

Communities Under Siege: LGBTI Rights Abuses in Uganda

UNDER EXISTING LAW in Uganda, homosexuality is criminalized and Ugandans can face up to life in prison for engaging in homosexual acts. Lesbian, gay, bisexual, transgender, and intersex (LGBTI) Ugandans and their supporters face severe marginalization and continue to suffer from widespread discrimination, arbitrary arrests and detention, “correctional” rape, and hate crime violence, including murder. Media outlets routinely publicize the names and pictures of LGBTI individuals, causing them to lose their jobs, places of residence, and family support, and even making them possible targets of mob violence.

The violence and abuse that LGBTI Ugandans suffer has reached intolerable levels, causing some to flee and seek asylum in other countries on the grounds of their sexual orientation or gender identity. There is, however, little relief for LGBTI Ugandan refugees, because they often face further persecution after escaping to neighboring countries that also criminalize homosexuality. LGBTI refugees in Uganda from other countries—such as the Democratic Republic of Congo—frequently remain underground, afraid to approach authorities for protection or assistance.

Violence and Harassment

In late 2009, a Ugandan member of parliament introduced the Anti-Homosexuality Bill, legislation that sought to drastically increase punishments for homosexuality as well as the supposed “promotion of homosexuality.” Though the bill was not adopted, the broad public discussion further stigmatized the LGBTI community and played a role in precipitating a rise in violence against LGBTI individuals.

Neither government nor civil society organizations collect statistics on violence against LGBTI persons. While it is thus difficult to gauge the scope of the problem, anecdotal evidence suggests that violence and harassment are

serious concerns for LGBTI Ugandans. Documented cases include:

- On January 26, 2011, leading LGBTI rights activist David Kato was severely beaten in his home with a hammer and died on the way to the hospital. A vocal and visible activist, Kato had been featured prominently in an October 2010 newspaper article calling on readers to hang gay Ugandans. The police detained two individuals in connection with the attack, but were quick to rule out homophobia as a possible motive, despite the widespread feeling among the victim’s friends and colleagues that the murder was motivated by Kato’s sexual orientation and human rights advocacy.
- In June 2010, men claiming to be members of the Criminal Investigation Directorate detained a gay man from a school in Kibuli. The victim of the abduction has not been seen since.
- In April 2010, a gay man was detained and forced into a medical center for treatment where he was heavily medicated and declared mentally ill. He has since disappeared.
- In February 2010, unidentified security forces personnel arbitrarily detained and interrogated the coordinator of the Civil Society Coalition on Human Rights and Constitutional Law in Kampala. His family received threatening phone calls in the weeks after his release.
- In late 2009—early 2010, the police raided the office of LGBTI group Freedom and Roam Uganda in Kampala and conducted a weeklong surveillance operation. Local authorities threatened the life of the group’s communications manager, who had been subjected to arbitrary detentions, interrogations, and death threats in the years prior to the raid.
- In December 2009, a lesbian woman and a transgender man were attacked and beaten in an entertainment center by unknown individuals, presumably on account of their sexual orientation and gender identity.

Hateful Public Discourse

The violence and abuses occur in the context of hateful homophobic public discourse. Public officials, media outlets, and religious leaders contribute to the violence against LGBTI individuals through statements that incite violence against LGBTI persons. Such statements and incidents include:

- In October 2010, *Rolling Stone*, a self-made magazine, published a list of prominent gay rights activists and their contact details, with a banner over the photos calling to “Hang Them.” David Kato and two other individuals initiated a court challenge to *Rolling Stone*, and on January 3, 2011, the High Court of Uganda ruled that the newspaper had violated the plaintiff’s constitutional rights to dignity and privacy and issued a permanent injunction.
- In February 2010, the Aruu County Member of Parliament Odonga Otto, infamous for admitting he would hang his children if they came out as gay or lesbian, publicly stated that “allowing gays and lesbians to be alive in our lifetime in Uganda will not happen. ... Gays should suffer death not only by hanging but also by stoning at a public marketplace.”[†]
- Religious leaders from Uganda and the United States have preached that homosexuality is either a disease to be cured or that homosexuals seek to sexually abuse and ‘recruit’ children into homosexuality. These false claims have in some cases incited violence, as churchgoers have on occasion left services and proceeded to participate in mob violence against homosexuals.

Discriminatory Legislation

The international community expressed outrage at the discriminatory Anti-Homosexuality Bill, showing solidarity with and bringing attention to the problems confronted by LGBTI Ugandans. In response to the negative attention the Parliament tabled the bill. Yet many fear that some provisions of the legislation, particularly those punishing “promotion of homosexuality,” could resurface elsewhere. There are several pieces of legislation that have either been recently passed into law or are currently before the Ugandan parliament that could be discriminatory against LGBTI individuals:

- **Anti-Pornography Bill of 2010:** The proposed legislation would revise the current penal code that criminalizes pornography in a way that allows for wide interpretation. This is worrisome because Ugandan officials often interpret the definition of “pornography” liberally where homosexuality is concerned.

- **Interception of Communications Law:** Passed in 2010, this law grants certain government bodies the prerogative to monitor the activities of private individuals and organizations by putting telephone, email, and postal correspondence under surveillance. There is a fear that it could be used to monitor the activities of LGBTI individuals and activists.
- **HIV and AIDS Control Bill of 2009:** This proposed law includes mandatory testing for HIV and forced disclosure of an individual’s HIV status. This bill contravenes international human rights standards by requiring patient confidentiality, and defies best practices on the prevention and treatment of HIV. This bill would restrict LGBTI persons’ access to healthcare and may single them out for mandatory testing.

Recommendations for the United States

The U.S. authorities have an important role to play in pressing the Ugandan government to uphold the rights of LGBTI Ugandans, including by:

- Pressing Ugandan government officials to speak out against and take action to respond to the problem of violent hate crime, discrimination, and incitement to violence against LGBTI individuals.
- Offering technical support to investigations into cases of suspected bias violence through the law-enforcement cooperation programs administered by the F.B.I., to ensure proper investigation of incidents and prosecution of perpetrators.
- Maintaining strong and inclusive State Department monitoring, public reporting, and policy responses on rights abuses against LGBTI individuals in Uganda—including by consulting with civil society groups as well as providing appropriate training for human rights officers and other relevant mission staff.
- Extending targeted funding to civil society organizations engaged in documenting hate crimes and discrimination, providing victim support, and engaging in advocacy for better government responses.
- Ensuring that LGBTI refugees in Uganda are able to access protection and assistance services and, as appropriate, facilitating individual cases for resettlement.[‡]

^{*} All cases have come from various member organizations of the Civil Society Coalition on Human Rights and Constitutional Law.

[†] Odonga Otto, “MPs FORUM: I can’t believe some people’s stand on gays,” *The Observer*, February 28, 2010, http://www.observer.ug/index.php?option=com_content&task=view&id=7449&Itemid=66.

[‡] Also see Human Rights First, “Persistent Needs and Gaps: the Protection of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Refugees,” Working Paper, September 30, 2010, http://www.humanrightsfirst.org/pdf/Persistent-Needs_LGBTI_Refugees_FINAL.pdf.