Global Fund Office of the Inspector General (OIG) reported its internal investigation found that more than 80 percent of the unaccounted for medicine and test kits were erroneously reported missing due to inaccurate data in the Uganda National Medical Stores’ recordkeeping and inventory tracking systems. The OIG acknowledged, however, that almost 20 percent of the medicine in question remained unaccounted for. Following the OIG report, the Global Fund worked with the government to ensure more accurate reporting.

Financial Disclosure: The 2002 Leadership Code Act requires public officials to disclose their income, assets, and liabilities, and those of their spouses, children,
and dependents, within three months of assuming office, and every two years thereafter. The requirement applies to 42 position classifications, totaling approximately 25,000 officials, including ministers, members of parliament, political party leaders, judicial officers, permanent secretaries, and government department heads, among others. Public officials who leave office six or more months after their most recent financial declaration are required to refile. The IGG is responsible for monitoring compliance with the declaration requirements, and penalties include a warning, demotion, and dismissal. In August 2016 the IGG launched an online system to make it easier for officials to declare their wealth. According to Transparency International, however, most officials did not comply with the disclosure requirements and those who did tended to underreport their assets.

While these financial disclosures were officially considered public information, the Hub for Investigative Media (HIM), a local NGO promoting government transparency, reported the IGG had not made this information publicly available or approved any requests to release individual declarations. According to HIM, the IGG said that, while this information was supposed to be publicly available, the 2005 Access to Information Act exempts the government from releasing information that would violate an individual’s personal privacy. The IGG had not released this information, therefore, due to concerns that public officials might sue the IGG under this statute. HIM stated the government intended to amend the act to revoke public access to officials’ financial declarations.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Government restricted domestic and international NGOs focused on governance and human rights, including by freezing two organizations’ bank accounts. Accusing them of working to destabilize the government by opposing the government’s plan to rescind Article 102 (b) of the constitution, on September 20, the UPF raided the Kampala offices of human rights NGOs ActionAid and Great Lakes Institute for Strategic Studies (GLISS) and raided Solidarity Uganda’s (SU) office in Lira District. Police had secured a search warrant from a magistrate granting them access to the offices’ premises and documents. NGO staff described the raids as “cordon and search operations,” during which staff were prevented from leaving the compound for several hours while police conducted a room-by-room search. According to local media, police confiscated documents, telephones, and computers from the three offices and arrested one SU employee. On September 22, the UPF accused the organizations of “receiving foreign funding to
support illegal activities, foment civil unrest, and destabilize the government.” On October 3, authorities directed commercial banks to freeze the business bank accounts of ActionAid and GLISS, and those of GLISS’ staff, as part of an investigation into alleged “conspiracy to commit a felony and money laundering.” On October 11, the NGO Bureau directed 25 NGOs (including GLISS, SU, and ActionAid) to provide a substantial volume of documents, including work plans, and certified copies of bank statements since 2014 within seven days of the directive. Affected NGOs complained that this directive created an onerous burden and violated the 2015 NGO Act’s stipulation that registered organizations would not have to provide additional documentation prior to the renewal of their operating permit, without due cause, which was not provided. The government continued the freeze on the accounts at year’s end.

Authorities denied LGBTI-related organizations official status due to discriminatory laws preventing their registration, however, and NGOs that worked in the areas of governance, human rights, and political participation were sometimes subject to extra scrutiny. The government was often unresponsive to concerns of local and international human rights organizations, and government officials often dismissed NGO claims of human rights abuses by security forces.

In March, HRW reported security forces used excessive force during the November 2016 raid on King Mumbere’s palace, killing more than 100 persons (see section 1.a). HRW called for the suspension of the operation’s commanding officers and an independent investigation into the security forces’ actions. On March 15, Media Center Executive Director Ofwono Opondo said HRW’s report lacked depth and ignored the deaths of security officers prior to the raid.

Some human rights activists faced intimidation in the course of their work. In May local human rights organization Chapter Four stated police in Kasese arrested its researcher three times for recording statements from persons affected by the raid on the king’s palace. According to Chapter Four, police held the researcher for one or two days each time and then released him without charge.

On August 18, the HRAPF stated that police had closed their investigation into the June 2016 break-in at its office without making any arrests, despite having received security camera footage showing the intruders inside the office. According to the HRAPF, the police concluded the break-in, during which the robbers killed the security guard, was a common robbery.
Government Human Rights Bodies: The UHRC is a constitutionally mandated institution with quasi-judicial powers to investigate allegations of human rights abuses, direct the release of detainees, and award compensation to abuse victims. The president appoints its board, consisting of a chairperson and five commissioners.

The UHRC, which had 21 branches nationwide, pursued suspected human rights abusers, including in the military and police forces. The UHRC’s 2016 annual report, released on May 25, recorded 848 human rights cases, an increase of 16 percent from 2015. According to the report, the increase was attributed to increased public awareness of the UHRC’s complaint mechanisms. For the seventh straight year, the highest number of complaints, 73 percent, was against the UPF, of which approximately 40 percent concerned torture and mistreatment. Seven percent of all complaints were against the UPDF, with more than 60 percent of those cases related to torture and mistreatment. By violations, the highest number of cases, 51 percent, involved deprivation of personal liberty by detention beyond 48 hours prior to arraignment—a 77 percent increase from 2015. The second most common violation, 45 percent of cases, was torture and cruel, inhuman, or degrading treatment or punishment, a 10-percent increase from 2015. The UHRC attributed these increases in torture and personal liberty cases to security forces’ heavy-handed responses to opposition activities during the 2016 general elections, as well as postelection violence in Kasese and Bundibugyo Districts. The UHRC noted that torture remained prevalent despite the 2012 Prevention and Prohibition of Torture Act. Additionally, the UHRC found that detention beyond 48 hours prior to arraignment remained a problem due to alleged absenteeism of some court magistrates, delays by prosecutors to approve charges submitted by police, lack of resources for police to transport suspects to court, and, at times, police corruption or abuse of office.

According to human rights activists, many victims of torture to whom the UHRC had awarded compensation never received their payment from the government. In 2016 the UHRC awarded an estimated one billion shillings (275,000) in compensation to victims of human rights violations, of which it allocated 40 percent to victims of torture. The UHRC reported the government paid out 35 percent of the total compensation it awarded in 2016. The UHRC stated that in November 2016, the president directed the Ministry of Finance, Planning, and Economic Development to ensure that the five billion shillings ($1.4 million) in outstanding compensation awards owed to victims of human rights violations, be fully paid by the end of the country’s 2017-18 financial year (June 30, 2018).
Many human rights activists asserted the UHRC lacked the political influence and government support to investigate or identify senior-level officials accused of committing abuses. In May the UHRC summoned senior officials from the Office of the IGP, the UPS, the UPF, the Ministry of Defense, and the UPDF to respond to torture allegations; however, while senior officials from the other agencies attended, the IGP did not attend the meeting or send a representative. According to the UHRC’s 2016 report, the only recommendation the government enacted from its 2015 report was to amend the Children Act, which the UHRC initially recommended in 2011. The UHRC noted that the government also partially implemented 63 percent of its 2015 recommendations, many of which the UHRC had been recommending for several years, including training for parliament on international human rights principles, to ensuring new legislation was in compliance with relevant laws, and translating the constitution into four of the country’s 40 official languages. The government took no action on 36 percent of the 2015 recommendations.

In 2016 the UHRC received 20.6 billion shillings ($5.7 million) in total funding, of which 13.8 billion shillings ($3.8 million) was from the government, and 6.8 billion shillings ($1.9 million) from development partners. Despite having received a 34 percent funding increase compared with 2015, the UHRC’s total funding for 2016 was 6.4 billion shillings (1.76 million) less than its budget request of 27 billion shillings ($7.4 million). The UHRC stated it lacked sufficient funds to implement its mandated activities fully.

The International Crimes Division (ICD) of the High Court, established by judicial decree in 2011, has jurisdiction over genocide, crimes against humanity, war crimes, terrorism, human trafficking, piracy, and other international crimes defined in domestic law. Lack of resources and personnel hindered the ability of the ICD to conduct investigations and prosecutions of war crimes and crimes against humanity committed in the country. The ICD arraigned Commander Thomas Kwoyelo in 2011 on charges of breaches of the Geneva Conventions, but the start of his trial was repeatedly delayed. In 2014 Kwoyelo’s complaint against the government for indefinite detention was accepted by the African Commission on Human and People’s Rights, and, according to Kwoyelo’s lawyers, the request remained pending at year’s end.

The former commander of the Allied Defense Forces, Jamil Mukulu, was arrested in Tanzania in 2015 and extradited to the country on charges of grave breaches of the Geneva Conventions for his role in a 1998 attack on a student dormitory that
killed more than 100 persons. The state prosecutors failed to produce Mukulu for trial during the year.

**Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

**Women**

**Rape and Domestic Violence:** The law criminalizes rape, which is punishable by life imprisonment or the death penalty. The law does not address spousal rape. The penal code defines rape as “unlawful carnal knowledge of a woman or a girl without her consent.” Men accused of raping men are tried under section 145(a) of the penal code that prohibits “carnal knowledge of any person against the order of nature.” The law also criminalizes domestic violence and provides up to two years’ imprisonment for conviction.

Rape remained a common problem throughout the country, and the government did not effectively enforce the law. The 2016 *Demographic and Health Survey* (DHS) reported women were more than twice as likely as men to experience sexual violence. Local media reported numerous incidents of rape, often committed by persons in positions of authority, including police officers, employers, local government leaders, religious leaders, teachers, and soldiers. In many rape cases, the perpetrator also killed the victim.

According to the NGO Uganda Association of Women Lawyers (FIDA), incidents of rape and statutory rape were not commonly reported, in part due to societal factors. Parents, husbands, local leaders, religious leaders, police, prosecutors, and sometimes courts pressured victims to settle cases out of court, supposedly to “spare” the victim and her family from the social stigmatization. Of the cases brought to trial, few were completed.

Gender-based violence (GBV) was also common. The UPF recorded 163 deaths of women due to domestic violence in 2016, almost a 50 percent increase from 2010. International NGO FHI 360 reported in April that cultural factors fueled GBV. Its study found that 54 percent of women said it was acceptable for a husband to beat his wife if she cheated on him, and 21 percent said it was acceptable for a husband to beat his wife if she denied him sex.

FIDA reported it worked with the judiciary to organize two weeks of special court sessions between November and December 2016 focused solely on GBV cases in eight districts in northern and eastern areas. The sessions concluded 326 GBV
cases. On June 20, the World Bank announced a $40 million (144 billion shillings) loan to the government to implement its 2016 Elimination of Gender Based Violence Policy. The loan, for which a memorandum of understanding was signed in October, focused on promoting behavioral change to prevent GBV and improving referral mechanisms and assistance services for GBV victims.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C and establishes a maximum penalty of 10 years’ imprisonment for convicted perpetrators, or life imprisonment if the victim dies. According to UNICEF statistics from February 2016, 1 percent of women under age 50 had undergone FGM/C. Local NGOs reported that many girls who had undergone FGM/C were discouraged from delivering in health centers to avoid revealing they had been cut.

On May 15, the UPF told local media that it conducted a radio campaign to raise communities’ awareness of the dangers of FGM/C. Local NGOs Development Network of Indigenous Voluntary Associations (DENIVA) and Law and Advocacy for Women in Uganda (LAW) reported that the Ministry of Gender, Labor, and Social Development worked with civil society organizations to train UPF and judiciary personnel on FGM/C practices and how to handle such cases.

On May 30, local media reported the UPF had insufficient resources to monitor adequately the remote areas of the northeast where FGM/C was prevalent, which allowed many practitioners to continue working with impunity. DENIVA and LAW reported the absence of courts in Amudat and Kween Districts and a shortage of clinics that could provide medical evidence made it difficult to prosecute perpetrators. Local NGOs conducted training for practitioners in communities where FGM/C was prevalent to encourage them to end the practice.

According to Deniva, the government also built an unspecified number of girls-only boarding schools in northeastern and eastern areas to provide shelter for girls who fled their homes due to familial pressure to undergo FGM/C, or those who fled after being cut.

Other Harmful Traditional Practices: Media and local NGOs reported several cases of ritual child killings, violence against widows, and acid attacks. According to local media, traditional healers kidnapped and killed children to use their organs for ancestral worship. Local NGOs reported cases in which wealthy entrepreneurs paid traditional healers to sacrifice children to ensure their continued wealth and then bribed police officers to stop the investigations. On February 6, local media reported that the UPF arrested traditional healer Godfrey Lukeera in the South after
security forces found the mutilated body of a five-year-old boy at his shrine. The state charged Lukeera with murder on March 8 and remanded him to Masaka Prison. The case continued at year’s end.

Sexual Harassment: The law criminalizes sexual harassment and provides for penalties of up to 14 years’ imprisonment, but authorities did not effectively enforce the law. Sexual harassment was a widespread problem in homes, schools, universities, and workplaces. FIDA reported that most women declined to report sexual harassment due to fear of social stigmatization, and that those who did report it tended only to do so in conjunction with other violations. According to FIDA, the UPF recorded 548 cases of sexual harassment from January through March.

Local media and civil society also reported that the UPF often refused to investigate accusations of sexual harassment in the workplace or educational institutions. Most of these cases involved supervisors or teachers exploiting their authority; other cases were between peers.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The law provides women the same legal status and rights as men. Local NGOs reported numerous cases of discrimination against women, including in divorce, employment, education, and owning or managing businesses and property. Many customary laws discriminate against women in adoption, marriage, divorce, and inheritance. Under customary laws in many areas, women could not own or inherit property or retain custody of their children if they were widowed. Traditional divorce law in many areas required women to meet stricter evidentiary standards than men to prove adultery. In some ethnic groups, men could “inherit” the widows of their deceased brothers. The law does not recognize cohabiting relationships, and women involved in such relationships had no judicial recourse to protect their rights.

Children

Birth Registration: The law accords citizenship to children born in or outside the country if at least one parent or grandparent is a citizen at the time of birth.
Abandoned children under the age of 18 with no known parents are considered citizens, as are children under 18 adopted by citizens.

The law requires citizens to register a birth within three months. According to the 2011 DHS, only 29 percent of rural and 38 percent of urban births were registered. Lack of birth registration generally did not result in denial of public services. Some primary schools, however, required birth certificates for enrollment, especially those in urban centers. Enrollment in public secondary schools, university, and tertiary institutions required birth certificates. For additional information, see Appendix C.

**Education:** The law provides for compulsory education through the completion of primary school at age 12, and the government provided tuition-free education to four children per family in select public primary and secondary schools (ages six to 18 years). Parents, however, were required to provide lunch and schooling materials for their children.

**Child Abuse:** Child abuse remained a common problem, including sexual assault, physical abuse, ritual killings, early marriage, human trafficking, drug and substance abuse, involvement in social unrest, and forced engagement in criminal activities. The Uganda Child Helpline received 1,607 reports of children’s rights violations from January through June, with denial of education being the most prevalent, followed by statutory rape and child marriage.

The law defines “statutory rape” as any sexual contact outside marriage with a child under the age of 18, regardless of consent or age of the perpetrator, carrying a maximum penalty of death. Victims’ parents, however, often opted to settle cases out of court for a cash or in-kind payment. The minimum age for consensual sex is 18.

The government continued to work with UNICEF and NGOs--including Save the Children, Child Fund, and the African Network for the Prevention and Protection against Child Abuse and Neglect--to combat child abuse. The UPF provided free rape and statutory rape medical examination kits to hospitals and medical practitioners throughout the country to assist with investigations.

Corporal punishment was illegal but remained a problem in schools and sometimes resulted in serious injuries. The 2015 Children Amendment Act made corporal punishment in schools illegal and punishable by up to three years’ imprisonment.
The amendment also sought to protect children from hazardous employment and harmful traditional practices, including child marriage and FGM/C.

Early and Forced Marriage: The legal minimum age for marriage is 18, but authorities generally did not enforce this law in rural areas. Some parents commonly arranged marriages for their underage daughters. UNICEF’s 2016 *State of the World’s Children* report estimated that 10 percent of girls married before age 15 and 40 percent before age 18. The Ministry of Gender, Labor, and Social Development reported that from January through June, it annulled 35 child marriages and stopped five from taking place. For additional information, see Appendix C.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, the sale and procurement of sexual services, and practices related to child pornography. The government did not enforce the law effectively, however, and the problem was pervasive.

Child Soldiers: The Lord’s Resistance Army continued to hold Ugandans, including children, against their will beyond Uganda’s borders.

Infanticide or Infanticide of Children with Disabilities: The Uganda Child Helpline received two reports of infanticide from January through June.

Displaced Children: Families in the remote North East Karamoja Region sent many children to Kampala during the dry season to find work and beg on the streets. Authorities worked with civil society organizations to return Karamojong street children to their families. Local media, however, reported that police often found those same children back on Kampala’s streets soon thereafter.

Institutionalized Children: Local NGOs reported that the UPF often detained child and adult suspects in the same cells and held them beyond the legal limit of 48 hours prior to arraignment. The local NGO Uganda Child’s Rights Network reported that some juvenile detention centers in the east denied their inmates the right to education.

By regulations an approved orphanage “shall only receive children in an emergency from a police officer or under an interim care order from a judge.” All approved homes are required to keep proper accounts, employ a qualified warden and registered nurse, keep health records for each child, provide adequate sleeping
facilities, and provide for an appropriate education. Nevertheless, the government lacked the resources to register and monitor orphanages.

In 2015 the Ministry of Gender, Labor, and Social Development estimated there were more than 50,000 children in approximately 1,000 orphanages, of which only 83 were licensed by the ministry. More than half of all orphanages did not meet minimal standards and housed children illegally. Nearly 70 percent of orphanages maintained inadequate records.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

**Anti-Semitism**

The Jewish community had approximately 2,000 members centered in Mbale District, in the eastern part of the country. There were no reports of anti-Semitic acts.

**Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/rls rpt/](http://www.state.gov/j/tip/rls/rls rpt/).

**Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities. The law provides for access to all buildings “where the public is invited,” and information and communications for persons with disabilities, but the government did not effectively enforce the law. The Equal Opportunities Commission reported in February that most public buildings in Kampala were inaccessible to persons with disabilities, due to a lack of ramps or elevators.

Persons with disabilities faced societal discrimination, limited job and educational opportunities, and most schools did not accommodate persons with disabilities. The Ministry of Gender, Labor, and Social Development and the National Council on Disability were the government agencies responsible for protecting the rights of persons with disabilities. Local media reported most schools did not make
accommodations for students with disabilities. Local media said that due to discriminatory behavior by students and teachers, a lack of trained special education teachers, and limited specialized learning resources, children with disabilities were often absent from school.

The National Union for Disabled Persons of Uganda, media, and government officials said there was insufficient government funding for welfare programs for persons with disabilities. Due to continued decreases in government funding for training “Special Needs Education” teachers, the Ministry of Education certified seven new teachers in 2016, compared with approximately 30 per year a decade before. The Ministry of Education’s principal officer for inclusive education stated that, despite funding limitations, the government provided an additional two to three million shillings ($550-$825) each quarter to schools known to have children with disabilities.

National/Racial/Ethnic Minorities

There were reports of violence among ethnic groups over land, grazing rights, water access, border demarcations, and other matters. On June 9, local media reported that unidentified individuals attacked members of the Acholi and Madi communities living in Apaa, killing nine persons with poison arrows. Local leaders said businesspersons hired the attackers to scare the residents off disputed ancestral land in order to claim it for themselves. The government deployed the UPDF and UPF to Apaa to stop the violence, and the Prime Minister’s Office donated food to the communities. Local government officials and traditional, civil society, and religious leaders criticized the government’s response as inadequate and accused it of tacitly supporting the businesspersons.

On April 29, opposition politicians asserted the UPDF and UPF hired only members of ethnic groups from the southwest, where the president is from, for senior positions, discriminating against other ethnic groups (see section 7). The UPDF denied any discrimination in recruitment and stated that all of its officers possessed the requisite qualifications for their assignments. In a May newspaper editorial, however, a government spokesperson criticized the UPF for ethnic discrimination in recruitment, deployment, and promotions, which “threatens to erode the (UPF’s) constitutional requirement of being national in character and composition.”

Indigenous People
The local NGO Cross Cultural Foundation of Uganda (CCFU) reported that ethnic minorities did not participate in political leadership and decision-making processes affecting them. The CCFU reported that by year’s end, the government had not yet resettled the Batwa and Benet communities it had displaced from ancestral land claiming its actions were in the national interest, leaving them effectively landless and unable to maintain their livelihoods. In August the CCFU reported the 160-person Batwa community, which the government displaced to create a forest reserve in a western area in 1992, lived on two acres of land, in semipermanent buildings with inadequate sanitary facilities. The government displaced the Benet from their land in 1983 to create a forest reserve. The CCFU reported that although the High Court ruled in 2005 that the Benet could return to their land, authorities had not yet allowed them to do so.

**Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual conduct is illegal according to a colonial era law that criminalized “carnal knowledge of any person against the order of nature” and provided for a penalty of up to life imprisonment. LGBTI persons faced discrimination, legal restrictions, societal harassment, violence, and intimidation.

The HRAPF reported numerous incidents of societal and government-led harassment and violence against LGBTI persons. Between February and April, the HRAPF reported 11 cases in which attackers physically assaulted persons because of suspicions they were LGBTI individuals. In one case a mob doused a suspected LGBTI person with gasoline and set him on fire before police rescued him. The HRAPF also reported 14 cases of police arresting persons on suspicion of being LGBTI. In five of these cases, police officers conducted forced anal examinations on the detainees. In August government pressure forced the LGBTI community to cancel its annual Pride Week. Officials threatened to arrest anyone who participated in Pride Week activities and coerced the Sheraton Hotel to cancel the opening gala the morning of the event.

Sexual Minorities Uganda’s (SMUG) 2016 suit against the Uganda Registration Service Bureau (URSB) stalled because the judiciary transferred the judge handling the case but did not reassign it to another judge. SMUG had sued the URSB in 2016 for rejecting its application to reserve a name under which SMUG could officially register. The case continued at year’s end.

**HIV and AIDS Social Stigma**
Although the law prohibits discrimination against persons with HIV/AIDS, discrimination was common and inhibited these persons from obtaining treatment and support. In cooperation with the government, international and local NGOs sponsored public awareness campaigns to eliminate the stigma of HIV/AIDS. HIV/AIDS counselors encouraged clients to be tested and share information about HIV/AIDS with their partners and family. Persons with HIV/AIDS formed support groups to promote awareness in their communities.

Police and the UPDF regularly refused to recruit persons who tested positive for HIV, claiming their bodies would be too weak for the rigorous training and subsequent deployment.

HIV/AIDS-infected persons faced discrimination in employment, and some reported having been fired because of their HIV status. According to local media, some employers forced their staff and job applicants to undergo HIV tests and dismissed those who tested positive. On July 26, local media reported that Chinese construction company China Communications Construction Company, a contractor on multiple government infrastructure projects, forced its staff to take an HIV test and then fired two persons who tested positive. The two staff sued the company for wrongful dismissal and the health center for violating their right to personal privacy. The case continued at year’s end.

Other Societal Violence or Discrimination

Mob violence remained a problem. Mobs attacked and killed persons suspected of robbery, murder, rape, theft, ritual sacrifice, and witchcraft, among other crimes. Communities often resorted to mob violence due to a lack of confidence in the UPF and judiciary to deliver justice. Mobs often beat, lynched, burned, and otherwise brutalized their victims. On July 7, local media reported that a mob in the eastern part of the country stoned a 17-year-old boy to death for allegedly stealing a goat. The police had yet to arrest any suspects by year’s end.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows workers, except members of the armed forces, to form and join independent unions, bargain collectively, and conduct legal strikes. The Ministry of Labor must register unions before they may engage in collective bargaining.
The law allows unions to conduct activities without interference, prohibits antiunion discrimination by employers, and provides for reinstatement of workers dismissed for union activity. The law also empowers the minister of gender, labor, and social development and labor officers to refer disputes to the Industrial Court if initial mediation and arbitration attempts fail.

The government did not effectively enforce applicable labor laws. Civil society organizations said the Ministry of Labor had insufficient funding to hire, train, and equip labor inspectors to enforce labor laws effectively. Employers who violate a worker’s right to form and join a trade union or bargain collectively may face up to four years’ imprisonment and a fine of 1.9 million shillings ($520). Penalties were generally insufficient to deter violations.

The government generally did not protect the constitutionally guaranteed rights to freedom of association and collective bargaining, and, at times, restricted some public servants’ right to strike. On the third day of a nationwide strike by medical doctors, on November 9, the minister of health stated the government would punish doctors that refused to work and would terminate trainee doctors’ internships if they participated in the strike. The minister added that the Uganda Medical Association’s (UMA) call for the strike was illegal, as it did not have a collective bargaining agreement with the government, making its action illegal. On November 10, the UMA stated that the government’s threats infringed on doctors’ rights to freedom of association and collective bargaining.

Antiunion discrimination occurred, and labor activists accused several companies of deterring employees from joining unions by denying promotions, not renewing their work contracts, and refusing to recognize unions. The local NGO Platform for Labor Action (PLA) reported that some sugar and rice producers threatened to dismiss employees who joined unions and then cited unrelated performance issues to justify firing the employees. PLA reported that most workers were unaware of their right to join a trade union and did not contest employers’ efforts to impinge upon this right. The National Organization of Trade Unions Uganda (NOTU) reported in 2016 that most employers did not provide their employees with written employment contracts, undermining employees’ job security and access to union representation.

b. Prohibition of Forced or Compulsory Labor
The law prohibits forced or compulsory labor, including by children, but does not prohibit prison labor. The law states that prison labor would be considered forced labor only if a worker is “hired out to, or placed at the disposal of, a private individual, company, or association.” According to local NGOs, the government did not effectively enforce the law, rendering penalties ineffective to deter violations. Those convicted of using forced labor may be fined up to 960,000 shillings ($260), sentenced to two years’ imprisonment, or both, and be required to pay a fine of 80,000 shillings ($22) “for each day the compulsory labor continued.”

PLA and local media reported that many citizens working overseas, particularly in the Arab Persian Gulf States, became victims of forced labor. PLA said traffickers and legitimate recruitment companies continued to send mainly female jobseekers to Gulf countries where many employers treated workers as indentured servants, including withholding pay and leave, and subjecting them to other harsh conditions.

Concluding that its 2016 ban on exporting domestic workers had failed to reduce the outflow of vulnerable women, the Ministry of Labor lifted the ban on April 1.

The UHRC reported that some prisons and police stations subjected detainees to forced labor. It reported that some prisons hired out prisoners as manual laborers to private farms without the detainees’ consent, and in some cases prison authorities forced sick inmates to work.

Also see the Department of State’s Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

Child labor was common, especially in the informal sector. Children’s rights activists reported the employment of children as young as five years of age. The Uganda Bureau of Statistics (UBOS) reported in its 2016 Statistical Abstract that approximately 33 percent of children ages six to 17 years old were engaged in child labor. Children primarily worked in cattle herding, loading trucks, gold mining, street vending, begging, scrap collecting, street hawking, stone quarrying, brick making, road construction and repair, car washing, fishing, domestic services, service work (restaurants, bars, shops), cross-border smuggling, and commercial farming (including the production of tea, coffee, sugarcane, vanilla, tobacco, rice, cotton, charcoal, and palm oil). They also were exploited in commercial sex.
PLA reported that many parents forced their children to work on family farms instead of attending school. Many children voluntarily left school for agricultural or domestic work to help their family meet expenses. Other children, particularly among the country’s large orphan population, were compelled to work due to the absence of parents or because their parents were too sick to work.

Local media reported that some artisanal miners in central and eastern areas employed children in gold mining. While some children worked outside of school hours, others worked full-time and did not attend school. Local and international NGOs reported that children who worked as artisanal miners were exposed to mercury, and many were unaware of the medium- to long-term effects of the exposure. They felt compelled to continue working due to poverty and a lack of employment alternatives. Children also suffered injuries in poorly dug mine shafts that often collapsed.

Also see the Department of Labor’s Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

Although the law prohibits discrimination based on race, sex, religion, political opinion, national origin or citizenship, social origin, disability, age, language, and HIV/communicable disease status, there were reports of discrimination based on some of these categories, including, disability, social origin, and HIV/communicable diseases (see section 6).

e. Acceptable Conditions of Work

The government has not increased the legal minimum wage of 6,000 shillings ($1.65) per month since it established a minimum wage in 1984. This wage was far less than the government’s official poverty income level ($0.90 per day) and well below the market rate for unskilled labor. The government’s Minimum Wage Advisory Board, established in 2015 to assess the feasibility of a minimum wage, had yet to release the findings it presented to the president in 2016. NOTU officials reported in 2016 that due to the country’s high unemployment rate, which the 2014 National Census report estimated at 9.4 percent, and underemployment rate, which the UBOS reported at 12.9 percent in 2015, employers had disproportionate power to determine employees’ salaries in the formal sector.
The maximum legal workweek is 48 hours, and the maximum workday is 10 hours. The law provides that the workweek may be extended to 56 hours per week, including overtime, with the employee’s consent. An employee may work more than 10 hours in a single day if the average number of hours over a period of three weeks does not exceed 10 hours per day, or 56 hours per week. For employees who work beyond 48 hours in a single week, the law requires employers to pay a minimum of 1.5 times the employee’s normal hourly rate for the overtime hours, and twice the employee’s normal hourly rate for work on public holidays. The law grants employees a 30-minute break during every eight-hour work shift. For every four months of continuous employment, an employee is entitled to seven days of paid annual leave.

The law establishes occupational safety and health standards and regulations for all workers, enforced by the Ministry of Labor’s Department of Occupational Safety and Health. The law authorizes labor inspectors to access and examine any workplace, issue fines, and mediate some labor disputes. While the law allows workers to remove themselves from situations that endanger their health or safety without jeopardizing their employment, legal protection for such workers was ineffective.

Authorities did not effectively enforce labor laws, due to insufficient resources for monitoring. NOTU reported in 2016 that the government’s enforcement of applicable laws was ineffective due to understaffing, lack of funding, insufficient training, and weak interagency coordination mechanisms. Local NGOs said the Ministry of Labor had insufficient funds to employ and equip the number of labor officers needed to monitor labor conditions nationwide. In 2016 only 49 of the country’s 117 districts had a labor officer, and their training, funding, and logistical support were inadequate. The ministry reported in 2016 that it conducted more than 100 on-site inspections, 120 desk reviews, and 50 routine inspections during the year. According to PLA, many labor officers lacked the funds and resources to inspect work places where child labor and other violations were prevalent. PLA reported that civil society organizations often provided labor officers with transportation to conduct labor inspections.

In some of the districts without labor officers, community development officers, local officials responsible for supervising government-funded development programs, assumed this responsibility. While such individuals were responsible for conducting labor inspections, they often had insufficient training to fulfill this mandate effectively. NOTU officials said in 2016 the government favored
investors over workers, rendering it difficult for labor inspectors to enforce the law.

According to PLA, most workers were unaware of their employers’ responsibility to ensure a safe working environment and many did not challenge unsafe working conditions, as they feared losing their job. The Ministry of Labor and civil society reported in 2016 that due to the high unemployment rate and ubiquitous informal economy, workers felt compelled to remain in work situations that failed to comply with labor laws and endangered their health, fearing reprisals if they requested improved conditions.

Labor officials reported that labor laws did not protect workers in the informal economy, including many domestic and agricultural workers. In 2016 the Uganda Retirement Benefits Regulatory Authority licensed a retirement benefits program for the informal sector. The program covers traders and individuals engaged in various forms of informal work. Figures released by UBOS in 2014 estimated the informal sector employed up to 80 percent of the labor force. URBRA reported most of the country’s 13 million eligible workers were in the informal and agricultural sectors. The formal pension systems covered less than 10 percent of the working population.

Violations of standard wages, overtime pay, or safety and health standards were common. Deaths occurred due to unsafe working environments. Local media reported that three staff at two food-processing factories died from injuries sustained at work between May and June.
TAB 6
UN rights experts fear Uganda is using COVID-19 emergency powers to target LGBT people

GENEVA (27 April 2020) – UN experts are alarmed that Uganda could be using COVID-19 emergency laws to target gay, lesbian, bisexual and transgender people and urged the government to strictly limit the use of emergency power to public health issues.

“We are deeply concerned about a raid on an LGBT shelter in Kyengera on 29 March and the arrest and detention of 19 people perceived to be LGBT persons,” the UN human rights experts said.

The group of experts said they had been told local authorities raided the shelter based on the perceived sexual orientation or gender identity of the residents, who were then charged for allegedly disobeying coronavirus regulations on physical distancing. It is feared the authorities are not using COVID-19 measures solely for the protection of public health.

“Emergency powers to combat crises, such as COVID-19, derive their strength and legitimacy from strict adherence to their object and purpose,” said the experts. Any emergency response linked to COVID-19 must be proportionate, necessary and non-discriminatory. “When authorities use emergency powers for different purposes, they are acting arbitrarily. In this case, we are concerned about a possible violation of the prohibition of arbitrary detention.”

Using COVID-19 emergency powers for other purposes, such as targeting particular groups under the guise of protecting health, jeopardises the whole response system. Abuses must be prevented, investigated and punished to safeguard the common good, they said.

The experts also highlighted concerns that the detainees in this case allegedly have no access to their lawyer due to the COVID-19 measures, and are being exposed to a greater risk of violence and discrimination because of their actual or perceived sexual orientation or gender identity.

“The right to access to legal assistance is a fundamental human right afforded to everyone,” they stressed.

The UN experts called on Uganda to include the detainees in the planned release of about 2,000 inmates to prevent an outbreak of COVID-19 cases in prisons.

“We strongly urge the Ugandan authorities to respect people’s rights and dignity during the crisis and to strictly limit the exercise of emergency power to the protection of public health in the context of the COVID-19 pandemic,” they said.

ENDS
The experts: Mr Victor Madrigal-Borloz, Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity; Mr Dainius Pūras, Special Rapporteur on the right to physical and mental health; Mr José Antonio Guevara Bermúdez (Chair), Ms Leigh Toomey (Vice-Chair), Ms Elina Steinerte (Vice-Chair), Mr Seong-Phil Hong and Mr Sétondji Adjovi, Working Group on Arbitrary Detention; Ms Meskerem Geset Techane (Chair), Ms Elizabeth Broderick (Vice Chair), Ms Alda Facio, Ms Ivana Radačić, and Ms Melissa Upreti, Working Group on discrimination against women and girls; and Mr. Nils Melzer, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

The Special Rapporteurs, Independent Experts and Working Groups are part of what is known as the Special Procedures of the Human Rights Council. Special Procedures, the largest body of independent experts in the UN Human Rights system, is the general name of the Council’s independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures’ experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. They are independent from any government or organization and serve in their individual capacity.

UN Human Rights, country page: Uganda

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TAB 7
The European Parliament,

– having regard to its previous resolutions on Uganda,

– having regard to its previous resolutions on discrimination on grounds of sexual orientation, notably that of 4 February 2014 on the EU Roadmap against homophobia, discrimination on grounds of sexual orientation and gender identity and that of 14 February 2019 on the future of the LGBTI List of Actions (2019-2024),

– having regard to the Joint Declaration of 9 October 2019 by the EU High Representative for Foreign Affairs and Security Policy and the Secretary General of the Council of Europe on the European and World Day against the Death Penalty,

– having regard to the Declaration by High Representative Federica Mogherini on behalf of the EU on the occasion of the International Day against Homophobia, Transphobia and Biphobia, of 17 May 2019,


– having regard to Articles 2, 3(5), 21, 24, 29 and 31 of the Treaty on European Union (TEU) and Articles 10 and 215 of the Treaty on the Functioning of the European Union (TFEU), which commit the EU and its Member States, in their relations with the wider world, to upholding and promoting universal human rights and the protection of individuals, and adopting restrictive measures in case of grave human rights breaches,

– having regard to international human rights obligations, including those contained in the Universal Declaration of Human Rights and in the European Convention on Human Rights and Fundamental Freedoms,

– having regard to the Council of the European Union’s ‘Toolkit to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual and transgender people’ (the LGBTI Toolkit),

– having regard to the EU Guidelines on the promotion and protection of the enjoyment of all human rights by LGBTI people,

– having regard to the respective EU Guidelines on the death penalty, on torture and other cruel, inhuman or degrading treatment or punishment, and on human rights defenders,

– having regard to the UN Human Rights Council’s latest Universal Periodic Review of Uganda,

– having regard to the Charter of Fundamental Rights of the European Union, and in particular Article 21 thereof, which prohibits discrimination based on sexual orientation,
A. Whereas in recent weeks, Uganda has experienced a rise in extremely homophobic rhetoric from the authorities, in particular from Simon Lokodo, Ugandan State Minister in charge of Ethics and Integrity, who on 10 October 2019 announced plans to reintroduce the anti-homosexuality bill, which would include the death penalty, for ‘aggravated homosexuality’; whereas various members of the Ugandan Parliament also support the proposed new law;

B. Whereas on 12 October, government spokesperson Ofwono Opondo affirmed that the government had no intention to introduce any new law with regard to LGBTI activities since ‘the current provisions in the penal code are sufficient’; whereas this was confirmed by President Museveni’s senior press secretary;

C. Whereas current provisions in the penal code violate human rights and criminalise homosexuality; whereas same-sex sexual acts remain illegal and punishable with up to life imprisonment under sections 145 and 146 of the Ugandan Penal Code which, among other things, criminalises ‘carnal knowledge of any person against the order of nature’, and many existing laws allow discrimination against LGBTI people, limiting their access to employment, housing, social security, education or health services;

D. Whereas the Anti-Homosexuality Act banning the promotion of homosexuality and imposing the death penalty for homosexual acts was already introduced in 2014, at the initiative of President Museveni, but was eventually declared null and void by the Ugandan constitutional court; whereas the international community at large has strongly condemned the proposed law, and many donors, including EU Member States, the United States and the World Bank took a decision to withhold their development aid to the country;

E. Whereas this event sadly brings to light the appalling situation of LGBTI people in Uganda, where homophobic views are widespread; whereas societal discrimination, hate crimes and anti-homosexual campaigns are regularly reported by human rights organisations, including harassment, beatings, extortions, evictions, arbitrary arrests and detention, and killings;

F. Whereas according to human rights groups, Uganda has suffered an alarming rise in attacks against LGBTI people; whereas according to Sexual Minorities Uganda, an alliance of LGBTI organisations, three gay men and one transgender woman were killed this year, the latest being LGBTI activist Brian Wasswa, who was attacked in his home on 4 October 2019;

G. Whereas the Ugandan constitution bans discrimination on a number of grounds but does not extend this ban to discrimination on grounds of sexual orientation;

H. Whereas the European Union’s Common Foreign and Security Policy (CFSP) aims to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms; whereas the EU’s development assistance to Uganda amounts to EUR 578 million under the 2014-2020 National Indicative Programme; whereas it includes the promotion and safeguard of good governance and the respect for human rights as a key objective;

I. Whereas beneficiaries of the European Development Fund are subject to strict conditionality with regard to respecting human rights, the rule of law, freedom of religion and protection of minorities;

J. Whereas in May 2019, in accordance with Article 8 of the Cotonou Partnership Agreement, Uganda and the European Union reaffirmed their close partnership in a political dialogue;

K. Whereas EU international cooperation should support the efforts of ACP States in developing supportive legal and policy frameworks and in eliminating punitive laws, policies, practices, stigmatisation and discrimination that undermine human rights;

L. Whereas 32 of a total of 54 African countries criminalise same-sex relations, and whereas Mauritania, Sudan, northern Nigeria and Somalia punish homosexuality by death;

1. Expresses deep concern at the resurgence of the anti-homosexuality bill in the Ugandan political debate; strongly condemns Simon Lokodo’s rhetoric for fuelling homophobia and hate, and reiterates its fierce opposition to all forms of discrimination based on sexual orientation as well as any incitement to hatred and violence towards LGBTI people;
2. Takes note of the statement made by President Museveni’s spokesperson denying any intention by the government to propose a new bill, and calls on the Ugandan government to stand by this statement;

3. Stresses that discrimination against LGBTI people undermines the most basic of human rights principles as enshrined in the Universal Declaration of Human Rights; reiterates that sexual orientation and gender identity are matters that fall within the scope of an individual’s right to privacy, as guaranteed by international law and national constitutions;

4. Rejects emphatically the use of the death penalty under any circumstances, including any legislation that would impose the death penalty for homosexuality; calls on the EU and its Member States to further engage the Government of Uganda to reconsider its position on the death penalty;

5. Regrets that Ugandan law is still highly discriminatory against LGBTI people and urges the Ugandan authorities to review any law criminalising homosexuality and LGBTI activists, notably under sections 145 and 146 of the Penal Code;

6. Reminds the Ugandan Government of its obligations under international law and under the Cotonou Agreement, which calls for universal human rights to be respected;

7. Is deeply worried about the general deterioration of the human rights situation of LGBTI people in Uganda, including the increasing violations of their social rights, freedom of expression, gender equality rights and right to housing; condemns the recent killing of Brian Wasswa and deplores the alarming number of victims targeted on the basis of sexual orientation, including by national security forces; urges the Ugandan authorities to investigate thoroughly and impartially any violence or attacks against LGBTI people and to hold the perpetrators to account;

8. Calls on the Ugandan Government to strengthen redress mechanisms within the police force for human rights violations, in order to ensure that police officers uphold their duty to protect the rights of all people, including members of the LGBTI community, and to guarantee that all human right defenders and NGOs working on behalf of the LGBTI community in Uganda are able to pursue their legitimate activities under any circumstances, including their right to freedom of association, without fear of reprisals and free from all restrictions;

9. Recalls Uganda’s commitments under the Cotonou Agreement and international law to respect human rights and fundamental freedoms;

10. Calls on the EU delegation in Uganda to continue to monitor the situation of LGBT people closely and to actively support civil society organisations and human rights defenders and LGBTI people on the ground; stresses the importance of raising awareness and understanding of the situation of LGBTI people and their families;

11. Calls on the EU to effectively make full use of the political dialogue provided for under Article 8 of the Cotonou Agreement, as well as the LGBTI Toolkit and its accompanying guidelines, in their dialogue with the Ugandan authorities in order to help decriminalise homosexuality, reduce violence and discrimination and protect LGBTI human rights defenders;

12. Reiterates its previous calls on the Commission and the Council to include the mention of non-discrimination based on sexual orientation in any future agreement that replaces the Cotonou Agreement;

13. Calls on the EU to enhance the defence and promotion of human rights in Uganda, notably through targeted support to civil society organisations and full implementation of the EU Guidelines on Human Rights Defenders;

14. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the President of Uganda, the Parliament of Uganda, and the African Union and its institutions.

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(3) OJ C 378, 9.11.2017, p. 253
TAB 8
Living in a shelter for homeless people shouldn’t be illegal. But according to Ugandan police, 23 people arrested on March 29 living at a shelter serving lesbian, gay, bisexual, and transgender (LGBT) people in Kampala are guilty of “a negligent act likely to spread infection of disease,” as well as “disobedience of lawful orders.”
Police were presumably enforcing presidential directives to combat the spread of COVID-19, including one prohibiting public gatherings of more than 10 people. The homeless youth were indoors at a shelter in Nsangi, near Kampala, run by the nongovernmental organization Children of the Sun Foundation. No order limits the number of residents in a private home or shelter.

Two were released from police custody for medical reasons, as was a nurse who worked at the shelter’s clinic. But 20 were remanded to prison, a disastrous move when civil society leaders have been pleading with officials to decongest Uganda’s teeming prisons.

At the root of the arrests is homophobia. According to the legal aid group Human Rights Awareness and Promotion Forum (HRAPF), neighbors complained to local leaders about the presumed sexuality of shelter residents, prompting the mayor, Hajj Abdul Kiyimba, to lead a raid on the home. A video viewed by Human Rights Watch shows Kiyimba berating residents for “homosexuality” and beating them with a stick.

HRAPF said police searched the shelter for evidence of homosexuality, which is punishable by up to life in prison. Police confiscated HIV medication, self-testing kits, and condoms. At least three of those arrested were undergoing HIV treatment at the shelter. Police eventually settled on COVID-19-related charges.

The arrests echo an October 2019 raid on another LGBT shelter, where police arrested 16 people after they were attacked by a mob, detained them, and subjected them to forced anal examinations. The case against them was eventually dropped.

The Children of the Sun detainees may be less fortunate. Their lawyers can’t visit them in prison – Uganda’s latest COVID-19 guidelines only allow movement for “essential services,” which do not include legal services. Indeed, HRAPF’s application to visit them was rejected by the Ministry of Works and Transport. In the meantime, the detainees may be exposed to COVID-19 in prison. If any become ill or die, the Ugandan authorities will bear responsibility.
TAB 9
FREEDOM IN THE WORLD 2020

Uganda

NOT FREE

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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<tbody>
<tr>
<td>Political Rights</td>
<td>11/40</td>
</tr>
<tr>
<td>Civil Liberties</td>
<td>23/60</td>
</tr>
</tbody>
</table>

LAST YEAR’S SCORE & STATUS

36/100  Not Free

Global freedom statuses are calculated on a weighted scale. See the methodology.
Overview

While Uganda holds regular elections, their credibility has deteriorated over time, and the country has been ruled by the same party and president since 1986. The ruling party, the National Resistance Movement (NRM), retains power through the manipulation of state resources, intimidation by security forces, and politicized prosecutions of opposition leaders. Uganda’s civil society and independent media sectors suffer from legal and extralegal harassment and state violence.

Key Developments in 2019

- Police repeatedly used force to disrupt rallies, protests, and other events organized by the political opposition during the year, in some cases arresting opposition leaders.
- The media regulator ordered the suspension of 39 journalists at 13 outlets in April, though the move was later blocked by a court, and issued a directive in August requiring social media accounts with large followings to register and submit to official monitoring.
- In August, prominent academic Stella Nyanzi was sentenced to 18 months in prison under the Computer Misuse Act for 2018 Facebook posts that were critical of the president.
- In November, the interior minister called on thousands of nongovernmental organizations (NGOs) to cease their activities after they failed to pass a reregistration process.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority
The president is directly elected to serve five-year terms. In the 2016 election, incumbent Yoweri Museveni won with 60.6 percent of the vote, according to official results. Kizza Besigye of the opposition Forum for Democratic Change (FDC) placed second, with 35.6 percent. The integrity of the election was undermined by problems including the misuse of state resources and flawed administration by the Electoral Commission (EC).

A 2017 constitutional amendment removed the presidential age limit of 75, allowing the president to seek reelection in 2021. Opposition parties and other critics challenged the validity of the change, citing procedural problems and intimidation, but the Supreme Court upheld the amendment in April 2019.

**A2 0-4 pts**

Were the current national legislative representatives elected through free and fair elections?

The 2016 elections for the unicameral Parliament were held concurrently with the presidential vote. A total of 426 members were chosen, including 289 elected in single-member districts, 112 elected to reserved seats for women, and 25 chosen to represent special interest groups (the military, youth, people with disabilities, and trade unions). Members serve terms of five years. The ruling NRM won an absolute majority with 293 seats. Independents won 66 seats, the opposition FDC took 36, and smaller parties divided the remainder. As with the presidential election, the integrity of the balloting was undermined by problems including the misuse of state resources and flawed administration by the EC.

**A3 0-4 pts**

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

1/4
Independent observers, civil society, and opposition leaders have long critiqued and called for substantive reforms to Ugandan electoral laws. On election day in 2016, the EC experienced significant technical and logistical problems. It extended the voting time for polling stations that opened late, with voting in some areas continuing for an extra day even as counting was well under way. This exacerbated existing mistrust of the EC and raised suspicions of malfeasance.

Following the flawed 2016 elections, the Supreme Court called on the attorney general to implement electoral reforms within two years and update the court on the progress of the changes. The deadline passed in March 2018 with no meaningful reforms advanced. In June 2019 the Supreme Court ordered the government to present reform bills within a month, and in July the attorney general introduced five pieces of legislation, which had yet to be adopted at year’s end.

The EC suspended the Citizens’ Coalition for Electoral Democracy in Uganda (CCEDU), a prominent NGO, from election observation and voter education activities in July 2018. The commission claimed that the group is partisan and undermines the integrity of elections. However, after representatives from the CCEDU met with the EC in October of that year, both sides indicated that they had reached an agreement to allow the group to resume its work. The ban on CCEDU was formally lifted in February 2019.

B. Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1/4
The constitution and laws provide for the formation of political parties, and multiple parties exist and compete in practice. However, the activities of opposition groups are hindered by restrictive party registration requirements and candidate eligibility rules, a lack of access to state media coverage, and violence or harassment by state authorities and paramilitary groups.

Police used tear gas and live ammunition to break up FDC rallies in the towns of Lima and Kasese in April 2019. They used similar tactics to stop FDC leaders from organizing rallies in oil-rich Bunyoro the following month, and ordered local radio stations not to host any opposition politicians. In September police blocked a planned FDC event in eastern Uganda on the grounds that it was illegal under the Public Order Management Act (POMA). When FDC leaders tried to organize the party’s national conference in November, heavily armed police and military officers cordoned off the venue and forcibly dispersed party supporters. Besigye and a number of other FDC members were arrested and temporarily detained.

The Alliance for National Transformation (ANT), a new opposition group formed after some FDC members broke away in late 2018, received its registration in April 2019 and held a launch event in May. Some observers warned that the development would further fragment and weaken the opposition.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1/4

The ruling party dominates all levels of government. There are several dozen opposition lawmakers in Parliament, as well as numerous independents, though some of the latter support the NRM. Presidential and parliamentary election campaigns are characterized by violence, intimidation, and harassment toward opposition parties.

Leaders of opposition parties and political movements are sometimes arrested on trumped-up criminal charges. There were multiple arrests of FDC leaders during 2019, and Robert Kyagulanyi—better known as Bobi Wine, a singer, Parliament member, and leader of the People Power group—was targeted for harassment.
throughout the year. He was placed under house arrest in April after police canceled a press conference and concert he planned to hold, then faced arrest later that month on charges related to an allegedly illegal assembly the previous year. Wine was released on bail a few days later. In July he announced that he would run for president in 2021. Wine and more than 30 others were still awaiting trial on treason charges arising from a 2018 incident in Arua district; police alleged that Wine and his supporters obstructed President Museveni’s motorcade and threw stones at the vehicles. Charges of annoying, alarming, or ridiculing the president were added to the case in August 2019.

**B3** 0-4 pts

Are the people’s political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?  

The military is closely aligned with Museveni and the NRM, and holds 10 seats in Parliament. The government and ruling party also reportedly use public resources and patronage networks to build political support among religious leaders and other influential figures.

**B4** 0-4 pts

Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?  

The dominant position and coercive tactics of the NRM impede free political participation and advocacy of interests by Uganda’s various ethnic groups, including those affiliated with traditional kingdoms and smaller indigenous groups. An assessment of women’s participation in the 2016 elections by the Women’s Democracy Group, a coalition of Ugandan civil society organizations, noted a widespread perception that because a certain number of legislative seats are reserved for women, “they should not contest for direct positions so as to reduce on
the competition for male contestants.” Due to severe legal and societal discrimination, the interests of LGBT+ people are not represented in politics.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

1/4

Power is concentrated in the hands of the NRM leadership, the security forces, and especially the president, who retains office through deeply flawed electoral processes. Lawmakers have little practical ability to influence legislation in which the government has a particular interest, though there is more consultation on ordinary policy matters. The executive has secured passage of key legislation through inducement, harassment, and intimidation of the legislative branch. For example, several opposition lawmakers were assaulted and forcibly removed from Parliament by plainclothes military officers during the reading of the 2017 constitutional amendment bill that removed the presidential age limit.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

1/4

Corruption is a serious problem. There are laws and institutions designed to combat official malfeasance, including the Anti-Corruption Act of 2009 and the Inspectorate of Government, and instances of alleged graft have led to investigations and intense media attention. However, the system has not been effective at addressing corruption in a sustained manner, and top government officials are rarely prosecuted in practice.

C3 0-4 pts

Does the government operate with openness and transparency?


Many government departments deny requests for information under the country’s Access to Information Act. Other laws related to national security and confidentiality also impede open access to information in practice. Public procurement decisions are generally opaque.

Civil Liberties

D. Freedom of Expression and Belief

Are there free and independent media?

The media sector features many independent outlets, but their journalists face arrest, harassment, intimidation, and assault in reprisal for their work. In February 2019, a team of British journalists were arrested and temporarily detained while investigating the illegal sale of drugs from public health facilities. Authorities raided or shut down a number of radio stations for hosting Besigye during the year, and several journalists were arrested while attempting to cover protests and opposition party events. In November, police forcibly dispersed journalists who had gathered to protest police brutality against their colleagues.

Both reporters and outlets are at risk of suspension and other forms of regulatory interference. In February 2019, the Uganda Communications Commission (UCC), a government media regulator, ordered the Daily Monitor newspaper to shut down its website, accusing it of failing to register under a 2018 directive requiring all online media to obtain the commission’s permission to operate. In April the UCC ordered
the suspension of 39 journalists at 13 television and radio stations over their coverage of protests that followed the arrest and detention of Bobi Wine that month. Two activists went to court to challenge the suspensions on behalf of the Uganda Journalists Association, and the High Court in Kampala ruled in their favor in May, blocking the UCC’s action. In August, the regulator required social media accounts with large followings to register and submit to official monitoring. In October, the UCC warned five broadcasters that their coverage of political affairs and protests violated their license agreements, and ordered a local radio station, Pearl FM, to suspend *Inside Story*, a popular political talk show, citing complaints from security agencies.

*Score Change: The score declined from 2 to 1 due to persistent state pressure on independent media, including arrests of journalists, the interruption of broadcasts, and the mass suspension of reporters and outlets.*

**D2** 0-4 pts

| Are individuals free to practice and express their religious faith or nonbelief in public and private? | 3/4 |

There is no state religion, and freedom of worship is both constitutionally protected and generally respected in practice. However, the government has restricted religious groups whose members allegedly pose security risks. It has also sought to control political statements by religious leaders, tolerating those who express support for President Museveni and the ruling party while subjecting those with more critical views to intimidation, harassment, and arrest. In July 2019, police arrested a prominent pastor, Joseph Kabuleta, for posting a statement on Facebook that allegedly offended “the person of the president.” In his post, Kabuleta had criticized the president’s son, who was supposedly being positioned to succeed his father.

A series of Muslim clerics have been murdered in recent years, and the investigations into the crimes have not yet led to any convictions.

**D3** 0-4 pts
Is there academic freedom, and is the educational system free from extensive political indoctrination?

Academic freedom has been undermined by alleged surveillance of university lectures by security officials, and by the need for professors to obtain permission to hold public meetings at universities. In December 2018, 45 staff members at Makerere University in Kampala were dismissed for indiscipline, but critics argued that the dismissals were meant to silence critics of the government within the university. In August 2019, a prominent Makerere University academic, Stella Nyanzi, was sentenced to 18 months in prison for 2018 Facebook posts that were critical of President Museveni. Nyanzi, who had been in jail since late 2018 and lost her university post in February 2019, was charged under the Computer Misuse Act, which the government has often invoked to stifle political dissent.

The authorities have responded harshly to campus protests by student groups. In October 2019, police and the military used tear gas and raided dormitories at Makerere University, beating and arresting students who were demonstrating against fee increases.

Score Change: The score declined from 3 to 2 due to increased government pressure on universities in recent years, including a crackdown on student protesters and the punishment of critical speech by faculty members.

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

Private speech is relatively unrestrained, and Ugandans openly criticize the government on social media. However, individuals are at risk of criminal penalties for such speech, and the government reportedly monitors social media platforms. Media reports in August 2019 indicated that Ugandan intelligence officials, with assistance from a Chinese telecommunications firm, have hacked into the accounts and devices
of opposition figures to track their communications and movements; the same
techniques could presumably be used against ordinary citizens.

In 2018, the government implemented a controversial social media tax, requiring
users on platforms like Facebook, Twitter, and WhatsApp to pay a daily fee of $0.05,
which is prohibitively expensive for many. Critics assailed the tax as an attack on
freedom of expression and an attempt to limit the exchange of criticism of the
government and mobilization of the opposition online. According to the UCC, the tax
led to a decline in the number of social media users in the months following its
introduction. Also in 2018, Museveni instructed the Uganda Revenue Authority to
monitor all phone calls within the country, claiming that the government was losing
significant tax revenue due to the underreporting of calls by telecommunications
companies.

E. Associational and Organizational Rights

<table>
<thead>
<tr>
<th>E1</th>
<th>0-4 pts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is there freedom of assembly?</td>
<td>1/4</td>
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</table>

Freedom of assembly is restricted by POMA, the 2013 public order law, which
requires groups to register with local police in writing three days before any
gathering, public or private, to discuss political issues. The police have authority to
deny approval for such meetings if they are not deemed to be in the “public interest,”
and to use force to disperse assemblies judged unlawful. The government has relied
on POMA to block opposition meetings and rallies, and to stop opposition lawmaker
Bobi Wine, who is a popular singer, from holding concerts. This pattern continued in
2019, with police repeatedly using tear gas, live ammunition, and arrests to disrupt
opposition events. To circumvent these restrictions, opposition politicians have
sometimes resorted to organizing meetings in their residences.
Civil society in Uganda is active, and several NGOs address politically sensitive issues. However, their operations are vulnerable to various legal restrictions, burdensome registration requirements, and occasional threats. NGOs that work on human rights issues have reported break-ins at their offices and burglaries in recent years, and the police have failed to adequately investigate the incidents.

In August and September 2019, the government required NGOs to submit information to the National Bureau for NGOs on their staffing, finances, and activities. In November, the interior minister ordered some 12,000 NGOs to shut down for failing to renew their registration, though the bureau said the groups would still have an opportunity to reregister. Only about 2,000 groups had successfully navigated the process.

Workers’ rights to organize, bargain collectively, and strike are recognized by law, except for workers providing essential government services. As of 2018, there were 42 trade unions in Uganda, representing close to one million people. Most are grouped under two umbrella entities—the National Organization of Trade Unions (NOTU) and the Central Organization of Free Trade Unions (COFTU). Despite their legal and institutional protections, trade unions have been undermined in practice by co-optation, intimidation, and manipulation designed to frustrate their organizing and bargaining efforts.

**F. Rule of Law**
F1  0-4 pts

Is there an independent judiciary?

Executive influence weakens judicial independence, as does systemic corruption. In August 2019, the chief justice established an internal task force to investigate widespread allegations of judicial corruption, but the FDC called for an independent probe by outside lawyers and experts.

F2  0-4 pts

Does due process prevail in civil and criminal matters?

Police routinely engage in arbitrary arrests and detentions, despite legal safeguards against such practices. Other impediments to due process include prolonged pretrial detention, inadequate access to counsel for defendants, and corruption. A number of reform initiatives in recent years, including the introduction of plea bargaining in 2015, have reportedly had some success in reducing large case backlogs.

F3  0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?

Rape, extrajudicial violence, and torture and abuse of suspects and detainees by security forces are persistent problems, and prosecutions of the perpetrators are rare. The alleged torture of Bobi Wine and other opposition politicians in August 2018 led to protests against police brutality. The government said it would investigate Wine’s allegations of torture, but no charges had been filed as of 2019.

Prison conditions are poor, as the prison system is operating at about three times its intended capacity, with pretrial detainees constituting nearly half of the inmate population.
The LGBT+ community continues to face overt hostility from the government and much of society. Same-sex sexual activity is criminalized under a colonial-era law. Men and transgender women accused of consensual same-sex conduct are sometimes forced to undergo an anal exam that Human Rights Watch says could amount to torture. In October 2019, LGBT+ activist Brian Wasswa was fatally attacked at his home in Jinja. In October and November, police carried out two groups of mass arrests of members of the LGBT+ community in Kampala.

The law prohibits employment discrimination based on gender and other criteria, but it does not cover the informal sector, in which most women work, and women are subject to de facto discrimination in employment and other matters.

There were almost 1.4 million refugees living in Uganda at the end of 2019, and the government has been praised for its progressive asylum policies. However, it struggles to fund basic services for some refugee populations.

G. Personal Autonomy and Individual Rights

Freedom of movement in Uganda is largely unrestricted, including for refugees, most of whom live outside of camps and have been able to move more freely in recent years. However, bribery is common in many facets of life, such as interacting with
traffic police, gaining admittance to some institutions of higher education, and obtaining government jobs.

**G2 0-4 pts**

| Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? | 2/4 |

Customary land tenure is widespread in the north, and land disputes—some of them violent—are common, particularly when private development projects are at stake. Forced evictions sometimes occur in northern and central Uganda. In 2018, police detained 26 land rights activists and two local NGO staff for mobilizing residents of Mubende district to resist illegal evictions; a related clash with employees of a businessman carrying out evictions had led to one death. The 28 individuals were charged in late 2018 with nine counts, including murder and aggravated robbery. In October 2019, their counsel was briefly detained when he demanded access to his clients. The trial was adjourned in November 2019 and expected to resume in 2020.

In June 2018, 200 people from Apaa sought protection at the Office of the UN High Commissioner for Human Rights (OHCHR) after security forces allegedly burned down their homes. Residents returned after a month, but forced evictions in the area have reportedly continued.

The law allows women to inherit land, but local customary rules and societal practices put women at a disadvantage regarding land tenure and inheritance.

**G3 0-4 pts**

| Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? | 1/4 |

Domestic violence is widespread and underreported, and underage marriages are common in some communities. Some 40 percent of women aged 20 to 24 were
married by age 18. According to a UN Children’s Fund report published in 2018, one in three women between the ages of 18 and 24 were victims of sexual violence as children, and more than 60 percent of young adults experienced physical abuse as children. In November 2018, courts across the country began holding special sessions to address a backlog of thousands of rape and domestic violence cases.

G4 0-4 pts

| Do individuals enjoy equality of opportunity and freedom from economic exploitation? | 1/4 |

Poor enforcement of labor laws contributes to unsafe or exploitative conditions for some workers, including extremely low pay. Child labor in agriculture, domestic service, and a variety of other industries is a significant problem, and the issue is most prevalent in rural areas. Sexual exploitation of minors is also an ongoing problem.

While Uganda has in place a number of domestic laws to promote workers’ rights, the government has failed to regulate the recruitment and transfer of Ugandan domestic workers to Middle Eastern countries. Accounts that surfaced in the media in 2019 described Ugandan workers in the Middle East experiencing sexual abuse, beatings, exploitation, and torture. A report issued by Parliament in late 2017 revealed the deaths of 48 Ugandans working in the Middle East in the first 11 months of that year, out of which 34 died by committing suicide. The government has promised legislation to regulate the employment of Ugandans abroad, and a draft bill was under consideration in late 2019.
Country Facts

Global Freedom Score

34/100  Not Free

Internet Freedom Score

56/100  Partly Free

Other Years

2019

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TAB 10
Human Rights Watch defends the rights of people worldwide.

We scrupulously investigate abuses, expose facts widely, and pressure those with power to respect rights and secure justice.

Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all.

Human Rights Watch began in 1978 with the founding of its Europe and Central Asia division (then known as Helsinki Watch). Today it also includes divisions covering Africa, the Americas, Asia, Europe and Central Asia, the Middle East and North Africa, and the United States. There are thematic divisions or programs on arms; business and human rights; children’s rights; crisis and conflict; disability rights; the environment and human rights; international justice; lesbian, gay, bisexual, and transgender rights; refugee rights; and women’s rights.


Human Rights Watch is an independent, nongovernmental organization, supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly.
manity, continued at the International Criminal Court (ICC). In October, the court announced that closing statements in this case would commence on March 10, 2020. Two ICC warrants remain outstanding for the arrest of LRA leader Joseph Kony LRA leader and Vincent Otti, who is presumed dead.

The International Crimes Division (ICD) of Uganda's High Court continued the trial of alleged former LRA commander Thomas Kwoyelo—in custody since his capture in the Democratic Republic of Congo in 2009—on charges of war crimes and crimes against humanity. The trial has had numerous delays. In September, the ICD confirmed charges of terrorism, murder, attempted murder, aggravated robbery against Jamil Mukulu, alleged leader of the rebel Allied Democratic Forces (ADF), and 37 others.

Key International Actors

In August, Japan, the United Kingdom, and Germany suspended direct funding of Uganda's refugee programme because the government failed to punish govern-ment and aid officials who colluded in the fraudulent inflation of the refugee population according to the UN's 2018 audit report, which revealed gross mis-management of funds meant for refugees.

In May, the European Union Delegation, the Heads of Mission of Austria, Bel-gium, Denmark, France, Germany, Ireland, Italy, the Netherlands, Sweden and UK and the Heads of Mission of Iceland, Japan, Norway, Republic of Korea and United States issued a joint statement regarding freedom of expression and as-sembly in Uganda, citing in particular the UCC's April 30 decision to suspend senior staff of 13 radio and television stations on allegations of breaching mini-mum broadcasting standards. They also expressed concerns over the excessive use of force by police against peaceful protesters and political opposition.

Migrants and Refugees

In March, the minister of disaster preparedness and refugees, Hilary Onek, told refugees from Rwanda and Burundi to consider returning home because their countries were politically stable, despite reports by the United Nations High Commissioner for Refugees that conditions were not yet favourable for their return.

Children's Rights

In July, government officials and police violently and arbitrarily rounded up over 600 children and young adults in Kampala as part of an exercise by local authori-ties to remove and resettle homeless street children. Witnesses said police used sticks and batons to beat these children as they forced them into vehicles. Ugan-dan authorities have carried out similarly operations in the past.

Sexual Orientation and Gender Identity

Crackdowns on lesbian, gay, bisexual, transgender, and intersex activists continued and same-sex relations remained illegal in Uganda. In May, police shut down celebrations marking the International Day Against Homophobia, Bipho-bia, Intersexism, and Transphobia event in Kampala, accusing the nongovern-
mental organization Sexual Minorities Uganda of planning an illegal gathering, forcing the organization to move the event to a private residence.

In October, Brian Wasswa, a young gay man who worked as a paralegal with the Human Rights Awareness and Promotion Forum and as an HIV peer educator with TASO, an HIV/AIDS NGO, was beaten to death with a hoe at his home in Jinja. The following week, Ethics and Integrity Minister Simon Lokodo announced government plans to reintroduce an anti-homosexuality bill in parliament, under which people convicted for consensual same-sex acts would face the death penalty. The government later announced that it had no plans to reintroduce the law.

Prosecutions for Serious Crimes

In 2019, the case of Dominic Ongwen, alleged former Lord's Resistance Army (LRA) commander charged with 70 counts of war crimes and crimes against hu-
TAB 11
Uganda: Stop Police Harassment of LGBT People

Drop Charges Against Dozens Detained in Recent Roundups

Published in (Nairobi) – The Ugandan authorities should drop charges against dozens of people arrested over the last month in Kampala, the capital, on the basis of their presumed sexual orientation or gender identity, Human Rights Watch said today.

The police carried out two mass arrests on spurious grounds, abused the detainees, and forced at least 16 to undergo anal examinations. Such examinations violate their right to bodily integrity and freedom from torture and ill treatment.

“Whether it’s arresting victims threatened by a mob or rounding up revelers at a bar on trumped-up drug charges, Ugandan police are stooping to new lows in their persecution of people for being LGBT,” said Neela Ghoshal, senior LGBT rights researcher at Human Rights Watch. “Ugandan police should be protecting people, not violating their rights because of their presumed sexuality or gender identity.”

On October 21, 2019, police arrested 16 activists with Let’s Walk Uganda, a community-based organization working on economic empowerment for LGBT youth. Eric Ndawula, the organization’s program coordinator, who was among those arrested, told Human Rights Watch that the activists had called police to help them after a group of people surrounded the house they use as an office and shelter, shouting homophobic insults and threatening to break in. But after dispersing the mob, police interrogated the 16 people inside about their gender presentation, used homophobic insults, and arrested them all.

The following day, police searched the house, confiscated condoms, lubricant, and anti-retroviral medicines and charged the occupants with “carnal knowledge against the order of nature.” On October 23, a police
A medical doctor in Kampala faces criminal assault charges and investigation by the Uganda Medical and Dental Practitioners’ Council for allegedly assaulting a patient on October 19 because he believed she was a lesbian. On October 20, unidentified assailants attacked a gay Rwandan refugee in Kampala, inflicting severe blows to his head.

These attacks have taken place against a backdrop of homophobic discourse from high-ranking government officials. In October, Ethics and Integrity Minister Simon Lokodo told reporters that parliament planned to introduce a bill that would criminalize so-called “promotion and recruitment” by gay people, and would include the death penalty for “grave” consensual same-sex acts. Security Minister Elly Tumwine claimed in an October 3 television interview that LGBT people were linked to an alleged terrorist group.

The Office of the President disavowed Lokodo’s statements, stating that the “Government of Uganda does not have any plans of re-introducing the anti-homosexuality bill on the floor of Parliament.” Health Minister Aceng Jane Ruth condemned several of the instances of homophobic violence.
The ongoing cases against the 16 members of Let’s Walk Uganda and the scores of people rounded up at Ram Bar, however, leave LGBT activists in Uganda skeptical of the government’s assurances. Frank Mugisha, executive director of Sexual Minorities Uganda, said in a statement: “Whereas government recently issued a statement assuring safety and protection of all Ugandans, including minority groups[…] What good is that statement now, when security forces are blatantly violating our human rights with impunity.”

Clare Byarugaba, an activist with Chapter Four Uganda, accused the police of seeking to distract public attention from a recent brutal crackdown by security forces on students protesting fee increases.

Uganda should drop charges in both cases and repeal articles 145, 146, and 148 of the penal code, which criminalize consensual same-sex relations and violate rights to privacy and non-discrimination, Human Rights Watch said. It should also decriminalize petty offenses such as “common nuisance,” in accordance with the Principles on the Decriminalization of Petty Offenses in Africa adopted by the African Commission on Human and Peoples’ Rights in 2017.

The Health Ministry and the police should ban forced anal examinations and their use as “evidence” in homosexuality prosecutions. These exams have no scientific value and violate the Convention against Torture, the African Charter on Human and Peoples’ Rights, and the International Covenant on Civil and Political Rights.

“LGBT Ugandans wake up every day facing the risk of police harassment, arbitrary arrest, and abuse,” Ghoshal said. “Uganda should decriminalize consensual same-sex conduct and stop using petty offenses as legally sanctioned harassment of people who are trying to live their lives in peace.”

Selected Accounts

Eric Ndawula, arrested in “Let’s Walk Uganda” raid

The third day, police took us to Nsambya police barracks which has a health facility. When we reached the barracks, the doctor told us he was going to examine [us]. He first made comments, “You are young, spoiling your lives” and “lured into devilish acts” and “working on behalf of the devil.” He did anal examination of us all, one by one, in a ward at night in the dark with no power. The nurse held the torch while the doctor made the examination.

The exam is really humiliating and dehumanizing. The doctor tells you to lie down on the bed and make a “four” with your legs. He tells the nurse to bring the torch closer. Wearing gloves, [he] inserts his fingers in the anus. He tells you to hold then release and asks whether you feel pain. If you don’t feel pain there, he puts another finger.

The doctor told me he found bruises. He mentioned that to all of us. He said to some people they are “loose” and his conclusion is that we have all engaged in anal sex… Then they administered HIV tests on all of us.
They never told us the results.

**Joan Amek, arrested in Ram Bar raid**

We were first told to go “chini,” I guess to squat or sit on the floor. They were asking homophobic questions especially to the trans women; what are they, why do they have plaited hair? A police lady at some point said she would beat the hell out of a trans woman because of her walking style and ways. They kept on calling us prostitutes and genderless people. They kept on making common mistakes on he and she and dramatically laughing about it, saying that they thought we didn’t care so why are we complaining.

After the drug accusations failed, they accused us of being idle. But there is no crime, they just need something to pin on people.

**“Judy,” arrested in Ram Bar raid**

The impact this has caused has messed up so many lives. Many don’t even think they have a life to come back to even after their release. Some of us who are out feel guilty because our other friends are still in there. For others, they couldn’t imagine talking to their families about this due to fear. All our lives will never be the same. A number practically lost jobs because of this and families don’t want anything to do with them even after they get out. I and my friends can’t even have decent sleep because our minds can’t rest.

**Related Content**


**Region / Country**

- Africa
- Uganda

**Topic**

- LGBT Rights

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Forced Evictions

Years of security forces' forced evictions in Apaa, Northern Uganda gained attention in June when 200 residents traveled 100 kilometers to seek refuge at the UN Office of the High Commissioner for Human Rights (OHCHR) in Gulu after soldiers allegedly torched homes, beating and killing a resident. Following a month of negotiations between OHCHR, the community and government, residents elected to return home, but reported that forced evictions have continued.

Key International Actors

The United States, United Kingdom, and the European Union continue to provide funding for logistics and training to the African Union Mission in Somalia, where Uganda contributes troops. The United States has been a significant donor to Uganda's military, providing training to thousands of soldiers, through the Africa Contingency Operations Training and Assistance (ACOTA) program, among other funding streams.

International donors echoed domestic criticism of security forces' conduct during and after the Arua by-election. The US State Department said it was "gravely concerned" by reports of torture, and that "such human rights abuses are unacceptable." In September, the European Parliament in a 14-point resolution called for the investigation and prosecution of security officers for torture and extrajudicial killings. However, neither the US nor EU announced specific changes regarding support for Uganda's security forces.

Uganda hosts over 1 million refugees, primarily from South Sudan and the Democratic Republic of Congo. In June, the United Nations, and Uganda sought at least $2 billion to support refugee assistance but raised significantly less.

Sexual Orientation and Gender Identity

Uganda's colonial-era law continues to prohibit "carnal knowledge" among people of the same sex and crackdowns on lesbian, gay, bisexual, transgender, and intersex activists continued. On May 17, police and Minister of Ethics and Integrity Simon Lokodo shut down a celebration of the International Day Against Homophobia, Biphobia, and Transphobia organized by the NGO Sexual Minorities Uganda. In May, Lokodo vowed to block the Health Ministry's first annual conference on Key and Priority Populations, arguing it would promote "homosexuality and other dirty things." The conference did not take place.
TAB 13
October 15, 2019 12:01AM EDT

Uganda: Brutal Killing of Gay Activist
Amid Attacks, Officials Threaten Death Penalty for LGBT People

Update: On October 12, a government spokesperson, Ofwono Opondo, tweeted that the government “does not intend to introduce any new law with regards to regulation of LGBT activities in Uganda because the current provisions in the penal code are sufficient.” Before President Museveni signed the Anti-Homosexuality Act in 2014, the government also put out conflicting messages around its support for the bill.
(Kampala) – Ugandan authorities should thoroughly investigate the fatal attack on October 4, 2019 on an activist for the rights of lesbian, gay, bisexual, and transgender (LGBT) people, Human Rights Watch said today. The death of the activist, Brian Wasswa, comes as the Ugandan government calls for reintroducing the death penalty for consensual same-sex acts.

Wasswa, 28, was attacked at his home in Jinja, a city in eastern Uganda. Wasswa had worked since 2017 as a paralegal trained by Human Rights Awareness and Promotion Forum (HRAPF), a legal aid organization supporting LGBT people. Wasswa also worked as a peer educator with The AIDS Support Organization (TASO), a Ugandan nongovernmental organization dedicated to HIV/AIDS prevention, treatment, and care, where he conducted HIV outreach to LGBT people. Justine Balya, a legal officer with HRAPF, said Wasswa was social, well-loved, and committed to counseling young people adhering to treatment.

Days after Wasswa’s murder, Ethics and Integrity Minister Simon Lokodo told reporters that parliament planned to introduce a bill that would criminalize so-called “promotion and recruitment” by gay people, and would include the death penalty for “grave” consensual same-sex acts. The proposed measure echoes Uganda’s 2014 Anti-Homosexuality Act, which criminalized the undefined “promotion” of homosexuality and early drafts included the death penalty for “aggravated homosexuality.” The Constitutional Court nullified the 2014 law on procedural grounds. Nevertheless, its passage contributed to violence, discrimination, evictions, and arbitrary arrests of LGBT people, as Human Rights Watch and Amnesty International documented.

“In the wake of the horrific murder of Brian Wasswa, the Ugandan government should be making it crystal clear that violence is never acceptable, regardless of one’s sexual orientation or gender identity,” said Oryem Nyeko, Africa researcher at Human Rights Watch. “Instead, a government minister charged with ethics and integrity is threatening to have gay people killed at the hands of the state.”

Uganda has experienced a rise in homophobic rhetoric from the government at high levels in recent weeks. In addition to Minister Lokodo’s threat to revive the anti-homosexuality bill, Security Minister Elly Tumwine claimed in an October 3 television interview that LGBT people were linked to an alleged terrorist group.

Wasswa, who lived alone in a house in a fenced compound containing other houses, was attacked in his home on October 4. Edward Mwebaza, deputy executive director of HRAPF, said that neighborhood children found the door open at around 5 p.m., went into the house, and found Wasswa unconscious, lying in a pool of blood. Neighbors rushed Wasswa to Jinja Hospital, where doctors found that he was still alive but had been struck on the head multiple times by a sharp object. When Wasswa did not respond to treatment on October 5, his colleagues at HRAPF requested an ambulance to transfer him to Mulago Hospital, one hour away. Wasswa died in the ambulance en route to Kampala.
transgender people had been killed in Uganda in recent months, amid the climate of increasingly hostile statements by politicians around LGBT rights. On August 1, a group of motorcycle taxi drivers beat a young transgender woman, Fahad Ssemugooma Kawere, to death in Wakiso District, near Kampala, HRAPF and other Ugandan activists reported.

HRAPF itself has also experienced previous violent attacks. In February 2018, two security guards were seriously injured during a violent break-in at the organization’s Kampala offices, and in 2016, a HRAPF security guard was beaten to death. No one was brought to justice for either attack. Other organizations working on sensitive issues, such as land rights and the rights of journalists and women, also have experienced break-ins and in some cases attacks on security guards.

“It is incumbent on the Ugandan authorities to deliver justice for the murder of Brian Wasswa,” Nyeko said. “Police should conduct thorough investigations, and political leaders should refrain from any rhetoric that might encourage violence against LGBT people.”
TAB 14
The government continued to target political dissidents subjecting them to intimidation, harassment and arbitrary arrest and detention. Restrictions on the rights to freedom of expression, association and peaceful assembly of political opposition members, journalists, human rights defenders and students. Violations of the right to housing, and the use of forced evictions were prevalent in many districts. Killings, violence and discrimination based on sexual orientation or gender identity was widespread. A minister threatened to re-introduce the “homosexuality bill” which would impose the death penalty in some cases of same-sex sexual activity.

Right to housing and forced evictions

In January, the High Court in Kampala, the capital, found that the government’s failure to enact a comprehensive legal framework and procedures to protect those facing eviction was a breach of the rights to life, dignity, and property under the Ugandan Constitution. Between January and April, Uganda Wildlife Authority (UWA) rangers carried out forced evictions of communities in the northern Apaa area. They burned homes, looted property and attacked community members. Hundreds of people were left homeless and many more were still at risk of forced eviction. The attacks took place despite the presence of the Uganda People’s Defence Forces (UPDF) who were deployed to the area in February, to protect the communities.
Hundreds of Indigenous Benet peoples living in villages next to Mount Elgon National Park in the east, who were evicted from their ancestral land on numerous occasions between 1983 and 2008, claimed that they were continuously subjected to torture, including rape, as well as arbitrary arrests and killings by UWA officers after being left vulnerable because of the forced evictions and delayed compensation or resettlement. They were also denied other human rights including rights to food, housing, education, access to health, work, and to personal security because of UWA preventing them from accessing resources in the forest and the lack of compensation and resettlement.

Further forced evictions took place in other areas including the Hoima and Mubende districts in the Western and Central regions respectively.

**Freedoms of expression, association and assembly**

In May, the Uganda Communications Commission (UCC) (a government body) issued a decision which ordered the suspension of news editors, producers and heads of programming in 13 independent radio and TV stations, on accusations of “incitement” and “misrepresentation of information”. The suspensions came after stations covered a story about the arbitrary arrest of Bobi Wine, a musician and opposition politician, whose real name is Robert Kyagulanyi. He was arrested on 29 April and detained for three days when he was travelling to the Criminal Investigation Directorate (CID), where he had been summoned over accusations that he organized anti-government street protests in Kampala in 2018, against steps to tax social media use. The UCC ordered media outlets that covered Bobi Wine’s arrest to submit to its office the live recordings as well as news bulletins within three days. Five days before the arrest, the police had placed Bobi Wine under house arrest, preventing him from holding a concert on grounds that it would be a risk to public safety under the 2013 Public Order Management Act. In August, authorities charged him with “intent to alarm, annoy or ridicule the President” in connection with an event in August 2018 when opposition members allegedly stoned the President’s convoy during political campaigns for a parliamentary seat by-election in Arua municipality in the northern region of Uganda. The High Court had not ruled on the case by the end of the year.

The authorities continued to use the Computer Misuse Act 2011 to harass, intimidate and stifle government critics. In August, Stella Nyanzi, a feminist academic who had been arrested and held since November 2018 in Luzira prison, was sentenced to 18 months in prison on charges under the Act, after being convicted of cyber harassment for criticizing the President on Facebook. Prior to her detention in 2018, she had faced repeated harassment, arbitrary arrests and detention.

Between October and November, security forces, including the police and the UPDF, cracked down on Makerere University students in Kampala for protesting an “illogical” increase in state school fees. They used excessive force to disperse the students, and journalists covering the protests, arresting and detaining more than 30 who were held for days without charge.

In October, the Inspector General of Police, cancelled a concert organized by Bobi Wine, which was to take place in Kampala, on grounds that the police were unable to provide adequate security at the concert because they were assigned to the national Independence Day celebrations.
In December, police prevented Kizza Besigye, leader of the Forum for Democratic Change (FDC), the main opposition party, from leading an anti-corruption march which coincided with a presidential event. The police arrested him and prevented the FDC from holding a press conference in Kampala. He was released without charge the same day.

**Arbitrary arrests and detention**

Dozens of people, including opposition leaders and supporters, activists, journalists and students reported that they were arbitrarily detained during peaceful protests or for criticizing the government. Many were subjected to prolonged detention without charge.

On 9 January, Stella Nyanzi told a High Court judge that she suffered a miscarriage in jail. She had been on remand at Luzira Prison.

Several FDC supporters were arrested on 4 November and released without charge several hours later. In one incident, in Kampala, the police used a water cannon to force Kizza Besigye from his car before arresting him for defying police orders after he had failed to obey a summons to report to police at the Mandela National Stadium; and for failure to comply with the Public Order Management Act. Several journalists were arrested the same day, for attending a protest in Kampala against unfair treatment of the press by security forces, particularly in connection with the Makerere University incident (see above). They were released a few hours later.

**Human rights defenders**

Community organizations and human rights defenders who confronted extractive industries or opposed mining activities that damaged the environment or violated human rights, increasingly faced restrictions on their right to freedom of peaceful assembly, association and expression. The government intimidated them including by threatening them with closure of their organizations. Human rights defenders in regions like Albertine, on the Western region said they continued to suffer harassment, intimidation and arbitrary arrest at the hands of the authorities.

In April, police officers assaulted Nana Namata Annette (also known as Nana Mwafrika Mbarikiwa) after she went to the Naguru police headquarters to protest the use of excessive force by police officers to disperse FDC rallies. She was hospitalized because of the assault and, in July, she told journalists that she had a hysterectomy due to excessive bleeding during childbirth, caused by injuries sustained during the attack.

Women human rights defenders faced harassment and arrest for their work to defend vulnerable groups, like children and women, against land grabs by local authorities. In October, Nana Namata Annette was arrested at a peaceful protest that she organized in Kampala against police brutality and human rights violations and abuses.
In December, Jelousy Mugisha was arbitrarily detained by immigration officers at Entebbe Airport and interrogated before being released without charge more than nine hours later. He was returning from Paris where he had testified in a case at the First Instance Court (Tribunal de Grande Instance) against French oil company, Total, for undermining human rights and causing environmental damage resulting from its operations in Uganda. He was questioned about his involvement in the hearing.

**Rights of lesbian, gay, bisexual, transgender and intersex people (LGBTI)**

In May, police acting on orders from the Minister of Ethics and Integrity raided and stopped an event organized by NGOs, Chapter Four Uganda and Sexual Minorities Uganda, to commemorate the International Day Against Homophobia and Transphobia.

Between July and October four LGBTI people were killed in the wake of heightened anti-LGBTI sentiments being expressed by political leaders.

Those killed included Brian Wassa, a gay paralegal who died on 5 October of a brain hemorrhage as a result of head injuries from an attack by unknown assailants the previous day at his home in Jinja town in the Eastern region. Uganda investigative authorities have not publicly commented on the killing. A transwoman from Gomba district, and a gay man from Kayunga district (both in the Central region) were also killed in attacks by unidentified assailants.

In October, the police arrested 16 LGBTI activists and subjected them to forced anal examinations after the Ethics and Integrity Minister announced plans to introduce the death penalty for consensual same-sex sexual activity which is already punishable by life imprisonment.

In November, the police charged 67 out of 125 people, arrested at a bar popular with LGBTI people, with “common nuisance”, punishable by imprisonment of up to one year. Their court case was ongoing at the end of the year, and they were required to report to the police each week for their bail conditions to be reviewed.
TAB 15
Uganda

Types of criminalisation

- Criminalises sex between men
- Criminalises sex between women

Commonwealth member state

Enforcement

2019

On 10 November, police raided LGBT-friendly ‘RAM Bar’ in Kampala, arresting 127 people. Local media reported that they were dragged out of the venue and thrown into police police vehicles. One of those detained by the police was able to call her brother, who works for the police and indicated that the raid had been to target LGBT people, despite police claims that it related to their use of shisha. Local LGBT rights organisations similarly suggested that this raid was targeting the LGBT
community. Of those arrested, 67 have reportedly been charged with nuisance offences.

On 21 October, 16 LGBT activists were arrested on suspicion of engaging in same-sex sexual activity in what fellow activists called an escalating campaign against sexual minorities. The 16 men, believed to be aged between 22 and 35, were taken into custody late on Monday at the office of a sexual health charity (Let's Walk Uganda) where they all worked and lived. On 24 October, police spokesperson Patrick Onyango indicated that officers had found lubricants, condoms and antiretroviral drugs at the charity, and had conducted medical examinations on all 16. “Based on the medical examination report, it was established that the suspects were involved in sexual acts punishable under the penal code,” he said.

“Normally we will hear of maybe one arrest of someone from the community under these anti-gay laws in one month, but it is really unusual to see 16 people charged like this,” said Frank Mugisha, Executive Director of Sexual Minorities Uganda. He added “The 16 activists have been held by police for over 48 hours, forced to undergo anal examinations. We are expecting them to be produced before court today.”

All 16 activists were initially taken into “protective custody” after a crowd yelling homophobic slurs surrounded their office, rights groups said. Police said the group was detained after they were alerted to “illegal activities” by the community. They were reportedly released on bail until 5th November.

2017

The US Department of State Human Rights Report on Uganda stated that the authorities enforced the law during the year. The report further noted that the Human Rights Awareness and Promotion Forum (HRAPF) reported 14 cases of police arresting persons on suspicion of being LGBT.

Few cases have been fully prosecuted. However, arrests are ongoing and prosecutions commenced and increased with the passage in Parliament of the Anti-Homosexuality Act (AHA), which was signed into law in February 2014, albeit declared ‘null and void’ by the Ugandan Constitutional Court in August 2014 (see more below).

2015

In September, an ex-football manager was convicted by a Chief Magistrate’s court for forceful same-sex sexual act but at the same time was acquitted for sex with another male because that involved consensual same-sex sexual activity. However, according to the HRAPF the accused was not acquitted on the second count because the sex was consensual but because the Magistrate concluded that evidence from his consensual sex partner could not be trusted. He even suggested
that the partner could also have been prosecuted for willingly violating a law against same-sex relations.

In January, police reportedly arrested nine men under Uganda’s anti-gay laws. Reports indicate the men were subject to forced anal examinations while in police custody.

2014

In October, a Ugandan court dismissed charges against a man and a trans woman arrested in January 2014. The defendants’ lawyer said the case was dismissed because the prosecution failed to produce any witnesses.

A report by Sexual Minorities Uganda in May noted 17 arrests since the passage of the AHA. This compares with just one such case reported to them in 2013 and none in 2012.

After the AHA came into effect, the government ordered the suspension of the Refugee Law Project (RLP), a legal aid organisation based at Kampala’s Makerere University School of Law that provided services to refugees across Uganda, including victims of gender-based and sexual violence. Despite the nullification of the AHA by the Constitutional Court, the responsible minister has refused to lift the RLP’s suspension.

In February, NTV Uganda reported that two men suspected of engaging in homosexual acts were arrested in Oyam in the Northern Region of Uganda.

Police raided the premises of Steven Dhont, a Belgian national, and his Kenyan friend at midnight while they were watching television in January. Both were charged and compelled to undergo anal examinations. The following day, they were paraded in public before the media.

2013

In October, 65-year-old British national Bernard Randall was arrested and charged with “trafficking obscene publications”. The arrest and charges arose out of an attempted blackmail plot, after Randall’s laptop was stolen and material published in a newspaper. On 22 January 2014, the charges were dropped and the Court ordered his immediate deportation. Randall’s 30-year-old Ugandan partner, Albert Cheptoyek, was also arrested and charged with gross indecency.

Statements by Public Figures

2020
In February, outgoing Archbishop Stanley Ntagali, in his final sermon said: “We cannot follow the teaching of the liberals of the West, which have told us the Bible is the book of the past and that men can marry men, and women can marry women. We are saying no to that liberal teaching ...we have said no to same sex marriage and we shall continue to say that until Jesus comes back.”

New Anglican Archbishop, Dr. Stephen Kazimba Mugalu, re-affirmed the Church of Uganda’s anti-LGBT stance: “The trend in the Western world and some Anglican churches in those contexts are being pressured into doing this (same-sex tolerance), including our mother Church of England. But for us in Uganda, as for me and my house, we will serve the Lord.”

**2019**

On 10 October, Minister for Ethics & Integrity Simon Lokodo prompted concerns of a revived ‘Kill the Gays’ Bill, with the following statement:

“Homosexuality if not natural to Ugandans, but there has been a massive recruitment by gay people in schools, and especially among the youth, where they are promoting the falsehood that people are born like that. Our current penal law is limited. It only criminalises the act. We want it made clear that anyone who is even involved in promotion and recruitment has to be criminalised. Those that do grave acts will be given the death sentence.”

Senior Press Secretary to President Museveni, Don Wanyama, subsequently stated: “We have the penal code that already handles issues of unnatural sexual behaviour so there is no law coming up.”

On 5 October, Uganda’s Minister for Security, General Elly Tumwine, labelled the opposition movement (‘People Power, Our Power’) “a terrorist organisation”, noting its association “with LGBT... and things that want to break the established order of things”

**2017**

Minister of Ethics and Integrity Simon Lokodo said, after he made an order to cancel a week of gay pride celebrations: “It’s true I ordered the police to stop and shut down all the gay pride events. No gay gathering and promotion can be allowed in Uganda. We can’t tolerate it at all. We know they are trying to recruit and promote homosexuality secretly. But it’s worse to attempt to stand and exhibit it in public arena. This is totally unacceptable. Never in Uganda.”

In June, Rebecca Kadaga, Speaker of the Parliament of Uganda, called for the country’s anti-homosexuality laws to be reinstated. She said: “There is no bill on homosexuality. What we need is a new bill.”
2015

When asked about the AHA in September, President Yoweri Museveni told reporters in Tokyo: “That law [anti-homosexuality legislation] was not necessary, because we already have a law which was left by the British which deals with this issue.”

In July, Amama Mbazazi became the first Ugandan presidential candidate to say he is opposed to discrimination on the basis of sexuality. He said: “I have stated very clearly that there shouldn’t be any discrimination and it is not the biggest threat right now in the country.”

2014

While speaking to a US trade delegation in Kampala in December, US Ambassador to Uganda Scott H Delisi said the Anti-Homosexuality Bill was acting as a deterrent for US investors who might otherwise do business in the country. He emphasised the bill’s potential to “seriously undermine Uganda’s economy, trade prospects and international reputation.”

In a widely-reported article in October, President Museveni wrote that a trade boycott by companies in the west would have a negative impact on foreign trade, thereby limiting the country’s “growth and transformation”. “To carelessly and needlessly open unnecessary wars with useful customers is irresponsible to say the least,” he wrote. As an alternative, Museveni suggested imposing punishments for “those who lure minors into homosexuality and those who promote homosexuality”, while removing those provisions punishing adults engaging in consensual conduct.

Following the Court decision to nullify the AHA, Anglican Archbishop said in August “the ‘court of public opinion’ has clearly indicated its support for the Act, and we urge Parliament to consider voting again on the Bill with the proper quorum in place.”

In a statement in August, UN Secretary-General Ban-Ki Moon welcomed the decision by the Constitutional Court of Uganda to annul the AHA as “a victory for the rule of law.”

In a statement in July the Ugandan government claimed the Anti-Homosexuality Act had been misinterpreted and had only been put in place to stop “open promotion of homosexuality” and to protect children: “The enactment has been misinterpreted as a piece of legislation intended to punish and discriminate against people of a ‘homosexual orientation’, especially by our development partners.” It concluded: “Uganda reaffirms that no activities of individuals, groups, companies or organisations will be affected by the act.”
Uganda’s Minister of State for Justice & Constitutional Affairs and Deputy Attorney General, Frederick Ruhindi, during the 55th Ordinary Session of the African Commission on Human and Peoples Rights in May, was quoted as saying: “The issue of sexual orientation is not a human right provided for in the human rights instruments we subscribe to.”

*The issue of sexual orientation is not a human right provided for in the human rights instruments we subscribe to.*

Deputy Attorney General Frederick Ruhindi

A Ugandan priest, Anthony Musaala, in May called for the removal of Uganda’s AHA. For Musaala, the Act goes against biblical teaching, is “un-African” and “serves no moral purpose”.

In April, 30,000 Ugandans gathered at a stadium in Kampala to “give thanks to the President... for passing the Anti-Homosexuality Act”.

In February, Simon Lokodo stated about homosexuals: “We are tolerant. That’s what we are saying: we are not slaughtering them ... They can come and be helped to come out of this unfortunate situation ... It’s like a drug addict. Drug addiction is not an innate situation, it is acquired. But they can be transformed and become better ... So we are saying anybody found committing this incredible and abominable act should be checked and isolated from society ... If you are found practising it, we shall take you to a cell.”

*So we are saying anybody found committing this incredible and abominable act should be checked and isolated from society.*

Simon Lokodo, State Minister of Ethics and Integrity

In February, the announcement was made that President Museveni would sign his assent of the Anti-Homosexuality Bill. In doing so, he stated: “In my role as a strategist and a responsible leader of our country, there is no debate regarding the promotion of homosexuality. That one I totally agree with everybody that anybody who is promoting homosexuality we must stop him ... this must be stopped by law and harshly. Secondly, I do not accept those who become homosexuals for mercenary reasons. Thirdly, I cannot accept exhibitionism [sic] of homosexual behaviour that must be stopped and stopped harshly.”
In February, Richard Tushemereirwe, Presidential Advisor on Science stated: “Whether there is a link or no link to this, there is no justification for this, it is a wastage of time for us to debate about this. The only science that I find relevant to the science of homosexuality is not genetic but public health citing India where homosexuality has been reinstated as a crime under their constitution.”

A Scientific Statement on Homosexuality by the Ministry of Health was signed off in February by a committee of scientists commissioned by President Museveni. The report concluded: no definitive gene is responsible for homosexuality; homosexuality is not a disease or an abnormality; there is a small number of people with homosexual tendencies in every society; and homosexuality can be influenced by environmental factors (culture, religion, information, peer pressure); the practice needs regulation, like any other human behaviour, especially to protect the vulnerable; there is need for further study to address sexuality in the African context.

Prime Minister, Amama Mbabazi, in a speech in January at the Foreign Affairs Ministry before heads of foreign missions, commented: “I think in our tradition, and this is what I believe, homosexuality is treated as an abnormality. Given that as a fact, then the next question is, how do we treat abnormalities in our society? Do we kill them? If you identify an abnormality and you say “Let’s kill these abnormalities” my conclusion is that you are the one that is abnormal. They need help. How do you treat your children who are born as a ... I don’t know what better word to use ... as mongols? Do you execute them, imprison them for life?”

I think in our tradition, and this is what I believe, homosexuality is treated as an abnormality.

Amana Mbabazi, Prime Minister

Persecution and Discrimination

2019

In the aftermath of the Minister for Ethics & Integrity, Simon Lokodo’s statement indicating a revived ‘Kill the Gays’ Bill, LGBT activists have reported a surge in hate crimes – Executive Director of Sexual Minorities Uganda, Frank Mugisha, observing that “what we are seeing recently – these continuous attacks over such a short space of time – is not normal.”

On 20 October, unidentified assailants attacked a gay Rwandan refugee, inflicting blows to the head. On 13 October, two transgender women were beaten when they
were leaving a nightclub. Also in October, gay rights activist, Wasswa John (known as Brian), was brutally beaten and stabbed to death by locals.

In August, a doctor (Dr Ben Kiwanuka Mukwaya) reportedly cracked a lesbian woman’s skull with an iron bar and inflicted other serious injuries. In October, the Minister of Health, Dr Jane Aceng, reported Dr Mukwaya to the Uganda Medical and Dental Practitioners Council (UMDPC) over allegations that he assaulted a patient at his private health facility. Dr Mukwaya is a member of the UMDPC and sits on the board. The Minister said: “It is the policy of Ministry of Health that all patients should be able to seek medical treatment without fear of discrimination, violence, personal vengeance or retaliation. We appeal to all healthcare providers and stakeholders to accord equal and appropriate treatment to all patients who present at the health facilities irrespective of their race, tribe and gender. We also strongly condemn assault and violence against any individual and appeal to the public to report any such incidents to the relevant authorities. In particular, we request the public to report any medical related abuse to the ministry of health.” Notably, Dr Mukwaya has previously interacted with the Ministry of Health in his capacity as Health Minister for Buganda Kingdom as part of a partnership on sickle cell anemia.

Also in August, group of motorcycle taxi drivers beat to death a young trans woman, Fahad Ssemugooma Kawere.

2017

In December, police stormed Uganda’s only gay and lesbian film festival and forced its organisers to shut it down.

In August, the Ugandan government cancelled a week of gay pride celebrations in the country for the second year. Minister for Ethics & Integrity, Simon Lokodo, accused pride organisers of attempting to stage an illegal gathering aimed at recruitment, exhibition and promotion of homosexuality.

2015

A report released in July by the Consortium on Monitoring Violations Based on Sex Determination, Gender Identity and Sexual Orientation documented 89 cases of LGBT rights violations in Uganda in 2014. Of these, 47 were carried out by state actors and 42 by non-state actors.

In July, a Channel 4 documentary covered the story of two gay men who were arrested in January 2014 after they were thrown out of their house and beaten by the local residents. They were subjected to forced HIV examinations and one of them had an anal examination performed on him. Both were paraded before the media. Although the charges against them were dismissed in October 2014, they suffered homophobic attacks from fellow inmates and are now struggling to make a living.
A documentary which aired on HBO in May revealed the story of a lesbian woman and her son who was born after she was gang-raped because of her sexuality. The documentary also features a group of men who admitted to raping lesbians.

A report released in February by Chapter Four Uganda detailed 25 instances of medical examinations carried out by doctors in cases related to homosexuality.

2014

The US Department of State Human Rights Report on Uganda noted that: “Local LGBT-related NGOs were denied official status due to the discriminatory law preventing their registration.”

In November, Ugandan LGBT activist Kelly Mukwano was hospitalised after an attack by a homophobic mob in Kampala.

A joint press release from Amnesty International and Human Rights Watch in May stated that “LGBTI people in Uganda have reported a surge in human rights violations since the passage of the Anti-Homosexuality Act.”

A report by Sexual Minorities Uganda in May found 162 reported cases of persecution, with over 30% including an element of violence; 41% involving an element of intimidation; 50% involving a loss of property or an eviction or loss of home; and 25% involving family rejection, asylum or suicide.

A report released by Makerere University’s Refugee Law Project in April found that the AHA not only reinforced homophobia but also heightened xenophobia.

Ugandan officials raided a US military affiliated research institute at Makerere University in April, reportedly on account of the institute’s work with the LGBT community.[xvii]

In April, activists in Uganda reported at least 17 LGBT people had attempted suicide due to the AHA.[xviii]

In February, Simon Lokodo, Minister of Ethics, was reported to be working with a list of homosexuals – corporate persons, business people, entertainment figures, foreign residents, alleged LGBTI supporters and ordinary blue-collar workers – and co-opting police secretly to investigate suspects with a view to conduct blanket arrests and naming and shaming them.

In January, a trans-woman was attacked by a mob on her way home from a gay-friendly bar. The mob humiliated her, beat her up and undressed her to check her sex in front of media. Police intervened and detained and charged her with vagrancy.[xx]

Also in January, a gay man was woken up by a mob of angry residents who surrounded his house and threatened to kill him for being homosexual. Other reports suggest radio broadcasts calling for the ‘burning’ of gays.
Legislative News

2019

In October, it was reported that there were plans to revive the ‘Kill the Gays’ Bill – criminalising the ‘promotion’ of homosexuality and providing for the death penalty for certain offences. Uganda’s Minister for Ethics & Integrity, Simon Lokodo, observed that “Homosexuality if not natural to Ugandans, but there has been a massive recruitment by gay people in schools, and especially among the youth, where they are promoting the falsehood that people are born like that. Our current penal law is limited. It only criminalises the act. We want it made clear that anyone who is even involved in promotion and recruitment has to be criminalised. Those that do grave acts will be given the death sentence.”

The Anti-Homosexuality Act 2014 had been struck down as unconstitutional by Uganda’s Constitutional Court soon after its enactment because it was passed without the requisite quorum in Parliament.

However, Ofwono Opondo P’Odel, Executive Director of Uganda Media Centre (the Ugandan Government’s public communications body), tweeted only a few days later that “Government hereby clarifies that it does not intend to introduce any new law with regards to the regulation of #LGBT activities in Uganda because the current provisions in the #PenalCode are sufficient.” This was re-affirmed by Senior Press Secretary to President Museveni, Don Wanyama, who stated “We have the penal code that already handles issues of unnatural sexual behaviour so there is no law coming up.”

These developments came soon after Uganda’s Minister for Security, General Elly Tumwine, labelled the opposition movement (‘People Power, Our Power’) “a terrorist organisation”, noting its association “with LGBT... and things that want to break the established order of things” and gay rights activist, Wasswa John (known as Brian), was brutally beaten and stabbed to death by locals.

2017

In May, Sexual Minorities Uganda lodged its case with the High Court after the Ugandan Registration Service Bureau knocked back the organisation’s attempt to register its name.

During its second UPR cycle in March, Uganda noted the recommendations that it received concerning decriminalisation of consensual same sex activities between adults and to protect and to prevent discrimination against LGBT person.

2015
The Ugandan Constitutional Court was on 8 July due to hear the matter of *Jjuuko Adrian v. Attorney General*, which has been awaiting trial for seven years, but failed to do so. The case concerns a challenge to provisions in Uganda’s *Equal Opportunities Commission Act* of 2007 preventing the Equal Opportunities Commission from investigating cases of LGBT rights abuses.

In April, the *Non-Governmental Organisations Bill 2015* was published in the Ugandan Government Gazette. If passed, the Bill would empower the National Board for Non-Governmental Organisations to refuse to register an NGO when “it is in the public interest to do so.” Organisations would be prohibited from operating unless registered with the National Board for NGOs. Clause 40(f) of the Bill would also prohibit NGOs from engaging in “any act, which is prejudicial to the interests of Uganda and the dignity of the people of Uganda.” These provisions are likely to restrict the activities of NGOs, and in particular those who work in support of LGBT rights. However, the Bill failed to pass in September.

2014

Members of Uganda’s ruling party circulated a draft of the *Prohibition of Promotion of Unnatural Sexual Practices Bill*, which is intended to replace the annulled Act by criminalising same-sex acts even further. It is not clear yet when this bill will be introduced in the Parliament.

On 1 August, the Ugandan Constitutional Court struck down the Anti-Homosexuality Act (AHA). The Court found that there was an insufficient quorum (the required number of parliamentarians to pass an Act) and thus found the Act unconstitutional.

The AHA was signed into law in February.

Footnotes

1. Penal Code 1950, Section 145 Unnatural Offences

“Any person who—

1. (a) has carnal knowledge of any person against the order of nature;
2. (b) has carnal knowledge of an animal; or
3. (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.” Full text.
2. Penal Code 1950, 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.” Full text.

3. Penal Code 1950, 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.” Full text.
TAB 16
Freedom of Association

In September, police raided three nongovernmental organizations (NGOs) offices, alleging "illicit financial transactions" and "subversive activities" and froze bank accounts. The organizations publicly opposed amending constitutional limits on presidential age. The raids were widely seen as part of a crackdown on civic activism opposed to the change.

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

Police failed to make progress on accountability for over two dozen break-ins at NGO offices, all known for work on sensitive subjects—including human rights and corruption. In two instances, guards were killed, but no one was arrested.

Sexual Orientation and Gender Identity

Same-sex conduct remained criminalized under Uganda’s colonial-era law, which prohibits "carnal knowledge" among people of the same sex. Concerns remain that the 2016 NGO law effectively criminalizes legitimate advocacy on rights of lesbian, gay, bisexual, and transgender (LGBT) people.

In August, activists canceled Pride celebrations in Kampala and Jinja after the minister of ethnics and integrity threatened organizers with arrest and violence. Police failed to end the practice of forced anal examinations of men and transgender women accused of consensual same-sex conduct. These examinations lack evidentiary value and are a form of cruel, inhuman, and degrading treatment that may constitute torture.

Lord’s Resistance Army

The Lord’s Resistance Army (LRA) remains active in central Africa, but allegations of killings and abductions have reduced. In May, the Ugandan military withdrew...
TAB 17
"Even if they spit at you, don’t be surprised"

Health Care Discrimination Against Uganda’s Sexual And Gender Minorities
“Even if they spit at you, don’t be surprised”
Health Care Discrimination for Uganda’s Sexual and Gender Minorities

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Acknowledgments

This report was authored and researched by Austin Bryan, Research Fellow at Sexual Minorities Uganda. Invaluable assistance for the report came from activists at partner organizations including Icebreakers Uganda (IBU), Spectrum Uganda and Freedom and Roam Uganda (FARUG). Funding and support for the publication of this report came from Sexual Minorities Uganda. The author has no financial or personal relationship with other people or organizations that could inappropriately influence or bias the content of this report.

This report was internally edited at Sexual Minorities Uganda by Dr. Frank Mugisha, Executive Director and Pepe Onziema, Programmes Director and Richard Lusimbo, Research and Documentation Officer. Additionally, this report was externally reviewed and edited by Emily Cody, Program Officer at the African Centre for Justice and Peace Studies in Kampala, Uganda.

Support for this research and documentation also came from REAct (Rights Evidence Action), a community based human rights monitoring and response system, with the main objective of supporting individuals with crisis response and human rights based programs. Consequently, during analysis and documentation activities could link human rights incidents with accessing HIV and health services.

Sexual Minorities Uganda wishes to thank the many LGBTI persons who shared their stories, despite the stigma and risk surrounding sexual and gender minorities in Uganda and the editors, all of whom received no compensation for their review.
I. Health Care and Homophobia

In 2014, in response to the Anti-Homosexuality Act, the former Uganda Minister of Health, Ruhakana Rugunda said, “All people whether they are [having a] sexual orientation as gays—or otherwise—are at complete liberty to get full treatment and to give full disclosure to their doctors and nurses,” and claimed “health workers will live up to their ethics of keeping confidentiality of their patients.”

The reality has been starkly different. Unfortunately, the current Minister of Health, Jane Aceng, appointed in June 2016, after chairing the “Scientific Committee on Homosexuality” commissioned by President Museveni, which claimed homosexuality to be a product of “nurture,” has; not surprisingly, failed to adequately advocate for sexual and gender minorities’ rights in the Ministry of Health. While Uganda’s sexual and gender minorities continue to experience widespread human rights violations when seeking health care services, including infringements on their right to care, right to privacy, and freedom of expression, the Ministry of Health in addition to political and cultural leaders continue to deny that any abuses take place altogether. For Stanley, a 26-year-old transgender woman living in Kampala, denying that abuses take place is to deny her existence. Stanley told Sexual Minorities Uganda:


2 See: “Scientific Evidence on Homosexuality,” Ministry of Health, 23 February 2014. In particular, on page 10 it states, “Does nurture alone cause homosexuality? YES, in the event that there is a viable nature, nurture has the potential to model it into a diversity of behaviors.”

3 While some claim that the Scientific Committee on Homosexuality and their findings have been “misinterpreted” by President Museveni, it is important to call into question the entire premise of the study and committee. The scientists commissioned to write the report on “homosexuality” were appointed by the Ugandan government during the height of the anti-homosexuality movement, including “scientists” whom are openly homo/transphobic. The report should be understood as a political tool used to pass and sign the anti-homosexuality act into law.
The village where I used to stay, Nansana (a large suburb of Kampala City), they knew me as a transgender person and they refused to give me treatment just because I am a man that behaves like a woman. It was a Christian clinic, called Bukirwa Clinic. I was sick with fever, headache, and stomachache. I had money to buy medication. But because I grew up from that village they knew me as a gay man or a transgender woman so they refused to give me treatment.

The clinic was nearby home, and they used to give me names like “man-woman” (mukazi-musujja). When the doctor saw me she shouted, “Isn’t this the gay man who they call boy-girl?” And the other fellow doctors said, “Yes, he’s the one!” They said, “We will call police here, we don’t want these kinds of people here.”

I was so scared, I didn’t say anything. I was really, really, really sick. I didn’t get to see a doctor. I just left them and I never returned back to that clinic.4

The Ministry of Health along with Uganda’s lawmakers and health service providers, have the mandate of ensuring all Ugandan’s have access to health care and that health service providers do not infringe on the rights of any client. Stanley’s story is not isolated. Sexual and gender minorities living across Uganda are more likely to be discriminated at health care clinics than their heterosexual counterparts and as a result are more likely to experience higher rates of disease such as HIV—which for MSM is at a staggering 13.7%, double that of the national average. Discrimination on grounds of sexual and gender identity is so normalized that documentation is nearly nonexistent. Stanley said:

“I know many people in the LGBT community who experience this. So many. It is hard for people to talk about. Even one friend of mine was beaten outside of the clinic–just for going to the doctor with makeup on. But he is in Kenya now. He went to Kenya as a refugee. And no one has his number now. But he had to flee.”5

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4 Sexual Minorities Uganda interview with Stanley (not real name), Kampala, Uganda, 10 August 2017.

5 Sexual Minorities Uganda interview with Stanley (not real name), Kampala, Uganda, 10 August 2017.
While research and documentation on LGBTI abuses in Uganda is extremely difficult and underfunded, this report seeks to provide background on the state of health rights for LGBTI persons living in Uganda, evidence of governmental neglect, and voice to testimonies of abuse. In doing so, we provide evidence for the urgent need to bring justice to human rights abuses against sexual and gender minorities’ right to health care.

Background

In 2016 Sexual Minorities Uganda published a report documenting 264 cases of human rights abuses towards sexual and gender minorities by both state and non-state actors. Among those cases documented were five cases of discrimination when LGBTI persons were seeking health care services. While this may seem low, it perhaps best represents the normalization of such discrimination. Sexual Minorities Uganda has found LGBTI-identifying persons rarely even attempt to seek assistance from LGBTI-organizations in Uganda for such abuse or discrimination unless it involves physical harm to the point of requiring immediate medical assistance. Cases of physical assault, arrest, eviction, and employment discrimination, are more likely to be documented because of the immediate response needed and less frequent occurrence within the span of one persons’ life.

Recognizing that health-related discrimination was widespread but rarely documented, Sexual Minorities Uganda found it necessary to focus specific attention on health care related discrimination in Uganda based on sexual orientation and gender identity. This report will provide an analysis on the state of LGBTI health rights in Uganda, in terms of inclusion in both government and non-governmental health programing, document evidence of discrimination and human rights abuses from members of the LGBTI community, and call for urgent action from both the government of Uganda and civil society.

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6 “And That’s How I Survived Being Killed: Testimonies of Abuse from Uganda’s Sexual and Gender Minorities,” Sexual Minorities Uganda, April 2016.
While there is growing funding and attention on research and documentation on HIV prevalence among LGBTI persons (especially MSM) in Uganda and Sub-Saharan Africa, there is less attention on general access to non-discriminatory health care services for all those identifying with non-heteronormative identities. The report seeks to redress the lack of empirical research on health care discrimination for Uganda’s sexual and gender minorities, and to specifically answer the following questions:

1. What is the state of health human rights for LGBTI persons in Uganda?
2. Is the Ministry of Health (in terms of outreach, documentation, and programming) actually inclusive of sexual and gender minorities in Uganda?
3. What is the lived experience of LGBTI persons accessing general health care services in the country? What type of discrimination and stigma exists?
4. To address these concerns, what recommendations does SMUG have to partners, civil society, government, and the international community?

**Methodology**

This report is based on in-depth interviews conducted by Sexual Minorities Uganda’s Research Fellow from 2015 to 2017 in Uganda, in addition to historical, anthropological, media, and legal research.

For this report 25 people were interviewed within the LGBTI community who identified as having experienced discrimination when accessing health services in Uganda. SMUG also conducted additional interviews with activists, researchers, and journalists from June-August 2017, as well as in-depth interviews with Ugandan government officials in the Ministry of Health, for both background research and for specific attribution in the report.

All those interviewed agreed to have their stories documented after gaining informed consent. Because interviewees from the LGBTI community, can face both legal repercussions and extreme social stigma for speaking out, we have used pseudonyms to protect their identities and ensure their safety. Interviewees did not receive compensation for participating in this study.
All interviews were conducted in English. While most interviews were also audio recorded for accuracy, two interviews were not recorded due to participant’s concerns about their security in which case only written notes were taken.

Efforts were made to verify all testimonies of abuse documented in this report. However, verifying materials (i.e. police record and photographs) cannot be published publicly because of security concerns. Similarly, abuse documented in this report often happened when sexual and gender minorities were alone (and most venerable) making verification difficult. In most cases abuses were not reported to police when they occurred out of fear, therefore police records were not documented. However, verification interviews were conducted when friends or family were present when abuses took place and willing to be interviewed. In no case were friends or family interviewed willing to be published in this report.

Due to a lack of funding, all cases of discrimination included in this report are from Kampala, Uganda. While this sample does not represent the entire country, it does provide a starting point for addressing common themes in health-related discrimination towards sexual and gender minorities across Uganda.

The research collected in this report is a part of the ongoing service, outreach, and research by Sexual Minorities Uganda. This report identifies interviewees by the terms that clients used to identify themselves. This includes “gay,” “bisexual,” “lesbian,” “homosexual,” “transgender,” “trans,” and “kuchu,” the latter being a localized term in Uganda to describe all sexual and gender minorities. Derogatory terms also appear in this report, which are used to exemplify the verbal abuse that sexual and gender minorities receive in Uganda. A more detailed glossary of the terms used in this report is available in the appendix to this report.
II. Disproportionately Effected, Continuously Underserved

“Expect judgment, expect discrimination if you go to any hospital in Uganda if you look fem.”

— Peter, gay man living in Kampala

A Missing Key Population

Among the 39 million people living throughout Uganda, it is estimated over 390,000 are sexual and gender minorities, each with specific health care needs failing to be adequately addressed by the Ugandan government. The state of Uganda has the responsibility to respect, protect and fulfill the right to health for all. The government of Uganda is bound by both the Constitution of Uganda and international human rights treaties which protect sexual and gender minorities’ right to health, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All forms of Discrimination against Women (CEDAW); the Convention on the Rights of the Child (CRC) and the African Charter on Human and Peoples’ Rights (ACHPR).

7 Sexual Minorities Uganda interview with Peter (not real name), Kampala, Uganda, 28 June 2017.


9 Comparable to countries were homosexuality is not criminalized, sexual and gender minorities in Uganda make up at least 10% of the population of Uganda. This figure comes from the evidence-based claim that 10% of general populations are LGBT identifying, For more see: Agardh, Anette; Ross, Michael; Östergren, Per-Olof; Larsson, Markus, “Health Risks in Same-Sex Attracted Ugandan University Students: Evidence from Two Cross-Sectional Studies,” PLoS One, San Francisco, March 2016.

Just as gender is understood to be a factor to addressing specific health services, sexuality—sexual orientation(s) and non-cisgender identities—affect availability, accessibility, acceptability, and quality of access to health care services for sexual and gender minorities. This is especially true in the context of Uganda where homosexuality not only remains criminalized but is also highly stigmatized by political, cultural, religious leaders, and as this report details, even health care workers.

According to the Uganda “National HIV and AIDS Response” (for 2015-2016 until 2019-2020) men who have sex with men (MSM) are identified as a key population because of the group’s HIV prevalence rate of 13.7% (as cited by the Crane survey). Yet research like the “Crane Survey,” is often targeted by state actors and shut-down, making it difficult to report accurate numbers. Similarly, because of the social and political climate in Uganda, there has been a history of disruption of access to health services, including harassment by police at health facilities. Perhaps the most notable case occurred when the Ugandan Police Force raided the Walter Reed Project, a project funded by USAID, which offered services to all Ugandans with a specific focus on LGBTI individuals. Consequently, the US Embassy decided to shut down the project, and 30 of the clinic’s HIV-positive clients, were evicted from their homes and were left (at least temporarily) without access to anti-retroviral medication. While on paper, reports such as the “National HIV and AIDS Response” published by the Uganda AIDS Commission, represent sexual and gender minorities (albeit scarcely) by using the biomedical term “MSM,” in practice, sexual and gender minorities issues are rarely included in health services trainings and outreach—and continue to live in a climate of hostility.

This “key population” is not small. A 2016 study of 3,000 Ugandan University students found that the prevalence of same-sex sexuality is high.

11 "Cis" refers to people with gender identities assigned at birth which align with their sex. Please see “Glossary” for more information.
Approximately one in three students reported having been “in love with someone of the same sex,” while nearly one in five reported being “attracted to someone of the same sex” and one in ten reported having “a sexual relationship with someone of the same sex.” In addition, the study found that 6-8 percent of men had been “sexually active with someone of the same gender.” The lead author of the study, Anette Agardh, an Associate Professor in Global Health at Lund University said, “The real figures could actually be even higher. Although the survey was anonymous, the intense propaganda against homosexuality in Uganda may have intimidated some from providing honest answers.”

While the total expenditure on health in Uganda is already low, at $27 per capita per annum, the Government of Uganda has continued to regularly increase its budget allocation to the health sector. However, the government continues to break with the 2001 Abuja Declaration, which requires Uganda to allocate 15% of its budget to health care. Unfortunately, no government funding is directly allocated in the health sector budget for reaching sexual and gender minorities as a key population. Funding for LGBTI-specific programming which does exist is almost exclusively from non-governmental organizations (NGOs). Just as ignoring any key population does, this puts the general population of Uganda at a higher risk for general health concerns when compared to the rest of the world, and especially at risk for epidemic

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13 McCormick, Joseph, “Turns out there are as many gays in Uganda as in countries where it is not illegal,” Pink news. Retrieved on August 1, 2017 from: http://www.pinknews.co.uk/2016/03/18/turns-out-there-are-as-many-gays-in-uganda-as-in-countries-where-it-is-not-illegal/


diseases such as HIV.\textsuperscript{16} Ugandans are vulnerable to illness because accessing health care services is often both costly and difficult. Often government health facilities are overcrowded and riddled with corruption.\textsuperscript{17} For sexual and gender minorities this vulnerability is only heightened by prejudice, discriminatory treatment, inflexibility, and even refusal of essential care. These barriers result in LGBTI Ugandans being susceptible to even poorer health than their heterosexual peers.\textsuperscript{18}

Gender identity and sexual orientation lead to health disparities. When compared with heterosexual and cisgender socioeconomically matched peers, individuals who identify as LGBTI are more likely to face barriers accessing appropriate health care. On virtually all measures of health risks such as: poor mental health, substance use, violence, and risky sexual behavior, those who reported LGBTI-orientation or same-sex activity had far greater odds of at least one of the aforementioned health risks.\textsuperscript{19} After experiencing social exclusion, discrimination and prejudice impacts the mental health of LGBT persons—and especially LGBT-youth—which creates disparities in mental health care compared to heterosexual peers. Studies from Europe and the United States have shown that people who identify as LGBTI have significantly higher rates of depression, suicide, and anxiety disorders than their heterosexual peers.\textsuperscript{20} Further, studies have found that sexual and gender minorities also had higher


\textsuperscript{20} Ibid.
odds of unmet sexual health counseling needs.\textsuperscript{21} Similarly, Cange et al found that stigma and homophobia negatively affected the mental health of MSM in Cameroon concluding that, “alienation among MSM also represents a common obstacle to the uptake of MSM-oriented HIV/AIDS services.”\textsuperscript{22} While in South Africa, Alex Müller has found that not only are sexual orientation and gender identity important categories of analysis for health equity, but that “discriminatory and prejudicial attitudes by healthcare providers, combined with a lack of competency and knowledge are key reasons for these disparities in South Africa.”\textsuperscript{23} There is reason to believe from testimonies documented in this report that these findings would be similar—if not worse—in Uganda.

While there has been great progress by LGBTI activists in gaining recognition and protection for Uganda’s sexual and gender minorities, the country is still recovering from the legacy of an Anti-Homosexuality law. The government must acknowledge abuses ensue, and in some cases, have been heightened from the continued \textit{politicization} of LGBTI identities by political leaders throughout the country.\textsuperscript{24} If the Ugandan government is serious about human rights and health for all, there must be clear, accessible health care for all—including sexual and gender minorities.

As this report introduced, LGBTI people are disproportionately affected by health concerns and continuously underserved by health service providers. In

\textsuperscript{21} Ibid.


\textsuperscript{24} Sexual Minorities Uganda, 2016, “And That’s How I Survived Being Killed”: Testimonies from Uganda’s Sexual and Gender Minorities, Sexual and Gender Minorities, Kampala, Uganda.
brief, health care professionals lack knowledge of LGBTI specific health care needs and generally hold negative attitudes towards LGBTI people. Because of this LGBTI people may delay, avoid, or not seek health services altogether because of their personal experiences of past discrimination and persecution. Further, LGBTI people are reluctant to disclose their sexual orientation which may affect their care. Access to health care for LGBTI persons is also affected by LGBTI persons’ education, income level, geographic location, knowledge, and cultural beliefs. While LGBTI people are disproportionately affected by HIV, there are also a number of other health issues largely ignored by health service providers, which disproportionately affect LGBTI persons including mental health and substance abuse.

**Barriers to Access:**

The availability, accessibility, acceptability, and quality of health care for LGBTI persons is affected by three key components; (1) non-inclusive policies and programming, (2) the knowledge and attitudes of health service providers, and of course (3) all forms of discrimination against LGBTI persons at health care facilities, which are detailed in the following chapter.

**Non-Inclusive Policies and Programming**

The Ministry of Health is responsible for policy review and development, supervision of health sector activities, formulation and dialogue with health development partners, strategic planning, setting standards and quality assurance, resource mobilization, advising other Ministries, departments and agencies on health-related matters, and ensuring quality, health equity, and fairness in contribution towards the cost of health care. LGBTI persons are notably left out of this mandate. However, the Ministry of Health states, “Our Mission is to provide the highest possible level of health services to all people

in Uganda through delivery of promotive, preventive, curative, palliative and rehabilitative health services at all levels.”

In response to the Anti-Homosexuality Act of 2014, which heightened criminalization of homosexuality in Uganda, the Ministry of Health issued guidelines for sexual minorities at all health facilities. While the Ministry of Health was right to issue guidelines, it has not gone far enough in making sure those guidelines are actually followed. Anthony Mbonye, the Director of General Health Services at the Ministry of Health, and signatory on the 2014 guidelines for non-discrimination, continues to claim that discrimination against LGBTI persons is not widespread, and when it does occur it should be “expected.” He told Sexual Minorities Uganda:

“If we issue a guideline, and we tell all health workers not to discriminate, haven’t we done our part? What else would you want us to do? To go and preach? If there is any case [of discrimination]—there is only one or two—but that is expected.”

This unfortunate sentiment aligns directly with what one gay man told us after seeking health services in Uganda, “expect judgment, expect discrimination if you go to any hospital in Uganda if you look fem.” While the Director of Health Services has the mandate to ensure that health service providers in the country are providing access to all without discrimination, Anthony Mbonye told Sexual Minorities Uganda:

“It is very possible, if you tell people that you are gay or lesbian, that they may resent you. Even if they spit at you, you shouldn’t be shocked. It’s a new thing and you shouldn’t be shocked. Even if a gay person came here (to the interview), and we said move away, move away, you shouldn’t be shocked, because given our culture and our religion we are dominantly Christian. You should expect it. If you

27 Interview with Anthony Mbonye in Kampala, Uganda on 21 August, 2017.
28 Interview with Peter (not real name) gay man living in Kampala, June 28, 2017.
said it in New York, or London, or Amsterdam nobody would care. But here in Uganda people would spit at you—but don’t be surprised.29

If the Director of Health Services of the Ministry of Health believes that if LGBTI people disclose their identity, one should not be surprised if they are spat on, it is clear that the right to health for LGBTI persons is being infringed upon. However, Anthony Mbonye along with two colleagues from the Ministry of Health (who went off the record with Sexual Minorities Uganda) denied LGBTI persons experience any discrimination. Anthony Mbonye said:

They [LGBTI persons] are not being persecuted. How many have you heard being persecuted because they are ‘homosexuals?’ How many people have been taken to court, and taken to prison because they are homosexual? When has it happened? The Ministry of Health is not a law enforcing agent. For us we have issued our guidelines. We have key populations as our priority and that is our strategy. So you want us to go and advocate for the law to change? Why? That is our law. It ends there. We can’t. Of course they [LGBTI persons] should be free to do what they want, but you must know our culture. Under our law, homosexuality is a crime.30

Knowledge and Attitudes of Health Care Providers

The knowledge, attitudes, and beliefs held by health service providers are a barrier to health care for sexual and gender minorities in Uganda. While LGBTI persons have reported being refused treatment, or experiencing verbal abuse and disrespectful behavior from health care providers, this will continue as long as medical students and health care providers are trained in environments which cultivate homophobia. Not only do medical students continue to use outdated course books which classify homosexuality as a “disease,” students and professionals are being trained by instructors who present scientific information on gender, sexuality, and sex—especially those

29 Interview with Anthony Mbonye in Kampala, Uganda on 21 August, 2017.

30 Interview with Anthony Mbonye in Kampala, Uganda on 21 August, 2017.
relating to intersex and transgender identities—in both a stigmatizing manner and a scientifically inaccurate method.\textsuperscript{31} Susan Odoki, a medical student at Makerere University Medical School in Kampala, told Sexual Minorities Uganda that her professors continue to present topics related to homosexuality through a religious framework and with anti-LGBTI sentiment. When reflecting on a recent lecture she attended, she said:

One of the main lecturers stood up and said, ‘if you have higher Estrogen levels and you are a man, then you are homosexual.’ There was a slide of several men with breasts on the screen, and he said they were all ‘homo.’\textsuperscript{32}

For Susan, the environment is also hostile to her identity as a woman who identifies as lesbian. She told us:

For me, personally, I like to dress masculine, some of my fellow students ask me ‘are you gay?’ or ‘are you trans?’ and if I came ‘out’ it would be really hard, I would lose many friends, and I would be an outcast. If I was ‘out’ it would also be hard because people would be fearing to access medical care from me, the husbands and wives would tell them [their partners] don’t go to me, but then on the other hand I would be able to treat more of the LGBTI.\textsuperscript{33}

Such stigma towards sexual and gender minorities in a health care training environment, perpetuated by educators, will only produce doctors and health service providers who are less able to treat patients properly, thereby making all Ugandan citizens more vulnerable. As Susan told Sexual Minorities Uganda:


\textsuperscript{32} Interview with Susan (not real name) Medical Student at Makerere University in Kampala, Uganda, 1 August 2017.

\textsuperscript{33} Ibid.
According to the reactions that I have seen in class, most [medical students] will be homophobic. They are always relating it to the religious bit, not the medical side. Even when we were discussing the endocrine, and someone brought up homosexuality, I was receiving some ‘side-eye.’

Because most health care workers are not trained on sexual and gender minorities’ specific health care needs. Many activists have created sensitizing campaigns to educate health service providers and establish focal points of LGBTI-friendly persons at clinics across the country. Regularly, although dependent on funding, local LGBTI organizations including, Spectrum Uganda, Ice Breakers Uganda (IBU), Sexual Minorities Uganda (SMUG), and Rainbow Health Foundation Mbarara (RHFM) engage in health sensitizing campaigns often in conjunction with HIV support organizations such as The AIDS Support Organization (TASO) or the AIDS Information Center (AIC). The results are overwhelmingly successful. Health workers leave with lower levels of homophobia than when they arrive. However, the process is not always easy. Issac Mugisha, an activist working at Spectrum Uganda said during the workshops activists like himself answer questions health workers have about being LGBTI with the goal of debunking myths—such as the myth that homosexuals wear “pampers.” One health worker even asked Issac to “prove it,” and requested that he pull up his shirt. Issac said:

We don’t blame them when they ask you an offensive question. They are just uneducated. ‘So you’re a gay man standing there—are you wearing pampers?’ They will ask you that! But we just explain to them. They really want to know.

Often the sensitizing campaigns are safe spaces where LGBTI activists and health workers can open up to one another. Ilakut Mac, a transgender activist said he uses humor to make serious points, as he did at a sensitizing event at Makerere University, when he addressed health workers by saying:

34 Ibid.

35 Interview with Issac Mugisha in Kampala, Uganda September, 2015.
If I come to you and tell you that I am Mac. Do not then go to the lab technician and say “Eh, you go and have a test.” Just immediately I show you my back. You’re like, “Eh, there is a gay person here!”\(^{36}\)

Through these campaigns, LGBTI organizations are able to identify focal persons who can respond to LGBTI persons without discriminatory practices. However, this is not without its own set of frustrations. Bob Bwana, an activist working at Ice Breakers Uganda said:

We have a focal person at clinics where they are partners and have been sensitized. But sometimes that focal person is not there. People are turned away. They tell us, “The people in charge of you guys is not there.” So we have been calling for conversations about how to sensitize more than one person in a health center—so that even when that one person is not there, we can still have non-discriminatory health services.

While activists like Bob Bwana should be commended for meeting this gap in health service, it should not fall on LGBTI activists to ensure non-discrimination or sensitization. Although most health clinics in Uganda are not safe spaces for LGBTI persons, there are at least two openly LGBTI friendly clinics in Uganda. This includes the Most At Risk Populations Initiative (MARPI) in Kampala (at Mulago National Referral Hospital) and Ice Breakers Uganda in Kampala which has a small health clinic capable of treating basic health concerns, and testing for sexually transmitted infections.

The LGBTI friendly clinics often operate through a system of peer-educators who help communicate to the community that these options exist. As the Peer Educator Coordinator at MARPI, Chris Ludson, said his work is, “Basically to help fellow LGBTI members receive services and do referrals. MARPI is a safe space for the entire LGBTI community.” Working as a Peer Educator Coordinator, Chris has seen many cases come through MARPI from friends and members of the LGBTI community. When recalling recent cases he told us,

\(^{36}\) From field notes at a health sensitizing event, Makerere University, Kampala, Uganda September, 2015 by Austin Bryan.
“Those people [LGBTI persons] who have not heard about MARPI, have been denied services, they have been beaten when seeking services, and they have been chased away from home.” For one case in particular this is especially true. Chris said:

Prince\textsuperscript{37} contacted me since I am a peer leader. He was from Bwaise, a slum area around Kampala. He was attacked because he was a transgender person and he was denied services at the clinic. As he went to seek medication, one health service provider called other people to come and “see this person.” He was denied services, attacked, and the police came. After the attack, Prince left Uganda to become a refugee in Kenya.\textsuperscript{38}

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37 Name of client has been changed to ensure anonymity.

38 Interview with Chris Ludson, Peer Educator at Most At Risk Populations Initiative (MARPI), Kampala, Uganda, 5 August 2017.
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III. “They just stare at me”: Testimonies of Discrimination

Eight years since the first introduction of the Anti-Homosexuality Bill into the Parliament of Uganda (2009), and only three years since the annulment of the 2014 Act which called on Ugandans to report “known homosexuals,” state-sponsored homophobia has had a lasting impact on Uganda’s health sector. Confused by vague language in the Ugandan Penal Code, which criminalizes “carnal knowledge against the order of nature”, misinformed health workers and clients, continue to perpetuate human rights abuses against LGBTI persons. This is only furthered by rhetoric from state-actors who either shamelessly call for abuses against LGBTI persons or more covertly discriminate by dismissing human rights abuses when they are documented. This is triangulated by Uganda’s health system, which is generally underdeveloped, making availability, accessibility, acceptability, and quality of access even more difficult for LGBTI persons. While health rights abuses are intersectional, and increased documentation is needed across identities and social issues, there is particular need to document abuses as they relate to LGBTI persons. In this chapter, we identified common themes which emerged in testimonies of abuse by the 25 LGBTI community members and activists in Uganda interviewed for this report.

Refusal of Health Services

LGBTI peer-educators in Uganda have found there is a trend of health workers denying service to LGBTI-identifying persons when seeking services. This discrimination happens most frequently for LGBTI persons who express an outward identity or gender expression which conflicts with conventional

39 Uganda’s Penal Code states: Section 145: Any person who (a) has carnal knowledge of any person against the order of nature; (b) has carnal knowledge of an animal; (c) permits a male person to have carnal knowledge of him or her against the order of nature, is guilty of a felony and is liable to imprisonment for life. Section 146 Any person who attempts to commit any of the offences specified in the last preceding section is guilty of a felony and is liable to imprisonment for seven years.
understandings of gender in Uganda. Often this means transgender women, transgender men, gender nonconforming persons, ‘butch’ lesbians, and ‘fem’-gay men most frequently experience refusal of services. Although this discrimination is illegal in Uganda, peer-educators have found members of the LGBTI community experience this regularly if seeking services at a clinic which has not been sensitized by LGBTI activists. As Bob Bwana, a LGBTI-peer educator at Ice Breakers Uganda told us:

There have been beneficiaries who have been turned away, because of who they are. Some of them are told: “this is not a clinic for such people,” “the drugs are not there,” “the doctor is not there,” or “we don’t deal with you people.”

Brant, who like Bob Bwana also works as an LGBTI activist at Ice Breakers Uganda said that Ice Breakers Uganda Clinic was opened in 2012, with services for LGBTI persons free of charge, to address this type of discrimination. He said:

I remember a transgender woman in 2011 coming to me and saying that they went to a hospital. When she reached to the reception, one of the receptionists reacted badly when she said that she was there to seek services. The trans-woman had a beard and the clothes she was wearing were tight. The receptionist called in the doctor, and the clinicians, and even the people who clean the hospital, to actually come and see what was happening. Then this woman became a sort of “attraction,” when she just came to get a service–she was in pain. She actually ended up not getting that services and had to walk away without any treatment. She lost moral for getting services, so I had to escort her to another clinic so that she could get services.

Similarly, when LGBTI persons seek services, and then begin to experience verbal or physical harassment they are unable to complete their treatment and

40 Interview with Bob Bwana, Kampala, Uganda, 8 August 2017.

41 Name of hospital withheld to ensure anonymity.

42 Sexual Minorities Uganda interview with Brant, Kampala, Uganda, 9 August 2017.
actually receive the care they require. This was the case for Bwire, a gay man living in Kampala who told us when he sought treatment, and had already paid for the care, that he was denied services and forced to leave the health clinic. He said:

I was given very rude treatment and asked why I ‘look like a girl.’ It was so humiliating so I had to leave before the treatment I had gone for.  

Adora, another gay man living in Kampala agreed. He said of his experience:

Reaching that center, I started the process – and reaching the counseling room I found a lady seated there and she asked for my history and I told them how I love and sleep with guys and the lady looked at me and she said, ‘we don’t offer services to such people [homosexuals].’

Samuel, a gay man who now seeks services exclusively at Ice Breakers Uganda said that many health workers he has come across continue to believe that it is “illegal” to provide health services to LGBTI persons. He told Sexual Minorities Uganda:

They [health care workers] tend to think that straight people deserve a different type of health service and treatment. Some [at government hospitals] are saying, “I would treat it, but then it is against the law. This is a government institution which is supposed to prescribe to the laws of the country.”

Several LGBTI persons interviewed, including Samuel, stated that at the national referral hospital, in order to receive care quickly and without question, you must bribe doctors and nurses. Samuel said:

43 Sexual Minorities Uganda interview with Bwire (not his real name), Uganda, 1 March, 2014.

44 Sexual Minorities Uganda interview with Adora (not his real name), Uganda, 5 March, 2015.

45 Sexual Minorities Uganda interview with Samuel (not his real name), Uganda, 15 August 2017.
Others [doctors] do it for the money. They will treat you, yes, but because that
is their source of income, not because they actually feel that you are a fellow
human and deserve to have adequate health service.\textsuperscript{46}

Similarly, Edith, a transgender woman living in Kampala said that she has had
to bribe nurses to even allow her to see other LGBTI friends who are in the
hospital seeking care. She told us, “If we don’t give them money, they send us
away. They don’t want us in there if we look gay in their eyes.”\textsuperscript{47}

\textbf{Stigmatizing and ‘Outing’}

Perhaps the most frequent violation to sexual and gender minorities when
seeking health services is infringement on their right to privacy. This takes
many forms, but often occurs through stigmatization and ‘outing’ of LGBTI
persons by health workers to the clinic, to peer clients, or to the community.
Although it is not required for Ugandans to disclose their sexual orientation
when seeking health care services, doing so is essentially a non-option for
LGBTI clients, although sexual orientation or gender identity is integral to
receiving adequate services and treatment. For example, sexual and gender
minorities who seek HIV testing as a couple are often unable to do so without
discrimination. This was true for Kamya, a gay man living in Kampala, who went
to get an HIV test with his partner. Kamya told us:

> I went to a health facility to get an HIV test and during that time I was seeing
> someone, so we went together—in fact he suggested it—we had made up our
> minds to test together, and to get our results together. It was a private clinic.
> My partner was ‘visible’ as LGBT—because of what he was wearing—so we got
> so many looks. We ignored them. When we finally got in front of this
counselor, and said we want to do the test together, she just said “Why? Why?
> Why not one by one?” We said, “No, this is what we want.”\textsuperscript{48}

\textsuperscript{46} Ibid.

\textsuperscript{47} Interview with Edith (not real name) in Kampala, Uganda, 9 June 2015.

\textsuperscript{48} Interview with Kamya (not real name and age withheld) in Kampala, Uganda, 9 August 2017.
Kamya found that the counselor they were assigned was not comfortable with two men being counseled together.

She said, “Why do you guys insist?” and we said “No, we are together.” “Together as in how?” she asked so harshly. We said, “We want to know each other’s results. Whatever result we get by each other we will stick by each other.” So she was like, “So you mean you guys are homos?” and from that point on her attitude changed. She stood up, stepped out, went to the corridor of the clinic and came back with two people [who were health service providers] one of them was flipping through files and just staring at us. I got the impression that when she stepped out she called these others to come and see “this speciesism” of sorts. Then another two [health workers] came. My friend said, “This is getting dangerous. Let’s just go right now.” So we just walked out. She [the counselor] didn’t even try to stop us.

Because of this, Kamya and his partner were never able to get the results to their HIV test.

There were all these people walking in walking out this is a counseling room for Christ sake! We expected no one to get in there. She was treating us like specimens –like “come and see these people. I think these people are homo.”

Because of the counselor outing Kamya and his partner at the HIV clinic, they also experienced discrimination and verbal harassment from peer clients. Kamya said:

Some guy was in the corner of the lobby and said “those are the guys that bring us disease.” It was traumatizing. Because LGBT people being blamed for spreading the disease –as if we are the source. They were so uncaring of the damage that they were doing. For example, what if we carried on without knowing my status? Or if my partner was continuing on sleeping with other people no knowing his status?49

49 Interview with Kamya (not real name) in Kampala, Uganda, 9 August 2017.
Unfortunately, because Kamya and his partner were denied services at the first clinic, they had to seek services at another HIV clinic.

We tried again. We went to a public hospital, and we didn't know about MARPI at that time. This time we said, if it is discriminatory, let's just go one by one [not couples counseling]. I was afraid they would say I was HIV positive even when I was not because of the discrimination. It was clear they were not fine with having LGBT people coming in to test. We did the testing and unfortunately it turned out that my partner was positive, but the impact from the first clinic actually had a very bad impact on us because my partner didn’t take it well—that the results were positive. I was okay with it and I was willing to stick by him, but he was like “no, you need someone who is negative.” I think that the experience at the first clinic made him think that he somehow deserved it because he is gay.\(^\text{50}\)

As we have learned from HIV positive clients in Uganda, stigma will only perpetuate the disease and make people less willing to seek treatment or testing. Kamya and his partner are just one of many LGBTI people who experience stigma when seeking health services. A gay man and a transgender woman living in Kampala, Agaba and Peace, recalled similar experiences when seeking services from a doctor at the National referral hospital in Kampala. Peace said the doctor she saw also outing her to the other health service providers, and when she was forced to leave the hospital she found that people were staring, pointing, and shouting at her. Peace said, “the whole of the medical unit—is turning looking, [saying] ‘now this gay one!’”\(^\text{51}\) Similarly, Agaba said when he sought services there was a similar level of discrimination:

“When I went for health services the health workers looked at me in a very disgusted way and I heard them whisper that I looked like a ‘homo.’ It was a very degrading and humiliating experience.”\(^\text{52}\)

\(^\text{50}\) Ibid.

\(^\text{51}\) Interview with Peace (not real name) 23, Kampala, Uganda 1 March 2014.

\(^\text{52}\) Interview with Agaba (not real name), 26, Kampala, Uganda, 1 March 2014.
Stigma and ‘outing’ manifests itself differently for different LGBTI identities. Akello a transgender man, living in Kampala said:

You know some examinations require you to undress. So if someone has done binding and all that, and the doctors are not comfortable with you there are major problems. Then because the health workers do not know that it is a Trans man, they keep referring to us as a “madam” or saying “nnyabo” (woman in Luganda). Then this health person does not understand and does not want to understand that I am actually a Trans person that they are dealing with and serving.53

Qwin Mbabazi, a lesbian activist working in Kampala, Uganda agreed with Akello. She said:

Even there are times where I have been admitted to the hospital and then my friends who are ‘butch’-lesbians come into the hospital to visit me, and you will begin to see the nurses pointing at them and clearly whispering about them in a negative way. I feel like ‘butch’-lesbians face more discrimination than ‘fem’-lesbians. When they walk in you will see the glances from others. My friends who are ‘butch’ have always told me they don’t ever like going to public hospitals because they will be discriminated against, and pointed at. And when it comes to trans-men it can actually be worse.54

In addition to stigmatizing LGBTI persons, health care workers have also been found to try and use the opportunity to “convert” LGBTI persons into heterosexuality. One activist from Ice Breakers Uganda, who wished to stay anonymous, said:

53 Interview with Akello (not real name) 25, Kampala, Uganda 31 August 2017.

54 Interview with Qwin Mbabazi Fiona, 31 August 2017, Kampala, Uganda.
Even at clinics where we have sensitized we still have doctors and health workers trying to convert LGBTI people. We have registered 3 complaints from a specific clinic in the past 4 months—and this is a well-known counselor who is really good at her job but keeps trying to convert people. The clients are saying they don’t want to go back there that they want to go somewhere else. Others are stopping to pick their drugs from there and instead going to another partner.  

For LGBTI people who must depend on their families to finance the health care, there have been incidences of requests to doctors to use medical practices to convert people to heterosexuality. Bob Bwana, an LGBTI activist at Ice Breakers Uganda said:

I had a case where this boy was taken to the hospital and the mom said “as you’re treating my son for that problem try to counsel him to leave— to change that bad habit—because I think that’s where he got the disease from.” He had anal warts and some people believe that anything to do with the anal area is to do with homosexuality. Unfortunately, it seems that health care providers feel very empowered to convert people and try [to] change them from being LGBTI.”

**Threats, Violent Attacks, and Forced Anal Examinations**

While less frequent; violent attacks, threats, and forced anal examinations on LGBTI persons are still widespread in Uganda. Threats are usually made by health care workers or peer clients to call state actors to “arrest” LGBTI persons when they enter the clinic and seek services. This was the case for Stanley whose story was documented on the first page of this report.  

Violent attacks, usually in the form of mobs, against LGBTI persons who display a “visible” identity of non-conformity, have been reported outside and inside health clinics when LGBTI persons have sought services. Sexual Minorities Uganda spoke with 8 peer-educators who found that cases they have responded to

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55 Interview with Anonymous activist at IBU, (age withheld), 5 August 2017.

56 See page 1 for an excerpt from the Sexual Minorities Uganda interview with Stanley (not real name), Kampala, Uganda, 10 August 2017.
reported experiencing violent attacks. Chris Ludson, a peer educator at MARPI said:

Those people who have not heard about MARPI, have been denied services, they have been beaten when seeking services, they have been chased away from home.⁵⁷

Similarly, health workers still carry out forced anal examinations when the Uganda police forces individuals who have been arrested for “homosexuality”, “sodomy”, or “carnal knowledge against the order of nature” to be examined. Although it has been disproved that anal examinations in any way can “prove” homosexuality, Uganda along with at least 7 other countries which criminalize homosexuality, still uses forced anal examinations against LGBTI persons. In 2016, Human Rights Watch published a report documenting forced anal examinations against those persecuted for being LGBTI. One of the many stories documented in the report was from Chloe, a 19-year-old transgender woman, who after being arrested in Kampala for “homosexuality” was, interrogated, beaten, and taken with her partner, Eric, to Muyenga Dispensary and forced to have anal examinations.⁵⁸ Chloe told Human Rights Watch:

I was too embarrassed, I felt too bad. I was standing up and [the doctor] told me to take off my clothes and to bend over. It was very painful when he put that thing inside me but I had no choice ... I was crying, I was deep in tears, but I had no choice, the police were saying ‘Why are you crying, you have no choice! You deserve death!’

[The doctor] didn’t tell me the results when he finished. I only found out later. My results said ‘negative.’

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⁵⁷ Sexual Minorities Uganda interview with Chris Ludson, Peer Educator at Most At Risk Populations Initiative (MARPI), Kampala, Uganda, 5 August 2017.
After they tested me, they took me out of the room and then did the same exam to Eric in the room. They did not check my penis, just the anus, but for Eric, he told me they checked the penis. Because the police said he was my husband so he had been fucking me.\(^5\)

**Post-Discrimination Effects**

After experiencing discrimination while seeking health services, or after hearing second-hand accounts of discrimination towards LGBTI persons, many sexual and gender minorities avoid going to hospitals or health clinics altogether. Three members of the LGBTI community interviewed by Sexual Minorities Uganda, who requested to keep their identities anonymous (for fear of their safety), talked about the effects discrimination which they have experienced at clinics has had on their own experiences:

"I felt so bad being discriminated. I am just like any other person, who should be able to get health services like any other person. I will never return to any clinic that is not MARPI or IBU."\(^6\)

I just went and bought some drugs at a nearby pharmacy. I didn't get to see a doctor. It could have been something really bad. I had to just inspect myself, and buy the medication I thought would work. Thank God it did.\(^7\)

The effect was still there. Every time I needed a test I still feel scared. It was traumatizing. It gave me a very bad feeling. It made me feel like if we go

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\(^7\) Sexual Minorities Uganda interview with 28-year-old gay man living in Kampala, Uganda, 6 August 2017.
somewhere like that they will even give us wrong results or something. Or they will not even give us the right information or something.\textsuperscript{62}

Brant an activist at Ice Breakers Uganda Clinic has found that the effects of this post-discrimination can be deadly.

We have been losing people over minor diseases because of discrimination at the hospitals. Where someone has HIV but then they don’t know that they have HIV. The LGBT people I see are saying, for example, “I can’t go to that hospital because it has my Auntie working there, and then they will know I am gay. If they get to know that it is one of their sons, that they will kill me.” So then they don’t go to treatment. Then by the time they reach out to us, at IBU, it is too late. This happens all the time with STIs, where people will get herpes for example and then never get treatment because of the discrimination. They tell me, “No I can’t go there because when my friend [who is gay] went there, she got treated so badly.”\textsuperscript{63}

Ice Breakers Uganda clinic which provides many services to LGBTI persons, is not a hospital, and therefore has limitations in the services they can provide. Brant told us:

Our clients are afraid of going to general hospitals. Icebreakers is not a general hospital, we don’t do scans, we can’t do surgeries, we don’t do most things. But we find that completing a referral that we make is a big challenge. For example, if we refer someone to see a certain health center, where we have only been able to sensitize one person at the clinic, and then when that person is not there, or they were transferred, you find that the person is not getting the service that you referred them to because they are LGBTI.\textsuperscript{64}

\textsuperscript{62} Sexual Minorities Uganda interview with 37-year-old gay man living in Kampala, Uganda, 10 August 2017.

\textsuperscript{63} Sexual Minorities Uganda interview with Brant Luswata, Clinic Manager at Ice Breakers Uganda (IBU), Kampala, Uganda, 9 August 2017.

\textsuperscript{64} Ibid.
One of Ice Breakers Uganda’s biggest challenges is getting clients to complete their referrals. From 2012-2017, only 20% of referrals have been completed, meaning that 80% of clients are not going to referral appointments, which activists like Brant think is due largely to the discrimination they receive when seeking services at general health care facilities in Uganda. Brant said:

When I say I am going to refer a client to another place outside of Icebreakers clinic. You see the face changing. They try to convince you that they will go, but often when you follow it up, they did not go. When you call they say, “Yeah for me, Brant, I got scared to go. So you find yourself having to escort people to clinics which is not sustainable.”65

65 Ibid.
V. Conclusion and Recommendations

After presenting the testimonies of health care discrimination, documented in this report, to the Director of General Services at the Ministry of Health, his response was the following:

You see for us we are Africans, you come into an environment and say you are gay, people look at you, even if they spit on you, you should see that as normal.66

His remarks gave the title to this report because, unfortunately, they represent the current state of health care rights for Uganda’s sexual and gender minorities. Stigma and discrimination are rampant. Yet stigma and discrimination are one of the fundamental causes of disease to spread, with dire health implications— for “key populations” and the general population alike. This institutionalized stigma forces Uganda’s sexual and gender minorities to experience higher rates of HIV, mental health concerns, and everything from denial of services to violent attacks. Although the current treatment of sexual and gender minorities in Uganda’s public health sector violates sexual and gender minorities’ constitutional rights and human rights guaranteed by international human rights declarations; those in power, like the Director of General Services, continue to discriminate.

When the state institutionalizes discrimination, and fails to protect the human rights of all its citizens, it suffers. Therefore, in conclusion of this report, Sexual Minorities Uganda has outlined recommendations to create the urgently-needed change for sexual and gender minorities’ right to health across the country. Sexual Minorities Uganda has outlined recommendations for the government of Uganda, the Ministry of Health, donor countries, and members of civil society.

66 Interview with Anthony Mbonye in Kampala, Uganda on 21 August, 2017.
To the Government of Uganda:

-! Decriminalize homosexuality immediately, and repeal Section 145 of the penal code which criminalizes “carnal knowledge against the order of nature.”

-! Stop supporting the cruel and unusual punishment of sexual and gender minorities.

-! Ban the use of anal examinations on those accused of same-sex conduct.

-! Uganda Police Force should work with Sexual Minorities Uganda to investigate all cases documented in this report.

-! The Ugandan Human Rights Commission should work to take cases presented in this report to tribunal.

-! The Uganda National HIV/AIDS committee should be inclusive of sexual and gender minorities and inclusive in all health-related programing.

-! Investigate all reports of violence against sexual and gender minorities, appropriately punish those responsible publicly, and expressly condemn all such violence.

-! Hold perpetrators of rights abuses legally accountable.

To the Ministry of Health:

-! Issue an updated ethical guideline on care and discrimination, with specific focus on addressing the continued human rights abuses occurring against LGBTI persons after the annulment of the Anti-Homosexuality Act in the health sector.
Use this report to reach out to health facilities, government hospitals, government officials, the Uganda Police to inform and sensitize personnel on the rights abuses taking place.

Approach health programming, with intersectionality, and a commitment to include LGBTI people’s needs in such programming.

Hold those who violate rights of LGBTI persons in the health sector accountable with statements and legal action, condemning violations when they occur.

Work with LGBTI peer-educators to design sensitizing campaigns with health workers in both public and private clinics across Uganda.

Work with medical professionals and scholars to ensure that medical textbooks used to educate doctors, nurses, and all health workers, are scientifically up-to-date and do not present “homosexuality”, transgender identities, and intersex persons as a physical or mental disorder.

To donor countries, or international non-governmental organizations which provide aid to Uganda:

Support LGBTI activist work to combat human rights abuses by funding projects and grassroots organizations.

Assist in investigations, research and documentation of rights abuse cases.

Help hold perpetrators of human rights abuses accountable by issuing official condemnations when they occur.
Consider withholding resources from law enforcement agencies, or local NGOs which persistently violate the rights of LGBTI persons.

To Members of Civil Society

- Cite this report and use it as evidence in work for human rights work and advocacy.

- Highlight violations of human rights abuses against sexual and gender minorities in the context of the larger fight for human rights.

- Consider training staff on LGBTI inclusion.

To Members of the LGBTI community:

- Know your rights, be vigilant, and report abuses to the authorities.

- Continue seeking health services when necessary, testing for STIs, going to referral appointments, and checking-up on your physical and mental health.
V. Appendix: Glossary of Terms

“Abasiyazi:” A Luganda word that is often used as a derogatory term, meaning “homosexual.”

**Biological sex:** the biological classification of bodies as male or female, based on such factors as external sex organs, internal sexual and reproductive organs, hormones, or chromosomes.

**Cis:** (often abbreviated to simply cis) is a term for people whose gender identity matches the sex that they were assigned at birth. Cisgender may also be defined as those who have "a gender identity or perform a gender role society considers appropriate for one’s sex. It is the opposite of the term transgender.

‘Coming Out’: Or, ‘coming out of the closet,’ this is the process of becoming aware of one’s queer sexual orientation, identity, accepting it, and telling others about it.

**Gay:** Most often used to describe only men who are attracted primarily to other men, but may also be used as a synonym for “homosexual.”

**Gender:** the social and cultural codes (as opposed to biological sex) used to distinguish between what a society considers “masculine” or “feminine” conduct.

**Gender expression:** The external characteristics and behaviors that society define as “masculine” or “feminine” – including such attributes as dress, appearance, mannerisms, speech patterns, and social behavior and interactions.

**Gender identity:** A person’s internal sense of self as male, female, transgender, etc. A person’s sex and gender identity may not always be in
sync. A person may identify as male but they have the biological sex of a woman.

**Heterosexual:** A person primarily attracted to people of the opposite sex.

**Homosexual:** A person attracted primarily to people of the same sex.

**Kuchu:** A localized term for LGBTI or queer in Uganda. It is often used as an identifier synonymous with any term reading to sexual and gender minorities.

**Lesbian:** A woman attracted primarily to other women.

**LGBT:** An acronym used to stand for lesbian, gay, bisexual, and transgender. It is an inclusive term often used as a synonym for "sexual and gender minorities."

**Men who have sex with men (MSM):** Men who engage in sexual behavior with other men, but do not necessarily identify as "gay," "homosexual," "bisexual," etc.

**Sex:** A person’s biological status typically referred to as male, female, or intersex. The indicators of one’s biological sex include sex chromosomes, gonads, internal reproductive organs, and external genitalia.

**Sexual orientation:** The sex of the person to whom one has an enduring pattern of physical, sexual or romantic attraction — that is, it describes where one falls on the spectrum of attraction to people of the same or opposite sex, or both.

**Transgender:** An umbrella term used to describe people whose gender identity, expression, or behavior is different from that typically associated with their assigned sex at birth.
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Sexual Minorities Uganda advocates for the liberation of Uganda’s sexual and gender minorities through advocacy, research, and documentation. Sexual Minorities Uganda is a network organization of 18 LGBTI organizations across Uganda. For more information, please visit our website: sexualminoritiesuganda.com.
FREEDOM IN THE WORLD 2017

Uganda

NOT FREE

<table>
<thead>
<tr>
<th>Political Rights</th>
<th>11 / 40</th>
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</thead>
<tbody>
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<td>Civil Liberties</td>
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Global freedom statuses are calculated on a weighted scale. See the methodology.
Overview

While Uganda holds regular elections, their credibility has deteriorated over time, and the country has been ruled by the same party and president since 1986. The ruling party, the National Resistance Movement (NRM), retains power through the manipulation of state resources, intimidation by security forces, and politicized prosecutions of opposition leaders. Uganda’s civil society and media sectors remain vibrant, despite suffering sporadic legal and extralegal harassment and state violence. The LGBT (lesbian, gay, bisexual, and transgender) community remains under threat.

Key Developments in 2016

- In February, Uganda held deeply flawed general elections that featured harassment and violence against the opposition, among other abuses. President Yoweri Museveni of the ruling NRM was officially awarded another five-year term in office.
- In May, Kizza Besigye, the leading opposition presidential candidate, was charged with treason following months of arrests, detentions, and periods of house arrest.
- Legislation enacted in January contained ill-defined regulatory provisions for nongovernmental organizations (NGOs) that could allow government interference, and extralegal intimidation remained a serious challenge to civil society advocacy.

Executive Summary

In 2016, Uganda held its third general elections since the transition to a multiparty system in 2005. While incumbent president Museveni was reelected, the polls were marred by severe intimidation of voters and the opposition, the repeated arrest of presidential challenger Kizza Besigye, the use of state resources for the ruling party’s campaign, and significant delays in voting.
The president signed the Non-Governmental Organisations (NGO) Act in January, despite criticism that its ambiguous language could be used to ban groups that challenge the government. The authorities also interfered with the free flow of information, shutting down access to social media in the periods around the February elections and the presidential inauguration in May. Police brutality and harassment intensified during the year, targeting opposition candidates, their supporters, and civil society activists. Separately, although the controversial Anti-Homosexuality Act (AHA) was struck down on a technicality in 2014, a 2016 report showed that the LGBT community continued to experience human rights abuses.

**Political Rights**

**A. Electoral Process**

Uganda’s single-chamber Parliament and president are elected for five-year terms. In the February 2016 presidential contest, Museveni extended his 30-year rule with another five-year term by securing 60.6 percent of the vote, according to official results. Besigye of the opposition Forum for Democratic Change (FDC) placed second with 35.6 percent. Due to the introduction of new constituencies, a total of 426 members of Parliament (MPs) were chosen in the 2016 legislative elections, including 289 elected in single-member districts, 112 elected to reserved seats for women, and 25 chosen to represent special interest groups (the military, youth, people with disabilities, and trade unions). The ruling party, the NRM, won an absolute majority with 293 seats, while independents won 66 seats, the FDC won 36, and smaller parties took the remainder. Additional ex-officio seats are held by cabinet ministers, who are appointed by the president and do not have voting rights.

According to international and regional observers, the 2016 elections were undermined by problems including the misuse of state resources and flawed administration by the Electoral Commission (EC). On election day, the EC experienced significant technical and logistical challenges, causing some citizens to wait for hours to cast their votes. The EC extended the voting time for polling stations that opened late, with voting in some areas continuing for an extra day even
as counting was well under way. This fueled existing mistrust of the EC and raised suspicions of malfeasance. Besigye and the FDC leadership contended that fraud and intimidation of the opposition had marred the entire electoral process.

Former prime minister Amama Mbabazi, who placed a distant third in the presidential race, petitioned the Supreme Court in March to nullify the elections. Although the court acknowledged a number of irregularities—including violations by the EC, interference by public officials, the arrest of opposition candidates, the delayed delivery of voting materials to polling places, and unfair public media coverage—it ultimately ruled that these problems did not affect the results to an extent that would justify an annulment.

The president appoints the members of the EC with the approval of Parliament. The incumbent commission’s term was due to end in 2016. In August, an NRM MP proposed a constitutional amendment that would provide EC commissioners with open-ended terms, but the measure was met with resistance by activists and opposition MPs who saw it as a way for the ruling party to permanently secure its position. In November, the president nominated a new chair, vice chair, and commissioners for the EC, and Parliament approved them in December.

### B. Political Pluralism and Participation

While opposition groups have suffered from infighting and funding shortages, their ability to compete in elections is largely hindered by restrictive party registration requirements and candidate eligibility rules, the use of government resources to support NRM candidates, a lack of access to state media coverage, state violence and harassment, and paramilitary groups that intimidate voters and government opponents.

Throughout the 2016 electoral period, violence, intimidation, and harassment toward opposition parties—especially the FDC and its supporters—were particularly acute. Days before the elections, Besigye was arrested on his way to a campaign rally on the
grounds that he was disrupting traffic and business in Kampala. He was arrested again on election day after trying to inform police of electoral violations. The following day, police stormed FDC headquarters and arrested Besigye yet again along with other FDC leaders. For weeks afterward, Besigye was held under house arrest or moved between police stations and his home without formal charges ever being filed. Police argued that they were using their powers of “preventative arrest” to disrupt activities or statements that could incite violence or defiance of the law. The day after the elections, police also surrounded the home of Mbabazi, who was barred from leaving but not arrested.

In May, Besigye was charged with treason for a video in which he held a mock presidential inauguration for himself, and due to allegations that he had incited people to overthrow the government. After two months in detention, Besigye was released on bail in July. The case remained pending at year’s end.

The military is closely aligned with Museveni and holds 10 seats in Parliament. During the 2016 election period, the military and police services worked to dissuade any protests against the results, mounting a visible armed security presence with heavy deployments in and around the capital. They repeatedly used excessive force to disperse opposition gatherings.

The dominant position and coercive tactics of the NRM impede free political participation and advocacy of interests by Uganda’s various ethnic groups, including those affiliated with traditional kingdoms as well as smaller indigenous groups.

## C. Functioning of Government

Power is concentrated in the hands of the NRM leadership, the security forces, and especially the president, who retains office through a deeply flawed electoral process. Ordinary MPs and civic groups have little practical ability to influence legislation or government policies.

Despite high-profile scandals, investigations, increased media attention, and laws and institutions designed to combat corruption, malfeasance continues and top government officials are rarely prosecuted for such offenses. The World Bank has
estimated that corruption costs Uganda 500 billion shillings ($145 million) a year, and in August 2016 the bank decided to withhold new lending to the country due to reports of persistent corruption and political kickbacks.

**Civil Liberties**

**D. Freedom of Expression and Belief**

Constitutional protections for freedoms of expression and the press are often undermined by provisions in the penal code, including laws on criminal libel and treason, as well as by extralegal government actions.

Uganda has nearly 200 private radio stations and dozens of television stations and print outlets. Independent journalists and media outlets are often critical of the government, but in recent years they have faced escalating government restrictions and intimidation. More than a dozen journalists were arrested and beaten by state officials in 2016, in some cases during live broadcasts. In May, the government banned journalists from reporting on opposition activities, threatening arrest or cancelation of their licenses if they failed to comply.

Ahead of the February elections, the Uganda Communications Commission (UCC) temporarily blocked access to the social media platforms Twitter, WhatsApp, and Facebook, citing security concerns. Many Ugandans were able to circumvent the restriction by using virtual private networks (VPNs). The UCC shut down access to social media platforms again on the day of Museveni’s inauguration in May.

There is no state religion, and freedom of worship is both constitutionally protected and generally respected in practice. However, the government has barred religious leaders from engaging in political debates and restricted religious groups whose members allegedly pose security risks. A series of Muslim clerics have been murdered in recent years, and in December 2016 police raided mosques and carried out arrests
in search of those responsible for the killings and other criminal activity, drawing complaints that the officers acted arbitrarily and unlawfully.

Academic freedom has been undermined by alleged surveillance of university lectures by security officials, and by the need for professors to obtain permission to hold public meetings at universities. In November 2016, after weeks of student protests and a strike by faculty who said the government had defaulted on payment of their allowances, Museveni shut down Makerere University, Uganda’s largest. Lecturers agreed to suspend the strike in December, and students were to resume classes at the beginning of 2017.

In addition to the threat of state surveillance, free and open private discussion is limited by a climate of intimidation pertaining to sexual orientation and gender identity. For example, LGBT individuals and others face the fear of being “outed” by tabloid newspapers that publicly identify real or perceived gay men and lesbians, along with personal details and photos.

E. Associational and Organizational Rights

Freedom of assembly is restricted by law and in practice. Among other repressive provisions, the 2013 Public Order Management Act (POMA) requires groups to register with local police in writing three days before any gathering, public or private, to discuss political issues. The police have broad authority to deny approval for such meetings if they are not deemed to be in the “public interest,” and to use force to disperse assemblies judged unlawful. The POMA was used numerous times as the justification for arresting opposition candidates and supporters during the 2016 campaign period.

Freedom of association is guaranteed in the constitution but often restricted. Civil society in Uganda is active, and several NGOs address politically sensitive issues. However, their existence and activities are vulnerable to legal restrictions and the manipulation of burdensome registration requirements. More than two dozen NGO
offices have suffered suspicious break-ins since 2012, with intruders sometimes focusing on documents rather than valuable equipment. A security guard was reportedly drugged in one April 2016 incident, and another guard was killed in May. Police have failed to actively investigate the crimes.

Museveni signed the new NGO Act into law in January. Opponents of the measure noted that it contained a number of provisions that could allow the government to shutter organizations and jail their members for vaguely worded offenses, such as engagement in acts that are “prejudicial to the security and laws of Uganda” or to “the interests of Uganda and the dignity of the people of Uganda.”

Workers’ rights to organize, bargain collectively, and strike are recognized by law, except for workers providing essential government services. However, legal protections often go unenforced. Many private firms refuse to recognize unions, and strikers are sometimes arrested.

**F. Rule of Law**

Executive and military influence undermines judicial independence, as does systemic corruption. Prolonged pretrial detention, inadequate resources, and poor judicial administration also impede access to justice. The prison system is operating at more than twice its intended capacity, with pretrial detainees constituting more than half of the prison population. Rape, extrajudicial violence, and torture and abuse of suspects and detainees by security forces are persistent problems.

The justice system’s handling of politically charged cases surrounding the 2016 elections underscored its lack of impartiality. In response to Besigye’s arrest on treason charges, the president of the Uganda Law Society questioned the independence of the judiciary in dealing with political cases and cautioned that the courts should not be used to settle political disputes.

Security forces violently dispersed opposition supporters who gathered to welcome Besigye after his release on bail in July. Opposition MPs called for an investigation into the police beatings, which were captured on video. Victims sued police
commanders for alleged torture and violations of their constitutional rights, but in August a court halted the proceedings.

Separately in June, FDC MP Michael Kabaziguruka and more than two dozen others, including military personnel, were charged with treason for allegedly plotting to overthrow the government. A trial before a military court was pending at year’s end.

In November, Ugandan security forces stormed the royal enclosures and palaces of the traditional Rwenzururu Kingdom in the Rwenzori region, after palace guards allegedly attacked police stations. The fighting left more than 100 people dead, and human rights groups cited evidence of indiscriminate violence and summary executions on the part of security forces. The Rwenzururu king and many of his guards were arrested and charged with offenses including murder, treason, and terrorism. Analysts noted possible political motives behind the violence, as voters in the Rwenzori region heavily favored the opposition in the recent elections.

The AHA, which criminalized homosexuality, was struck down in 2014, but the LGBT community continues to face overt hostility from the government and much of society. According to an April 2016 report by Sexual Minorities Uganda, LGBT people suffered 264 verified cases of human rights abuses between May 2014 and the end of 2015; 84 involved loss of property or employment and other forms of intimidation, while 48 involved violence, including “torture by the state.” In August, police raided an event during Ugandan LGBT Pride celebrations and beat participants, arresting 16 people and holding them temporarily under abusive conditions.

G. Personal Autonomy and Individual Rights

Freedom of movement in Uganda is largely unrestricted. Bribery is common in many facets of life, such as interacting with traffic police, gaining admittance to some institutions of higher education, and obtaining government jobs. Licenses are required to start a business, obtain construction permits, and register property, and the multistage processes involve numerous opportunities for officials to seek bribes.
Customary land tenure is widespread in the north, and land disputes—some of them violent—are common, particularly when private development projects are at stake.

Although the constitution prohibits discrimination on the basis of gender and acknowledges the equal rights of women, gender discrimination remains pronounced, particularly in rural areas. Women hold about a third of the seats in Parliament, and a third of local council seats are reserved for women. The law gives women the right to inherit land, but discriminatory customs often trump legal provisions in practice. Rape and domestic violence are widespread and underreported, and offenders are rarely prosecuted. Cultural practices such as female genital mutilation persist, despite the 2010 Prohibition of Female Genital Mutilation Act.

Poor enforcement of labor laws contributes to unsafe or exploitative conditions for many workers. Child labor in agriculture, domestic service, and a variety of other industries is a significant problem, as is sexual exploitation of minors. Ritual sacrifice of abducted children has reportedly increased in recent years, with six killings reported ahead of the 2016 elections.
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TAB 19
Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.
The rights to freedom of expression, association and assembly were severely restricted in the context of general elections marred by irregularities. Human rights defenders faced new restrictions on their activities and some organizations were harassed. The rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people continued to be violated.

BACKGROUND
Uganda held its fifth presidential and parliamentary elections on 18 February. The Commonwealth election observation mission said the election fell short of key democratic benchmarks. The EU’s election observation mission said the election took place in an “intimidating atmosphere”, with the police using excessive force against opposition politicians, media workers and the general public. President Museveni was declared the winner on 20 February. He had already been in power for 30 years.

On 1 March, Amama Mbabazi, an opposition presidential candidate, filed a petition in the Supreme Court contesting the election result on the grounds that the incumbent party bribed voters, used public servants and state resources in political activities, and interfered with opposition activities. On 9 March, when affidavits were due to be submitted in court, files and computers were stolen from the offices of two of his lawyers. On 31 March, the Supreme Court ruled that there was not enough evidence of irregularities that would have affected the election result.

FREEDOMS OF ASSOCIATION AND ASSEMBLY
Police severely restricted the rights of political opposition parties to freedom of association and peaceful assembly before, during and after the elections.

Three days before the elections, Kizza Besigye, presidential candidate for the opposition Forum for Democratic Change (FDC), was arrested as he headed towards a campaign rally. The police subsequently barricaded the road leading to his house, effectively placing him under house arrest, on the grounds that they had intelligence that he intended to cause unrest. On 20 February he was arrested again when he tried to leave his house to obtain detailed copies of the results from the Electoral Commission in order to contest them. On 12 May, the day before Yoweri Museveni was to be sworn in as President, a video appeared online showing Kizza Besigye being sworn in, claiming to be the people’s President. The police immediately arrested him and charged him with treason. The case was continuing at the end of the year.

FREEDOM OF EXPRESSION
In the run-up to the elections, security officials attacked media outlets they deemed critical of government policies and actions.

On 20 January, Endigyito FM, a privately owned radio station, was closed down after opposition candidate Amama Mbabazi was a guest on a show.

On 13 February, police entered Radio North FM in Lira, northern Uganda, and arrested journalist Richard Mungu and a guest. The police accused Richard Mungu of defacing President Museveni’s election posters and charged him with malicious damage to property. The charges were later amended to aiding and abetting a crime, an apparent reference to the damaged posters. He was released on bail on 17 February.

On election day, the official Uganda Communications Commission (UCC) blocked access to Facebook, Twitter and WhatsApp between 6am and 9.30am, citing an unspecified threat to national security. The Mobile Telecommunications Network (MTN), a leading provider of mobile phone and internet services in Uganda, said on its Twitter handle that the UCC had ordered it to
disable all social media and mobile money-transferring services “due to a threat to public order and safety”. Such actions violated the right to seek and receive information.

The Deputy Chief Justice stopped a peaceful demonstration organized by the FDC and Kizza Besigye planned for 5 May. His order followed an application by the Deputy Attorney General for interim orders to prevent FDC’s “defiance campaign”. The FDC’s campaign sought, among other things, an international audit to review the presidential election results. However, the Court of Appeal ruled on 30 April that the campaign breached several articles of the Constitution.

On 14 September, 25 women were arrested and detained for four hours, before being released without charge, shortly before they were to present a petition to Parliament. The petition opposed proposed amendments to mandatory retirement ages for judicial officers and electoral commissioners set out in the Constitution. The Speaker of the Parliament rejected the bill and asked the government to table comprehensive constitutional amendments instead.

**UNLAWFUL KILLINGS**

On 28 November, at least 100 people were killed and 139 others arrested in clashes between security agencies and palace guards in the western town of Kasese, according to police. In some cases, security forces summarily shot people dead and then dumped the bodies on river banks and in bushes. The clashes followed attacks by the local king’s guards on several police stations on 26 November, during which at least 14 police officers were killed. Charles Wesley Mumbere, King of the Rwenzururu kingdom, was arrested and transferred to the capital, Kampala, where he was charged with murder.

**HUMAN RIGHTS DEFENDERS**

On 14 March, the Non-Governmental Organisations Act (NGO Act) came into force. Some of its provisions were vaguely worded and could be used to clampdown on civil society organizations. For example, it restricted organizations from engaging in activities that are “prejudicial to the security, interests or dignity of the people of Uganda”, without defining these terms.

Between April and May, offices of the Forum for African Women Educationalists (FAWE), the Human Rights Awareness and Promotion Forum (HRAPF), and the Human Rights Network for Journalists-Uganda (HRNJ-Uganda) were broken into by unidentified people and items stolen. At FAWE, the intruders stole an internet server, computers, cameras and projectors. At HRNJ-Uganda, CCTV footage shows a visitor giving security guards food apparently containing sedatives, allowing four intruders to search the premises as the guards slept. The Inspector General of Police formed a committee in July to investigate the break-ins, but the affected organizations were concerned that investigations were not carried out. No one was arrested, charged or prosecuted in connection with the break-ins.

**RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE**

On 4 August, police broke up an LGBTI beauty pageant in Kampala, part of Uganda Pride. They arrested 16 people – most of them Ugandan LGBTI rights activists – who were released after about an hour. A man was seriously injured after he jumped from a sixth-floor window fearing police abuse.

On 24 September, the police prevented more than 100 people from joining a Pride parade on a beach in Entebbe. They ordered people back onto minibuses and told them to leave the area. The participants tried to go to another beach, but police prevented them from holding the parade there too.

The HRAPF and the Civil Society Coalition on Human Rights and Constitutional Law (CSCHRCL), a coalition of 50 organizations, filed a petition in the East African Court of Justice, arguing that Uganda’s Anti-Homosexuality Act was contrary to the rule of law and the good governance principles of the East African Community Treaty. On 27
September, the Court refused to consider the petition on the basis that the Anti-Homosexuality Act had been declared null and void by Uganda’s Constitutional Court in August 2014.

CRIMES UNDER INTERNATIONAL LAW
The pre-trial hearing of former Lord’s Resistance Army (LRA) commander Colonel Thomas Kwoyelo, charged with war crimes and crimes against humanity in northern Uganda, began on 15 August in the International Crime Division of Uganda’s High Court. The hearing was adjourned because Thomas Kwoyelo’s lawyers were not notified in time. The prosecution also introduced new charges relating to sexual and gender-based violence. In September, a court in Gulu, northern Uganda, ruled that victims could participate in the proceedings in line with their right to participate before the International Criminal Court (ICC). Thomas Kwoyelo, who was captured by the Ugandan army in 2008, remained in detention.

On 23 March, the ICC Pre-Trial Chamber confirmed 70 charges against Dominic Ongwen, a former LRA commander who had been abducted as a child and forcibly recruited into the LRA. The charges included crimes against humanity and war crimes, sexual and gender-based crimes, and conscription and use of child soldiers in northern Uganda.

COUNTER- TERROR AND SECURITY
On 26 May, the High Court convicted seven of 13 people charged in relation to the 2010 World Cup bombing in Kampala. The Somali-based armed group al-Shabaab claimed responsibility for the attack, which killed 76 people. The Court said the prosecution had failed to link five of the defendants to the bombing. The five were immediately rearrested and charged with new offences of creating documents and materials while in Luzira Prison connected with “preparations to facilitate, assist or engage co-conspirators to undertake terrorist acts in Uganda”.

1. Uganda: Violations against opposition party impeding its efforts to contest election outcome (News story, 26 February)
2. Uganda: Denounce unlawful killings and ensure accountability in aftermath of deadly clashes (News story, 28 November)
3. Uganda: Investigate break-ins at groups’ offices (News story, 13 June)

UKRAINE

Ukraine
Head of state: Petro Poroshenko
Head of government: Volodymyr Hroysman (replaced Arseniy Yatsenyuk in April)

Sporadic low-scale fighting continued in eastern Ukraine with both sides violating the ceasefire agreement. Both the Ukrainian and pro-Russian separatist forces continued to enjoy impunity for violations of international humanitarian law, including war crimes, such as torture. Authorities in Ukraine and the self-styled People’s Republics of Donetsk and Luhansk conducted unlawful detention of individuals perceived to support the other side, including for use in prisoner exchanges. The long-awaited State Investigation Bureau, intended to investigate violations by the military and law enforcement officials, was formally established but not operational by the end of the year. Independent media and activists were not allowed to work freely in the People’s Republics of Donetsk and Luhansk. Media perceived as pro-Russian faced harassment in government-controlled territories. The largest-ever Pride march for lesbian, gay, bisexual, transgender and intersex (LGBTI) people in the capital, Kyiv, was supported by the city authorities and effectively protected by the police. In Crimea, the de facto authorities continued their campaign to eliminate pro-Ukrainian dissent. It increasingly relied on Russian anti-extremism and anti-terrorism legislation and criminal prosecution of dozens of people perceived to be disloyal.

For millions, 2016 was a year of unrelenting misery and fear, as governments and armed groups abused human rights in a multitude of ways. Large numbers of people continued to flee conflict and repression in many regions of the world. Among other pervasive issues, this report documents continuing torture and other ill-treatment, the failure to uphold sexual and reproductive rights, government surveillance, and a culture of impunity for past crimes.

This report bears witness to the determination of those who stand up to demand respect for human rights across the world and proclaim their solidarity with those whose rights were flouted. The report represents Amnesty International’s concerns and calls for action. It shows how the human rights movement is growing ever stronger and how the hope it inspires in millions remains a powerful force for change. This report is essential reading for policy makers, activists and anyone with an interest in human rights.

amnesty.org
TAB 20
Police in Uganda have charged 20 LGBT people with disobeying rules on physical distancing and risking the spread of coronavirus, in what campaigners say is a clear case of authorities in parts of Africa abusing newly imposed restrictions to target sexual minorities.

Fourteen gay men, two bisexual men and four transgender women were taken into custody on Sunday when police raided a shelter on the outskirts of Uganda’s capital, Kampala.

A police spokesperson, Patrick Onyango, said the detainees had been disobeying distancing rules by “congesting in a school-like dormitory setting within a small house” despite a ban at the time.
Onyango denied allegations made by LGBT campaigners that they were targeted because of their sexual orientation. “We still have offences of unnatural sex in our law books,” Onyango told Reuters. “We would charge them with that law, but we are charging them with those counts, as you can see.”

Frank Mugisha, the executive director of Sexual Minorities Uganda, said the arrests were “a clear case of discrimination” against the LGBT community. He said the raid followed complaints to police about the shelter from neighbours, and the lockdown-related charges were brought only when it was clear that there was no other justification for holding the detainees.

“The arrests were initially around homophobia and transphobia because neighbours reported them and so the security forces came and raided them. These people were at home and they all know each other,” Mugisha said. “Now they are putting them in prison where they will be more at risk.”

Activists in Uganda said the pandemic had contributed to a rise in homophobic rhetoric in Uganda, with the LGBT community being blamed by some for the disease.

Homosexuality is illegal in most countries on the African continent. In a handful of states, gay people can face life imprisonment or the death penalty. In Uganda, a largely conservative Christian country, homosexual sex is punishable by life imprisonment.

The Refugee Coalition of East Africa, which represents a number of LGBT refugee organisations in the region, said in a statement last month: “We are in the midst of a public health emergency causing panic, death and fear on an international and widespread level. It merits the attention of the world and its leaders. [But] at the same time, we implore humankind to not let us slip from your consciousness.”

The two charges against the group in Uganda - disobeying a lawful order and committing neglectful acts likely to spread infection of disease - carry a maximum of two and seven years imprisonment respectively.

Uganda announced its first coronavirus case on 21 March and now has 33 confirmed cases.

**America faces an epic choice ...**

... in the coming months, and the results will define the country for a generation. These are perilous times. Over the last three years, much of what the Guardian holds dear has been threatened - democracy, civility, truth.

The country is at a crossroads. Science is in a battle with conjecture and instinct to determine policy in the middle of a pandemic. At the same time, the US is reckoning with centuries of racial injustice - as the White House stokes division along racial lines. At a time like this, an independent news organisation that fights for truth and holds power to account is not just optional. It is essential.
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Topics
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- LGBT rights
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TAB 21
LGBT community raided in Uganda over social distancing

A gay rights leader in Uganda says 20 members of the local LGBT community have been detained after police raided their shelter and accused them of violating coronavirus-related social distancing measures.

By RODNEY MUHUMUZA Associated Press

April 1, 2020, 10:20 AM • 2 min read

KAMPALA, Uganda -- A gay rights leader in Uganda says 20 members of the local LGBT community have been detained after police raided their shelter and accused them of violating coronavirus-related social distancing measures.

“It is evident that they were arrested because of their homosexuality,” Frank Mugisha said Wednesday, expressing concern for their safety as “some of them are on AIDS medication.” Gay sex is criminalized in Uganda.
Mugisha said the 20 were among 23 people accused of violating the president’s orders during a police raid on Sunday. Three were freed because of ill health, he said.

Mugisha said the house in Kyengera, a town near Kampala, is a known shelter for LGBT people seeking community as well as treatment for AIDS.

Ugandan police are enforcing measures imposed by President Yoweri Museveni as part of efforts to stop local transmission of the coronavirus. The East African nation has reported 44 cases, most of them imported.

Mugisha said attacks on homosexuals often go unreported in Uganda, and he warned that hate crimes targeting homosexuals could rise amid the pandemic.

There have been efforts in Uganda in recent years to enact harsher penalties targeting homosexuals, including death by hanging. Many Ugandans believe homosexuality is imported from the West.

An anti-gay law enacted in 2014 was later overturned by a panel of judges amid international pressure and threats of aid cuts. In enacting that law, Museveni accused “arrogant and careless Western groups,” without naming names, of trying to recruit Ugandan children into homosexuality.

According to Human Rights Watch, 32 African nations have various laws criminalizing homosexuality.
TAB 22
'They paid a guy to kill me': health workers fight homophobia in Uganda

A lesbian activist in a rural town has developed a new strategy to reach those most at risk of HIV
Maria Nantale is enjoying a beer at a rickety wooden bar after a long day’s work. “Forty people tested today,” she reflects. “Found three positives. One of them is in denial. She has run away.”

Twice a week, from dawn until dusk, Nantale holds an “outreach” in the town of Mbale, population 76,000. The aim is to combat HIV among those most at risk: LGBT Ugandans, drug addicts and sex workers.

She asks a local person to play some music while her “peer” educators discuss condom use and sexual health, and invite people to get tested for HIV. Her mobile lab is run by a trio of nurses, a lab technician and a psychological counsellor.

Uganda has the 10th highest rate of HIV in the world – 6.2% overall and 7.6% among women. Across the country, more than 1.2 million people are believed to carry the virus that causes Aids.

It is also one of the most homophobic countries in the world. Earlier this month an LGBT advocate was killed in the eastern Ugandan town of Jinja, not far from where Nantale works in Mbale. Last week, lawmakers said they would introduce legislation to bring in tougher punishments for homosexual acts, conjuring memories of the so-called “kill the gays” bill that was proposed in 2013 and initially included the death penalty for certain cases.

As the law stands, homosexual acts can lead to sentences of up to 14 years in prison. LGBT people routinely face human and legal rights abuses by employers and police, or violence and harassment in their communities. Because homosexuality is illegal, LGBT people are often hesitant to seek medical attention for HIV/AIDS.
That’s why Nantale’s primary goal is to reach Mbale’s gay and transgender populations, and sex workers, who are at a higher risk of HIV. Studies estimate that sex workers in Uganda are about a third more likely to be HIV positive.

The problem, says Nantale, is that many people in marginalised groups don’t get tested for the virus due to the double stigma of being both HIV positive and queer in a homophobic country. Nantale realised she needed to offer tests to everybody or risk giving credence to the belief that LGBT people are “sick” or diseased.

A further complication is the fact that many rural LGBT Ugandans are transient or even homeless, having been ostracised by their families. By inviting entire communities to get tested in a public setting, Nantale creates a safe space for the most vulnerable.

“It’s a strategy we use so that the LGBTI, sex workers and drug users can come out and get tested,” says Nantale. “Whenever people here have HIV, they run in the opposite direction. That’s what the counselling is for. Telling them it will all be fine.”

As a lesbian herself and an outspoken woman in a male-dominated community, gaining people’s trust was no easy task. “This has taken me years,” she says.
Nantale, director of the Eastern Region Women’s Empowerment Organisation, is an anomaly in Uganda. Most Ugandan LGBT activists busy themselves with a plethora of other problems, such as being arrested or extorted by police, or blackmailed by neighbours. Many teenagers are disowned by their families, and some are forced to flee Uganda as refugees.

The method employed by the impeccably dressed, energetic anti-HIV campaigner is to attack that stigma head on, testing and counselling people outside and in public, in front of their friends, neighbours and family. One afternoon, residents looked on as a tall man in his 40s walked up to the collection of tables, benches and blankets Nantale’s team had set up on a small patch of land in one of Mbale’s crowded, low-income neighbourhoods. A nurse cleaned the man’s finger with a swab, then lightly pricked the tip. A tiny droplet of blood appeared, which she smeared on to a small white strip of testing paper, then used a cotton swab to stop the bleeding. Ten minutes later, his result was announced in front of the dozen or so people who were standing around: negative.

Nantale says that once a few people get over the initial hurdle of participating, the entire neighbourhood tends to join in. “Some of them go and bring their partners. They bring their man,” says Nantale. She describes one octogenarian great-grandmother who never misses a test, just to feel apart of what’s going on. Nantale’s peer educators hand out male and female condoms.
Nantale’s approach has garnered the attention of Ugandan LGBT rights organisations such as Sexual Minorities Uganda, and works with them on HIV/Aids awareness events. Her work has also attracted international donors such as USAid, which has funded her mobile clinics and implements the President’s Emergency Plan For Aids Relief (Pepfar), a multibillion dollar global initiative that has proven incredibly effective at preventing and treating HIV/Aids.

But the work doesn’t always go smoothly. One evening after an outreach session, Nantale spent nearly an hour searching for an HIV-positive trans teenager who had run away, throwing her antiretroviral medication into a drainage ditch out of shame, desperation, or both. Nantale tries to counsel those who test positive by explaining that HIV is not a death sentence. But for LGBT Ugandans, the roots of their depression often go far deeper than concerns about their own health.

“Of the three people who tested positive that day, one was a lesbian, raped by her uncle,” says Nantale. “She’s devastated. She’s resting just nearby.”

Numerous LGBT residents say violence is a common occurrence. Nantale herself says she was thrown into the path of a truck by a man hired by a group of village elders. “They paid a boda boda guy...
Soap opera could be unlikely form of birth control in Uganda

[motorcycle taxi driver] to kill me,” she says. “Homophobes,” she shrugs. Her LGBT activism is what drew the hit, but it was also what saved her. “Fortunately one of our sex workers, he recognised me for giving him free condoms. He put me in his trailer and rushed me to the hospital.”

Nantale spent several weeks in a coma. Now she lives with her partner and their son in a safe house, with a security guard. She takes different routes to her office and to the outreach sessions, to avoid a repeat attack.

Verbal abuse has forced some of Nantale’s friends to leave Mbale for Uganda’s more metropolitan capital. Life in Kampala offers a certain anonymity and freedom but also leaves many of them feeling isolated, lonely or depressed. “I could go to Kampala,” says Nantale, “but my grandma lives here. My uncle lives here.” To move is, in some ways, to leave one’s family behind.

But the same families can ostracise. According to a 2016 global attitudes survey, 53% of Ugandans say that homosexuality should be a crime - the highest margin of all 10
African nations that were polled - and 19% say they would be upset if their child fell in love with someone of the same sex. But in the same survey, nearly 40% agreed that bullying of LGBT people is a significant problem. Such awareness, Nantale says, is cause for optimism.

Nantale believes that attitudes in Mbale are beginning to shift. Just five years ago, after Uganda passed its new anti-gay law, Nantale was outed by the local newspapers as a lesbian. She was fired from her job, ridiculed in public. But now entire neighbourhoods know her by name, and respect her for her work providing healthcare in neglected communities.

“I want people to focus more on my work, not on my orientation,” she says.
Coming Out in Uganda Was a Death Sentence. The U.S. Border Was a Trap

Under Trump's crackdown on asylum, the U.S. government is preparing to send a woman back to a place where she was beaten and raped for the “crime” of being a lesbian

By JOHN STANTON

US Agents of the Customs and Border Protection Office keep the Paso del Norte International Bridge closed during a surprise operation to prevent users from crossing to El Paso, Texas, from Ciudad Juarez, Chihuahua state, Mexico, on August 16, 2019.

Herika Martinez/AFP/Getty Images
CIUDAD JUÁREZ, MEXICO — Margaret didn’t know what was going to happen when she approached the bridge between Juárez and El Paso, but she knew she couldn’t wait anymore. Six months since fleeing her home after being raped and repeatedly beaten for the crime of being a lesbian, the 20-year-old Ugandan was barely holding onto the last shreds of hope.

Since arriving in Juárez in March, Margaret had waited, waited to get a number from Grupo Beta, the government organization that’s frequently accused of corruption as it oversees the unofficial “line” tens of thousands of asylum seekers unable to pay their bribes are forced to wait in for months in order to cross the bridge, waited inside the walls of the Buen Pastor shelter deep inside one of Juárez’s most dangerous neighborhoods, waited for someone, anyone to help.

So when New Mexico-based lawyer Nancy Oretskin came to the Buen Pastor that September morning and suggested bypassing the line and trying to cross, she quickly agreed. Although she was physically safe within its high, concrete block walls, the neighborhood is violent, and gangs had already killed several people within blocks of Buen Pastor. And while Margaret appreciated the help the shelter had given her, life was still difficult: Almost no one spoke English, and the cramped conditions had resulted in an outbreak of chicken pox. In many ways, Buen Pastor had become a prison.
The plan was simple: Oretskin would accompany Margaret and her friend Kodi, a political refugee from Cameroon, to the bridge shortly after noon that day, when fewer pedestrians would be crossing, giving Oretskin a better chance to make their case. There’s little love between immigration attorneys and Border Patrol agents, but Oretskin has long sought to avoid open conflict when possible, and has an uncanny knack for charming the normally hostile officers.

It was a gamble, to be sure. Even before President Trump came to power, it was never a sure thing that asylum seekers could get into the U.S. to plead their cases. And in the years since Election Day 2016, things had only gotten worse as Trump systematically twisted the asylum system into a tool to punish anyone who dared come to the United States for sanctuary. Those policies had emboldened the worst impulses of CBP, resulting in the historic tensions between immigration attorneys and CBP which were exponentially increasing to the point that even asylum seekers accompanied by members of Congress were being turned away.

Still, there was a chance. A chance that Margaret would be let into the U.S., a chance she’d be able to make her case to an American judge that she deserved asylum, a chance that, finally, she would be free.
MARGARET FIRST LEARNED how to hide herself when she was 13. “That’s when I understood I was gay,” she said quietly as we talked in the Buen Pastor shelter in mid-August, absent-mindedly turning over a book adorned with smiling, happy white faces in her thin hands. (Editor’s note: Because of concerns that her family may face reprisals for telling her story, “Margaret” has asked “Rolling Stone” to use an alias she had used in her home country, rather than her real name.)

In Uganda, especially in 2012, coming out could mean a death sentence. Existing laws in the country made being gay a crime, and the government was actively considering legislation to impose the death penalty against anyone found to have engaged in “aggressive homosexuality.” Even people who knew someone was gay could be jailed under the law, which would be adopted two years later despite international outrage. Two years before, the unfortunately named Rolling Stone tabloid ran a hit list of gay Ugandans under the headline of “Hang Them,” which featured the pictures of 100 people the tabloid outed as allegedly homosexual. “We thought by publishing that story, the police would investigate them, prosecute them, and hang them,” editor Giles Muhame said at the time. (Editor’s note: The Ugandan tabloid is in no way connected to this publication.)
A Ugandan man reads the headline of the Ugandan newspaper *Rolling Stone*, which revealed the identity of allegedly gay members of Ugandan society and calls for public punishment against those individuals. Photo credit: AP/Shutterstock

Stringer/AP/Shutterstock

In her hometown, the small city of Entebbe, Margaret could find no refuge, and even at home she would find no support. Margaret said her mother called her a “disgrace” and demanded she never speak about the subject again. Even among her friends at school she learned to keep her secret, worried teachers would discover her identity. “I just had to shut up about it,” Margaret says. “If they found out about it, I would have been expelled, so I just hid it because I cared about my studies.”

In 2014, as Margaret struggled to navigate being a teenager hiding in plain sight, President Yoweri Museveni signed the bill into law: The next day the Ugandan tabloid *Rep Pepper* ran its own hit list, doxing 200 people it claimed were queer. Although the law would eventually be struck down by the country’s supreme court over a technicality, it unleashed a wave of violence against the LGBTQ community and created a dangerous
of Ethics and Integrity, has conducted a relentless campaign against the LGBTQ community. In the past three months, four LGBTQ activists have been murdered in Uganda, including one who was killed earlier this week.

By last year, Margaret had spent nearly six years masking her identity, in constant fear of being discovered, with only a few of her closest friends knowing she was queer. Although she’d enrolled in college, rumors were spread about her sexuality, and, in the face of discrimination from her peers and the school, she had quickly dropped out. It was a hard lesson for her. “You’re supposed to keep yourself secret,” she explains. “You’re not supposed to let anyone know about you.”

But for all her determination, Margaret was still a human, subject to all the social needs and pressures of any young person. So in September of last year, she decided to go to the Nyege Nyege music festival, about eight hours from her home in Entebbe. Although not officially a queer event, the three-day electronic-music festival has long had a reputation for being one of the few times a year LGBTQ people can openly mix, dance, and have fun without worrying about discrimination or criminal repercussions. Lokodo tried to block the festival on the grounds that it would promote homosexuality and immoral behavior, but eventually relented under pressure from human rights groups and the festival’s financial backers.
When Margaret arrived at the festival, she had no reason to think she was in danger, and for the next three days everything went well. Though she says there were people there who many suspected were government or military spies, the festival went off without a hitch.

But the morning after the festival, as she was leaving Margaret was dragged off the road, blindfolded, beaten, raped, and left in the bush to die. “I tried to call for help, but I couldn’t,” she says. She was bleeding badly and could barely move. The men who attacked Margaret were in plain clothes, and although she doesn’t know if her attackers were police or soldiers, they had made clear that they had targeted her because they believed she was a lesbian.
stop her bleeding. Margaret called a friend who eventually took her to a doctor in Entebbe, where she was careful not to reveal her sexuality or why she thought she had been attacked. She tried talking to her mother about the attack, but her mother refused to listen, telling her that “she didn’t want to discuss it.”

So Margaret retreated further from the world, largely keeping to herself, focusing on the private courses she was taking in medical-information technology. In early March, a friend invited her to a housewarming party. Margaret knew there would be other LGBTQ people there — it was a small, private party — and she assumed it would be safe to attend.

But, according to Margaret, the party would come to an abrupt end. Part way through the evening of March 2nd, gunshots were heard outside, warning shots from members of the police who had been summoned by the neighbors. “They shot bullets in the air outside of the house, and then kicked down the gate to get in...everything was confusion,” Margaret says. “When they came in, they were hitting us with batons. They hit me on the back, and I fell to the ground, and they began kicking me in the stomach...and then they left.” Several of her friends were taken into custody, Margaret says. “I don’t know what happened to them.”

Within days of the police raid, she would flee her country. “It was scary,” she says. “But I was determined to move. Because if I stay in my country, I’d die.”
INTERNATIONAL TRAVEL HAS GROWN more restricted over the past decade, thanks to restrictions on visas and heightened scrutiny of foreign travelers after 9/11, which has limited migrants’ ability to fly directly into the United States. As a result, tens of thousands of migrants from the Middle East, Africa, and Asia have made the long, often dangerous trip to the U.S.’s southern border. There are no definitive statistics on the number of migrants who have come through the southern border seeking asylum, but according to data collected by Syracuse University, since August 2001 more than 83,322 people from countries other than Mexico and the Northern Triangle nations have had their asylum claims heard in immigration courts located in the four border states.

That migration has turned turbulent border cities like Juárez and Tijuana into something like international waiting rooms. The path has become so well-worn that ethnic neighborhoods like Juárez’s Little Havana and Tijuana’s Little Haiti have begun to develop as migrants increasingly put down roots in their host communities.

For most, the journey starts somewhere in northern South America, in countries like Brazil or Colombia, where migrants can fly from their home country without a visa. From there, the vast majority will move north over land, often by foot, traveling for months at a time through Central America and Mexico.

It’s an extraordinarily dangerous trek: Migrants drown during the crossing of the dangerous Darien Gap between Colombia and Panama, for instance, and with most not
particularly in Panama, which often detains migrants for days or weeks at a time.

Once in Mexico, non-Central American migrants who are detained are typically given temporary travel papers that allow them to move openly through the country to the U.S. border. While that makes it possible to use the countries cheap and relatively efficient bus system, it is still dangerous. Migrants are regularly robbed, often by the bus operators, and cartels and other gangs stop buses to demand money from passengers.
Margaret’s trip was, comparatively, direct. When she left Uganda, she had enough money to do most of the journey by plane, cutting out much of the danger many migrants face coming to the United States. Days after the police attack at her friend’s party, she packed a bag with some clothes, documents from the doctor who had treated her after she was raped, and her phone, and fled.

After first flying to South Africa, she went to Brazil, then Argentina, before finally landing in Mexico City. Once there, she informed Mexican immigration officials that she was going to the United States to ask for asylum. She was taken into custody and held in detention before ultimately being released with her temporary travel documents. Officials took her to a bus station, where she booked her trip to Juárez.
The trip took several days, and at some point, her bag, which had been checked onto the bus, was stolen — along with all of her money, her phone, and most importantly nearly all the documentations she’d brought with her. Without her phone, she couldn’t contact her friends in Uganda to wire money, leaving her nearly penniless when she finally arrived in Juárez. Still, she assumed there would be plenty of time to contact friends once she crossed the border, where the U.S. government would likely help feed and house her while she made her case.

Margaret arrived in Juárez late in the evening on the March 24th. Officials from Grupo Beta gave her and the other migrants she was with a place to stay that night. “I thought when I got here, to the port of entry, they’d let us go through,” she says simply. But instead of being taken to the bridge to El Paso the next morning, as she had expected, officials instead gave her a number and took her to the shelter.

**THIS ISN’T HOW ASYLUM** is supposed to work. Indeed, before the Trump administration blew up the asylum system, there was a fairly orderly, if unpredictable, process that tens of thousands of migrants had used.

Under U.S. immigration law, any person who is on American soil can apply for asylum — whether or not they cross the border at a point of entry. Traditionally, most asylum seekers have come to these official border crossings, since it’s simply a matter of walking up to the first American official you see and asking them for help.
Immigration officials then conduct a “credible fear interview,” during which they assess whether or not a person has a reasonable claim for asylum under federal and international law. Whether or not a credible fear is found can be subjective, up to the individual officers who conduct the interview. Traditionally, however, if you can show you are part of a persecuted religious, ethnic or racial minority, or have expressed political opinions for which you can be persecuted, or are LGBTQ, you would most likely “pass” the interview, at which point you’d be taken into custody to await a formal asylum hearing.

The decision to come to the U.S., made every day by thousands of desperate people around the world, is an understandable one. Over the past two centuries, the United States has positioned itself as a symbol of freedom and democracy, the defender of democracy, and a society where even the most outcast are welcome. For most of the 20th Century, the idea of America as a shining city on a hill became a powerful tool in the fight against the Soviet empire, and so became ingrained in the global consciousness.

It’s a remarkable bit of public-relations work, given that our foundational documents were written by slave owners, and generations of leaders since have focused their outward gaze more on domination than democracy. But it’s a myth taylor-made for a
But within months of coming to power, the Trump administration began taking
extraordinary — and extra-legal — steps to halt immigration to the country, legal or
otherwise. Those efforts have only escalated within the past 18 months, ranging from
new checkpoints inside Mexico manned by armed Americans to a new policy to deport
anyone who comes to the U.S. through Mexico, regardless of the merits of their asylum
claim. As a result, tens of thousands of people from around the world who were drawn
here by the hope of being taken into America are instead stuck in some of the most
dangerous cities in the world just across our southern border, where they’re forced to
wait for months — if they can survive that long.

“This isn’t a humanitarian crisis. It’s a humanitarian assault,” says David Leopold, a
veteran U.S. immigration attorney. “They are affirmatively forcing people to stay in a
city that everybody agrees presents a variety of dangers. Let’s be really clear — people
are dying because of this.”

**ONE OF THE MOST EFFECTIVE NEW POLICIES** Trump has deployed is known
as “metering” at ports of entry. Initially used at the Tijuana border crossing in 2017 and
expanded borderwide this year, metering is an opaque process through which the
Department of Homeland Security limits the number of applicants that can apply for asylum. On any given day, the number will change — some days five families will be seen; on others, five individuals; and on others, nobody at all.

In some places, like Tijuana, the U.S. relies on Mexican officials to control access to the border. But in Juárez, DHS has set up new checkpoints just inside Mexican territory, where anyone walking across the border must first show passports before even being allowed to exit Mexico. Manned by armed Customs and Border Patrol agents and surrounded by a wall of razor wire and Klieg lights, these checkpoints are a show of force aimed at deterring people from trying to ask for asylum.

Whether it’s working to deter significant numbers of migrants is unknown. What’s clear is that those who won’t give up, like Margaret, are waiting for months to even ask for asylum, even as they start to lose hope.

By the end of July, Margaret had stopped checking the Facebook page Mexican officials use to announce which refugees will be accepted that day to meet with U.S. officials and ask for asylum. The last time she checked, maybe 500 people were called, she said, and the number was currently stuck at 12,000.

“Some days they take 10,” she says. “Some days they don’t take any.”

The end result has been that tens of thousands of migrants end up stuck in Tijuana, Juárez, and other border cities, none of which have any sort of humanitarian capacity to deal with the influx of new people, and all of which are incredibly dangerous. In Juárez at least 129 people were murdered in August alone, and migrants are routinely raped and beaten there and in other cities.
The entire process is completely random and arbitrary, and can be disheartening. And, given Trump’s open disdain for the asylum process and DHS’s stated goal of making the process as difficult as possible, this appears to be the point. “To me this is criminal,” Leopold says, who argues the broader effort to restrict asylum claims is “effectively blocking the asylum law. They’ve essentially repealed the asylum law without Congress doing a single thing.”
THE BUEN PASTOR SHELTER isn’t on most maps, which is probably a good thing. Because its tucked deep within one of Juarez’s most dangerous neighborhoods on a short, narrow dirt road, the cartels, pimps, coyotes, and cops who prey on immigrants probably have no idea it’s even there.

Margaret rarely ventures outside its high, barbed-wire-topped walls and steel gate, and when she does, it’s only for quick trips to the corner store or to church. Gang killings are routine in the area, and criminals who prey on migrants would spot her dark black skin from a mile a way.

And even if she could leave, Margaret wouldn’t have any place to go. At the shelter she met Kodi and she knows a few other African migrants, but she doesn’t speak Spanish
Run by local methodists, the Buen Pastor shelter is one of a handful of ad hoc shelters that have begun taking in the thousands of migrants seeking asylum but are stuck in Juárez. Despite the church’s best efforts, conditions at the shelter are bad.

Like almost every shelter in northern Mexico, Buen Pastor relies on private donations of food, medical supplies, clothes, and medicine to help the scores of migrants who have found themselves stuck here. Meeting even the most basic of needs is a constant struggle — shelters across the city report difficulties ensuring that they’ll have enough food for residents on a daily basis.

In August, a chicken-pox outbreak hit the Buen Pastor. The shelter tried its best to contain the outbreak, moving the infected into a small room away from the main chapel where residents sleep. But with temperatures well into the hundreds for much of the month, the sick kept a window connecting the two rooms open, hoping for some measure of relief. Margaret, who sleeps between two pews below the window, tried to warn the ministers running the shelter that the disease was airborne. But it was too late, and the illness quickly spread.
Wegs, the global advocacy director for sexual and reproductive rights and health for CARE, an international human rights organization. Much of CARE’s work has traditionally centered around mass displaced populations from Syria, Congo, and Venezuela. But like other international human rights groups, CARE has become increasingly concerned about the situation at America’s southern border, particularly when it comes to women and members of the LGBTQ community.

And the situation is dire. “The capacity is totally inadequate,” Wegs says of the patchwork network of shelters and kitchens that are serving migrants. “These are basically just people responding to a need.”

For members of the LGBTQ community, it can be particularly difficult. Because of the conditions in their home countries, “these LGBT asylum seekers are arriving traumatized...[now] they’re in this state of limbo,” Wegs says. “And Juárez is such an unsafe city. People are living with palpable fear.”

BY THE TIME NANCY ORETSKIN ARRIVED at Buen Pastor on the morning of September 12th, the pressure and uncertainty had become too much for Margaret. When we had first met weeks earlier in late August, the strain on Margaret was already written across her face, a dark resignation in her eyes barely contained by her bravery and a still-resolute faith in God, who — since she realized she was a lesbian seven years before — had remained silent despite her prayers.

But it was time to stop hiding, and time for Margaret to put her faith in a country that for decades had told the world it would always stand as a beacon of hope for those yearning to be free.

By her side was Oretskin, a ball of constant, exasperated energy who has piercing eyes harder than a lie detector, and who’s blunt and tenacious to the point of abrasiveness. A former professor at New Mexico State University, Oretskin over the past several years has become something of a minor celebrity among the African diaspora that ends up in Juárez and El Paso, thanks to her successful representation of several Africans, including a gay man from Ghana and a Somali hunted by Al-Shabaab in 2014.
Margaret had found Oretskin through the migrant grapevine after being in Juárez for several months. Communicating over Whatsapp, the two had discussed her case, and also Margaret’s friend Kodi’s case, and when Oretskin arrived on the morning of September 12th, she was convinced Margaret and Kodi both had solid cases. “I believe they could both easily win if they’re given a chance,” Oretskin says.

Despite the many hurdles DHS has thrown up to asylum, Oretskin hoped that the often haphazard way the new rules are enforced could work in Margaret and Kodi’s favor. While traditionally asylum cases have always been extremely difficult for Mexican and Central American migrants to win in the El Paso immigration court, in the past some of the DHS officers and immigration judges have been slightly more sympathetic to people from African nations.

And Oretskin had realized that whether or not you could get past the guards on the bridge to make your claim often was a crap shoot, depending on who was manning the post, the time of day, and how you approached them. “It’s completely random,” she says. “There is no playbook.”
before a shift change of border agents, when the heat of the day meant fewer migrants and other travelers would be crossing, giving her a chance to make their cases. As her clients stood by, Oretskin made a straightforward, calm appeal to the agents on their behalf, pointing out that the wait line wasn’t official, that their claims were compelling enough that they, she thought, would almost certainly pass a credible fear interview, and stressing that they had waited patiently for months in the dangerous city of Juárez.

THE GAMBLE WORKED, but it would prove to be a temporary reprieve.

According to Oretskin, after she made her case to the Border Patrol officers at the checkpoint, they conferred with a supervisor who agreed to let them through. Oretskin accompanied Margaret and Kodi across the bridge onto U.S. soil and into the Immigration and Customs offices on the far side. Both were taken into custody late in the afternoon.

That was the last she saw of her clients, and what happens next is unknown. Normally, they would then be given credible-fear interviews, and assuming they passed, be scheduled for asylum hearings. Kodi eventually turned up in a New Mexico detention center a few days later. Young and gregarious, Kodi is part of Cameroon’s English-speaking population. His life at home unraveled after university officials accused him of being part of an Anglophone rights group that the dominant Francophone government had deemed a terrorist organization. Kodi denied he was a member, but local police beat him anyway and blinded him in his right eye. It remains unclear whether he’ll be granted asylum or sent back.
And for Margaret, a few weeks after her successful border crossing, things took a dark turn. Oretskin couldn’t find her for weeks before DHS disclosed she was being held in the El Paso detention center.

And on Wednesday, she called Oretskin to tell her that U.S. officials had determined that, despite being a lesbian from a country in which it is illegal to be one, and despite having already suffered beatings and a rape, Margaret had no “credible fear” or any way of knowing what would happen if she were sent back. The inexplicable decision once again throws Margaret’s life into turmoil — as soon as early next week she will have a final shot at remaining in the country when a judge hears an appeal of the finding.

When I met Margaret in late August, she had a simple plea. “I pray that everything works out,” she said. “Because it has been so tough. Ever since I was 13, I just wanted to be free, instead of hiding who I am. I just want to be free, that’s all. And happy.”

If the judge denies her appeal, she’ll almost certainly be put on a plane and deported to Uganda, back to a life of terror and hiding, with only her faith in God, and her silence, to protect her.
TAB 24
Uganda plans bill imposing death penalty for gay sex

By Nita Bhalla

NAIROBI (Thomson Reuters Foundation) - Uganda announced plans on Thursday for a bill that would impose the death penalty on homosexuals, saying the legislation would curb a rise in unnatural sex in the east African nation.

The bill - colloquially known as “Kill the Gays” in Uganda - was nullified five years ago on a technicality and the government said it plans to resurrect it within weeks.

“Homosexuality is not natural to Ugandans, but there has been a massive recruitment by gay people in schools, and especially among the youth, where they are promoting the falsehood that people are born like that,” Ethics and Integrity Minister Simon Lokodo told the Thomson Reuters Foundation.

“Our current penal law is limited. It only criminalises the act. We want it made clear that anyone who is even involved in promotion and recruitment has to be criminalised. Those that
African countries have some of the world’s most prohibitive laws governing homosexuality. Same-sex relationships are considered taboo and gay sex is a crime across most of the continent, with punishments ranging from imprisonment to death.

Earlier this year, Brunei sparked international outcry over plans to impose the death penalty for gay sex, backtracking only after intense criticism.

Now Uganda wants to follow suit.

Lokodo said the bill, which is supported by President Yoweri Museveni, will be re-introduced in parliament in the coming weeks and is expected to be voted on before the end of the year.

He was optimistic it would pass with the necessary two-thirds of members present - a shortfall in numbers killed a similar bill in 2014 - as the government had lobbied legislators ahead of its re-introduction, Lokodo added.
We have been talking to the MPs and we have mobilised them in big numbers,” said Lokodo. “Many are supportive.”

Uganda’s constitutional court overturned the law - formerly known as the “Kill the Gays” bill because it includes the death penalty - on a technicality in 2014.

Even without it, Uganda is one of the hardest countries in Africa to be a sexual minority. Under British colonial law, gay sex is punishable with up to life imprisonment and activists said the new bill risked unleashing attacks.

“Bringing back anti-gay legislation would invariably lead to a spike in discrimination and atrocities,” said Zahra Mohamed of the Toronto-based charity Stephen Lewis Foundation.

FEARFUL

Moves to restrict LGBT+ rights and criminalise gay sex in other countries have sparked protests and sanctions.

In May, Brunei was forced to extend a moratorium on the death penalty for gay sex after celebrities such as actor George Clooney condemned a law allowing whipping and stoning to death.
Last November, anti-gay remarks by a senior official in Tanzania led to the east African nation’s second biggest donor, Denmark, withholding $10 million in aid.

Uganda faced widespread international condemnation when the previous bill was signed off by Museveni in 2014.

The United States reduced aid, imposed visa restrictions and cancelled military exercises. The World Bank, Sweden, Norway, Denmark and the Netherlands also suspended or redirected aid.

Lokodo said Uganda was prepared for any negative response.

“It is a concern,” he said.

“But we are ready. We don’t like blackmailing. Much as we know that this is going to irritate our supporters in budget and governance, we can’t just bend our heads and bow before people who want to impose a culture which is foreign to us.”

Pepe Julian Onziema from Sexual Minorities Uganda, an alliance of LGBT+ organisations, said its members were fearful.
Onziema said three gay men and one transgender woman had been killed in homophobic attacks in Uganda this year - the latest last week when a gay man was bludgeoned to death.

"When the law was introduced last time, it whipped up homophobic sentiment and hate crimes," said Onziema. "Hundreds of LGBT+ people have been forced to leave the country as refugees and more will follow if this law is enacted. It will criminalise us from even advocated for LGBT+ rights, let alone supporting and protecting sexual minorities."

Reporting by Nita Bhalla. Editing by Lyndsay Griffiths. Please credit the Thomson Reuters Foundation, the charitable arm of Thomson Reuters, that covers humanitarian news, women’s and LGBT+ rights, human trafficking, property rights and climate change. Visit news.trust.org

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TAB 25
NAIROBI/KAKUMA REFUGEE CAMP, Kenya (Thomson Reuters Foundation) - It wasn’t long after Joe’s father was shot dead for being gay that the 24-year-old Ugandan college student realized the men from his church would be coming for him next.
First came the anonymous phone calls in the dead of night. Then the chilling text messages detailing how he would be “hunted down”. It was only after he was attacked and lay bruised and bleeding in a public toilet that Joe fled to Kenya.

But four years on, the country he believed would be a safe haven for lesbian, gay, bisexual and transgender (LGBT+) refugees like himself has been more like a living hell.

He walks the streets of the Kenyan capital, Nairobi, in constant fear of arrest. He is frequently evicted from his lodgings. And with no means of income, he is forced to sell sex for 200 shillings ($2) through gay dating apps.

“I try and get through one day at a time. But I don’t see a future ahead for me,” said Joe, now 28, who did not want to reveal his real name.
“In Kenya, I can’t even get a job and in Uganda, they will kill me if I return. These are my options. Sometimes I just want to kill myself,” he told the Thomson Reuters Foundation.

Seen as a refuge in the volatile east African region, Kenya hosts around half a million people fleeing conflict, drought and persecution from countries such as Somalia, South Sudan, the Democratic Republic of Congo, Ethiopia and Burundi.

But largely forgotten, say campaigners, are the hundreds of LGBT+ refugees - predominantly from Uganda - forced to live in the shadows and pushed to the brink due to a lack of protection, safe housing and employment.

“There are laws criminalizing homosexual acts exist across Africa, LGBTQI people see Kenya as the least bad option as anti-gay laws are rarely enforced and there is less violence,” said Adam Fitzgerald from the Refugee Coalition of East Africa.

“But in Kenya, they also face multiple discrimination. As foreigners with no income, they face classism, racism and xenophobia. They are subjected to the prejudices of being a refugee. And then they also endure anti-LGBT attitudes.”

This discrimination, coupled with Kenya’s restrictive refugee policy, which denies asylum seekers the right to work and requires them to live in remote camps, has led to high poverty rates - pushing many into survival sex, he added.

**ASSAULTED, BLACKMAILED, RAPED**

African countries have some of the most prohibitive laws against homosexuality in the world. Same-sex relationships are considered taboo and are a crime across most of continent, with punishments ranging from imprisonment to death.

A 2017 report by the International Lesbian, Gay, Bisexual, Trans and Intersex Association found 33 African countries out of a total of 54 nations criminalize same sex relations.
The persecution of LGBT+ Africans is also rife, with sexual minorities routinely being abused, blackmailed, assaulted by mobs, or raped by police or vigilantes, campaigners say.

While Kenya has for decades hosted refugees escaping wars in east African nations, moves to strengthen anti-gay laws in Uganda in 2014 sparked a wave of homophobic attacks which has resulted in hundreds of LGBT+ people crossing the border.

There are more than 750 LGBT+ refugees registered with the United Nations’ refugee agency (UNHCR) - mostly from Uganda, but also from the Democratic Republic of Congo, Ethiopia, Burundi, South Sudan and Somalia.

Campaigners say the true figures are much higher as some LGBT+ asylum seekers remain undocumented - having been through harrowing experiences at home and too fearful to register with authorities and reveal their sexual orientation.
“It wasn’t an easy decision to leave my home and come to Kenya. No one wants to leave their family and become a refugee,” said Sharon, 21, who fled Uganda to Kenya in November 2016, and did not wish to give her real name.

Thrown out of her home by her mother for being a lesbian, she was then raped by the uncle she sought refuge with - and ended up pregnant with his child.

“Yet when you have been through what I have, you think that there must be something better,” she said.

**NO FREEDOM, NO WORK**

But for many LGBT+ refugees in Kenya, life isn’t better.

It can take more than four years to be granted refugee status, during which time asylum seekers cannot work. And even after gaining refugee status, LGBT+ refugees find it impossible to find a job due to discrimination from anti-gay employers.

Refugees must live in either of the country’s two northern camps, Kakuma or Dadaab, which offer basic accommodation, clean water, some food rations and access to healthcare and education.

But sexual minorities say they are not safe there. Following a Gay Pride event in Kakuma in June, there have been a spate of attacks on LGBT+ refugees who make up just 170 of the more than 180,000 refugees at the camp, say refugees and the UNHCR.

Some LGBT+ refugees said they were beaten while walking through the camp, and others said their shelters were deliberately set on fire by refugees who were against sexual minorities.

Most LGBT+ refugees prefer to take their chances, illegally residing in Nairobi where they risk arbitrary arrest, evictions and harassment - but where they can live in relative anonymity.
The UNHCR said it is advocating with Kenyan authorities to better support LGBT+ refugees.

“There is a need to recognize that the LGBT refugee community members should not be expected to go to Kakuma, if it is clear that they need to live a protected area,” said Walpurga Engelbrecht, UNHCR’s deputy representative to Kenya.

“At the same time, it is important that their refugee status determination is sped up so they have access to work permits and can look after themselves.”

Kenyan authorities acknowledge that LGBT+ refugees face discrimination and violence, but say all refugees must be treated equally under the law.

“Whether you are straight or gay, all refugees must live in the designated areas. We cannot change our policies for one group - but we do try to prioritize their asylum claims,” said Kodeck Makori, Commissioner for the Refugee Affairs Secretariat.

“They are welcome in Kenya, but they should also not distinguish themselves from others. As visitors, they know what the law is and how conservative attitudes are, so ‘When in Rome, do like the Romans do’ otherwise you risk becoming a target”.

MORE FROM REUTERS
TAB 26
'No gay promotion can be allowed': Uganda cancels pride events

Campaigners condemn ‘vile affront to LGBT rights’ after state crackdown on planned week-long celebrations in the capital, Kampala
Activists are outraged over the Ugandan government’s decision to cancel a week of gay pride celebrations in the country for a second consecutive year, describing the move as a violation of fundamental human rights of minority groups.

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

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

“It’s true I ordered the police to stop and shut down all the gay pride events. No gay gathering and promotion can be allowed in Uganda. We can’t tolerate it at all,” said Lokodo.

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

Lokodo said the organisers had planned a march through the city, as part of the festival week events, and a seminar and party at the hotel.

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

Homosexuality is illegal in Uganda under colonial-era laws, punishable by a jail sentence, but LGBTI campaigners were given hope in 2014 when attempts to introduce a bill that would make some homosexual acts punishable by death was ruled unconstitutional. Police granted permission for pride celebrations in 2015.
“We are utterly appalled by the minister’s actions. The government crackdown on our events is abuse of our freedom of assembly and association. We have a right granted by the Ugandan constitution,” said Frank Mugisha, the executive directive of Sexual Minorities Uganda (Smug), a network of LGBTI organisations in Uganda.

“It is sad and difficult. This is based on conservative views of our politicians ... Pride is about celebrating who we are, giving courage and hope to those individuals who are living lonely and isolated lives in hostile communities, for them to know they are not alone. We shall not allow this intimidation. The struggle will go on.”

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

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

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

Nicholas Opiyo, executive director of Chapter Four Uganda, which protects civil liberties and promotes human rights, added: “The actions of the Ugandan security apparatus to threaten violence, intimidate the proprietors of booked venues for the events is a vile affront to the rights of the LGBT community to organise and celebrate their identity.

“It is also a rude reminder that in spite of the nullification of the Anti-Homosexuality Act in 2014, the LGBT community still faces government-inspired and community-led safety concerns, many of which usually go unreported.”

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

The US and Swedish embassies in Kampala expressed dismay that pride events had been cancelled.

In a statement, the US mission said: “The US is disappointed with reports that the Ugandan government has forced the cancellation of LGBTI pride week events. Under Uganda’s constitution, all individuals and organisations have right to associate freely in private and in public, without fear.

“It is the responsibility of the government to ensure that human rights of all citizens, including LGBTI citizens, are respected and protected.”

Emilian Kayima, a police spokesperson in Uganda, said organisers had failed to ask for permission for pride, a claim contested by Smug. But Kayima added: “Even if they wrote, it’s criminal to be gay in Uganda. How can we allow and preside over a function involving a crime?
“Our law books are clear. When you engage in gay activities, we prosecute you in courts of law. We can’t allow their activities.”

The cancellation of pride came as the only bar in Kampala that hosts a gay night announced it was to close. The bar, Walifanya, a Kiswahili word loosely translated as ‘We worked’, is in the central business area of Kampala. “This bar was closed down by the owner. The reasons why are not very clear, [but] it wasn’t a state directive,” said Mugisha.

America faces an epic choice ...

... in the coming months, and the results will define the country for a generation. These are perilous times. Over the last three years, much of what the Guardian holds dear has been threatened – democracy, civility, truth.

The country is at a crossroads. Science is in a battle with conjecture and instinct to determine policy in the middle of a pandemic. At the same time, the US is reckoning with centuries of racial injustice – as the White House stokes division along racial lines. At a time like this, an independent news organisation that fights for truth and holds power to account is not just optional. It is essential.

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TAB 27
Gay activists take Ugandan government to court for blocking registration

A group of gay rights activists in Uganda have taken a government agency to court for refusing to register their organization. Homosexuality is illegal in the country, and violence against sexual minorities is rife.

Sexual Minorities Uganda lodged its case with the High Court after the Ugandan Registration Service Bureau knocked back the organization’s attempt to register its name.

In a statement on its website, the rights group - also known by the acronym SMUG - said it expects the Kampala-based court to hand down a decision at the end of the month.

The activists have been struggling since 2012 to register their organization - a step they say would guarantee certain benefits and obligations crucial to carrying out their work.

They opted to sue after receiving a rejection letter from the registration bureau explaining that their chosen name, Sexual Minorities Uganda, was "undesirable and because homosexuals and same sex relations are illegal in Uganda, the bureau cannot legitimize an illegality."
"We decided to file a case in court purposely to advocate for the rights of association and assembly because an organization in law is incapable of committing a criminal act," Patricia Kimera, one of the lawyers on the activists' side, told DW.

SMUG's legal team argues that the government agency's decision violates a number of rights enshrined in the Ugandan constitution, including freedom of association, expression, assembly and the rights of minorities to participate in decision-making processes.

Officials at the bureau declined to comment on the case.

Working underground

Homosexuality has been a criminal offense in Uganda since 1952. Like much of sub-Saharan Africa, the country is socially conservative and deeply religious. That reality makes it difficult for minority rights groups like SMUG to operate, particularly if they can’t register as an organization, says SMUG legal coordinator Daglous Mawadri.

"There are so many challenges of running an organization that is not registered," he told DW. "One is the fact that you have to operate underground. For example, you cannot apply outright to donors, you cannot have funds, you cannot have spaces to operate. That means most of the things that you do have to be underground."

Anti-gay policies

In recent years, Ugandan President Yoweri Museveni has also tried to pass legislation to curtail LGBT rights further. In 2014 he signed a law that punished same sex relations with long prison terms. He has gone on record several times condemning homosexuality and accusing groups of "deliberately recruiting people who are not homosexual into homosexuality" by offering them money. His anti-gay legislation sparked an international outcry, leading some countries to withhold aid funding. The law was later overturned by the constitutional court on a technicality.

Nevertheless, homosexuality remains illegal in Uganda, and assaults on lesbian, gay bisexual and transgender (LGBT) people in the country are on the rise, according to Human Rights Watch.

SMUG says its aim is to improve the rights situation for sexual minorities through advocacy, policy reform and economic empowerment, along with providing counseling and other services. And while they wait for the upcoming court decision, they'll likely continue this work, albeit underground for now.

Uganda: gay rights campaigner Kasha Nabagesera
TAB 28
Uganda: Anti-LGBT stigma restricts health care; HIV rate up

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By Kikonyogo Kivumbi and Colin Stewart

Human rights defenders in Uganda have reacted with dismay to statistics in a new government report indicating that HIV/AIDS infections in Uganda are rising.

HIV cases continued to increase, escalating from 1.4 million people infected in 2013 to 1.5 million in 2015, according to the Uganda HIV and AIDS Country Progress Report. The report by the Uganda AIDS Commission was obtained by activists. It focuses on the period from July 2015 to June 2016, assessing the first year of implementation of Uganda's National HIV/AIDS Strategic Pan (NSP).

The report estimates that AIDS-related deaths declined to 28,000 in 2015 from 31,000 in 2014.

Bob Bwana, an LGBTI activist, said the report is “discomforting,” especially because Uganda’s key populations already bear such a heavy burden of HIV/AIDS.

Other activists said they welcome the report as a tool for continued advocacy to implement measures to scale down the pandemic.
Happy Margaret, an HIV positive activist, said the report provides the latest information for use when demanding wider and universal access to care, treatment and support.

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

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

Some efforts are under way to ensure health care access for LGBTI and other key populations in Uganda, but they still face strong opposition from religious and institutionalized discrimination. For example, such opposition has stymied several activities supported by the current Global Fund interventions grant for Uganda. Purchases of condom-compatible lubricants have stalled. With just a few months left before the grant expires, those necessary supplies have not been imported. This intentional lack of will to help vulnerable communities endangers not only them, but also the Ugandan population at large.

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

The increased HIV prevalence among members of Uganda's LGBTI community has to be placed into context: Uganda is consistently pursuing aggressive, dangerous and discriminatory HIV/AIDS laws against LGBTI people. Those include the recent HIV/AIDS Prevention and Control Act of 2015, which requires
The Ugandan parliament has indirectly promoted the spread of AIDS by passing laws that hamper the work of anti-HIV programs. (File photo)

Uganda has heavily promoted Abstinence, Being Faithful and Condom Use (ABC) as an anti-AIDS strategy despite a lack of evidence that the promotion of Abstinence and Being Faithful has been effective in practice. (Photo courtesy of YouTube)

disclosure of HIV status and declares the spread of HIV infection a crime, and the Non-Governmental Organizations Act of 2015, which limits civil society organizations’ work in reaching out with health services for criminalized groups.

In Uganda, AIDS was first identified in 1982 in a fishing village on the western shores of Lake Victoria. Since then, the epidemic has had a devastating effect on the demographic, economic, and governance structures of the country. By the late 1980s, the country was experiencing a full-blown epidemic, the virulence of which was exacerbated by social dislocation and insecurity related to economic crisis and war. By 1997, the health system was strained to the breaking point in a country where the per capita health expenditure at its best was under $37. Patients with HIV/AIDS-related illnesses occupied more than 55 percent of the hospital beds, and by 2000 the occupancy rate had increased to 70 percent.

In 1998, an estimated 1.9 million people were living with HIV/AIDS. AIDS had overtaken malaria as a leading cause of death among people aged 12–49 years and was responsible for 12 percent of all deaths. More than 800,000 people in Uganda had lost their lives to the HIV/AIDS epidemic, leaving behind an estimated two million orphans who had lost one or both parents. Extended family systems were hard-pressed to care for this vast number of uprooted children.

As the epidemic continued to spread and intensify in Africa and other areas of the world in the early

Ugandan candidate Stella Nyanzi appeals for LGBTQ contributions
August 11, 2020

Hate speech on Facebook: Some progress, much remains to be done
August 10, 2020

Stop Intimidating Human Rights Defenders who Question LGBTQ Related Government Policies
August 5, 2020

Apa yang diperlukan oleh golongan transgender adalah lesen untuk dihormati sebagai manusia
July 11, 2020

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and mid-1990s, prevalence rates in Uganda were reported to be declining, especially starting around 1993. International and bilateral aid agencies that provide large sums of money for HIV prevention used Uganda as an example to argue that, with sufficient resources and appropriate prevention messages, HIV/AIDS could be controlled. The international community focused on two elements of Uganda’s strategy: (1) the important role of the political leadership in speaking publicly about the epidemic at an early stage; and (2) the government’s assumed use of the approach of Abstinence, Being faithful and Condom use (ABC) as a combination that reduced HIV prevalence. Once Uganda’s success story was told, along with those of Thailand and Senegal, the raison d’être for scaled-up global funding for HIV/AIDS programmes was set.

Previously, Uganda had been making progress in its fight against AIDS, but a cocktail of toxic laws threatens the minimal gains Uganda had registered in managing the pandemic.

Neighboring countries have sought out vulnerable populations with services and support and are reporting declining rates of new HIV infections. By contrast, Uganda’s HIV prevalence is rising. The harmful legal and policy environment is a contributing factor to this weaker HIV response. That has placed Uganda in the small minority of countries with generalized, mature HIV epidemics that are reporting rising HIV prevalence (total number of HIV-infected people) and incidence (number of newly HIV-infected people).

In Uganda, prevalence in the general population has risen from 6.4 percent to 7.3 percent between 2006 and 2012. Incidence in some vulnerable populations is also estimated by Ministry of Health to have increased between 2005 and 2011. Uganda’s rising HIV rates contrast with those in almost all the other nations in the “Focus Country” group targeted by the U.S. President’s Emergency Plan for AIDS (Pepfar). Most other Pepfar focus countries have consistently reported declines in incidence as well as prevalence in recent years.

This tragic rebound of HIV has been caused by many factors:

• Uganda’s prevention funding is not accurately targeted at what is driving the epidemic, according to Uganda’s 2011 National Prevention Strategy. Not enough money is invested in effective, evidence-based HIV prevention among vulnerable populations.
such a sex workers and men who have sex with men. In addition, Uganda's political and legal environment has hampered efforts of positive health, dignity and prevention programs. A crucial factor was the now annulled Anti-Homosexuality Act, which sought further exclusion of vulnerable populations and promoted intolerance and hatred.

- Rates of condom use in Uganda have declined sharply between 2005 and 2011. Among women and men, reported condom use during sex declined during that period from 47 percent to 29 percent, as reported by women, and from 53 percent to 38 percent, as reported by men. Necessary LGBT safer-sex supplies such as lubricants are now taken as tools of homosexuality, which can be used as evidence against people who are charged in court on the basis of their actual or alleged sexual orientation.

- Uganda also spends more on “Abstinence and Being faithful” (AB) programming than other countries in the region that have declining incidence. There is no evidence that these programs have had success in actually reducing the spread of HIV and increasing protection among communities at risk of infection.

Kikonyogo Kivumbi is the elected representative for Ugandans who are most at risk of HIV on the CCM health panel, which oversees programs supported by the Global Fund. He is also the executive director of the Uganda Health and Science Press Association.

Related articles — Uganda:
- Hurrah! Uganda prepares to rein in anti-gay anti-Aids agency (January 2016, 76crimes.com)
- Will anti-gay Ugandan derail Global Fund efforts? (December 2015, 76crimes.com)
- Fighting AIDS with rural LGBTI, sex workers in Uganda (August 2015, 76crimes.com)
- Uganda: U.S. picks AIDS contractor, ousts anti-gay group (July 2014, 76crimes.com)
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- HOMOPHOBIA'S ROLE IN BOOSTING AIDS: A MEDIA CAMPAIGN (MAY 2016, 76CRIMES.COM)
- Bias still complicates Mozambique's battle against AIDS (March 2016, 76crimes.com)
- Homophobic Zimbabwe obstructs anti-Aids workshop (November 2015, 76crimes.com)
- To Kenyan officials: Stop gay-bashing; it boosts AIDS (July 2015, 76crimes.com)
A report that a Ugandan advocacy group released on Friday indicates persecution based on sexual orientation and gender identity increased after the country's president signed an anti-gay law in 2014.


The report indicates that 84 of these cases were loss of property and employment and other forms of intimidation. Forty-eight of the 264 cases of anti-LGBT persecution involved violence, which included “torture by the state.”

President Yoweri Museveni in February 2014 signed the Anti-Homosexuality Act under which those convicted of repeated same-sex sexual acts faced life in prison.

The report — based on research that SMUG conducted with its member organizations Breakers Uganda, Spectrum Uganda and the Rainbow Health Foundation Mbarara — notes there were 162 cases of “persecution against” LGBT Ugandans in May 2014, compared to eight in 2013 and 19 in 2012.
“When the president signed the law the citizens felt they were more empowered and they had a right to actually take action against the LGBTI people,” SMUG Research and Documentation Officer Richard Lusimbo told the Washington Blade on Thursday during a telephone interview from the Ugandan capital of Kampala. “We saw a high increase of people saying, Oh yeah I’ll evict you’ or ‘I’m evicting you from my house because the president signed the law.”

Lusimbo told the Blade that health care providers also refused to treat LGBT people because “they were scared that they would be arrested.”

The Constitutional Court of Uganda struck down the Anti-Homosexuality Act in August 2014.

Lusimbo told the Blade that the ruling did little to stop anti-LGBT persecution in his country.

“To some people they still felt the courts had let them down so they needed to do something,” he said.

‘We continue to administer Victorian laws’

Uganda is among the dozens of countries in which consensual same-sex sexual relations remain criminalized.

The report notes Section 145 of the Ugandan penal code, which dates back to the British colonial period, states that anyone who “has carnal knowledge of any person against the order of nature” or “permits a male person to have carnal knowledge of him or her against the order of nature” could face life in prison. Kenya and India are among the countries in which colonial-era sodomy laws remain in place.

“We continue to deal with the colonial legacy,” Lusimbo told the Blade. “Even after we are no longer under the British colonial rule, we continue to administer Victorian laws.”

The report calls upon the Ugandan government to repeal the country’s colonial-era sodomy law. It also urges the country to extend basic rights to its LGBT citizens.

“Uganda’s leaders must recognize that it is their duty to be defenders of all of Uganda’s people,” reads the report.

Anti-LGBT U.S. evangelicals ‘need to be held accountable’

SMUG released the report two days after the British Foreign Office issued an advisory that warns travelers about anti-LGBT laws in North Carolina and Mississippi.

“If we can have a British government saying, ‘Look we can’t allow people to go there,’ I think it really speaks volumes and it actually calls more to be done not only by the British,” Lusimbo told the Blade. “All governments and all citizens of the world need to stand up and speak against discrimination.”

The U.S. cut aid to Uganda and imposed a travel ban against officials responsible for anti-LGBT and other human rights abuses in the country in the wake of Museveni’s decision to sign the Anti-Homosexuality Act. The Center for Constitutional Rights filed a federal lawsuit against Scott Lively, an American evangelical pastor, in 2012 on behalf of SMUG for allegedly exploiting homophobic attitudes in Uganda before MP David Bahati introduced the measure in 2009.

Special U.S. Envoy for the Human Rights of LGBTI Persons Randy Berry traveled to Uganda last summer.

Lusimbo told the Blade the U.S. should continue to engage with the Ugandan government over its LGBT rights record. He added the White House should also speak out against Lively and other anti-LGBT American evangelicals who travel to the country.

“There is need for people to be held accountable for their deeds,” said Lusimbo.